

**Tuesday April 12, 2022  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053  
Zoom Meeting**

<b>Members</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Sarah Raposa</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
<b>Attendance</b>	<b>X</b>	<b>Absent with Notice</b>	<b>X</b>	<b>X</b>	<b>Absent with Notice</b>	<b>X</b>

**PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator

The meeting was called to order by Chairman Hayes.

There were no Citizen Comments.

**APPOINTMENT TO OPEN SPACE COMMITTEE:**

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

- 4-7-22 memo from Susy Affleck-Childs
- Resume of Tara Rice.

Tina Wright, Chair of the Open Space Committee was present by Zoom to recommend the appointment of Tara Rice. Denise Legee was also present recommending the appointment. Tara Rice was present and explained her interest in serving on the Committee.

**On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted unanimously to appoint Tara Rice to the Open Space Committee.**

**2 MARC ROAD – Public Hearing on proposed Modification to Marijuana Special Permits, Site Plan, and Groundwater Protection Special Permit:**

The Chairman opened the public hearing.

**On a motion made by Bob Tucker seconded by Jessica Chabot, the Board voted unanimously to waive the reading of the public hearing notice.**

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

- Public Hearing Notice
- Application dated 3/3/22 to amend previous decision
- Application dated 3/3/22 for Groundwater protection district special permit

- Site Narrative dated 2/28/22 prepared by Dan Merrikin, Legacy Engineering
- Groundwater Protection District Materials MSDS Sheets
- Letter dated 4/5/22 re: change of name and ownership of 2 Marc Rd.
- Site Plan dated 2/28/22 prepared Legacy Engineering
- Requests for waivers from the *Site Plan Rules and Regulations*
- Marijuana licenses from the Cannabis Control Commission
- CommCan Annual Reports (2017-2021)
- Host Community Agreement with the Town of Medway
- Ownership Disclosure Statement dated 4/16/22
- Tetra Tech Review plan letter dated 3/31/22
- SAC email dated 3/16/22 to Town staff requesting review and comment
- Emails between SAC and Dan Merrikin (3/16/22 - 4/5/22)

Project engineer Dan Merrikin was present along with applicant Ellen Rosenfeld. Mr. Merrikin explained the proposed modification to construct a two story, 20,000 sq. ft. addition and loading dock at the rear of the existing building to be used for the processing of products, beverage canning operation, and storage. Also planned is a 56 vehicle parking lot in the easterly portion of the site with a connecting driveway to the existing access driveway from Marc Road. There will be additional handicap spaces and spaces to charge electric vehicles. The existing driveway around the building will be modified to accommodate the building addition and loading dock. The proposed changes require modifications to two marijuana special use permits and the previously approved site plan, and a groundwater protection district special permit due to the extent of proposed additional impervious surface (pavement) resulting from the new parking lot and driveway. The three existing stormwater basins on the site will treat the runoff. There is a new stormwater infiltration basin #4 proposed to accommodate runoff from the new driveway and parking area. The swale will be removed.

The Board was informed that the Conservation Commission will hold their public hearing on this project on April 28, 2022.

Tetra Tech has reviewed the application and has supplied a review letter dated March 31, 2022. The following was recommended:

- The Photometric plan was submitted but it shows trespass on the two properties. This needs to be further addressed.
- Include the earth removal calculations.
- There needs to be a conduit for the EV charging stations and light poles.
- There is recommended cape cod berm along southern edge of the proposed parking.

The applicant proposes a striped walkway along the eastern side of the existing building. There will need to be a structural design of the retaining wall. The Fire Department will need to determine that the trucks can make the turn around the back of the building.

The applicant will be reworking the plan to seek a waiver from the requirement for landscaping islands in the parking lot to bring the driveway to the parking lot from Jayar Road. The applicant will eliminate island and look at new drive area. The Board would like to see more landscaping at the parking lot which would include shrubs.



The applicant is seeking two waivers. There was a suggestion that the O & M plan needs to be looked at. The Board would like there to be an exhibit showing the truck turning analysis. There was also a recommendation to not have a crosswalk in the front.

The hearing was opened to the public.

**Comments from the Public:**

Resident, William Roy, 22 Spruce Rd:

Mr. Roy communicated that there is a strong odor. The smell lingers. He asked if there was going to be any odor mitigation. The applicant does have an odor specialist.

Resident, Marlene Gibson, 45 Coffee Street:

Ms. Gibson says the smell is intense. She was also asking about the type of traffic which will be coming in and out of the site with the new building.

Resident, Sabrina Farley, 47 Coffee Street:

Ms. Farley is concerned about the odor.

Resident, Donna Barnes, 43 Coffee Street:

She communicated there is an odor problem but is not in opposition to the project.

Resident, Candace Bearce, 44 Coffee Street:

It was communicated that the smell is awful.

Resident, John Lally, 35 Coffee Street:

Mr. Lally communicated that the applicant has done a great job on the noise but the odor continues to be bad. He explained that a critical component of the odor mitigation report is that there be a clear description on how it will be tested.

**On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted unanimously to allow Susy to seek and approve peer review estimates from odor and noise consultants when the applicant submits its odor and noise mitigation plans.**

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to continue the hearing to May 24, 2022 at 7:15 pm.**

**4 MARC ROAD – Request for Authorization of Occupancy Permit:**

**Present at Meeting:**

Chad Blair, COO Neo Alternatives

Andrew Carballeira, INCE, Acentech (applicant's noise consultant) – via Zoom

Jeff Komrower of Noise Control Engineering LLC (Board's noise consultant) – Via Zoom

The Board was informed that NeoOrganics has requested an occupancy permit from the Building Department. The Cannabis Control Commission will conduct a final walkthrough of the facility for issuance of their license to begin operations. Tetra Tech visited the site on Friday 4/8/22 to review the status of the outstanding work. The Town has received \$53,750 in

cash performance security in an account at Charles River Bank.

The Board needs to discuss two matters: status on punch list items and status on completion of noise study. The Board is in receipt of the following documents which were entered into the record: **(See Attached)**

**Punch List**

- 4-6-22 email from NeoOrganics COO Chad Blair
- Information provided by NeoOrganics on 4/11/22 re: the need to remove trees and reduce the height of a small hill to the east of the driveway to 4 Marc Road. This work has not been completed as noted in Tetra Tech's 3-4-22 punch list. The Permittee is asking that they not be required to complete that work or, at a minimum, that they not be required to complete the work before an occupancy permit is issued.
- Email dated 4/12/22 from Tetra Tech with review comments on the above noted information.
- Updated punch list dated 4/12/22 from Tetra Tech with comments on previously provided draft as-built plan and results of their 4/8/22 site visit.

**NOISE**

- Excerpt (pages 19–21) of the NeoOrganics (4 Marc Road) marijuana special permit/site plan decision (1-28-20) re: required noise study to be completed before an occupancy permit is issued.
- UPDATED (4-11-22) baseline noise study prepared by Acentech per the above noted requirement.

The Board was informed of the following:

- Odor Plan as required by the decision was submitted to Jack Mee for approval – completed
- There was a clearing of some trees for sight line done April 1, 2022.

The Permittee is looking for an occupancy permit. There will be a walk through on Friday April 15, 2022 by the Cannabis Control Commission. If this is approved by the State, then plants can be brought in and there will be a final inspection and the applicant can begin operations. The Building Commissioner is ready to issue the occupancy permit pending the Board's approval. The odor plan was not reviewed by the odor consultant. The Board would like to require on-going noise and odor monitoring to ensure compliance with the Town's requirements. In the conditions D and E of the 4 Marc Road decision, the Building Commissioner will confirm compliance with the noise and odor requirements and may seek review by the Town's noise and odor consultants. There is also language that prior to the issuance of the occupancy permit for the 4 Marc Rd. facility, the Permittee shall provide the Building Commissioner with a noise study measuring ambient sound levels.

Consultant Steve Bouley of Tetra Tech reviewed the documents and discussed the following items with the Board:

- The large pine trees will remain.
- The sight lines need to meet the standards.
- The installation of the trees requested by Conservation Commission will need to occur later since it has been difficult to get the specific species.
- The Board is fine with the black chain link screening fence around the dumpster. The plan depicted a stockade fence but the Board is ok with what is on site.
- The Board is fine with the accessible route in the northwest corner instead of the concrete walkway.
- There will also be a small room on the southern side of site. This will house the switch gear for Eversource. The Building Commissioner had approved this.
- The final seeding will be done at the end of the month.
- There is a concern about the slope when driving down the area. There should be reflectors in this location or signage.

The Board recommended issuance of the occupancy permit but does not approve taking down the tree at the entranceway as requested. There was also a comment that the hill can be taken down and the stop line if sufficient. The as-built plan will need to be revised.

The Board discussed the completed noise study. The final version dated 4-11-22 was provided. There was a recommendation to provide more samples. Those samples should be done at night. This report shows that the facility meets the requirements based on the regulations. The numbers provided were presented as worst-case scenarios. There was a suggestion to follow up with nighttime measurements in the next 6 months. The measurements were done at 21 locations.

Resident John Lally asked what time of day the measurements were taken. The permittee's noise consultant Andy Carballeira responded that this was done from 12 - 2 in the afternoon. The results were shown on the screen share. Mr. Lally stated he felt the measurements should be taken at night. Mr. Carballeira noted that the sound report was previously completed in December 2022.

The Board reviewed the renderings of the addition. The Board was also informed that a new system was purchased which will deal with the odor and should be installed soon. The information regarding this will be provided to the Board.  
The applicant will be having a hearing with Conservation Commission on April 28, 2022.

It was recommended that the PEDB recommend a Certificate of Occupancy.

**On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted to recommend the Building Department issue a Certificate of Occupancy Permit for the 4 Marc Road facility.**

### **PUBLIC HEARING – 149 MAIN STREET AUOD MODIFICATION:**

Present were applicants John and Christine Early and project engineer David Faist.

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

- Public Hearing continuation notice dated 3-23-22

- Original AUOD Special Permit dated 3-7-06 for 149 Main Street
- Draft AUOD modification decision dated 4-11-22

The Board reviewed the draft decision. This was shown on the screen share. David Faist explained the minor revisions since the first hearing. Those revisions included the following:

- Showing the location of 2 drywells. The size will be included in the decision.
- The existing dumpster will remain but the other dumpster on the adjacent property will be removed.
- There is a fence added to the plan and there is stripping.

**Findings:**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted to approve the Findings as written for 149 Main Street.**

**Conditions:**

The Conditions were reviewed.

The following refinements were made to the Conditions:

- Include the size of the sub-surface infiltrators and on which building.
- Include language about the reference to the allowed uses. The applicant will need to reapply if they change the use.
- Under Construction Oversight – There will be language that inspections will be handled by Board members, not Tetra Tech.
- The gravel area will be paved.
- Include details on fence.
- Revise the landscaping sheet.
- There will be granite curbing on the roundings.
- Add snow storage areas on plan.
- Include electrical charging stations – conduits underground (future)

Engineer David Faist will provide a letter to summarize the revisions.

**Decision:**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted unanimously to approve the Decision with Conditions as revised.**

**Close Hearing:**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to close the hearing.**

**PHYTOPIA, 6 Industrial Park Road:**

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

- 3-14-22 notice to continue the public hearing to the 4-12-22 PEDB meeting

- 4-7-22 letter from Attorney Ted Cannon requesting a continuation of the hearing to the 4-26-22 PEDB meeting.

**On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted to continue the hearing for Phytopia to April 26, 2022 at 8:00 pm. (Sarah Raposa abstained)**

**SITE PLAN ENDORSEMENT - Medway DPW Water Treatment Building  
Site Plan 19 Populatic Street:**

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

- Revised site plan for Board's endorsement
- Certificate of No Appeal from Town Clerk dated 4-8-22
- Tetra Tech review commends dated 3-15-22
- Excerpt from 3-22-22 PEDB meeting minutes

It is recommended that the PEDB endorse the site plan for the Medway DPW Water Treatment Facility at 19 Populatic Street. Board members will do so at the conclusion of the meeting.

**WILLIAM WALLACE VILLAGE – Request for PEDB'S Recommendation  
To the Building Commission for Building Permits**

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

- 4-7-22 letter from Attorney Rita McGreary on behalf of developer Larry Rucki

The Board is in receipt of a letter requesting that the Board authorize the Building Commissioner to issue building permits for the remaining structures in the development.

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to recommend the issuance of the Building Permits but not to allow for the Certificate of Occupancy on the last market rate unit.**

**MASTER PLAN DISCUSSION:**

The Board agreed to hold a special meeting on April 20, 2022 to discuss the Master Plan.

**APPROVAL OF MINUTES:**

**March 17, 2022 Special Meeting (BESS)**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to approve the minutes from March 17, 2022 as written.**

**March 22, 2022 Regular Meeting**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to approve the minutes from March 22, 2022 as written.**

### **March 29, 2022 Special Meeting**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to approve the minutes from March 29, 2022 as written.**

### **MEDWAY MILL FIELD CHANGE**

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

- Letter request dated 3-21-22 from developer John Greene requesting several field changes for the Medway Mill development
- Photometric Plan by Visual dated 1/17/22
- Collection of photos of the new fence along the western side of the property
- 4-8-22 email from Steve Bouley with review comments on proposed field changes

The Board would like Mr. Green invited into the meeting to explain the status of the project.

### **ADJOURN:**

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

The meeting was adjourned at 9:57 pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

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



**April 12, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Appointment to Open Space Committee**

- 4-7-22 memo from Susy Affleck-Childs
- Resume of Tara Rice

**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**

April 7, 2022

TO: Planning and Economic Development Board  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: Appointment to Medway Open Space Committee (OSC)

The Medway Open Space Committee (OSC) has had an opening for many months.

Medway resident Tara Rice has expressed interest in serving on the Open Space Committee. Her resume is attached. She has attended several Open Space Committee meetings over the past few months. She will attend the 4-12-22 PEDB at 7 pm to meet you.

I recommend the PEDB appoint Tara Rice for a term through June 30, 2023. With this appointment, the Committee will have its full contingent of 9 members.

FYI - The continuing members of the Open Space Committee are Tina Wright, Mike Francis and Laura Connolly whose terms conclude June 30, 2023. Other continuing OSC members are Denise Legee, Charlie Ross, Jim Wickis, Joanne Williams, and Andrea Burke whose terms conclude June 30, 2022.





# Tara Rice

## Community Leader

Influencing my community in the importance of independent play for children.



rice.tara.m@gmail.com



(508) 440-6521



Medway, MA



www.tinkergarten.com/leaders/tara.rice



instagram.com/taramrice

## SKILLS

Creative and Imaginative Play Ideas

Digital Marketing

Early childhood development

Leadership

Public speaking

Social Media Marketing

## INTERESTS

Biking

Community Volunteering

Hiking

Knitting

Nature Preservation

Reading

## EDUCATION

### Bachelor of Science Degree, Music Industry & Business Administration Northeastern University, Boston, MA

09/1999 - 05/2004

QPA 3.69

#### Achievements

- Dean's List for Academic Excellence (1999-2004)
- Member of The National Society of Collegiate Scholars (NSCS)

## WORK EXPERIENCE

### Evergreen Leader Tinkergarten

03/2018 - Present

Choate Park, Medway, MA

Tinkergarten is a play-based outdoor learning program that guides parents in raising confident and capable kids.

#### Achievements/Tasks

- Completed hours of training in early childhood development and leading play experiences for children
- Facilitate weekly outdoor classes (ages 18mo - 8 years) focusing on children's unique levels of learning capabilities
- Develop a child's proficiency in 12 life skills through active independent play (problem solving, persistence, focus, empathy, communication, sensory, etc.)

### Substitute Teacher Medway Public Schools

01/2022 - Present

Medway, MA

#### Tasks

- On-Call services to cover all teacher and paraprofessional positions from Preschool - Grade 4
- Manage classroom behavior, interpret lesson plans and create reports for the students' permanent teacher
- Create an environment for cohesive and consistent learning

### Client Services Specialist CCR Wealth Management

07/2014 - 02/2016

Westborough, MA

Wealth Management and Financial Investment Firm

#### Achievements/Tasks

- Supported the Partner and head Certified Financial Planner of the firm
- Researched and prepared documentation required for the weekly investment review of clients
- Trained in investment strategy and management of current and prospective clientele

## ORGANIZATIONS

Treasurer of Cub Scout Pack 748 (09/2021 - Present)

Burke/Memorial School Council (09/2020 - Present)

Parent Council Member



**April 12, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**2 Marc Road – Public Hearing for**  
**proposed modifications to previously**  
**issued marijuana special permits and**  
**site plan and groundwater protection**  
**special permit**

- Public hearing notice
- Application to amend previously issued marijuana special permits and site plan to accommodate a 20,000 sq. ft. building addition and associated parking and drainage (received 3/3/22)
- Application for a groundwater protection district special permit (received 3/3/22)
- Site Narrative dated 2/28/22 prepared by Dan Merrikin, Legacy Engineering
- Groundwater Protection District Materials MSDS Sheets
- Letter dated 4/5/22 re: change of name of ownership of 2 Marc Road

- Site Plan dated 2-28-22 prepared by Legacy Engineering
- Requests for waivers from the Site Plan Rules and Regulations
- Marijuana licenses from the Cannabis Control Commission
- CommCan annual reports (2017-2021)
- Host Community Agreement with the Town of Medway
- Ownership Disclosure Statement dated 4/16/22
- Tetra Tech review letter dated 3/31/22
- SAC email dated 3/16/22 to Town staff requesting review and comment
- Emails between SAC and Dan Merrikin (3/16 – 4/5) re: additional information needed (updated noise and odor plans)

NOTE – This project is also before the Conservation Commission for an Order of Conditions and Land Disturbance Permit. The Commission will start its public hearing on this project on April 28<sup>th</sup>.

### Board Members

Matthew J. Hayes, 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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[www.townofmedway.org](http://www.townofmedway.org)

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

March 17, 2022

### NOTICE OF PUBLIC HEARING CommCan, 2 Marc Road Modifications to Previously Approved Recreational and Medical Marijuana Establishments Special Permits and Site Plan Groundwater Protection Special Permit

In accordance with the *Medway Zoning Bylaw*, Section 8.9 Registered Medical Marijuana Facilities, Section 8.10 Recreational Marijuana, Section 3.5 Site Plan Review, and Section 5.6.3 Groundwater Protection District, and the provisions of Chapter 40A, Massachusetts General Laws, and the *Medway Site Plan Rules and Regulations*, notice is given that the ***Medway Planning and Economic Development Board will commence a public hearing on Tuesday, April 12 at 7:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street to consider the applications of Ellen Realty Trust of Millis, MA for approval of modifications to the previously approved marijuana special permits and site plan for 2 Marc Road (CommCan) and for a groundwater protection special permit.*** The applications pertain to the non-retail Registered Medical Marijuana cultivation and processing establishment and Recreational Marijuana cultivation and processing establishment currently in operation at 2 Marc Road plus changes to the previously approved site plan.

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

The 6.93-acre property, Parcel 33-01, is owned by Ellen Realty Trust, of Millis, MA; it is located on the north side of Marc Road in the East Industrial Zoning District. The subject property is bounded on the north by property owned by John and Ann Lally, on the east by property owned by Bettye and William Reardon, and on the west by property owned by NEK LLC. The property is also located within the Town's Groundwater Protection District. The site includes wetland resources which are under the jurisdiction of the Medway Conservation Commission for an Order of Conditions and a Land Disturbance permit.

The planned work is shown on a plan titled *2 Marc Road Site Plan of Land in Medway, MA* dated February 28, 2022, prepared by Legacy Engineering of Millis, MA. The architectural drawings and renderings dated February 24, 2022 were prepared by UDA Architects of Walpole, MA.

The proposed changes require modifications to two special use permits and the previously approved site plan, and a groundwater protection district special permit due to the extent of proposed additional impervious surface (pavement) resulting from the new parking lot and driveway and the use of chemical solutions for cleaning equipment.

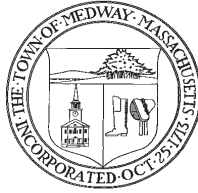
The applications, site plan, and other associated documents are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The materials have also been posted at the Planning and Economic Development Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/2-marc-road-commcan-special-permit-and-site-plan>

Interested persons are invited to review the applications, plan and associated documents, attend the public hearing, and express their views at the designated time and place. The Sanford Hall meeting room is accessible via elevator to individuals with physical disabilities and challenges. Written comments are encouraged and may be forwarded to: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org). Questions should be directed to the Medway Planning and Economic Development office at 508-533-3291.

***Pursuant to Chapter 22 of the Acts of 2022, this hearing will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearings will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Information for participating in the meeting via Zoom will be included on the Agenda for the Board's April 12th meeting.***

Matthew J. Hayes, P.E., Chair

For publication in the *Milford Daily News*  
Monday, March 28, 2022  
Tuesday, April 5, 2022



**Planning & Economic Development Board - Town of Medway, MA**  
**MARIJUANA SPECIAL PERMIT**

***Application to Modify a Previously Approved Marijuana  
Special Permit Decision and/or Plan***

**INSTRUCTIONS TO APPLICANT/OWNER**

*This Application is made pursuant to the Medway Zoning Bylaw.*

*The Board may ask the Town's Planning and Engineering Consultants to review the application and the proposed Special Permit modification and provide review letters. A copy of those review letters will be provided to you in advance of the meeting.*

*You and/or your duly authorized Agent/Designated Representative are expected to attend the Board meetings at which your application will be considered to answer any questions and/or submit such additional information as the Board may request.*

*Your absence may result in a delay in the Board's review of the proposed modification.*

February 28, 2022

**APPLICANT INFORMATION**

Applicant's Name: Ellen Realty Trust  
Mailing Address: 730 Main Street Suite 2A  
Millis, MA 02054  
Name of Primary Contact: Ellen Rosenfeld  
Telephone: 508-376-2041 Office: 508-376-2041 Cell: n/a  
Email address: ellen@rosenfeld-law.com

**PREVIOUS MARIJUANA SPECIAL PERMIT INFORMATION**

Development Name: 2 Marc Road  
Date of Marijuana Special Permit Decision: June 28, 2016 (Mod. 2/26/19 & 1/14/20)  
Date of Plan Endorsement: June 7, 2016, Feb. 11, 2020  
Type of Permit:  
☐ Retail Registered Medical Marijuana Facility  
☒ Non-Retail Registered Medical Marijuana Facility  
☒ Recreational (Adult Use) Marijuana Establishment

Recording information of previous permit and plan (book & page info, date)  
Norfolk Registry of Deeds Book 34328 Page 450 recorded August 2, 2016

Book 36679 Page 81 recorded March 22, 2019

Book 37927 Page 175 recorded June 1, 2020

### PROPERTY INFORMATION

Location Address: 2 Marc Road

The land shown on the plan is shown on Medway Assessor's Map # 33 as Parcel # 01

### SCOPE OF PROPOSED MODIFICATION

This is a petition to: (Check all that apply)

1. ☒ **Amend/Modify/Revise a previously approved marijuana site plan**

What modifications are proposed? Why does the Plan need to be modified? **Attach a complete description of the proposed modified scope of work.**

Plan Modification Title: 2 Marc Road

Plan Date: February 28, 2022

Prepared by:

Name: Daniel Merrikin, P.E.

Firm: Legacy Engineering

Phone #: 508-376-8883

Email: dan@legacy-ce.com

2. ☒ **Amend/Modify/Revise a previously approved special permit decision.**

How and why does the Decision need to be modified? **Attach a thorough description/ explanation. Specify which condition needs to be changed.**

3. ☒ **Request Additional Waivers from the Site Plan Rules and Regulations**

**Provide a completed Waiver Request form for each additional waiver request you seek.**

### 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:** Daniel J. Merrikin, P.E. - Legacy Engineering LLC

Mailing Address: 730 Main Street

Suite 2C

Primary Contact: Millis, MA 02054

Telephone:

Office: 508-376-8883

Cell: 508-868-8353

Email address: dan@legacy-ce.com

Registered P.E. License #: 43309

**SURVEYOR:** Anthony Delorco, PLS - Colonial Engineering Inc

Mailing Address: P.O. Box 95

Medway, MA 02052

Primary Contact: Steve Dexter

Telephone: Office: 508-533-1644 Cell: n/a

Email Address: colonial.eng@verizon.net

Registered P.L.S. License #: 34303

**ARCHITECT:** UDA Architects

Mailing Address: 486 high plain Street

Walpole, MA 02081

Primary Contact: Tim Fitzroy

Telephone: Office: 508-734-5236 Cell: n/a

Email address: tfitzroy@udaarchitects.com

Registered Architect License #: 20762 (Kevin Uniacke)

**LANDSCAPE ARCHITECT/DESIGNER:** n/a

Mailing Address:

Primary Contact:

Telephone: Office: Cell:

Email address:

Registered Landscape Architect License #:

#### ***DESIGNATED REPRESENTATIVE INFORMATION***

Name: Same as Engineer

Address:

Telephone: Office: Cell:

Email address:



## SIGNATURES

The undersigned, being the Applicant for approval of a modification to a previously approved marijuana special permit and/or associated site plan, herewith submits this application to the Medway Planning and Economic Development Board for review and approval.

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 Daniel J. Merrikin, P.E. to serve as my Agent/ Designated Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.)

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

Signature of Property Owner

Printed Name

Feb. 28, 2022

Date

Signature of Applicant  
(if other than Property Owner)

Printed Name

Date

Signature of Agent/Designated Representative

Printed Name

Feb. 28, 2022

Date

### **MARIJUANA SPECIAL PERMIT and/or PLAN MODIFICATION FEES**

**Filing Fee (modification to decision) - \$250**

**Filing Fee (modification to plan) - \$250**

**Advance on Plan Review Fee - \$500**

**(Submit a separate check for the plan review fee)**

**Make checks payable to: Town of Medway**

**Please call the Planning and Economic Development Office with any fee questions. 508-533-3291.**

## **MARIJUANA SPECIAL PERMIT and/or PLAN MODIFICATION APPLICATION CHECKLIST**

- ☒ Two (2) original marijuana modification applications with signatures.
- ☒ IF APPLICABLE, three (3) full size copies and one (1) 11" x 17" version of the proposed Site Plan Modification prepared in accordance with Sections 204-4 and 204-5 of the *Medway Site Plan Rules and Regulations* plus an electronic version.
- ☒ Certified Abutters List and 3 sets of labels from the Medway Assessor's office – for 300 feet around the subject property.
- ☒ Explanation as to how and why the plan and/or decision need to be modified.
- ☒ IF APPLICABLE, Request(s) for Waivers from the *Medway Site Plan Rules and Regulations*. Check with PEDB office for waiver request form.
- ☒ IF APPLICABLE, two (2) copies of revised Stormwater Drainage Calculations prepared in conformance with Section 204 – 3, G of the *Site Plan Rules and Regulations*
- ☒ Marijuana Permit and/or Plan Modification Filing Fee – Payable to Town of Medway
- ☒ Advance of Plan Review Fee – Payable to Town of Medway



## **Planning & Economic Development Board - Town of Medway, MA SPECIAL PERMITS**

### ***Application for Special Permit Approval***

#### **INSTRUCTIONS TO APPLICANT/OWNER**

*This Application is made pursuant to the Medway Zoning Bylaw. Certain special permits are issued by the Planning and Economic Development Board instead of the Zoning Board of Appeals.*

*The Town's Planning and Engineering Consultants may review the Application and associated submittals and provide review letters to the Planning and Economic Development Board.*

*A copy of those review letters will be provided to you in advance of the meeting.*

*You and/or your duly authorized Agent/Official Representative are 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.*

*Your absence may result in a delay the Board's review of the special permit application.*

\_\_\_\_\_, February \_\_\_\_\_, 2022

#### **APPLICANT INFORMATION**

Applicant's Name: Ellen realty Trust

Mailing Address: 730 Main Street Suite 2A

Millis, MA 02054

Name of Primary Contact: Ellen Rosenfeld

Telephone:

Office: 508-376-2041 Cell: n/a

Email address: ellen@rosenfeld-law.com

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

#### **PROPERTY INFORMATION**

Location Address: 2 Marc Road

The land shown on the plan is shown on Medway Assessor's Map # 33 as Parcel # 01

Size of Development Parcel(s): 6.93 Acres

Development Name: 2 Marc Road

General Description of Property: Currently developed as a marijuana cultivation facility

Medway Zoning District Classification: East Industrial

## TYPE OF SPECIAL PERMIT

Check all that apply:

- ☐ Infill Dwelling Unit (Section 8.1)
- ☐ Mixed-Use Development in the Central Business District (new Section 10.3)
- ☐ Reduced Parking (Section 7.1.1.J.)
- ☐ Vehicle fuel station with repair services
- ☐ Vehicle fuel station with car wash
- ☐ Vehicle fuel station with convenience store
- ☐ Car wash
- ☐ Vehicle repair
- ☐ Auto body shop
- ☐ Drive-thru facility
- ☐ Outdoor display
- ☐ Assisted living residence facility
- ☒ Other special permit uses, normally reviewed by the Zoning Board of Appeals, such as a Groundwater Protection District Special Permit and a Flood Plain Special Permit, but which are reviewed instead by the Planning and Economic Development Board when the project also requires site plan review (Section 3.4 H)

NOTE – There are separate application forms for the following special permits:

- Open Space Residential Development (OSRD)
- Adult Retirement Community Planned Unit Development (ARCPUD)
- Multi-Family Housing Overlay District (MHOD)
- Adaptive Use Overlay District (AUOD).
- Marijuana Facilities and Establishments (medical and adult recreational)
- Affordable Housing
- Oak Grove

Do not use this application form for the above noted types of developments.

## PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Same as Applicant

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

## DESIGNATED REPRESENTATIVE INFORMATION

Name: Daniel J. Merrikin, P.E. - Legacy Engineering

Address: 730 Main Street Suite 2C  
Millis, MA 02054

Telephone: \_\_\_\_\_  
Office: 508-376-8883 Cell: 508-868-8353

Email address: dan@legacy-ce.com

Relationship to Applicant: Consultant

## SIGNATURES

The undersigned, being the Applicant, herewith submits this application for a special permit(s) to the Medway Planning and Economic Development Board for review and action. 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 Daniel J. Merrikin, P.E. to serve as my Agent/Designated Representative to represent my interests before the Planning & Economic Development Board with respect to this application.)

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee and other Town boards and committees to access the site during the special permit review process.

Signature of Property Owner Ellen Rosenfeld Feb. 28, 2022  
(printed name) Date

Signature of Property Owner (printed name) Date

Signature of Applicant (if other than Property Owner) printed name Date

Daniel Merrikin Feb. 28, 2022  
Signature of Agent/Designated Representative (printed name) Date

### **SPECIAL PERMIT APPLICATION/FILING FEES**

*There is no separate special permit application filing fee when a project also requires site plan review. If there is no requirement for site plan review, the special permit application filing fee is \$350.00.  
Make check payable to: Town of Medway*

### **SPECIAL PERMIT APPLICATION CHECKLIST**

*The following items shall be submitted with the application.  
In most cases, the applicant shall also simultaneously file a corresponding application for Site Plan Review and Approval with all required submittals.*

- \_\_\_\_\_ Special Permit Application (2 signed originals) – one for the Town Clerk and one for the Planning and Economic Development Board
- \_\_\_\_\_ Project Description
- \_\_\_\_\_ Detailed narrative on how the proposed project meets the special permit criteria included in the Medway Zoning Bylaw, SECTION 3.4 Special Permit Criteria AND any specific criteria included in the particular section(s) of the Zoning Bylaw for which a special permit is sought.
- \_\_\_\_\_ Any additional information required by the specific section of the Zoning Bylaw for the requested type of special permit or as directed by Town staff.
- \_\_\_\_\_ List of abutters, and abutters to abutters within 300' of the property as prepared by the Medway Board of Assessors.

# SITE NARRATIVE

FOR

## *2 MARC ROAD*

MEDWAY, MA 02053

*PROPOSED BUILDING ADDITION*

FEBRUARY 28, 2022

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

PREPARED FOR:  
ELLEN REALTY TRUST  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054

# INTRODUCTION

This application proposes to modify previously issued permits for the marijuana cultivation facility currently in operation at 2 Marc Road. The prior approvals include:

- June 28, 2016 Special Permits and Site Plan Decision including site plan approval, a registered medical marijuana dispensary special permit, and a groundwater protection district special permit.
- February 26, 2019 Special Permit Decision for an Adult Recreational Marijuana Establishment.
- January 14, 2020 Modification decision for the 2 Marc Road Marijuana Facility Special Permit Site Plan.

The Applicant proposes a two-story addition at the rear of the existing building along with a new parking area on the easterly portions of the site. The existing and proposed conditions of the site are depicted on a plan set dated February 28, 2022 entitled “2 Marc Road Site Plan of Land in Medway, MA.”

## EXISTING SITE CONDITIONS

The proposed development lies on a developed parcel of land located at 2 Marc Road with a total area of 6.93 acres (the “Site”).

### SITE CONDITIONS

#### ZONING DISTRICTS

The site lies within the East industrial and Groundwater Protection Districts. There are no other overlay districts affecting the site.

#### EXISTING DEVELOPMENT

The site is currently developed with a two-story 60,000 s.f. industrial building for marijuana cultivation, along with all appurtenant driveways, parking areas, utilities, landscaped areas, and stormwater facilities. The area where the proposed parking lot is located is previously disturbed and has been historically used for outside materials and equipment storage.

The site contains wetlands, and a Notice of Intent will be filed with the Medway Conservation Commission for all work within jurisdictional areas.



# PROPOSED CONSTRUCTION

## GENERAL MODIFICATION DESCRIPTION

The proposed development consists of a two-story addition to the existing building along with minor driveway reconfigurations around it. An additional parking lot is proposed in the area currently used as a contractor's yard in the eastern portion of the site. An infiltration basin will be constructed to treat the additional impervious runoff.

## PROPOSED MODIFICATIONS

### **BUILDINGS**

The Applicant proposes to add a two-story 20,000 s.f. (10,000 s.f. footprint) at the rear of the existing building. This addition was noted on the originally approved site plan as a future expansion and the site's stormwater management facilities were designed for its eventual construction. The addition will match the existing building on a cast-in-place concrete slab foundation (no basements). The addition is planned to be used for processing of products, a beverage canning operation and storage. A new loading dock is included. The addition will be fully equipped with required fire protection systems and will meet or exceed all requirements of the Massachusetts State Building Code.

### **DRIVEWAYS/PARKING**

In order to accommodate a previously unanticipated number of employees, the modification proposes to construct 56 new parking spaces in the previously disturbed easterly portion of the site. An existing driveway stub off the building driveway will be expanded to connect this new parking area to the building. A sidewalk will be constructed along the driveway. The existing parking area in front of the building will be slightly modified to include the newly required number of accessible parking spaces and EV spaces. The total number of parking spaces will be increased from 35 to 90, with a total of 4 handicap spaces and 4 electric vehicle charging spaces. The existing driveway around the building is proposed to be modified to accommodate the building addition and loading dock.

### **STORMWATER MANAGEMENT**

There are three existing stormwater basins on the site that treat runoff according to both local and state regulations. Note the following summary of changes, which are described in detail in the Stormwater Report:

- While the building anticipation was expected and included in the original design of stormwater basin #1, minor modifications are needed to



accommodate the driveway changes associated with the loading dock. This includes the installation of a wall along one side of the existing basin.

- Stormwater basin #2 collects roof runoff from the existing building and will not be changed.
- Stormwater basin #3 collects runoff from a small portion of the existing driveway at the new driveway location. It is proposed to be slightly enlarged to accommodate additional driveway runoff from the new driveway.
- A new stormwater infiltration basin #4 is proposed to accommodate runoff from the new driveway and parking area. An existing stormwater swale in this vicinity, which was constructed during the 2016 site redevelopment will be removed, as it is no longer needed.

In addition to the above, it is noted that a network of stormwater swales exist on the property and accommodate runoff from adjacent buildings and Marc Road. These swales were reconstructed during the original 2017 site redevelopment.

## **IMPERVIOUS COVERAGE**

Under Section 5.6.3(E)3(e) of the Zoning Bylaw (Groundwater Protection District), impervious coverage is limited to 15% unless a special permit is obtained. The proposed modifications impact the previously issued special permit by increasing impervious coverage from 28.5% to 50.8%. These values are below the 80% maximum allowed impervious percentage of the underlying East Industrial District.

All stormwater from the site is fully treated to both State and Town regulations. The existing site contains three stormwater basins complete with pretreatment deep sump structures and sediment forebays. The proposed addition will include a new stormwater basin with its own deep sump structure and sediment forebay. The site will also be improved with grass in areas that were previously dirt or gravel, which will decrease runoff and improve treatment and infiltration. All stormwater facilities will be permanently maintained in full working order.

## **TOXIC OR HAZARDOUS MATERIALS**

Under Section 5.6.3(E)3(c) of the Zoning Bylaw (Groundwater Protection District), the handling of toxic or hazardous materials in quantities greater than those associated with normal household use require a special permit. The proposed modifications impact the previously issued special permit by introducing two new materials included in Attachment A. These are cleaning solutions that will be used to clean the new equipment. They will be stored inside the building in a secure location. At any given time there may be up to two 5-gallon buckets of each solution.

## REDEVELOPMENT TIMETABLE

The hours of construction activities are expected to be between 7:00 am and 6:00 pm Monday through Saturday. Construction activities are expected to commence in the summer of 2022 and be completed by the summer of 2023.

## SPECIAL PERMITS

### 3.4 SPECIAL PERMIT CRITERIA

1. The proposed site is an appropriate location for the proposed use. Section 8.9 of the Zoning Bylaw, Registered Medical Marijuana Facilities and Section 8.10 of the Zoning Bylaw Recreational Marijuana establishments are allowed in special permit in the East Industrial Zoning District. The subject site at 2 Marc Road is located within the East Industrial Zoning District and is therefore an eligible location and the proposed modifications are consistent with the prior approvals.
2. Adequate and appropriate facilities will be provided for the operation of the proposed use. The proposed addition to the existing 60,000 s.f. cultivation facility is intended for storage and product processing. The existing activities on the site will essentially remain unchanged by this addition. The modification also includes additional parking areas to address a current shortage of parking at the site. Due to the 2016 Approval and 2019 Approval, adequate and appropriate facilities have been provided for the operation of the facility.
3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. The existing site as modified by the proposed design contain suitable driveways, parking areas and stormwater management systems. The Applicant has recently undertaken significant changes to mitigate prior noise complaints and is in the process of implementing an additional odor control system at the existing building.
4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area. The proposed modification includes additional parking facilities, which will increase the on-site parking capacity to 90 spaces. This is sufficient to accommodate the expected 85 employees at the site in the largest shift. The Industrial Park Road system is adequate to handle the traffic. The Applicant previously reconstructed Marc Road as part of the 2016 Approval. Furthermore, the site's access is from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.
5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use. The Applicant previously undertook an elaborate site modification to relocate the rooftop chiller to the ground in a noise dampening enclosure. This has

mitigated prior noise complaints and has brought the facility into compliance with the current noise limitations of the Zoning Bylaw. In order to address recent odor complaints, the Applicant is in the process of designing and installing a new odor management system, which will supplement the previous odor management system already installed at the facilities. The proposed stormwater system modifications will prevent flooding during design storm events. New lighting will not impact adjoining properties. With these modifications and the other existing site amenities, the use will not be detrimental to the adjoining properties due to the potential impacts discussed in this section.

6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district. The proposed use is an existing of an existing industrial use within an industrial zoning district and is therefore consistent with the character of the East Industrial Zoning District. The proposed modification will not substantially change the range of current activities at the site.
7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw. The bylaw allows for marijuana cultivation facilities and the use is therefore in harmony with the general purpose of the Zoning Bylaw.
8. The proposed use is consistent with the goals of the Medway Master Plan. The existing facility and proposed modifications are consistent with Goals 1 and 6 of the Economic Development Goals and Objectives section of the Medway Master Plan by maximizing the area's economic resources and attracting and retaining existing businesses and increasing the industrial/manufacturing base.
9. The proposed use will not be detrimental to the public good. As a facility in compliance with state and local law, consistent with the goals of the Medway Master Plan, the proposed modifications to the site will not be detrimental to the public good.

# ATTACHMENT A

GROUNDWATER PROTECTION DISTRICT  
MATERIALS MSDS SHEETS

# SAFETY DATA SHEET

Issue Date 10-Apr-2015

Revision Date 26-Mar-2018

Version 2

## 1. PRODUCT AND COMPANY IDENTIFICATION

### Product identifier

**Product Name** LIQUID METAL SAFE

### Other means of identification

**Product Code** A 5535

**UN/ID No.** UN1760

### Recommended use of the chemical and restrictions on use

**Recommended Use** Detergent.

**Uses advised against** Use only as stated on label.

### Details of the supplier of the safety data sheet

**Supplier** Alpha Chemical Services, Inc.  
46 Morton Street  
Stoughton, MA 02072  
Phone: (800) 464-9872

### Emergency telephone number

**Emergency Telephone** Chemtrec 1-800-424-9300

## 2. HAZARDS IDENTIFICATION

### Classification

#### **OSHA Regulatory Status**

This chemical is considered hazardous by the 2012 OSHA Hazard Communication Standard (29 CFR 1910.1200)

Acute toxicity - Oral	Not classified
Acute toxicity - Dermal	Not classified
Skin corrosion/irritation	Category 1 Sub-category A
Serious eye damage/eye irritation	Category 1

### Label elements

#### **Emergency Overview**

#### **Danger**

#### **Hazard statements**

Causes severe skin burns and eye damage



**Appearance** Colorless

**Physical state** Liquid

**Odor** Odorless

#### **Precautionary Statements - Prevention**

Do not breathe dust/fume/gas/mist/vapors/spray

Wash face, hands and any exposed skin thoroughly after handling

Wear protective gloves/protective clothing/eye protection/face protection

**Precautionary Statements - Response**

Specific Treatment (See Section 4 on the SDS)

IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing

Immediately call a POISON CENTER or doctor/physician

IF ON SKIN (or hair): Remove/Take off immediately all contaminated clothing. Rinse skin with water/shower

Wash contaminated clothing before reuse

Immediately call a POISON CENTER or doctor/physician

IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing

Immediately call a POISON CENTER or doctor/physician

IF SWALLOWED: Rinse mouth. DO NOT induce vomiting

Immediately call a POISON CENTER or doctor/physician

**Precautionary Statements - Storage**

Store locked up

**Precautionary Statements - Disposal**

Dispose of contents/container to an approved waste disposal plant

**Hazards not otherwise classified (HNOC)****Other Information**

Unknown Acute Toxicity

0% of the mixture consists of ingredient(s) of unknown toxicity

**3. COMPOSITION/INFORMATION ON INGREDIENTS**

Chemical Name	CAS No.	Weight-%	Trade Secret
Sodium Silicate	1344-09-8	10-30	*
Sodium Hydroxide	1310-73-2	3-7	*
Tetrasodium EDTA	64-02-8	1-5	*

\*The exact percentage (concentration) of composition has been withheld as a trade secret.

**4. FIRST AID MEASURES****First aid measures****General advice**

Immediate medical attention is required.

**Skin Contact**

Immediate medical attention is required. Wash off immediately with soap and plenty of water while removing all contaminated clothes and shoes. For minor skin contact, avoid spreading material on unaffected skin. For severe burns, immediate medical attention is required.

**Eye contact**

Immediate medical attention is required Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes Keep eye wide open while rinsing Do not rub affected area Immediately flush with plenty of water. After initial flushing, remove any contact lenses and continue flushing for at least 15 minutes

**Inhalation**

Remove to fresh air. Call a physician or poison control center immediately. If not breathing, give artificial respiration. If breathing is difficult, give oxygen.

**Ingestion**

Immediate medical attention is required. Do NOT induce vomiting. Drink plenty of water. Never give anything by mouth to an unconscious person. Remove from exposure, lie down. Clean mouth with water and drink afterwards plenty of water. Call a physician or poison control center immediately.

**Self-protection of the first aider**

Use personal protective equipment as required. Avoid contact with skin, eyes or clothing.

**Most important symptoms and effects, both acute and delayed****Symptoms**

No Information available.

**Indication of any immediate medical attention and special treatment needed****Note to physicians**

Product is a corrosive material. Use of gastric lavage or emesis is contraindicated. Possible perforation of stomach or esophagus should be investigated. Do not give chemical antidotes. Asphyxia from glottal edema may occur. Marked decrease in blood pressure may occur with moist rales, frothy sputum, and high pulse pressure. Treat symptomatically.

**5. FIRE-FIGHTING MEASURES****Suitable extinguishing media**

Use extinguishing measures that are appropriate to local circumstances and the surrounding environment.

**Unsuitable extinguishing media** Caution: Use of water spray when fighting fire may be inefficient.

**Specific hazards arising from the chemical**

The product causes burns of eyes, skin and mucous membranes. Thermal decomposition can lead to release of irritating and toxic gases and vapors. In the event of fire and/or explosion do not breathe fumes.

**Explosion data**

**Sensitivity to Mechanical Impact** None.

**Sensitivity to Static Discharge** None.

**Protective equipment and precautions for firefighters**

As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear.

**6. ACCIDENTAL RELEASE MEASURES****Personal precautions, protective equipment and emergency procedures****Personal precautions**

Evacuate personnel to safe areas. Use personal protective equipment as required. Avoid contact with skin, eyes or clothing. Keep people away from and upwind of spill/leak.

**Environmental precautions****Environmental precautions**

Do not allow into any sewer, on the ground or into any body of water. Should not be released into the environment. Prevent further leakage or spillage if safe to do so. Prevent product from entering drains.

**Methods and material for containment and cleaning up****Methods for containment**

Prevent further leakage or spillage if safe to do so.

**Methods for cleaning up**

Dike far ahead of liquid spill for later disposal. Soak up with inert absorbent material. Take up mechanically, placing in appropriate containers for disposal. Clean contaminated surface thoroughly. Prevent product from entering drains. Dam up. After cleaning, flush away traces with water.

**7. HANDLING AND STORAGE****Precautions for safe handling****Advice on safe handling**

Use personal protective equipment as required. Avoid contact with skin, eyes or clothing. Ensure adequate ventilation, especially in confined areas. In case of insufficient ventilation, wear suitable respiratory equipment. Use only with adequate ventilation and in closed systems.

**Conditions for safe storage, including any incompatibilities****Storage Conditions**

Keep container tightly closed in a dry and well-ventilated place. Keep out of the reach of children. Keep containers tightly closed in a dry, cool and well-ventilated place. Keep in properly labeled containers.

**Incompatible materials** Incompatible with strong acids and bases. Incompatible with oxidizing agents. Strong acids. Aluminum.

## 8. EXPOSURE CONTROLS/PERSONAL PROTECTION

### Control parameters

**Exposure Guidelines** This product, as supplied, does not contain any hazardous materials with occupational exposure limits established by the region specific regulatory bodies.

Chemical Name	ACGIH TLV	OSHA PEL	NIOSH IDLH
Sodium Hydroxide 1310-73-2	Ceiling: 2 mg/m <sup>3</sup>	TWA: 2 mg/m <sup>3</sup> (vacated) Ceiling: 2 mg/m <sup>3</sup>	IDLH: 10 mg/m <sup>3</sup> Ceiling: 2 mg/m <sup>3</sup>

NIOSH IDLH Immediately Dangerous to Life or Health

**Other Information** Vacated limits revoked by the Court of Appeals decision in AFL-CIO v. OSHA, 965 F.2d 962 (11th Cir., 1992).

### Appropriate engineering controls

**Engineering Controls** Showers, Eyewash stations & Ventilation systems.

### Individual protection measures, such as personal protective equipment

**Eye/face protection** Tight sealing safety goggles. Face protection shield.

**Skin and body protection** Wear impervious protective clothing, including boots, gloves, lab coat, apron or coveralls, as appropriate, to prevent skin contact.

**Respiratory protection** If exposure limits are exceeded or irritation is experienced, NIOSH/MSHA approved respiratory protection should be worn. Positive-pressure supplied air respirators may be required for high airborne contaminant concentrations. Respiratory protection must be provided in accordance with current local regulations.

**General Hygiene** When using do not eat, drink or smoke. Wash contaminated clothing before reuse. Keep away from food, drink and animal feeding stuffs. Contaminated work clothing should not be allowed out of the workplace. Regular cleaning of equipment, work area and clothing is recommended. Avoid contact with skin, eyes or clothing. Take off all contaminated clothing and wash it before reuse. Wear suitable gloves and eye/face protection.

## 9. PHYSICAL AND CHEMICAL PROPERTIES

### Information on basic physical and chemical properties

<b>Physical state</b>	Liquid		
<b>Appearance</b>	Colorless		
<b>Odor</b>	Odorless	<b>Odor threshold</b>	No Information available

Property	Values	Remarks • Method
pH	13.0 +	
Melting point/freezing point	No Information available	
Boiling point / boiling range	No Information available	
Flash point	None	
Evaporation rate	No Information available	
Flammability (solid, gas)	No Information available	
Flammability Limits in Air		
Upper flammability limit:	No Information available	
Lower flammability limit:	No Information available	
Vapor pressure	No Information available	
Vapor density	No Information available	
Specific Gravity	1.2	
Water solubility	Complete	
Solubility in other solvents	No Information available	
Partition coefficient	No Information available	
Autoignition temperature	No Information available	



<b>Decomposition temperature</b>	No Information available
<b>Kinematic viscosity</b>	No Information available
<b>Viscosity</b>	No Information available
<b>Explosive properties</b>	No Information available
<b>Oxidizing properties</b>	No Information available

## 10. STABILITY AND REACTIVITY

### Reactivity

No data available

### Chemical stability

Stable under recommended storage conditions.

### Possibility of Hazardous Reactions

None under normal processing.

### Conditions to avoid

Exposure to air or moisture over prolonged periods.

### Incompatible materials

Incompatible with strong acids and bases. Incompatible with oxidizing agents. Strong acids. Aluminum.

### Hazardous Decomposition Products

Thermal decomposition can lead to release of irritating and toxic gases and vapors.

## 11. TOXICOLOGICAL INFORMATION

### Information on likely routes of exposure

<b>Product Information</b>	The primary effects and toxicity of this material are due to its corrosive nature.
<b>Inhalation</b>	Causes burns.
<b>Eye contact</b>	Corrosive to the eyes and may cause severe damage including blindness.
<b>Skin Contact</b>	The product causes burns of eyes, skin and mucous membranes.
<b>Ingestion</b>	Causes burns.

Chemical Name	Oral LD50	Dermal LD50	Inhalation LC50
Water 7732-18-5	> 90 mL/kg ( Rat )	-	-
Sodium Silicate 1344-09-8	= 1960 mg/kg ( Rat )	> 4640 mg/kg ( Rabbit )	-
Sodium Hydroxide 1310-73-2	-	= 1350 mg/kg ( Rabbit )	-
Tetrasodium EDTA 64-02-8	= 1658 mg/kg ( Rat ) = 10 g/kg ( Rat )	-	-

### Information on toxicological effects

<b>Symptoms</b>	No Information available.
-----------------	---------------------------

### Delayed and immediate effects as well as chronic effects from short and long-term exposure

<b>Corrosivity</b>	Causes burns. Extremely corrosive and destructive to tissue. Risk of serious damage to eyes.
<b>Sensitization</b>	No Information available.
<b>Germ cell mutagenicity</b>	No Information available.
<b>Carcinogenicity</b>	No Information available.

<b>Reproductive toxicity</b>	No Information available.
<b>STOT - single exposure</b>	No Information available.
<b>STOT - repeated exposure</b>	No Information available.
<b>Chronic toxicity</b>	Chronic exposure to corrosive fumes/gases may cause erosion of the teeth followed by jaw necrosis. Bronchial irritation with chronic cough and frequent attacks of pneumonia are common. Gastrointestinal disturbances may also be seen. Avoid repeated exposure. Possible risk of irreversible effects.
<b>Target organ effects</b>	EYES, Respiratory system, Skin.
<b>Aspiration hazard</b>	No Information available.

#### **Numerical measures of toxicity - Product Information**

**Unknown Acute Toxicity** 0% of the mixture consists of ingredient(s) of unknown toxicity

The following values are calculated based on chapter 3.1 of the GHS document .

## **12. ECOLOGICAL INFORMATION**

### **Ecotoxicity**

0% of the mixture consists of components(s) of unknown hazards to the aquatic environment

<b>Chemical Name</b>	<b>Algae/aquatic plants</b>	<b>Fish</b>	<b>Crustacea</b>
Sodium Silicate 1344-09-8	-	301 - 478: 96 h Lepomis macrochirus mg/L LC50 3185: 96 h Brachydanio rerio mg/L LC50 semi-static	216: 96 h Daphnia magna mg/L EC50
Sodium Hydroxide 1310-73-2	-	45.4: 96 h Oncorhynchus mykiss mg/L LC50 static	-
Tetrasodium EDTA 64-02-8	1.01: 72 h Desmodesmus subspicatus mg/L EC50	59.8: 96 h Pimephales promelas mg/L LC50 static 41: 96 h Lepomis macrochirus mg/L LC50 static	610: 24 h Daphnia magna mg/L EC50

### **Persistence and degradability**

No Information available.

### **Bioaccumulation**

No Information available.

### **Other adverse effects**

No Information available

## **13. DISPOSAL CONSIDERATIONS**

### **Waste treatment methods**

<b>Disposal of wastes</b>	Disposal should be in accordance with applicable regional, national and local laws and regulations.
<b>Contaminated packaging</b>	Do not reuse container.
<b>US EPA Waste Number</b>	D002

## **14. TRANSPORT INFORMATION**

### **DOT**

<b>UN/ID No.</b>	UN1760
<b>Proper shipping name</b>	Corrosive liquids, n.o.s.
<b>Hazard Class</b>	8
<b>Packing Group</b>	II
<b>Special Provisions</b>	B2, IB2, TII, TP2, TP27
<b>Description</b>	UN1760, Corrosive liquids, n.o.s. (Sodium Hydroxide), 8, II
<b>Emergency Response Guide Number</b>	154

## 15. REGULATORY INFORMATION

### International Inventories

<b>TSCA</b>	Complies
<b>DSL/NDL</b>	Complies
<b>EINECS/ELINCS</b>	Complies
<b>AICS</b>	Complies

### Legend:

**TSCA** - United States Toxic Substances Control Act Section 8(b) Inventory

**DSL/NDL** - Canadian Domestic Substances List/Non-Domestic Substances List

**EINECS/ELINCS** - European Inventory of Existing Chemical Substances/European List of Notified Chemical Substances

**AICS** - Australian Inventory of Chemical Substances

### US Federal Regulations

#### SARA 313

Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). This product does not contain any chemicals which are subject to the reporting requirements of the Act and Title 40 of the Code of Federal Regulations, Part 372

#### SARA 311/312 Hazard Categories

<b>Acute health hazard</b>	Yes
<b>Chronic Health Hazard</b>	Yes
<b>Fire hazard</b>	No
<b>Sudden release of pressure hazard</b>	No
<b>Reactive Hazard</b>	No

#### CWA (Clean Water Act)

This product does not contain any substances regulated as pollutants pursuant to the Clean Water Act (40 CFR 122.21 and 40 CFR 122.42)

Chemical Name	CWA - Reportable Quantities	CWA - Toxic Pollutants	CWA - Priority Pollutants	CWA - Hazardous Substances
Sodium Hydroxide 1310-73-2	1000 lb	-	-	X

#### CERCLA

This material, as supplied, does not contain any substances regulated as hazardous substances under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (40 CFR 302) or the Superfund Amendments and Reauthorization Act (SARA) (40 CFR 355). There may be specific reporting requirements at the local, regional, or state level pertaining to releases of this material

Chemical Name	Hazardous Substances RQs	CERCLA/SARA RQ	Reportable Quantity (RQ)
Sodium Hydroxide 1310-73-2	1000 lb	-	RQ 1000 lb final RQ RQ 454 kg final RQ

### US State Regulations

#### California Proposition 65

This product does not contain any Proposition 65 chemicals

#### U.S. State Right-to-Know Regulations

Chemical Name	New Jersey	Massachusetts	Pennsylvania
Sodium Hydroxide 1310-73-2	X	X	X

#### U.S. EPA Label Information

**EPA Pesticide Registration Number** Not Applicable

## 16. OTHER INFORMATION

<b>NFPA</b>	Health hazards 3	Flammability 0	Instability 0	Physical and Chemical Properties -
<b>HMIS</b>	Health hazards 3	Flammability 0	Physical hazards 0	Personal protection D

Issue Date 10-Apr-2015

**Revision Date** 26-Mar-2018**Revision Note**

No Information available

**Disclaimer**

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

**End of Safety Data Sheet**

Enviro Tech Chemical Services, Inc. 500 Winmoore Way Modesto, CA 95358

# SAFETY DATA SHEET

## SECTION 1 - IDENTIFICATION

**Product Identifier:** PERASAN A  
**Product Use:** Antimicrobial solution.  
**Chemical Family:** Oxidizer  
**Registration Number:** 63838-1  
**Dilution Information:** 0.13%-0.79% (v/v)

**Product Code:** 35

### Enviro Tech Chemical Services, Inc.

500 Winmoore Way Modesto, CA 95358  
(209) 581-9576 (7 AM to 5 PM, PST, Monday to Friday)

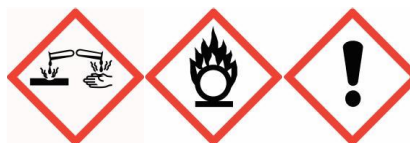
**24 Hr. Emergency Tel.#: 800-255-3924**

## SECTION 2 - HAZARDS IDENTIFICATION

This chemical is a pesticide product registered by the Environmental Protection Agency and is subject to certain labeling requirements under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These requirements differ from the classification criteria and hazard information required for safety data sheets of non-pesticide chemicals. Please see Section 15 for FIFRA labeling information.

### Classification of the Product AS SOLD:

Skin Corrosion - Category 1  
Serious Eye Damage - Category 1  
Oxidizing Liquids - Category 2  
Corrosive to Metals - Category 1  
Organic Peroxides - Type G  
Acute Toxicity - Oral Category 4  
Acute Toxicity - Dermal Category 5  
Hazardous to the Aquatic Environment, Acute Toxicity Category 2



### Classification of the Product AT USE DILUTION:

Acute Toxicity - Oral Category 5

### GHS label elements for Product AS SOLD

**Signal Word:** DANGER

### Hazard Statements:

Causes severe skin burns and eye damage  
May intensify fire; oxidizer  
May be corrosive to metals  
Harmful if swallowed  
May be harmful in contact with skin  
Toxic to aquatic life

### Precautionary Statements:

#### Prevention

Wear protective gloves/protective clothing/eye protection/face protection.  
Wash hands thoroughly after handling  
Keep away from heat/sparks/open flames/hot surfaces - No smoking.  
Keep/Store away from clothing/combustible materials.  
Do not eat, drink or smoke when using this product.  
Keep only in original container.  
Take any precaution to avoid mixing with combustibles.

#### Response

**IF SWALLOWED:** Rinse mouth. Do NOT induce vomiting. Call a POISON CENTER or doctor/physician if you feel unwell.

**IF ON SKIN (or hair):** Remove/Take off immediately all contaminated clothing. Rinse skin with water/shower. Immediately call a POISON CENTER or doctor/physician.

**IF IN EYES:** Rinse cautiously with water for several minutes. Remove contact lenses if present and easy to do. Continue rinsing. Immediately call a POISON

Enviro Tech Chemical Services, Inc. 500 Winmoore Way Modesto, CA 95358

# SAFETY DATA SHEET

CENTER or doctor/physician.

**IF INHALED:** Remove victim to fresh air and keep at rest in a position comfortable for breathing. Immediately call a POISON CENTER or doctor/physician.

For specific treatment see Section 4 First Aid.

Wash contaminated clothing before reuse.

In case of fire: Use water for extinction.

Absorb spillage to prevent material damage.

## Storage

Store locked up.

Store in a corrosive resistant container with a resistant inner liner.

## Disposal

Dispose of contents/container in accordance with local regulations.

## Hazards not Otherwise Classified:

No other hazards classified.

## GHS label elements for Product AT USE DILUTION

**Signal Word:** NONE

**Hazard Pictograms:** NONE

## Hazard Statements:

May be harmful if swallowed

## Precautionary Statements:

### Prevention

Wash hands thoroughly after handling

Do not eat, drink or smoke when using this product.

## Response

**IF SWALLOWED:** Rinse mouth. Immediately call a POISON CENTER or doctor/physician.

## Disposal

Dispose of contents/container in accordance with local regulations.

## Hazards not Otherwise Classified:

No other hazards classified.

## SECTION 3 - COMPOSITION / INFORMATION ON INGREDIENTS

### Product AS SOLD

Ingredient	Synonym	CAS Number	Concentration
HYDROGEN PEROXIDE	H2O2	7722-84-1	25-27.4%
ACETIC ACID	NONE	64-19-7	3-8%
PEROXYACETIC ACID	PAA	79-21-0	5.0-5.9%

### Product AT USE DILUTION

Ingredient	Synonym	CAS Number	Concentration
HYDROGEN PEROXIDE	H2O2	7722-84-1	0.03-0.22%
PEROXYACETIC ACID	PAA	79-21-0	0.008-0.050%

## SECTION 4 - FIRST-AID MEASURES

### Product AS SOLD:

**Inhalation:** Remove source of exposure or move person to fresh air and keep comfortable for breathing. Immediately call a POISON CENTER/doctor. If breathing is difficult, trained personnel should administer emergency oxygen if advised to do so by the POISON CENTER/doctor. Symptoms of pulmonary edema can be delayed up to 48 hours after exposure. If direct contact during rescue breathing poses a threat to the first aid provider, "Avoid mouth-to-mouth contact by using a barrier device."

**Skin Contact:** Take off immediately contaminated clothing, shoes and leather goods (e.g. watchbands, belts). Rinse skin with lukewarm, gently flowing

Enviro Tech Chemical Services, Inc. 500 Winmoore Way Modesto, CA 95358

# SAFETY DATA SHEET

water/shower with a flushing duration of 30 minutes. Immediately call POISON CENTER/doctor. Wash contaminated clothing before re-use.

**Eye Contact:** Remove source of exposure or move person to fresh air. Rinse eyes cautiously with lukewarm, gently flowing water for several minutes, while holding the eyelids open. Remove contact lenses, if present and easy to do. Continue rinsing for 30 minutes. Take care not to rinse contaminated water into the unaffected eye or into the face. Immediately call a POISON CENTER/doctor.

**Ingestion:** Rinse mouth. Do NOT induce vomiting. Immediately call a POISON CENTER/doctor. If vomiting occurs naturally, lie on your side, in the recovery position.

**Most Important Symptoms and Effects, both Acute and Delayed:** Causes severe skin burns and eye damage, burning of the mouth, throat, and esophagus.

**Indication of any Immediate Medical Attention and Special Treatment Needed:** Treat symptomatically

## Product AT USE DILUTION:

**Inhalation:** Seek medical attention if symptoms occur.

**Skin Contact:** Rinse with plenty of water.

**Eye Contact:** Rinse with plenty of water.

**Ingestion:** Rinse mouth. Immediately call a poison center/doctor if symptoms occur.

**Most Important Symptoms and Effects, both Acute and Delayed:** Irritation of the gastrointestinal tract.

**Indication of any Immediate Medical Attention and Special Treatment Needed:** Treat symptomatically

## SECTION 5 - FIRE-FIGHTING MEASURES

### Product AS SOLD:

**Extinguishing Media:** Use water spray, powder, foam, carbon dioxide.

**Special hazards arising from the substance or mixture:** Non combustible. May give off irritating or toxic fumes (or gases) in a fire.

**Flammability classification (OSHA 29 CFR 1910.106) (Hazcom 2012):** Non flammable

**Hazardous Combustion Products:** May cause fire and explosions when in contact with incompatible materials.

**Special protective equipment and precautions for firefighters:** In the event of a fire, wear full protective clothing and NIOSH-approved self-contained breathing apparatus.

### Product AT USE DILUTION:

**Extinguishing Media:** Material is not flammable.

**Special hazards arising from the substance or mixture:** No special hazards known.

**Flammability classification (OSHA 29 CFR 1910.106) (Hazcom 2012):** Non flammable

**Hazardous Combustion Products:** None known.

**Special protective equipment and precautions for firefighters:** In the event of a fire, wear full protective clothing and NIOSH-approved self-contained breathing apparatus.

## SECTION 6 - ACCIDENTAL RELEASE MEASURES

### Product AS SOLD:

**Personal precautions, protective equipment and emergency procedures:** Ventilate area of leak or spill. Wear appropriate personal protective equipment as specified in Section 8. Isolate hazard area. Keep unnecessary and unprotected personnel from entering.

**Methods and materials for containment and cleaning up:** SMALL SPILLS (less than 1 gallon): Neutralize with soda ash or cover with dry earth, sand or other non combustible material, place into loosely covered plastic containers for later disposal. If neutralized, material can be diluted into drain. LARGE SPILL: Restrict access to area until completion of clean up. Prevent liquid from entering sewers or waterways. Stop or reduce leak if safe to do so. Dike with inert material (sand, earth, etc.). Collect into plastic containers for disposal. Ensure adequate decontamination of tools and equipment following clean up.

**Special spill response procedures:** Collect spills in plastic containers only. Prevent from entering sewers, waterways, or low areas.

### Product AT USE DILUTION:

**Personal precautions, protective equipment and emergency procedures:** Wear appropriate personal protective equipment as specified in Section 8. Isolate hazard area. Keep unnecessary and unprotected personnel from entering.

**Methods and materials for containment and cleaning up:** SMALL SPILLS (less than 1 gallon): Dike small spills with inert material (sand, earth, etc.). Collect in plastic containers only. Wash area and let dry. LARGE SPILL: Should be diked with sand ahead of spill. Collect in plastic containers only. Ensure adequate decontamination of tools and equipment following clean up.

**Special spill response procedures:** Collect spills in plastic containers only. Prevent from entering sewers, waterways, or low areas.

## SECTION 7 - HANDLING AND STORAGE

### Product AS SOLD:

**Precautions for Safe Handling:** Wear at least chemical resistant gloves and eye protection, face shield, and chemical resistant garments when handling, moving or using this product. Do not contaminate water, food, or feed by storage or disposal.

**Conditions for Safe Storage:** Store in a cool, dry, well ventilated place away from direct sunlight. Keep container closed when not in use.

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# SAFETY DATA SHEET

**Incompatible Materials:** Avoid strong reducing agents, soft metals, heat and bases (unless product has been diluted to less than 1000ppm, then bases may be used to gradually adjust to a pH of less than 9).

**Product AT USE DILUTION:**

**Precautions for Safe Handling:** Do not swallow or ingest. Wash hands thoroughly after handling.

**Conditions for Safe Storage:** Store in a cool, dry, well ventilated place away from direct sunlight. Keep container closed when not in use.

**Incompatible Materials:** Avoid strong reducing agents, soft metals, heat and bases.

## SECTION 8 - EXPOSURE CONTROLS / PERSONAL PROTECTION

**Product AS SOLD:****EXPOSURE LIMITS:**

CHEMICAL NAME	CAS NO.	TWA	OSHA PEL	ACGIH TLV	
			STEL/CEILING	TWA	STEL
ACETIC ACID	64-19-7	10 ppm	15 ppm/40 ppm (CalOSHA)	10 ppm	15 ppm
HYDROGEN PEROXIDE	7722-84-1	1 ppm	1 ppm/N/A (CalOSHA)	1 ppm	N/A
PERACETIC ACID	79-21-1	N/A	N/A	N/A	0.4 ppm

**Ventilation and engineering measures:** Forced air, local exhaust, or open air is adequate.

**Respiratory Protection:** In case of confined spaces or high levels encountered in the air, wear self contained breathing apparatus.

**Skin Protection:** Wear chemical resistant gloves and chemical resistant garments when handling, wash garments before re-use.

**Eye/Face Protection:** Wear chemical goggles; also wear a face shield if splashing hazard exists.

**Other Protective Equipment:** Eye wash facility and emergency shower should be in close proximity.

**General Hygiene Conditions:** Do not eat, drink or smoke when using this product. Wash thoroughly after handling. Remove and wash contaminated clothing before re-use. Handle in accordance with good industry hygiene and safety practice.

**Product AT USE DILUTION:**

**Ventilation and engineering measures:** No special equipment needed.

**Respiratory Protection:** No respiratory personal protective equipment (PPE) required.

**Skin Protection:** No personal protective equipment (PPE) required.

**Eye/Face Protection:** No personal protective equipment (PPE) required.

**Other Protective Equipment:** No special protective equipment required.

**General Hygiene Conditions:** Do not eat, drink or smoke when using this product. Wash hands thoroughly after handling.

## SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

**Product AS SOLD:**

**Appearance:** Clear colorless liquid

**Odor:** Vinegar odor

**pH:** 1.5-1.9 (1:10)

**Melting/Freezing point:** No information available

**Initial boiling point and boiling range:** No information available

**Flash Point:** >200° F / >93 ° C

**Flammability (solid, gas):** Non flammable

**Vapor Pressure (mm Hg):** 22

**Specific gravity:** 1.12

**Solubility in Water:** Complete

**Auto ignition Temperature:** >518° F/ >270° C

**Decomposition temperature:** No information available

**Viscosity:** 5-15 cSt at 20°C / 68°F

**Volatiles (% by weight):** >99

**Volatile Organic Compounds (VOC's):** No information available

**Product AT USE DILUTION:**

**Appearance:** Clear colorless liquid

**Odor:** Slight vinegar odor



Enviro Tech Chemical Services, Inc. 500 Winmoore Way Modesto, CA 95358

# SAFETY DATA SHEET

pH: 2.5-3.5

## SECTION 10 - STABILITY AND REACTIVITY

**Product AS SOLD:****Reactivity:** Reactive with bases, metals, reducing agents and combustible materials**Chemical Stability:** Stable for up to 1 year when stored under normal conditions.**Possibility of Hazardous Reactions:** May react with incompatible materials**Conditions to Avoid:** Incompatible materials and high temperatures**Incompatible Materials:** Reactive with bases, metals, reducing agents and combustible materials**Hazardous Decomposition Products:** Oxygen which supports combustion.**Product AT USE DILUTION:****Reactivity:** Reactive with bases, metals, reducing agents and combustible materials**Chemical Stability:** Stable for up to 8-24 hours in distilled water. Chemical stability may be drastically reduced if hard water is used.**Possibility of Hazardous Reactions:** May react with incompatible materials**Conditions to Avoid:** Incompatible materials and high temperatures**Incompatible Materials:** Reactive with bases, metals, reducing agents and combustible materials**Hazardous Decomposition Products:** None known.

## SECTION 11 - TOXICOLOGICAL INFORMATION

**Product AS SOLD:****Information on likely routes of exposure:**

Routes of entry - inhalation: YES

Routes of entry - skin &amp; eye: YES

Routes of entry - ingestion: YES

Routes of entry - skin absorption: NO

**Potential Health Effects:****Signs and symptoms of short term (acute) exposure:****Inhalation:** Inhalation of the mist may produce severe irritation of respiratory tract, characterized by coughing, choking, shortness of breath, headaches, dizziness, nausea, weakness and/or drowsiness.**Ingestion:** Corrosive! Swallowing causes severe burns of mouth, throat, and stomach. Severe scarring of tissue, corrosion, permanent tissue destruction and death may result. Symptoms may include severe pain, nausea, vomiting, diarrhea, shock, hemorrhaging and/or fall in blood pressure. Damage may appear days after exposure.**Skin:** Corrosive! Contact with skin causes irritation or severe burns and scarring with greater exposures.**Eye:** Corrosive! Causes irritation of eyes, and with greater exposures it can cause burns that may result in permanent impairment of vision, even blindness.**Potential Chronic Health Effects:****Mutagenicity:** No known mutagenic effects.**Carcinogenicity:** No components are listed as carcinogens by ACGIH, IARC, OSHA, or NTP.**Reproductive effects:** No known reproductive effects.**Sensitization to material:** No expected to cause sensitization.**Specific target organ effects:** No information available.**Medical conditions aggravated by overexposure:** No information available.**Toxicological data:** The calculated ATE values for this mixture are:

ATE oral = 668 mg/kg

ATE dermal = 4808 mg/kg

ATE inhalation = &gt;20 mg/L or &gt;20,000 ppm

**Product AT USE DILUTION:****Information on likely routes of exposure:**

Routes of entry - inhalation: NO

Enviro Tech Chemical Services, Inc. 500 Winmoore Way Modesto, CA 95358

# SAFETY DATA SHEET

Routes of entry - skin & eye: NO

Routes of entry - ingestion: YES

Routes of entry - skin absorption: NO

## **Potential Health Effects:**

### **Signs and symptoms of short term (acute) exposure:**

**Inhalation:** Not a respiratory irritant.

**Ingestion:** May cause irritation to the digestive system.

**Skin:** Not a skin irritant, but may cause skin irritation on some individuals if not washed from skin. Rinse hands thoroughly if exposed.

**Eye:** Not an eye irritant.

## **Potential Chronic Health Effects:**

**Mutagenicity:** No known mutagenic effects.

**Carcinogenicity:** No components are listed as carcinogens by ACGIH, IARC, OSHA, or NTP.

**Reproductive effects:** No known reproductive effects.

**Sensitization to material:** No expected to cause sensitization.

**Specific target organ effects:** No information available

**Medical conditions aggravated by overexposure:** No information available.

**Toxicological data:** The calculated ATE values for this mixture are:

ATE oral = 4888 mg/kg

ATE dermal = >10,000 mg/kg

ATE inhalation = >20 mg/L or >20,000 ppm

## SECTION 12 - ECOLOGICAL INFORMATION

### **Product AS SOLD:**

**Ecotoxicity:** May be harmful to aquatic life.

**Persistence and degradability:** Not expected to persist. Expected to readily biodegrade.

**Bioaccumulation potential:** Not expected to bio accumulate.

**Mobility in soil:** No information available.

### **Product AT USE DILUTION**

**Ecotoxicity:** No information available.

**Persistence and degradability:** No information available..

**Bioaccumulation potential:** No information available.

**Mobility in soil:** No information available.

## SECTION 13 - DISPOSAL CONSIDERATIONS

### **Product AS SOLD:**

**Handling for disposal:** Do not contaminate water, food, or feed by storage and/or disposal. When handling refer to protective measures listed in sections 7 and 8. Empty residue from containers, rinse container well.

**Method of disposal:** Dispose of in accordance with all applicable federal, state, provincial and local regulations. Contact your local, state, provincial or federal environmental agency for specific rules.

**RCRA:** If product becomes a waste, it does meet the criteria of a hazardous waste as defined by the US EPA, because of: Corrosivity D002.

### **Product AT USE DILUTION:**

**Handling for disposal:** Do not contaminate water, food, or feed by storage and/or disposal. When handling refer to protective measures listed in sections 7 and 8. Empty residue from containers, rinse container well.

**Method of disposal:** Dispose of in accordance with all applicable federal, state, provincial and local regulations. Contact your local, state, provincial or federal environmental agency for specific rules.

## SECTION 14 - TRANSPORTATION INFORMATION

Certain shipping modes or package sizes may have exceptions from the transport regulations. The classification provided may not reflect those exceptions and may not apply to all shipping modes or package sizes.

Enviro Tech Chemical Services, Inc. 500 Winmoore Way Modesto, CA 95358

# SAFETY DATA SHEET

Please note the GHS and DOT Standards are NOT identical and therefore can have varying classifications

## Product AS SOLD:

### US 49 CFR/DOT/IATA/IMDG Information:

UN No.: 3098

UN Proper Shipping Name: Oxidizing liquid, corrosive, n.o.s. (contains hydrogen peroxide and peroxyacetic acid mixture, stabilized)

Transportation hazard class(es): 5.1 (8)

Packing Group: II

Environmental hazards: No hazards identified.

## SECTION 15 - REGULATORY INFORMATION

### Product AS SOLD:

FIFRA Classification/Typical Hazard Labeling, as outlined in EPA Label Review Manual

Hazard Data

Signal Word

DANGER

Acute Toxicity, oral

Category III: Harmful if swallowed

Acute Toxicity, dermal

Category III: Harmful if absorbed through skin

Acute Toxicity, inhalation

Category II: May be fatal if inhaled

Skin irritation/corrosion

Category I: Corrosive. Causes skin burns

Serious eye damage

Category I: Corrosive, Causes irreversible eye damage

Sensitization

Not Classified (NC)

Environmental (aquatic) toxicity

This pesticide is toxic to fish and other aquatic organisms.

### US Federal Information:

TSCA information: All components are listed on the TSCA inventory.

US CERCLA Reportable quantity (Hazardous substance RQ): Acetic acid has a RQ of approximately 70000 lbs. of as is chemical.

US EPCRA Reportable quantity (Extremely hazardous substance RQ): Peracetic acid has a RQ of approximately 8900 lbs. of as is chemical.

Clean Air Act Section 112(r) Threshold Quantity (TQ): Peracetic acid has a TQ of approximately 178000 lbs. of as is chemical.

SARA Title III Hazard Categories: Reactivity Hazard, Acute Health Hazard

California Prop. 65: This product does not contain any chemicals listed.

International Information: WHMIS: Class C: Oxidizing material. Class E: Corrosive material

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations.

## SECTION 16 - OTHER INFORMATION

### Product AS SOLD:

NFPA

Health Hazards 3

Flammability 1

Stability 1

Special Hazards OX, COR

HMIS

Health Hazards 3

Flammability 1

Physical Hazard 1

Personal Protection C

NFPA/HMIS Ratings Legend

Severe = 4; Serious = 3; Moderate = 2; Slight = 1; Minimal = 0

Special hazards: OX = Oxidizer; COR = Corrosive

Personal Protection = C (safety glasses, gloves, protective apron)

### Product AT USE DILUTION:

NFPA

Health Hazards 2

Flammability 0

Stability 0

Special Hazards NONE

HMIS

Health Hazards 2

Flammability 0

Physical Hazard 0

Personal Protection 0

NFPA/HMIS Ratings Legend

Severe = 4; Serious = 3; Moderate = 2; Slight = 1; Minimal = 0

Personal Protection = 0 (none)

### Legend:

SARA: The Superfund Amendments and Reauthorization Act

RCRA: Resource Conservation and Recovery Act

TSCA: Toxic Substances Control Act

CFR: Code of Federal Regulations

DOT: Department of Transportation

ATE: Acute Toxicity Estimate

Preparation date: 1/1/2019



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

508-376-8883(o)

508-868-8353(c)

730 Main Street

Suite 2C

Millis, MA 02054

April 5, 2022

Planning and Economic Development Board

155 Village Street

Town Offices

Medway, MA 02053

Ref: Application to Modify a Previously Approved Marijuana Special Permit Decision

Proposed Addition

2 Marc Road

Dear Members of the Board:

I am writing to request that the name of the Applicant and Owner be revised from the "Ellen Realty Trust" to the "2 Marc Road LLC." A copy of the deed to the new LLC is attached for your reference. All other information on the applications is correct. Do not hesitate to contact me if you have any questions or comments.

Sincerely,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.

President

cc: File

N O T  
A N  
O F F I C I A L  
C O P Y

N O T  
A N  
O F F I C I A L  
C O P Y

## QUITCLAIM DEED

I, **Ellen Rosenfeld, as Trustee of the Ellen Realty Trust**, u/d/t dated June 16, 1989, recorded with the Norfolk County Registry of Deeds in Book 8346, Page 623.

For Consideration, paid in full, of **One Dollar and Zero Cents (\$1.00) PAID**

Grant to **2 Marc Road LLC**, a Massachusetts Limited Liability Company

of 730 Main Street, Millis Massachusetts with *quitclaim covenants*

The land with the buildings thereon in Medway, Norfolk County, Massachusetts commonly known as 2 Marc Road, Medway, MA 02053 and identified by the Town of Medway Assessor as Parcel ID: 33-001, and further described as follows:

A majority of the land is shown as Lots 28-A1, 28-A2, 39-A2, and 39-A3 on a plan entitled, "Revised Plan of Subdivision in Medway," prepared for Ellen Realty Trust dated February 5, 1992 and recorded with the Norfolk County Registry of Deeds in Plan Book 410, Plan 749.

Said Lot 28-A1 contains 1.50 acres of land, more or less, according to said plan.

Said Lot 28-A2 contains 5,661.53 square feet of land, more or less, according to said plan.

Said Lot 39-A2 contains 24,591.43 square feet of land, more or less, according to said plan.

Said Lot 39-A3 contains 3.55 acres of land, more or less, according to said plan.

Also, an additional 1.192 acres of land, more or less, shown in part on said plan as land "N/F ELLEN REALTY TRUST" which abuts the above property to the north with a common boundary line running N. 84° 19' 30" E. in two courses measuring 49.37 feet and 459.67 feet, according to said plan.

Meaning and intending to convey all of 2 Marc Road, Medway, MA 02053 identified by the Town of Medway Assessor as Parcel ID: 33-001 and containing in total 6.932 acres of land, more or less.

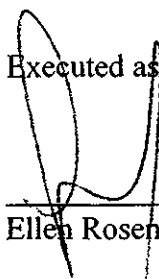
All of the above land being a portion of the land conveyed to the grantor by deed dated July 21, 1989 and recorded with the Norfolk County Registry of Deeds in Book 8379, Page 083.

MASSACHUSETTS STATE EXCISE TAX  
Norfolk Registry of Deeds  
Date: 02-18-2022 @ 11:03am  
Ctl#: 295 Doc#: 15648  
Fee: \$.00 Cons: \$1.00

WILLIAM P. O'DONNELL, REGISTER  
NORFOLK COUNTY REGISTRY OF DEEDS  
RECEIVED & RECORDED ELECTRONICALLY

PROPERTY: 2 Marc Road, Medway, Massachusetts 02053

NOT  
A N  
O F F I C I A L +<sup>u</sup> O F F I C I A L  
Executed as a sealed instrument this 11 day of February, 2022

  
\_\_\_\_\_  
Ellen Rosenfeld, Trustee

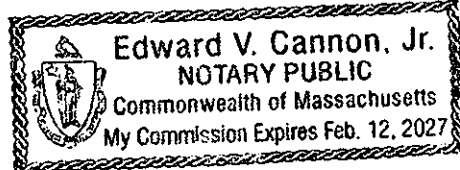
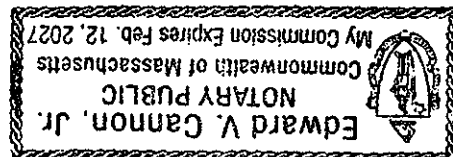
**Commonwealth of Massachusetts**

Norfolk, ss.

On this 11<sup>th</sup> day of February, 2022, before me, the undersigned notary public, personally appeared Ellen Rosenfeld, Trustee as aforesaid, proved to me through satisfactory evidence of identification, which was his/her/their driver's license, to be the person(s) whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

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

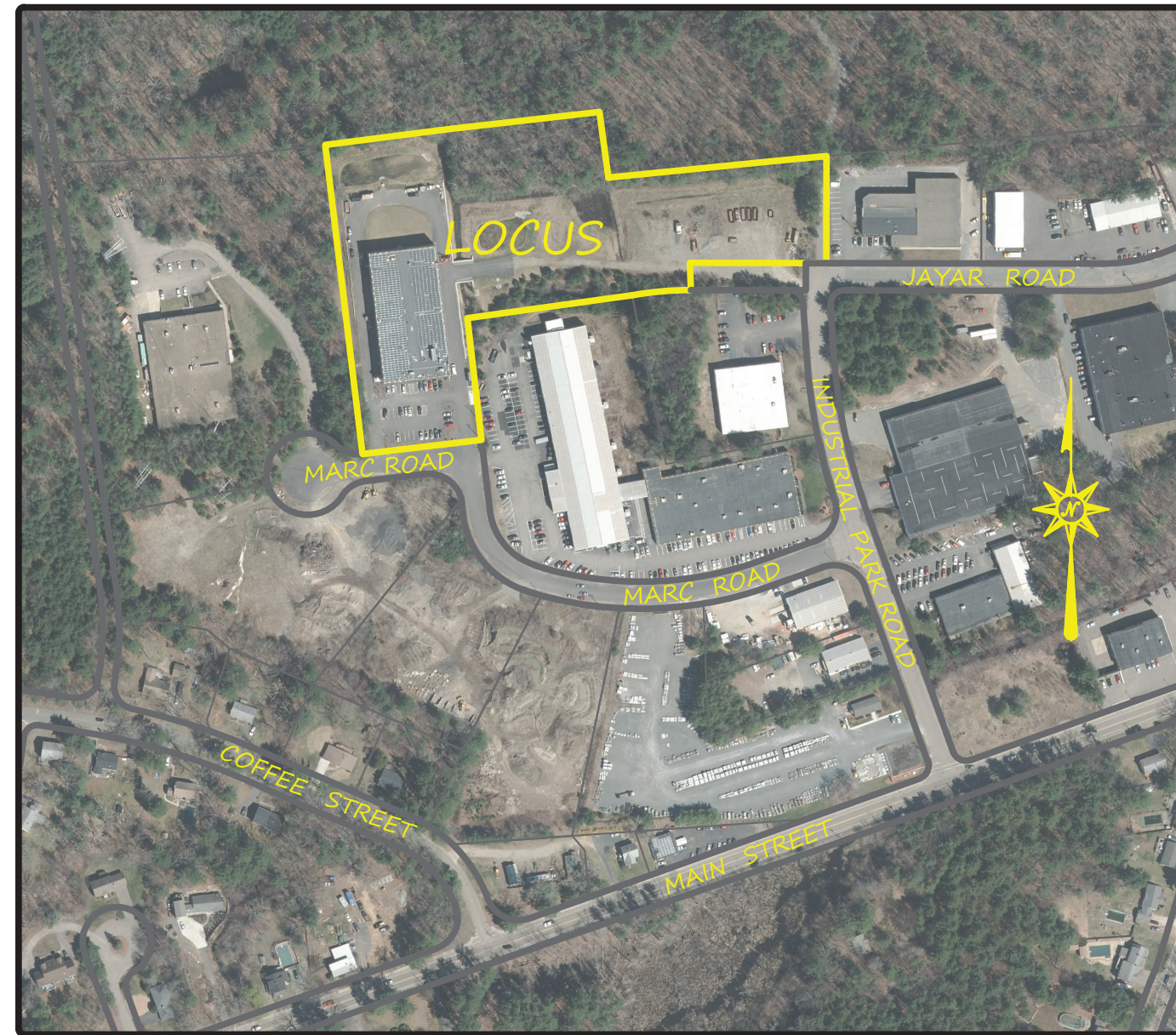
My Comm. Exp.:



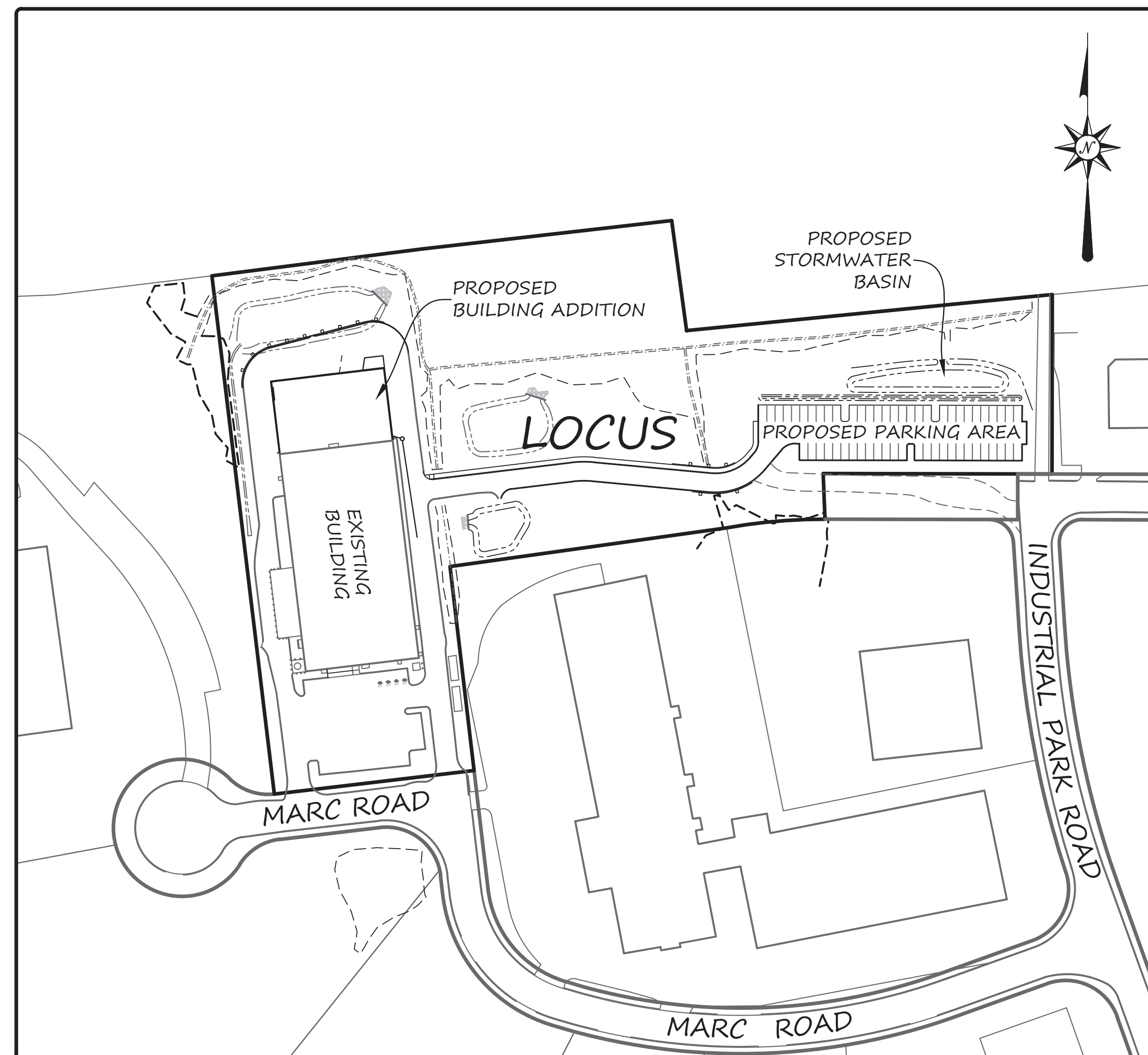


2 MARC ROAD  
SITE PLAN OF LAND  
IN MEDWAY, MASSACHUSETTS  
FEBRUARY 28, 2022

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



2019 MASSGIS AERIAL LOCUS  
SCALE: 1" = 300'



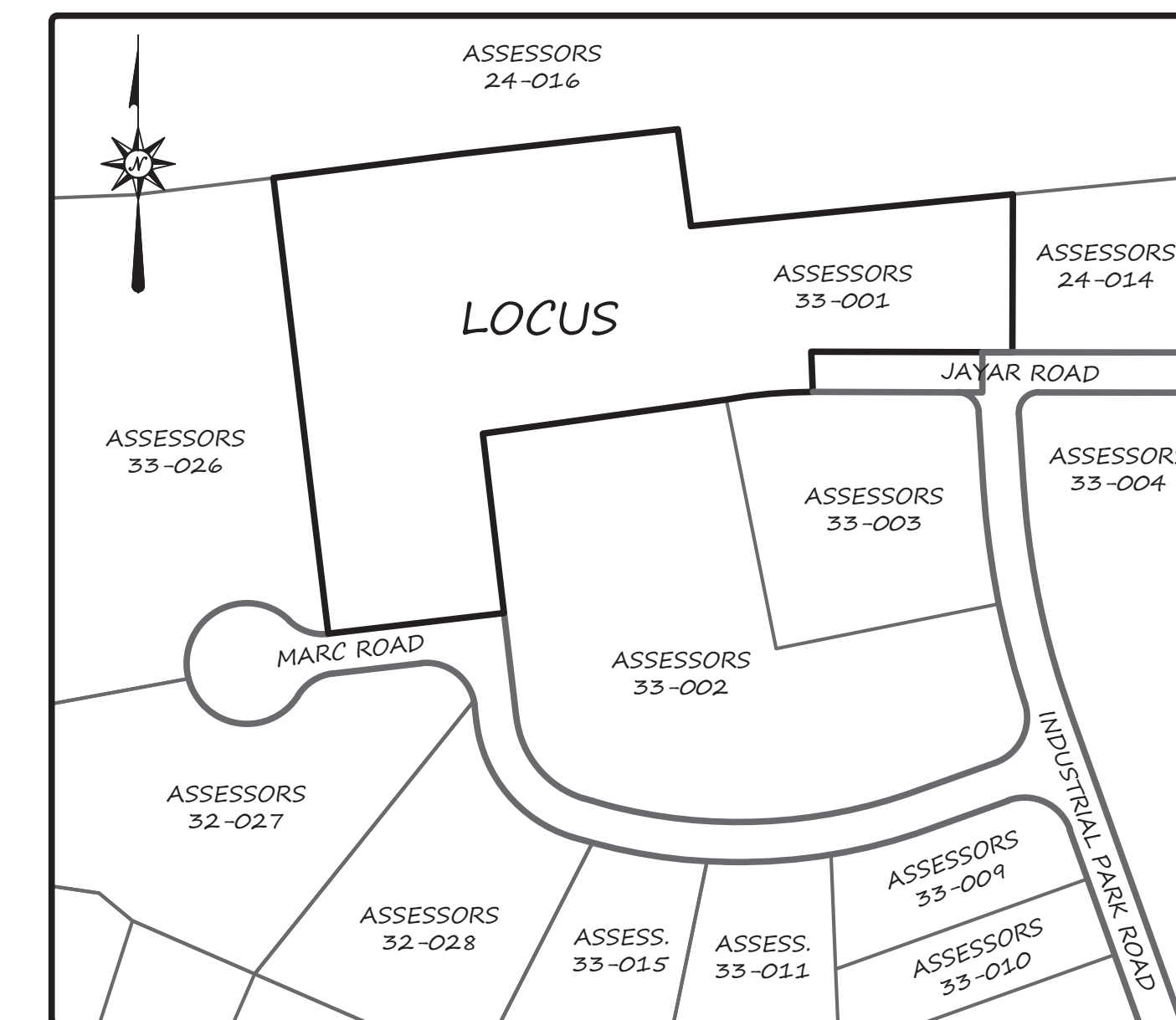
LOCUS  
SCALE: 1" = 100'



Digitally signed by Daniel J.  
Merrikin, P.E.  
Date: 2022.03.03 10:04:44  
-05'00'

PREPARED FOR:  
ELLEN REALTY TRUST  
730 MAIN STREET  
MILLIS, MA 02054

For Registry Use



ASSESSORS LOCUS  
SCALE: 1" = 200'

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
ELLEN REALTY TRUST  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054

DEED  
BOOK 8379 PAGE 83

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

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

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

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

REGISTERED LAND SURVEYOR

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

## PLAN INDEX

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

WAIVERS GRANTED OR REQUESTED:

1. S.204-3.F.1: NOT REQUIRE A TRAFFIC IMPACT ASSESSMENT.
2. S.204-5.C.3: NOT TO HAVE TO INCLUDE AN "EXISTING LANDSCAPE INVENTORY" PREPARED BY A PROFESSIONAL LANDSCAPE ARCHITECT.
3. S.204-5.D.8: NOT REQUIRE THE SUBMISSION OF A LANDSCAPE PLAN.
4. S.207-9.A.6, S.207-11.B.2: TO ALLOW CAPE COD BERM ACROSS THE SITE.
5. S.207-12.H.1: NOT TO REQUIRE A CURB AROUND THE NEW PARKING AREA.
6. S.207-9.E: NOT REQUIRE LANDSCAPING AROUND THE PROPOSED BASIN.

PLAN SCALE: AS NOTED

PLAN DATE: FEBRUARY 28, 2022

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

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

C-0



**LEGACY**  
ENGINEERING

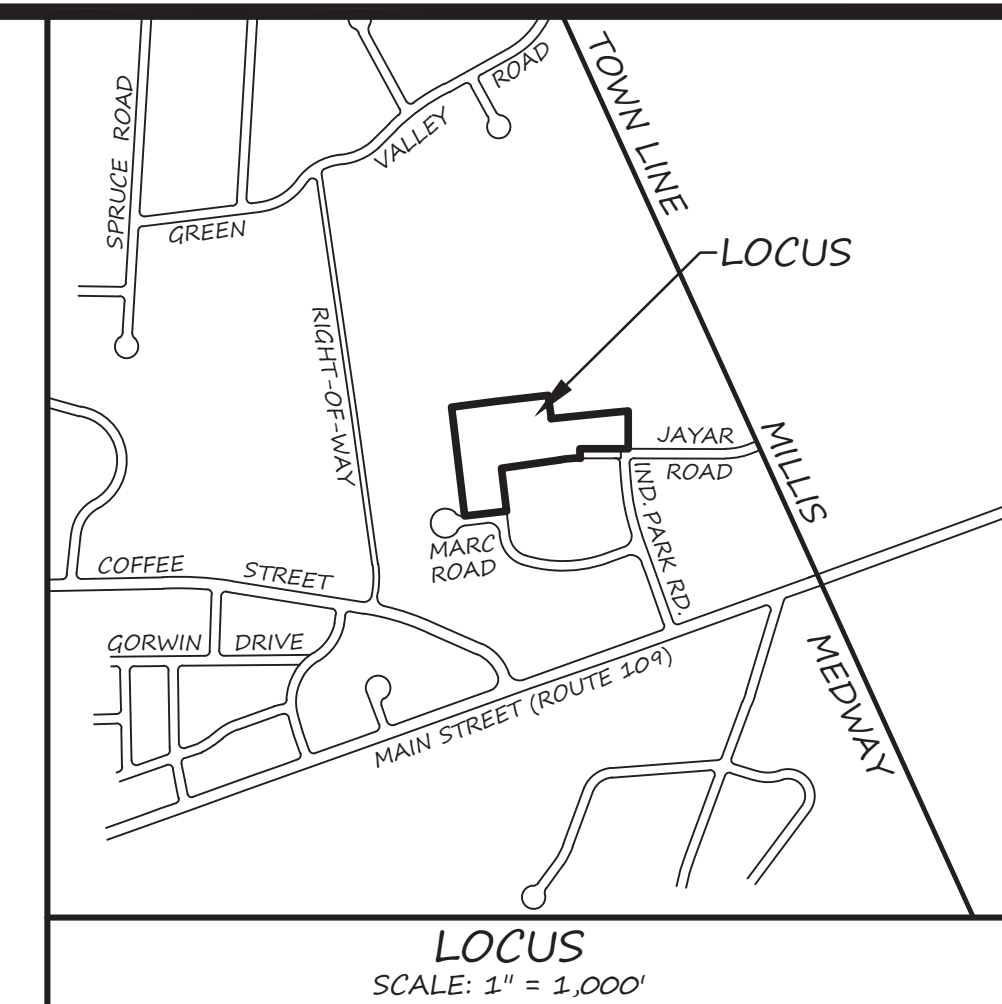


1. SURVEY & PLAN REFERENCES:  
A. DEED REFERENCES:  
BOOK 8379, PAGE 83  
BOOK 18164, PAGE 320  
B. PLAN REFERENCES:  
PLAN BOOK 299 NO. 900  
PLAN BOOK 300 NO. 955  
PLAN BOOK 326 NO. 1145  
PLAN BOOK 410 NO. 749  
PLAN BOOK 454 NO. 94

2. DATUM: NAVD88
3. EXISTING UTILITY INFORMATION IS BASED ON BEST AVAILABLE RECORDS AND VISIBLE SURFACE FEATURES SUCH AS MANHOLES, CATCH BASINS, UTILITY POLES, HYDRANTS, VALVE BOXES, ETC.. EXISTING UTILITY INFORMATION DEPICTED ON THESE PLANS ARE NOT WARRANTED TO BE CORRECT AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL LOCATIONS PRIOR TO COMMENCEMENT OF WORK.
4. FEATURES OUTSIDE OF THE SITE SUCH AS ADJACENT STRUCTURES ARE APPROXIMATE ONLY AND BASED ON AVAILABLE AERIAL PHOTOGRAPHY.

1. PER 310 CMR 1.00(2)(c), THE EXISTING ON-SITE STORMWATER SWALES WERE RECONSTRUCTED FOR MAINTENANCE PURPOSES IN 2017 PURSUANT TO AND ORDER OF CONDITIONS AND ARE THEREFORE NOT CONSIDERED TO BE WETLAND RESOURCE AREAS UNDER THE WETLANDS PROTECTION ACT. THE PRIOR WETLAND DELINEATION ALONG THESE SWALES FROM THE 2016 DESIGN IS SHOWN FOR INFORMATIONAL PURPOSES. BUFFER ZONE LINES INCLUDE THE PRIOR SWALE WETLAND DELINEATION LINES BECAUSE IT IS UNCLEAR HOW THEY ARE TREATED UNDER THE MEDWAY WETLAND BYLAW.
2. WETLANDS BOUNDARIES WERE DELINEATED BY RUSSELL WALDRON.

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



Digitally signed by Daniel  
J. Merrikin, P.E.  
Date: 2022.03.03 10:04:21  
-05'00'

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
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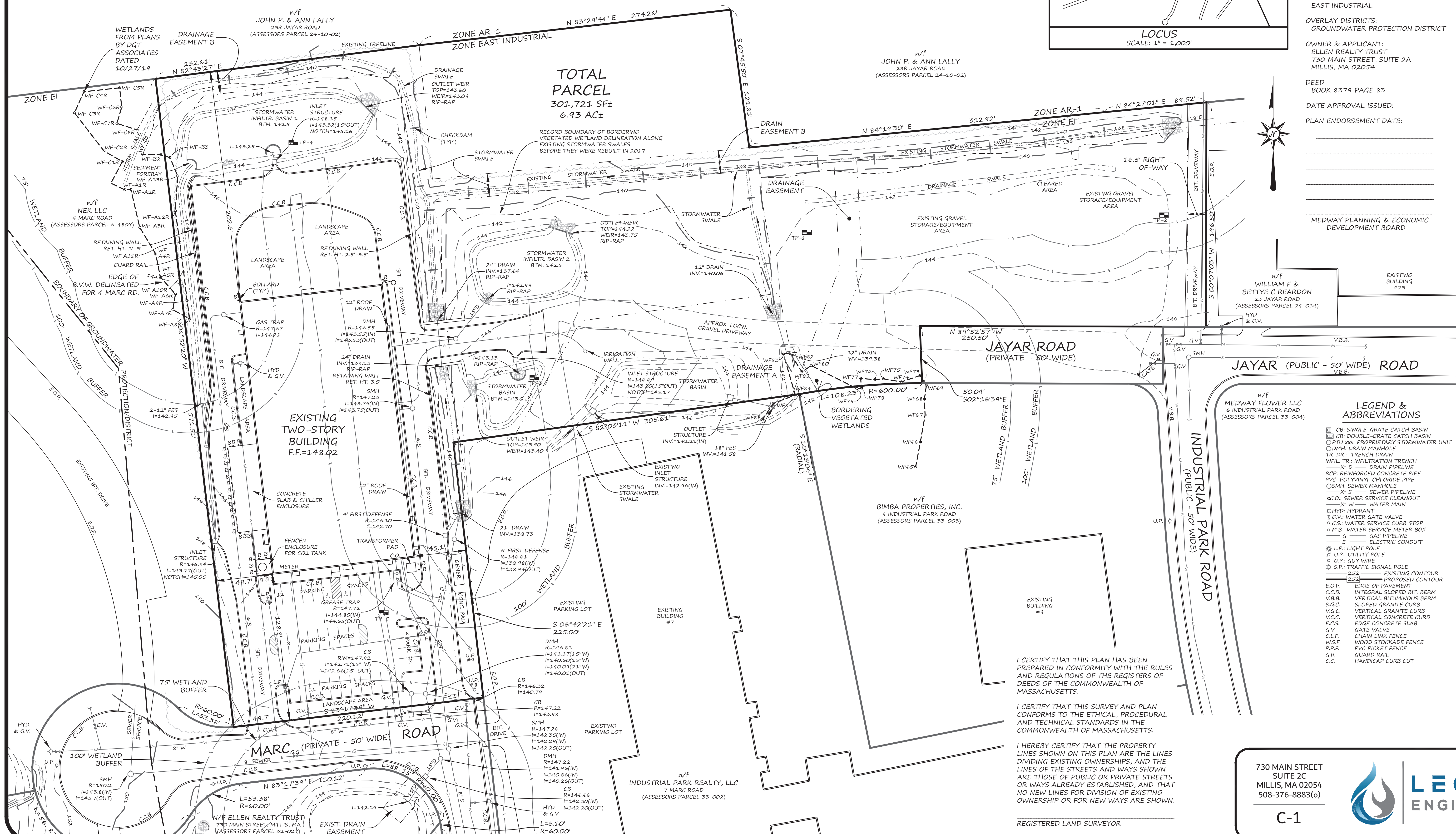
DEED  
BOOK 8379 PAGE 83

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD[illegible]

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



I CERTIFY THAT THIS PLAN HAS BEEN  
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DEEDS OF THE COMMONWEALTH OF  
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REGISTERED LAND SURVEYOR

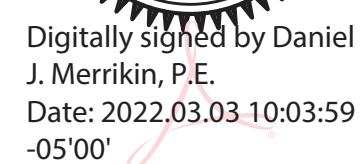
730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



**LEGACY**  
ENGINEERING

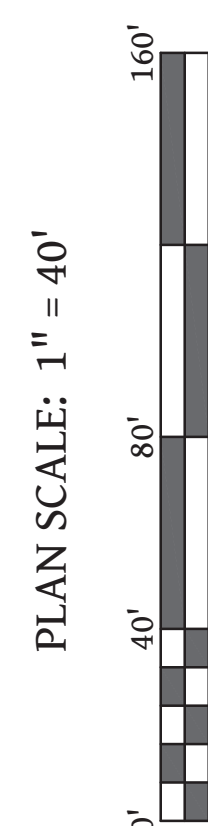
C-1





Digitally signed by Daniel  
J. Merrikin, P.E.  
Date: 2022.03.03 10:03:59  
-05'00'

For Registry Use



PLAN DATE: FEBRUARY 28, 2022

[illegible]

2 MARC ROAD  
 EMISSION CONTROL  
 PLAN OF LAND  
 IN  
 MEDWAY, MA

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

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REGISTERED LAND SURVEYOR

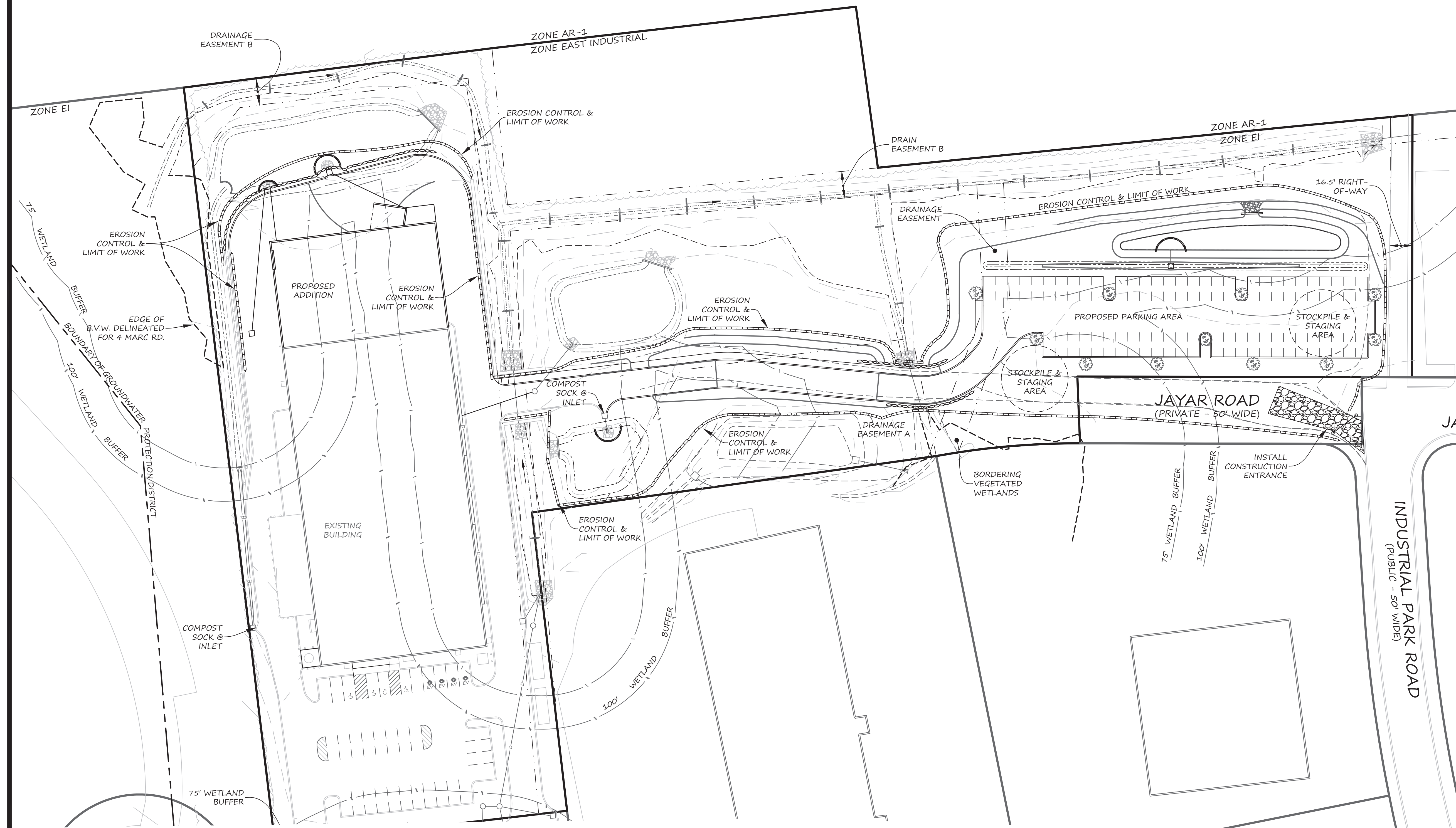
730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



**LEGACY**  
ENGINEERING

C-2

354-D63



SEDIMENT & EROSION CONTROL NOTES

## GENERAL

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

### PHASING AND CONSTRUCTION SEQUENCE

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

### PERIMETER EROSION CONTROL AND SEDIMENT CONTROLS

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

### SITE ACCESS CONTROLS

1. CONSTRUCTION VEHICLES WILL USE DESIGNATED ENTRY POINTS FOR EACH SITE. CRUSHED STONE OR RIP-RAP ENTRY APRON(S) WILL BE INSTALLED AND PROPERLY MAINTAINED DURING CONSTRUCTION UNTIL THE SITE IS PAVED. ALL CONSTRUCTION ACCESS WILL BE VIA THE FRONTAGE PUBLIC ROAD STREET, WHICH WILL BE KEPT CLEAN AND SWEET

AS NEEDED TO MINIMIZE THE TRACKING OF SOILS AND DUST FROM THE SITE.

## STOCKPILED SOILS

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

### DUST CONTROL

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

### DISTURBANCE OF STEEP SLOPES

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

## SOIL COMPACTION

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

### PROTECTION OF STORM DRAIN INLETS

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

### TEMPORARY STABILIZATION

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

### MAINTENANCE OF EROSION & SEDIMENT CONTROL MEASURES

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

WILL BE REMOVED ALONG PERIMETER EROSION CONTROLS WHEN THE DEPTH EXCEEDS FOUR-INCHES. ALL CONTROL MEASURES WILL BE MAINTAINED IN EFFECTIVE OPERATING CONDITION. IF SITE INSPECTIONS IDENTIFY CONTROL MEASURES THAT ARE NOT OPERATING EFFECTIVELY OR FINDS OTHER PROBLEMS, THE CONTRACTOR MUST:

- MEASURES THAT ARE NOT OPERATING EFFECTIVELY OR FINDS OTHER PROBLEMS, THE CONTRACTOR MUST:
- 1.1. INITIATE WORK TO CORRECT THE PROBLEM IMMEDIATELY UPON DISCOVERY AND COMPLETE THE WORK BY THE CLOSE OF THE NEXT WORK DAY IF THE PROBLEM CAN BE CORRECTED THROUGH ROUTINE MAINTENANCE;
  - 1.2. FOR MORE SIGNIFICANT REPAIRS OR WHERE INSPECTIONS DETERMINE THAT ADDITIONAL EROSION AND SEDIMENT CONTROLS ARE NEEDED, SUCH WORK MUST BE COMPLETED AND OPERATION NO LATER THAN 7 CALENDAR DAYS AFTER DISCOVERY OF THE PROBLEM.

## POLLUTION PREVENTION

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

## DEWATERING PRACTICES

1. THIS SITE IS NOT EXPECTED TO ENCOUNTER SIGNIFICANT QUANTITIES OF GROUNDWATER DURING CONSTRUCTION ACTIVITIES BUT IF IT DOES, THE FOLLOWING PRACTICES WILL BE IMPLEMENTED:
- 2.1. DO NOT DISCHARGE ANY FLOATING SOLIDS OR FOAM.
- 2.2. IF DEWATERING WATER IS FOUND TO CONTAIN OIL, GREASE, ETC., IT MUST BE FILTERED OR PASSED THROUGH AN OIL/WATER SEPARATOR PRIOR TO DISCHARGE;
- 2.3. WHEREVER POSSIBLE, DISCHARGE DEWATERING WATER TO VEGETATED UPLAND AREAS FOR INFILTRATION, WHERE THE SITE IS NOT POSITIVE TO DISCHARGE DRAINAGE WATER INTO A FILTERING PIT CONSISTING OF A PERIMETER OF DOUBLE ROWS OF HAYBALES LINED WITH THREE LAYERS OF FILTER FABRIC. DO NOT DIRECT DEWATERING WATER INTO WETLANDS WITHOUT PRIOR TREATMENT;
- 2.4. VELOCITY DISSIPATION MEASURES MUST BE INCLUDED AT ALL DISCHARGE POINTS (RIP-RAP OR CRUSHED STONES).

## INSPECTIONS

1. WHERE APPLICABLE, REFER TO SWPPP FOR INSPECTION & REPORTING REQUIREMENTS IN ADDITION TO THE FOLLOWING:
  - 1.1. THE SITE SHALL BE INSPECTED AT LEAST EVERY 14 CALENDAR DAYS AND WITHIN 24 HOURS OF THE OCCURRENCE OF A STORM EVENT OF 0.25 INCHES OR GREATER. INSPECTIONS MAY BE REDUCED DURING THE WINTER AND IN STABILIZED AREAS.
  - 1.2. ANY DEFICIENCIES SHALL BE REMEDIATED IMMEDIATELY AND NO LATER THAN 7 DAYS AFTER DISCOVERY OF THE DEFICIENCY, AND IF POSSIBLE, PRIOR TO THE NEXT RAINFALL EVENT.





LAYOUT NOTES:

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



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.03.03 10:03:38 -05'00'

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
ELLEN REALTY TRUST  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054

DEED  
BOOK 8379 PAGE 83

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

For Registry Use

PLAN SCALE: 1" = 40'



PLAN DATE: FEBRUARY 28, 2022

REVISION

DATE

BY

2 MARC ROAD  
LAYOUT  
PLAN OF LAND  
IN  
MEDWAY, MA

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

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REGISTERED LAND SURVEYOR

ZONING NOTES:

USE:  
MARIJUANA CULTIVATION FACILITY  
LOT FRONTAGE (WIDTH):  
REQ'D: 100'  
PROVD: 220.12'  
LOT AREA:  
REQ'D: 20,000 S.F.  
PROVD: 6.93 AC±  
LOT SHAPE FACTOR:  
REQ'D: P\*P/A<22  
PROVD:  
IMAGINARY LOT AREA (A)  
= 49,529 S.F.±  
IMAGINARY LOT PERIMETER (P) = 890.25'  
SHAPE FACTOR=16.00  
COVERAGE BY STRUCTURES:  
MAX. ALLOWED: 40%  
PROPOSED: 13.3%  
IMPERVIOUS COVERAGE:  
MAX. ALLOWED: 15%

PROPOSED: 40.8%  
PARKING:  
REQ'D: TBD BY S.P.G.A.  
PROVIDED: 90 SPACES (INCLUDING 4 HANDICAP SPACES)  
SETBACKS:  
FRONT YARD:  
MIN. ALLOWED: 30'  
PROVIDED: 129.1'  
REAR YARD:  
MIN. ALLOWED: 30'  
PROVIDED: 122.6'  
RIGHT SIDE YARD:  
MIN. ALLOWED: 20'  
PROVIDED: 45.1'  
LEFT SIDE YARD:  
MIN. ALLOWED: 20'  
PROVIDED: 49.7'  
BUILDING HEIGHT:  
MAX. ALLOWED: 60'  
PROVIDED: 34'

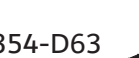
730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



LEGACY  
ENGINEERING

C-3









Digitally signed by  
Daniel J. Merrikin, P.E.  
Date: 2022.03.03  
10:02:55 -05'00'

SITE ADDRESS:  
2 MARC ROAD

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OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
ELLEN REALTY TRUST  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054

DEED  
BOOK 8379 PAGE 83

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

For Registry Use

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

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

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

PLAN SCALE: 1" = 40'



PLAN DATE: FEBRUARY 28, 2022

BY

DATE

REVISION

2 MARC ROAD  
LIGHTING  
PLAN OF LAND  
IN  
MEDWAY, MA

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

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

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

REGISTERED LAND SURVEYOR

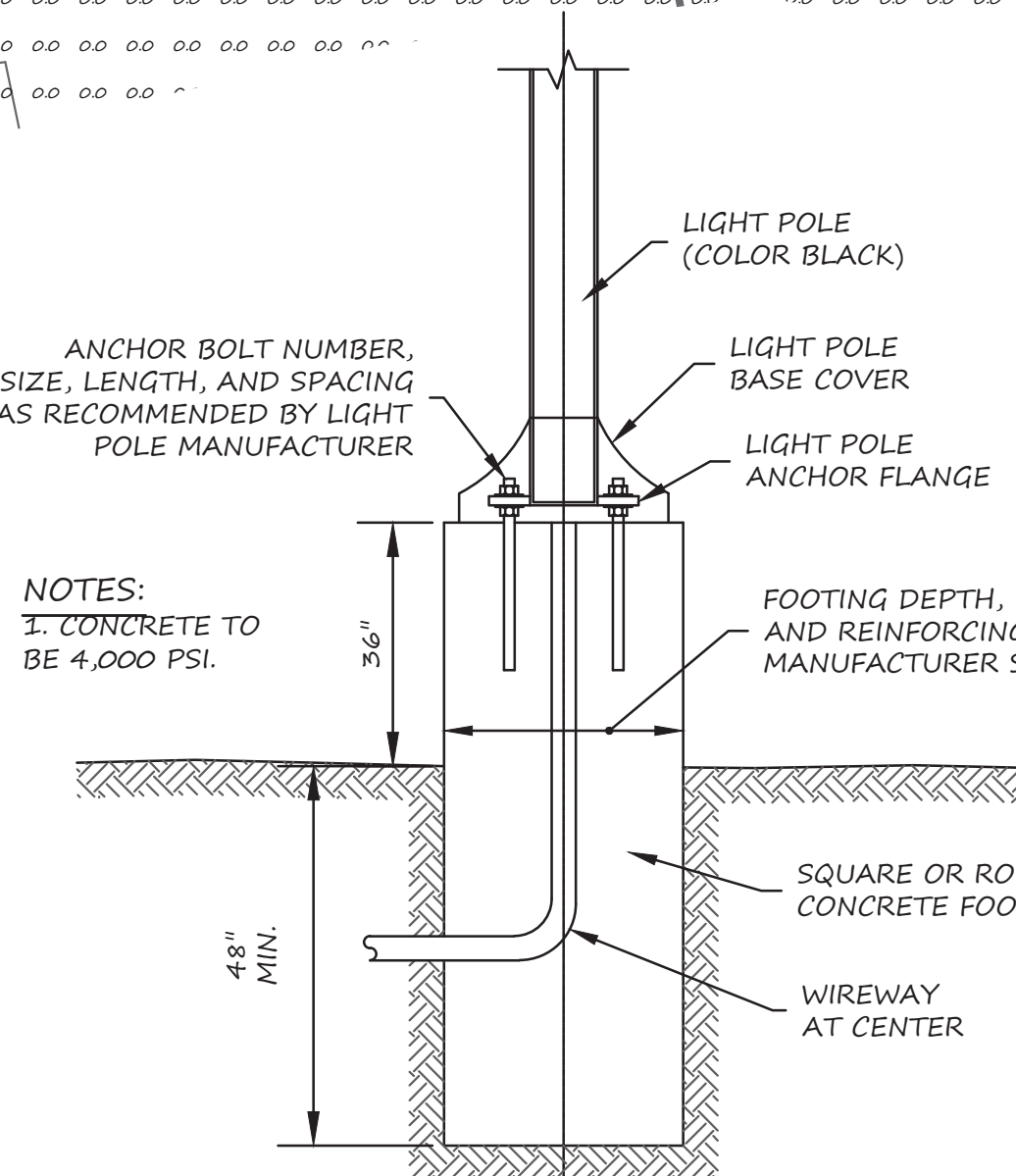
730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-5



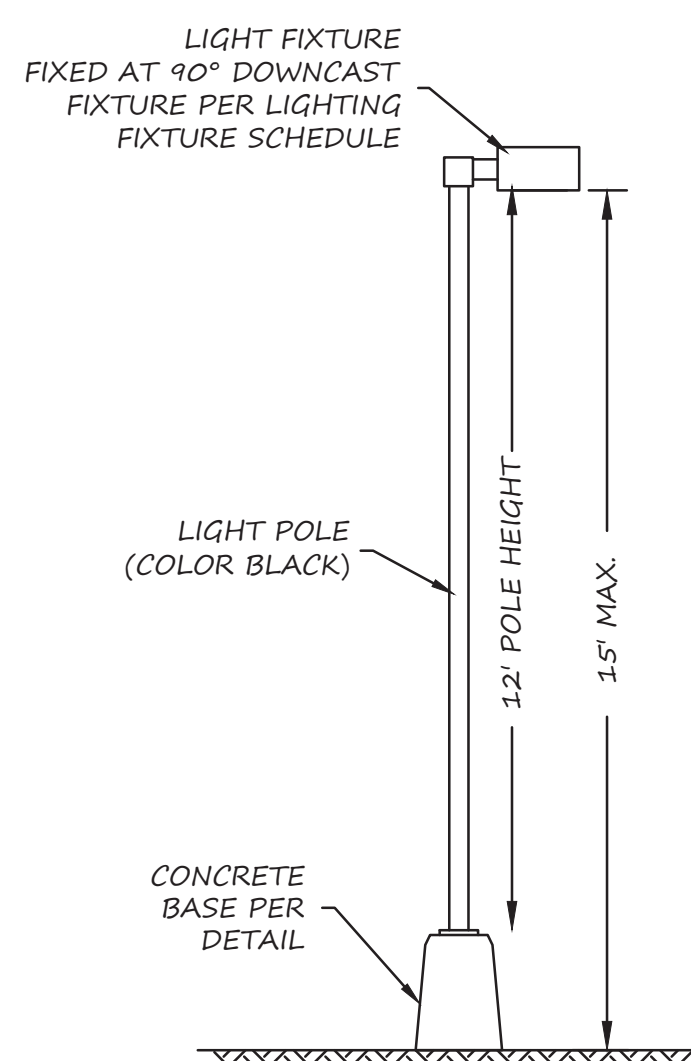
LEGACY  
ENGINEERING

354-D63



CONCRETE LIGHT POLE BASE DETAIL

(NO SCALE)



TYPICAL LIGHT POLE DETAIL

NOT TO SCALE

Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
☐	7	LPA	POLE WITH SINGLE FIXTURE @ 15° A.G.	RAB LIGHTING ALED4T105
→	2	WPA	SINGLE WALL SCONCE @ 10° A.G.	RAB LIGHTING SLIM57Y
□	5	WPB	SINGLE WALL SCONCE @ 15° A.G.	RAB LIGHTING WPLED4T105Y

LIGHTING FIXTURE SCHEDULE

NOT TO SCALE

N/F ELLEN REALTY TRUST  
730 MAIN STREET, MILLIS, MA  
(ASSESSORS PARCEL 32-027)

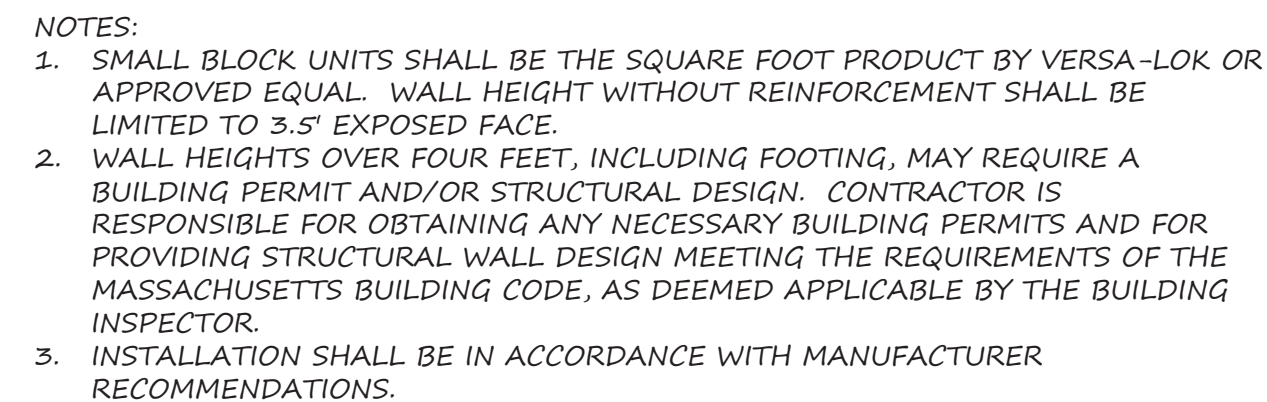
w/f  
NEK LLC  
4 MARC ROAD  
(ASSESSORS PARCEL 6-480Y)

w/f  
JOHN P. & ANN LALLY  
23R JAYAR ROAD  
(ASSESSORS PARCEL 24-10-02)

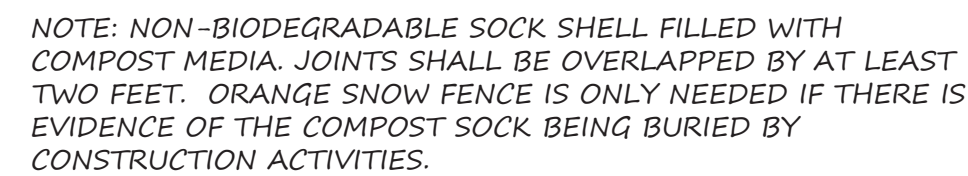




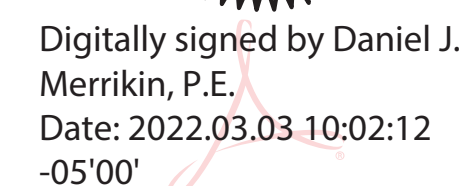




NOT TO SCALE



NOT TO SCALE



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For Registry Use



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

(NO SCALE)



NOT TO SCALE



NOTE:  
DO NOT MORTAR OVER  
INTERIOR BRICK WORK

NOTE:  
DO NOT MORTAR OVER  
INTERIOR BRICK WORK

REGISTERED LAND SURVEYOR

PLAN SCALE: N.T.S.

[illegible]

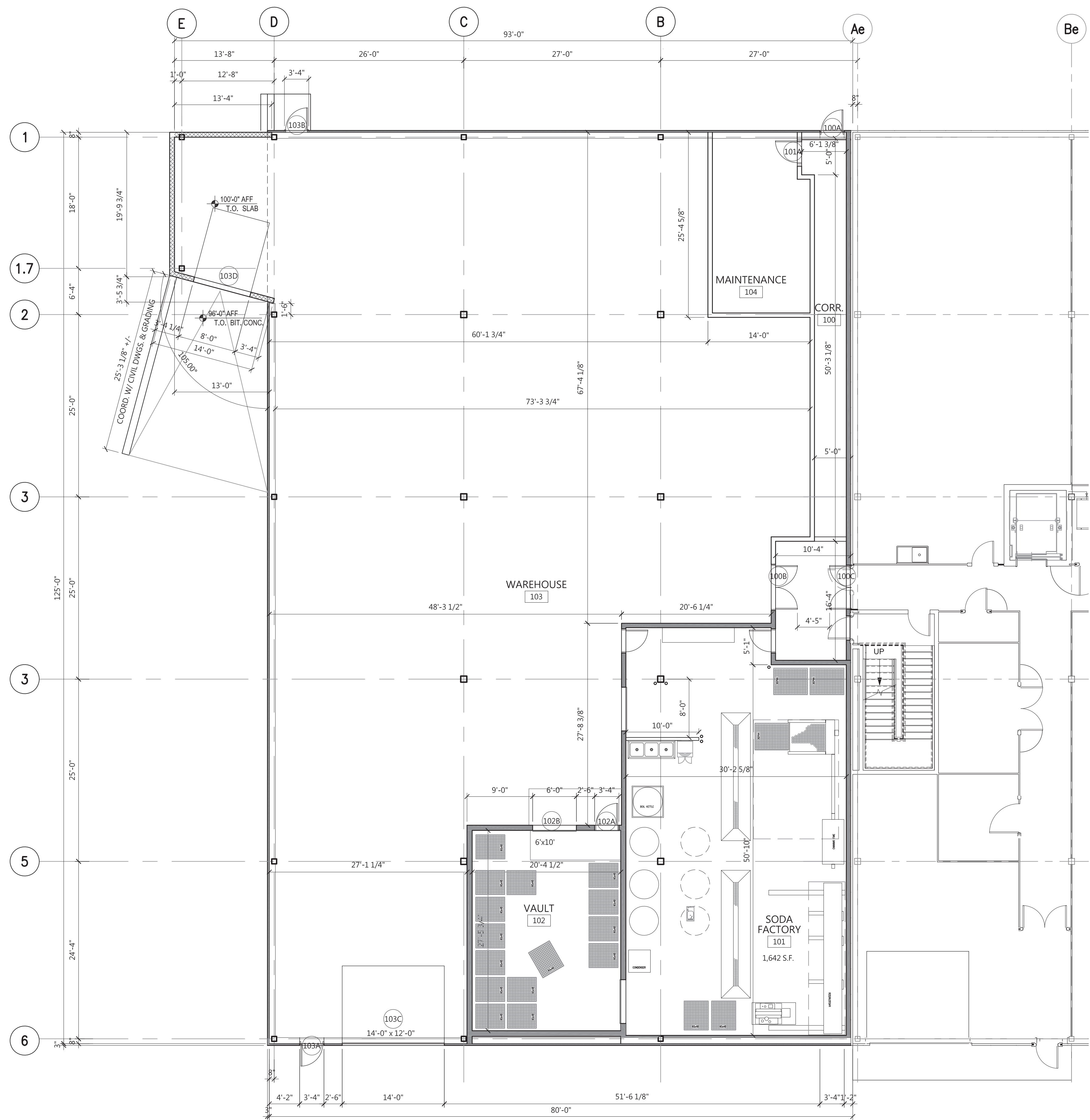
2 MARC ROAD  
DETAIL  
PLAN OF LAND  
IN  
MEDWAY, MA

C-7

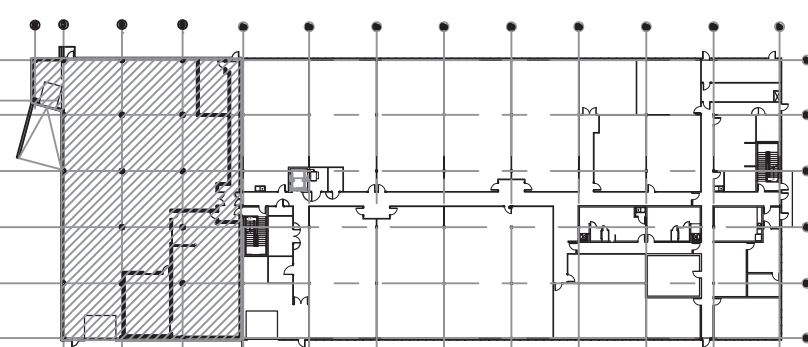


**LEGACY**  
ENGINEERING





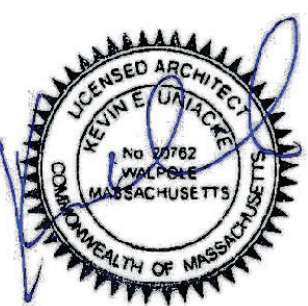
1st FLOOR PLAN  
SCALE: 1/8" = 1'-0"



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

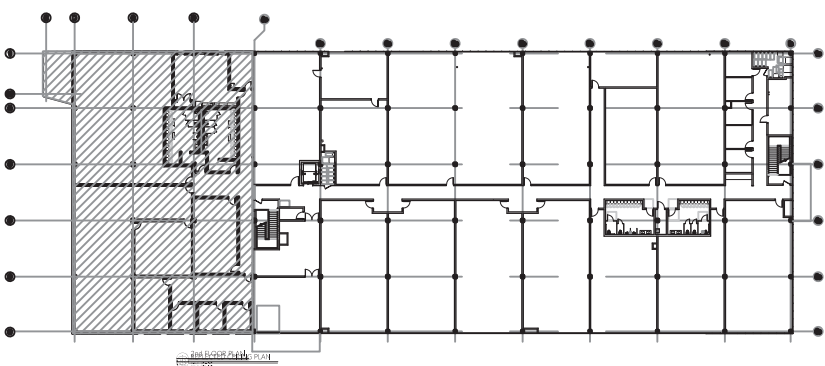
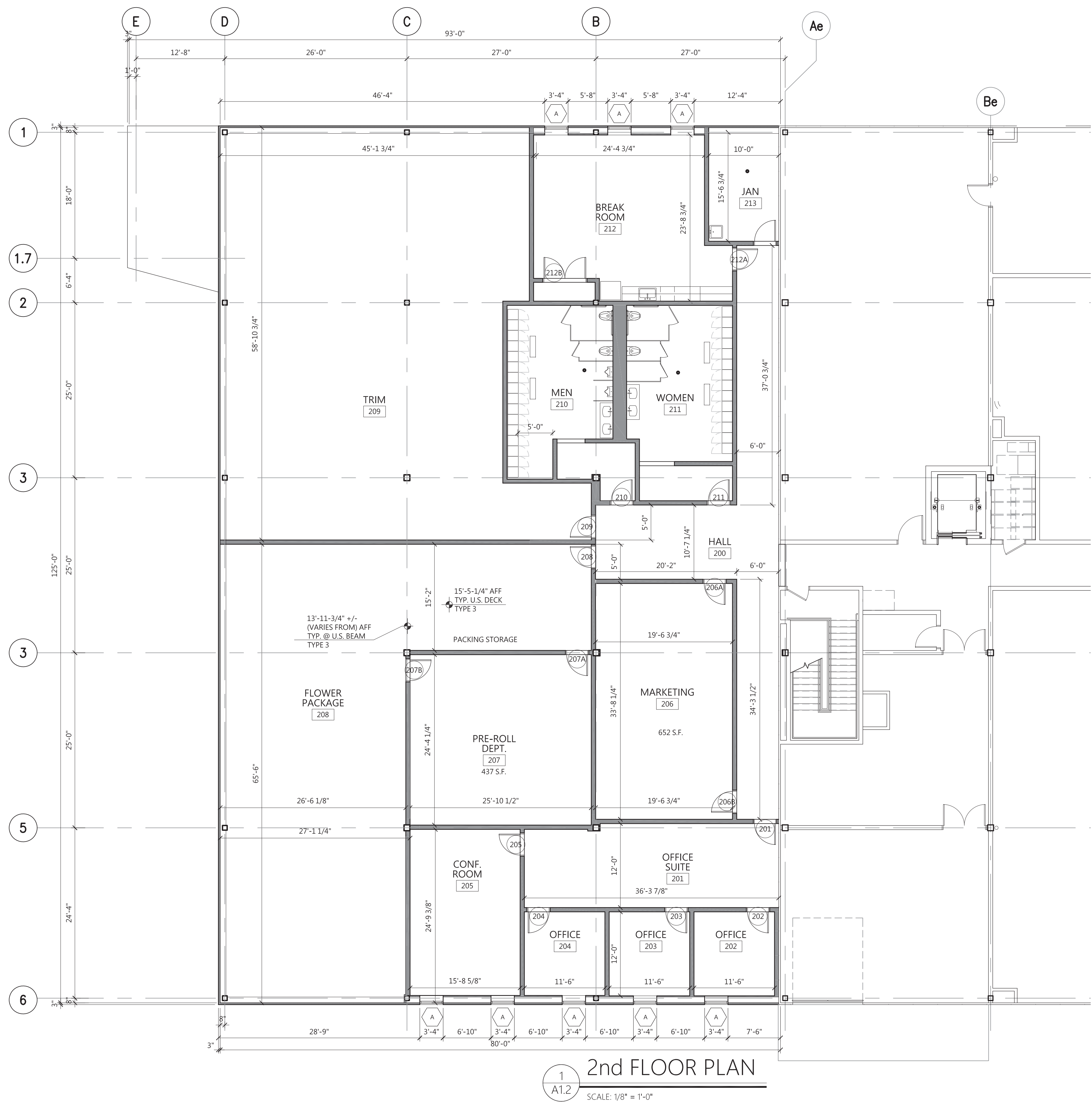
Client:  
**Commonwealth Cannabis  
Company**  
2 Marc Rd.  
Medway, MA  
Project:  
**Grow Facility Addition**  
2 Marc Rd.  
Medway, MA

Drawing:  
**FIRST FLOOR PLAN**



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

**A1.0**

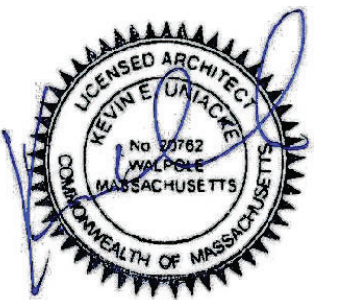


Drawing Status:  
**PLANNING  
BOARD REVIEW**  
NOT FOR CONSTRUCTION

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

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

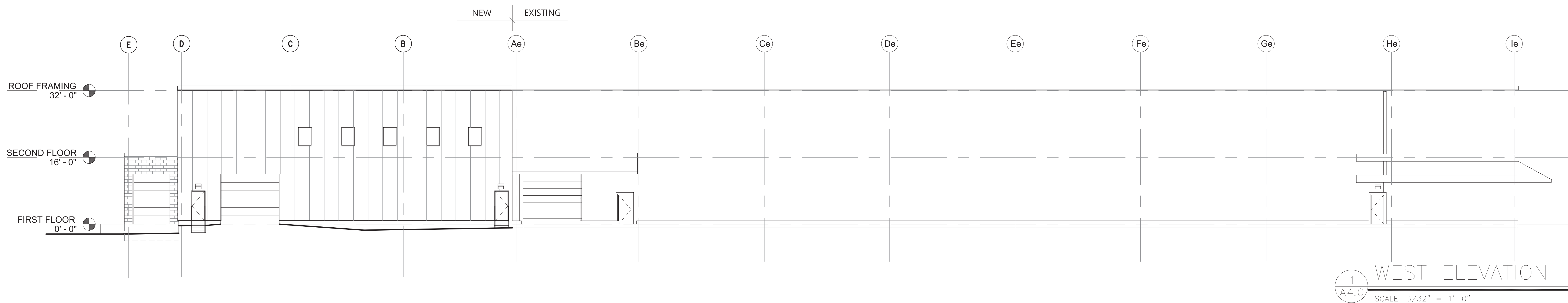
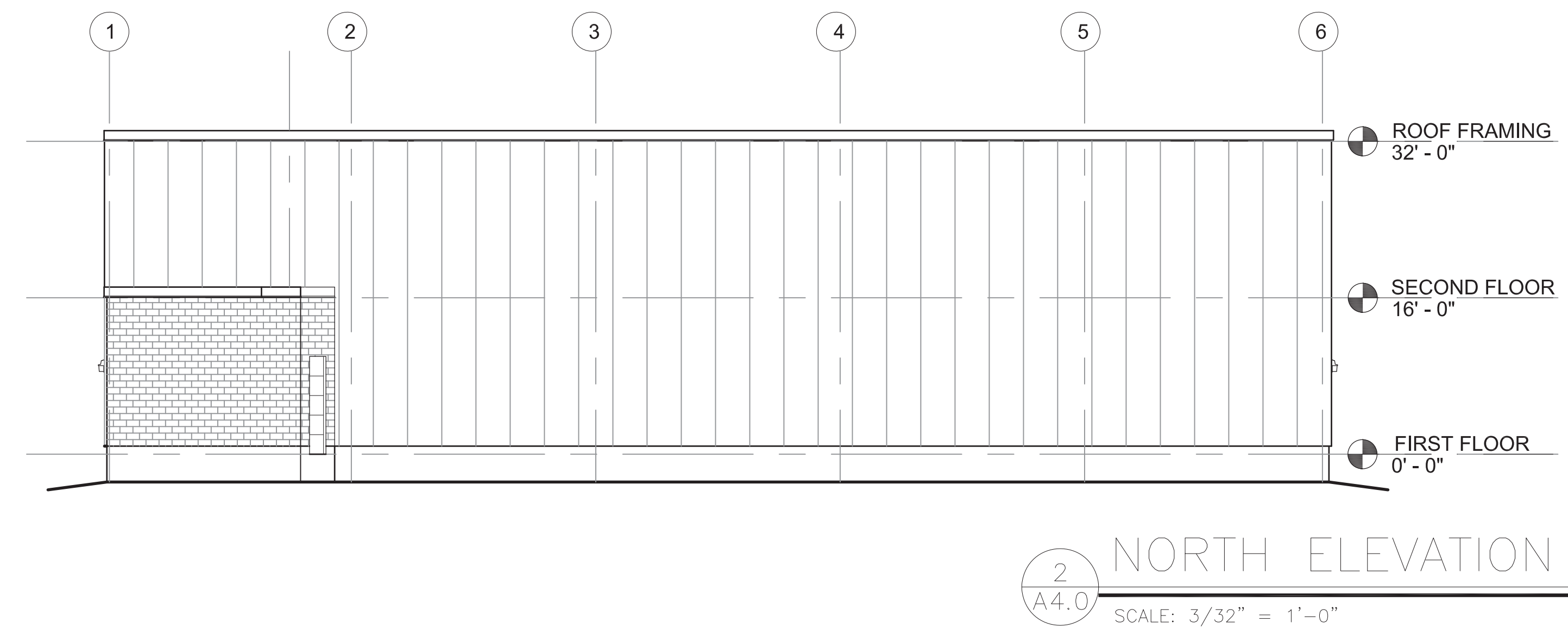
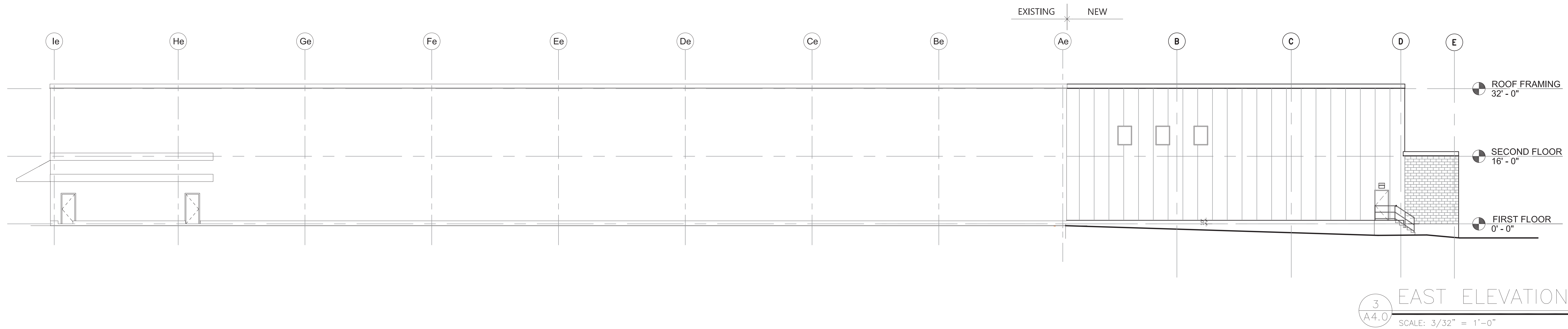
Drawing:  
**SECOND FLOOR PLAN**



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

**A1.2**





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

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

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

Drawing:  
**EXTERIOR ELEVATIONS**



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

**A4.0**





RIGHT REAR CORNER  
LOOKING SOUTH

1  
A4.1  
NTS



LEFT REAR CORNER  
LOOKING SOUTH

2  
A4.1  
NTS

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

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

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

Drawing:  
**EXTERIOR RENDERINGS**

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

**A4.1**



**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
*Complete 1 form for each waiver request*

<b>Project Name</b>	2 Marc Road
<b>Property Location</b>	2 Marc Road
<b>Type of Permit</b>	Marijuana Special Permit
Identify the number and title of the relevant section of the <i>Site Plan Rules and Regulations</i> from which a waiver is sought.	207-19.E: Planning Board Rules and Regulations - Landscaping around Stormwater Infiltration Basins
Summarize the text of the relevant section of the <i>Rules and Regulations</i> from which a waiver is requested.	Landscaping shall be provided around infiltration basins, including a double row of screening trees.
What aspect of the <i>Rule and Regulation</i> do you propose be waived?	The requirement for screening trees.
What do you propose as an alternative to the standard?	Just grass landscaping.
Explanation/justification for the waiver request. How does the particular rule/regulation not apply to the site or situation under review?	Screening of the basin is not necessary in an industrial development. This would also be consistent with the other basins found on the site. Trees also impede maintenance.
Explanation/justification. How would approval of this waiver request not be significantly detrimental to achieving the purposes of site plan review?	Screening trees are to shield abutters from unattractive views of the stormwater basin. There are no abutters that will have views of the basin, and the shallow nature of the basin makes it blend in with the surrounding areas.
Explanation/justification. How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Not having trees surrounding basins improves accessibility for maintenance.
What is the impact on the development if this waiver request is denied?	Cost and reduced access to the basins for maintenance
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
Waiver Request Prepared By:	Daniel Merrikin
Date:	February 28, 2022
<b>Questions?? - Please contact the Medway PEDB office at 508-533-3291.</b>	

**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
*Complete 1 form for each waiver request*

<b>Project Name</b>	2 Marc Road
<b>Property Location</b>	2 Marc Road
<b>Type of Permit</b>	Marijuana Special Permit
Identify the number and title of the relevant section of the <i>Site Plan Rules and Regulations</i> from which a waiver is sought.	207-12.H.1 Planning Board Rules and Regulations - Curbing
Summarize the text of the relevant section of the <i>Rules and Regulations</i> from which a waiver is requested.	Parking lots shall be bounded by curb.
What aspect of the <i>Rule and Regulation</i> do you propose be waived?	The requirement of curbing.
What do you propose as an alternative to the standard?	No curb.
Explanation/justification for the waiver request. How does the particular rule/regulation not apply to the site or situation under review?	In certain areas, the stormwater design includes a swale along the edge of the pavement. A curb would restrict flow to the swale.
Explanation/justification. How would approval of this waiver request not be significantly detrimental to achieving the purposes of site plan review?	The purpose of collecting runoff is better achieved with the proposed swale.
Explanation/justification. How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	"Country drainage" is preferable to curb and gutter drainage for stormwater design.
What is the impact on the development if this waiver request is denied?	We would not be able to use country drainage, which is a LID technique.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None.
Waiver Request Prepared By:	Daniel Merrikin
Date:	February 28, 2022
<b>Questions?? - Please contact the Medway PEDB office at 508-533-3291.</b>	



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

508-376-8883(o)

508-868-8353(c)

730 Main Street

Suite 2C

Millis, MA 02054

April 4, 2022

Planning and Economic Development Board

155 Village Street

Town Offices

Medway, MA 02053

Ref: Application to Modify a Previously Approved Marijuana Special Permit Decision  
Proposed Addition  
2 Marc Road

Dear Members of the Board:

Please find enclosed the following additional information for the 2 Marc Road application:

- Copies of the current license with the Cannabis Control Commission.
- Commonwealth of Massachusetts annual reports for 2017-2021.
- A copy of the current Community Host Agreement.
- A statement of ownership disclosure.

Note that we are working on a noise and odor mitigation plan for the proposed addition and will submit those shortly. Do not hesitate to contact me if you have any questions or comments.

Sincerely,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.

President

cc: File

*Rehoboth*

**License # MR283001 | CommCan, Inc | 730 Main Street Suite 2A Millis, MA 02054 (Active)**

Your license is Active as of 07/15/2021 and expires on 07/17/2022.

---

*Millis*

**License # MR282205 | Commcan, Inc. | 730 Main Street Suite 2A Millis, MA 02054 (Active)**

Your license is Active as of 07/15/2021 and expires on 08/03/2022.

---



MC281642 03/13/2023  
License Number Expiration Date

Pursuant to its authority under Chapter 94G and 94I of the  
Massachusetts General Laws,

The Cannabis Control Commission hereby grants a  
final license to:

**Commcan, Inc.**

The Licensee is permitted to operate at the  
following address(es):

**2 Marc Road  
Medway, MA 02053**

The Licensee is permitted to  
perform operations as:

**Marijuana Cultivator**

Steven J. Hoffman  
Chairman

Ava Callender Concepcion  
Commissioner

Nurys Camargo  
Commissioner

Kimberly Roy  
Commissioner

Bruce Stebbins  
Commissioner

Shawn Collins  
Executive Director

The Licensee is subject to M.G.L. c. 94G, M.G.L. c. 94I, Commission regulations, Commission decisions, and all other legal requirements as applicable. The Licensee shall remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.



MP281508 03/13/2023  
License Number Expiration Date

Pursuant to its authority under Chapter 94G and 94I of the  
Massachusetts General Laws,

The Cannabis Control Commission hereby grants a  
final license to:

**Commcan, Inc.**

The Licensee is permitted to operate at the  
following address(es):

**2 Marc Road  
Medway, MA 02053**

The Licensee is permitted to  
perform operations as:

**Marijuana Product  
Manufacturer**

  
Steven J. Hoffman  
Chairman

  
Nurys Camargo  
Commissioner

  
Bruce Stebbins  
Commissioner

  
Ava Callender Concepcion  
Commissioner

  
Kimberly Roy  
Commissioner

  
Shawn Collins  
Executive Director

The Licensee is subject to M.G.L. c. 94G, M.G.L. c. 94I, Commission regulations, Commission decisions, and all other legal requirements as applicable. The Licensee shall remain fully compliant with said requirements and legal authorities until such time that it is approved by the Commission to cease operations.





**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$15.00

Secretary of the Commonwealth, Corporations Division  
 One Ashburton Place, 17th floor  
 Boston, MA 02108-1512  
 Telephone: (617) 727-9640

**Annual Report**

(General Laws, Chapter 180)

Identification Number: 001176552

Filing for November 1, 2017

In compliance with the requirements of Section 26A of Chapter one hundred and eighty (180) of the General Laws:

1. Exact name of the corporation: COMMCAN, INC.

2. Location of its principal office:

No. and Street: 730 MAIN STREET SUITE 2A  
 City or Town: MILLIS State: MA Zip: 02054 Country: USA

3. DATE OF THE LAST ANNUAL MEETING: 06/30/2017 (mm/dd/yyyy)  
 (if none leave blank)

4. State the names and street addresses of all officers, including all the directors of the corporation, and the date on which the term of office of each expires:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code	Expiration of Term
PRESIDENT	ELLEN ROSENFELD	52 WOODLAND ROAD JAMAICA PLAIN, MA 02130 USA	Until successors are duly elected
TREASURER	ANNETTE A. CAZENAVE	4434 WEST BERTEAU AVENUE CHICAGO, IL 60641 USA	Until successors are duly elected
CLERK	JON ROSENFELD	23 RIDGEFIELD BOYLSTON, MA 01505 USA	Until successors are duly elected
DIRECTOR	ELLEN ROSENFELD	52 WOODLAND ROAD JAMAICA PLAIN, MA 02130 USA	Until successors are duly elected
DIRECTOR	ANNETTE A. CAZENAVE	4434 WEST BERTEAU AVENUE CHICAGO, IL 60641 USA	Until successors are duly elected
DIRECTOR	JOEL C. FROST	120 AMORY STREET, #2 BROOKLINE, MA 02446 USA	Until successors are duly elected
DIRECTOR	MARC ROSENFELD	7 SPRINGDALE CIRCLE HOLLISTON, MA 01746 USA	Until successors are duly elected
DIRECTOR	JON ROSENFELD	23 RIDGEFIELD CIRCLE BOYLSTON, MA 01505 USA	Until successors are duly elected

5. Check if the corporation is a cemetery corporation that does NOT hold perpetual care funds in trust. If the corporation is a cemetery corporation that holds perpetual care funds in trust, a copy of the written instrument establishing the trust and any amendments thereto must be attached, and the annual report

I, the undersigned, ELLEN ROSENFELD of the above-named business entity, in compliance with the General Laws, Chapter 180, hereby certify that the above information is true and correct as of the dates shown. IN WITNESS WHEREOF AND UNDER PENALTIES OF PERJURY, I hereto sign my name on this 31 Day of October, 2017.

© 2001 - 2017 Commonwealth of Massachusetts  
All Rights Reserved



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division  
 One Ashburton Place, 17th floor  
 Boston, MA 02108-1512  
 Telephone: (617) 727-9640

**Annual Report**

(General Laws, Chapter 156D, Section 16.22; 950 CMR 113.57)

Identification Number: 001326676

1. Exact name of the corporation: COMMCAN, INC.

2. Jurisdiction of Incorporation: State: MA Country:

3,4. Street address of the corporation registered office in the commonwealth and the name of the registered agent at that office:

Name: ELLEN ROSENFELD  
 No. and Street: 730 MAIN ST., STE. 2A  
 City or Town: MILLIS State: MA Zip: 02054 Country: USA

5. Street address of the corporation's principal office:

No. and Street: 730 MAIN ST. STE. 2A  
 City or Town: MILLIS State: MA Zip: 02054 Country: USA

6. Provide the name and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
TREASURER	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
SECRETARY	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	MARC ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA

7. Briefly describe the business of the corporation:

CULTIVATOR AND DISPENSARY

8. Capital stock of each class and series:

	Par Value Per Share	Total Authorized by Articles	Total Issued
--	---------------------	------------------------------	--------------

		<i>Num of Shares</i>	<i>Total Par Value</i>	<i>Num of Shares</i>
CNP	\$0.00000	270,000	\$0.00	0

9. Check here if the stock of the corporation is publicly traded: ☐

10. Report is filed for fiscal year ending: 12/31/ 2018

Signed by ELLEN ROSENFELD , its PRESIDENT  
on this 15 Day of March, 2019



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division  
 One Ashburton Place, 17th floor  
 Boston, MA 02108-1512  
 Telephone: (617) 727-9640

**Annual Report**

(General Laws, Chapter 156D, Section 16.22; 950 CMR 113.57)

Identification Number: 001326676

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2. Jurisdiction of Incorporation: State: MA Country:

3,4. Street address of the corporation registered office in the commonwealth and the name of the registered agent at that office:

Name: ELLEN ROSENFELD  
 No. and Street: 730 MAIN ST., STE. 2A  
 City or Town: MILLIS State: MA Zip: 02054 Country: USA

5. Street address of the corporation's principal office:

No. and Street: 730 MAIN ST. STE. 2A  
 City or Town: MILLIS State: MA Zip: 02054 Country: USA

6. Provide the name and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
TREASURER	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
SECRETARY	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	MARC ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA

7. Briefly describe the business of the corporation:

CULTIVATOR AND DISPENSARY

8. Capital stock of each class and series:

	Par Value Per Share	Total Authorized by Articles	Total Issued
--	---------------------	------------------------------	--------------

		<i>Num of Shares</i>	<i>Total Par Value</i>	<i>Num of Shares</i>
CNP	\$0.00000	270,000	\$0.00	0

9. Check here if the stock of the corporation is publicly traded: ☐

10. Report is filed for fiscal year ending: 12/31/ 2019

Signed by ELLEN ROSENFELD , its PRESIDENT  
on this 10 Day of April, 2020

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All Rights Reserved



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division  
 One Ashburton Place, 17th floor  
 Boston, MA 02108-1512  
 Telephone: (617) 727-9640

**Annual Report**

(General Laws, Chapter 156D, Section 16.22; 950 CMR 113.57)

Identification Number: 001326676

1. Exact name of the corporation: COMMCAN, INC.

2. Jurisdiction of Incorporation: State: MA Country:

3,4. Street address of the corporation registered office in the commonwealth and the name of the registered agent at that office:

Name: ELLEN ROSENFELD  
 No. and Street: 730 MAIN ST., STE. 2A  
 City or Town: MILLIS State: MA Zip: 02054 Country: USA

5. Street address of the corporation's principal office:

No. and Street: 730 MAIN ST. STE. 2A  
 City or Town: MILLIS State: MA Zip: 02054 Country: USA

6. Provide the name and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
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TREASURER	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
SECRETARY	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	MARC ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA

7. Briefly describe the business of the corporation:

CULTIVATOR AND DISPENSARY

8. Capital stock of each class and series:

	Par Value Per Share	Total Authorized by Articles	Total Issued
--	---------------------	------------------------------	--------------

		<i>Num of Shares</i>	<i>Total Par Value</i>	<i>Num of Shares</i>
CNP	\$0.00000	270,000	\$0.00	0

9. Check here if the stock of the corporation is publicly traded: ☐

10. Report is filed for fiscal year ending: 12/31/ 2020

Signed by ELLEN ROSENFELD , its PRESIDENT  
on this 15 Day of March, 2021





**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division  
One Ashburton Place, 17th floor  
Boston, MA 02108-1512  
Telephone: (617) 727-9640

**Annual Report 2021**

(General Laws, Chapter 156D, Section 16.22; 950 CMR 113.57)

Identification Number: 001326676

1. Exact name of the corporation: COMMCAN, INC.

2. Jurisdiction of Incorporation: State: MA Country:

3,4. Street address of the corporation registered office in the commonwealth and the name of the registered agent at that office:

Name: ELLEN ROSENFELD  
No. and Street: 730 MAIN ST., STE. 2A  
City or Town: MILLIS State: MA Zip: 02054 Country: USA

5. Street address of the corporation's principal office:

No. and Street: 730 MAIN ST. STE. 2A  
City or Town: MILLIS State: MA Zip: 02054 Country: USA

6. Provide the name and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
TREASURER	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
SECRETARY	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	ELLEN ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	MARC ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA
DIRECTOR	JON ROSENFELD	730 MAIN ST. STE. 2A MILLIS, MA 02054 USA

7. Briefly describe the business of the corporation:

CULTIVATOR AND DISPENSARY

8. Capital stock of each class and series:

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments <i>Num of Shares</i>	<i>Total Par Value</i>	Total Issued and Outstanding <i>Num of Shares</i>
CNP	\$0.00000	270,000	\$0.00	0

9. Check here if the stock of the corporation is publicly traded: ☐

**10. Report is filed for fiscal year ending: 12/31/ 2021**

**Filer's Contact Information**

*(Enter a contact name, mailing address, and email and/or phone number.)*

Contact Name: Ellen Rosenfeld

Business Name: Commcan, Inc.

No. and Street: Commcan, Inc.

730 Main St. Suite 2A

City or Town: Millis

State: MA

Zip: 02054

Country: USA

Contact Phone: (508) 376-2041 ext:

Contact Email: debbie@commcan.com

**Please provide an email address to receive an expedited response from the Corporations Division.**

**If the filing is rejected for any reason, you will be contacted. If no email address is provided, correspondence from the Division will be sent by mail.**

Please select delivery method for annual report notices:

☐ Email  
☒ Mail

**Signed by Ellen Rosenfeld , its president  
on this 16 Day of March, 2022**

**Make Corrections**

**Accept**

**COMMCAN, INC.**

**Host Community Agreement**

**Registered Marijuana Dispensary - Cultivation & Processing Facility**  
**Medway, Massachusetts**

This Host Community Benefit Agreement for a Registered Marijuana Dispensary cultivation and processing facility, ("RMD") is entered into this 16<sup>th</sup> day of May, 2016 by and between CommCan, Inc. a Massachusetts not-for-profit corporation formed under MGL ch.180 *et seq.* with a principal office address of 730 Main Street, Millis, Massachusetts 02054 ("OPERATOR") and the Town of Medway, a Massachusetts municipal corporation with a principal address of 155 Village Street, Medway, Massachusetts 02053 ("TOWN"). The obligations of OPERATOR and the TOWN recited herein are specifically contingent upon OPERATOR obtaining a Final Certificate of Registration for operation of a RMD in the TOWN from the Department of Public Health ("DPH") and upon OPERATOR obtaining municipal approvals for construction and operation of the RMD cultivation and processing facility from the TOWN.

WHEREAS, OPERATOR has submitted three (3) applications to operate RMDs in the Commonwealth of Massachusetts, consisting of one (1) cultivation facility in Medway and three (3) retail locations in communities other than Medway;

WHEREAS, OPERATOR intends to locate a RMD cultivation and processing facility at 2 Marc Road, Medway, in accordance with regulations issued by the DPH and zoning by-laws issued by the TOWN;

WHEREAS, OPERATOR has obtained a letter of support from the TOWN for the siting and operation of a RMD cultivation and processing facility in the TOWN;

WHEREAS, OPERATOR intends to provide certain benefits to the TOWN in the event that OPERATOR obtains a Final Certificate of Registration to operate a RMD cultivation and processing facility in the TOWN and has received all state and local approvals, and begins providing marijuana for medical use to patients, their caregivers, the public, or other RMDs:

NOW, THEREFORE, in consideration of the above, OPERATOR offers the TOWN and the TOWN accepts this Host Community Agreement in accordance with MGL ch.44 §53A:

1. In the event that OPERATOR obtains a Final Certificate of Registration from DPH for the operation of a RMD cultivation and processing facility in the TOWN and receives any and all necessary and required permits and licenses issuable by the TOWN, which said permits and/or licenses allow OPERATOR to locate, occupy and operate the RMD cultivation and processing facility in the TOWN, then OPERATOR agrees to provide the TOWN with the following benefits:
  - a. Self-contained Breathing Apparatus (SCBA) devices for the fire department, with a total value of two hundred sixty-three thousand two-hundred dollars (\$263,200). This gift will be provided in four (4) equal annual installments of sixty-five thousand eight hundred (\$65,800), commencing on August 1, 2017 ("Payment Commencement Date"), with the following three (3) payments due on or before that anniversary date;
  - b. A Youth Activity Program through the Medway Public Library funding at the rate of ten thousand dollars (\$10,000) per year, with such gift commencing on February 1, 2018, and provided annually thereafter for the duration of this Agreement;

7. OPERATOR will endeavor to hire local, qualified employees to the extent consistent with law and with the demands of OPERATOR's business. OPERATOR will also endeavor in a good faith, legal and non-discriminatory manner to use local vendors and suppliers where possible.
8. OPERATOR shall coordinate with the Medway Police Department in the development and implementation of required security measures, under 105 CMR 725.110 and otherwise, including in determining the placement of exterior security cameras. OPERATOR will maintain a cooperative relationship with the Medway Police Department, including but not limited to periodic meetings to review operational concerns and communication to Medway Police Department of any suspicious activities on the site.
9. It shall be the responsibility of the OPERATOR, as a condition in the special permit process and herein, to make repairs and improvements to Marc Road, included but not limited to drainage, surface, lighting, and safety improvements, as identified as necessary by the Town's consulting engineer and Department of Public Services.
10. The purpose of this Agreement is to assist the TOWN in addressing any public health, safety and other effects or impacts the RMD cultivation and processing facility may have on the TOWN. The TOWN shall use the above-referenced payments in its sole discretion consistent with the purpose of this Agreement, which may include allocating a portion of said payments for community wellness programs, educational programs, parks and recreation, public safety, and other efforts and initiatives for the support of the health of the citizens of the TOWN. However, the TOWN is under no obligation to use the foregoing payments in any particular manner.
11. The obligations of OPERATOR and the TOWN recited herein are contingent upon the issuance of a Final Certificate of Registration by the DPH to OPERATOR to operate a RMD cultivation and processing facility in the TOWN, and OPERATOR conducting operations in TOWN.
12. This Agreement shall terminate at the time that any of the following occurs: the TOWN notifies OPERATOR of the TOWN's termination of this Agreement; the TOWN notifies OPERATOR of the TOWN's termination of this Agreement for CAUSE (to be defined); OPERATOR ceases to operate a RMD cultivation and processing facility in the TOWN; OPERATOR ceases to operate a RMD in the Commonwealth. CAUSE shall be defined as if OPERATOR violates any laws of the Commonwealth with respect to the operation of a RMD, and such violation remains uncured for sixty (60) days; or if OPERATOR fails to make payments to the TOWN as required under this Agreement, and such failure remains uncured for sixty (60) days.
13. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. OPERATOR shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town, which consent shall not be unreasonably withheld.
14. OPERATOR shall comply with all laws, rules, regulations and orders applicable to the work provided pursuant to this Agreement, such provisions being incorporated herein by reference,

and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the performance of such work.

15. Should TOWN enter into an agreement with any other RMD for siting in TOWN at material terms more favorable to that RMD than the terms of this Agreement are to OPERATOR, specifically requiring cash payments or gifts which are less on an annual basis than those described in this Agreement in Paragraphs 1(a)-(d) and 2, and not considering other terms of this Agreement, the OPERATOR shall have the opportunity to request that this agreement be reopened to discuss the specific term or terms in question for the purpose of providing a level playing field.
16. Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered postage prepaid mail, return receipt requested; by hand; by registered or certified mail; or by other reputable delivery services, to the Parties at the addresses set forth on the first page of this Agreement or furnished from time to time in writing hereafter by one party to the other party. Any such notices or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the USPS or, if sent by private overnight or other delivery service, when deposited with such delivery service.
17. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable, then the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both of the Parties would be substantially or materially prejudiced.
18. This Agreement, including all documents incorporated therein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiation and representations, either written or oral and it shall not be modified or amended except by a written document executed by the Parties hereto.
19. This Agreement shall be for a period of five (5) years, and shall automatically be reopened for negotiations on the first day of the fourth (4th) year after the Payment Commencement Date (August 1, 2017) to discuss renewal possibilities. The Parties agree that if they are unable to reach an agreement on a successor Host Community Agreement, the terms of this Agreement shall continue for two (2) additional years.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

20. In the event that the non-medical use of marijuana is authorized under the laws of the Commonwealth, and OPERATOR cultivates marijuana at its facility in TOWN, that is sold for non-medical purposes, OPERATOR agrees to gift to the TOWN annually on August 1 payments in an amount of one percent (1%) of OPERATOR's gross revenues generated by the OPERATOR's production of marijuana that is sold for non-medical use, subtracted by payments made under Paragraphs 1(b)-(d) and 2 of this Agreement, with a maximum of \$155,000.00 per year, on an annual basis, where such amount of \$155,000.00 shall include the payments under Paragraphs 1(b)-(d) and 2.

Agreed to by CommCan, Inc. and the Town of Medway, Massachusetts as of the \_\_\_\_ day of \_\_\_\_\_, 2016.

FOR THE TOWN OF MEDWAY, ITS  
BOARD OF SELECTMEN:

\_\_\_\_\_  
John Foresto

\_\_\_\_\_  
Maryjane White

\_\_\_\_\_  
Richard D'Innocenzo


\_\_\_\_\_  
Glenn Trindade

\_\_\_\_\_  
Dennis Crowley

FOR OPERATOR COMMCAN, INC, ITS  
PRESIDENT:

\_\_\_\_\_  
Ellen Rosenfeld  
President, CommCan, Inc.

TREASURER:

  
\_\_\_\_\_  
**ANNETTE A. CARENAVE**

Treasurer, CommCan, Inc.

AMENDMENT  
TO HOST COMMUNITY AGREEMENT  
BY AND BETWEEN  
TOWN OF MEDWAY  
AND  
COMMCAN, INC.

This Amendment is made and entered into this 17th day of April, 2018, by and between the Town of Medway, acting by and through its Board of Selectmen (hereinafter referred to as the "Town"), with a usual place of business at 155 Village Street, Medway, Massachusetts and CommCan, Inc., with a usual place of business at 730 Main Street, Millis, Massachusetts (hereinafter referred to as the "Operator").

**WITNESSETH**

WHEREAS, on May 16, 2016, the Town entered into a Host Community Agreement with the Operator (the "Agreement") with respect to the Operator's operation of a Registered Marijuana Dispensary cultivation and processing facility ("RMD") within the Town; and

WHEREAS, Section 18 of the Agreement allows for amendment of the Agreement by written document executed by the Parties; and

WHEREAS, the Operator intends to utilize the commercial space located at 2 Marc Road, Medway, MA (the "Premises") referenced in the Agreement for use as a RMD for the purposes of operating a non-medical marijuana establishment pursuant to the provisions of G. L. c. 94G; and

WHEREAS, the Operator intends to submit an application to the Cannabis Control Commission (the "Commission") for a license to operate as a non-medical marijuana establishment at the Premises; and

WHEREAS, this Amendment, together with the Agreement, shall constitute the stipulations of responsibilities between the Town as host community and the Operator pursuant to the provisions of G. L. c.94G, §3 for operation by the Operator of a non-medical marijuana cultivation establishment at the Premises.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

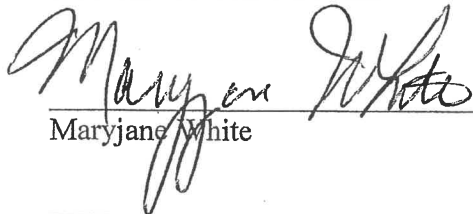
1. References to RMD in the Agreement shall be construed to apply to a Medical Marijuana Treatment Center operated by the Operator at the Premises and the terms of the Agreement and this Amendment shall remain applicable thereto regardless of how such facility may be characterized under applicable law, including but not limited to G.L. c.94G, G.L. c.94C, App. 1-17, and An Act for the Humanitarian Use of Marijuana, Chapter 269 of the Acts of 2012, subject to the registration and/or licensing process required by the Department of Public Health ("DPH") or Cannabis Control Commission ("CCC") or any other state entity.
2. Commencing on April 1, 2020 the Operator shall make payments to the Town in the amount of one hundred thousand dollars (\$100,000) in lieu of any local impact fees that would be authorized pursuant to G.L. c.94G, §3(d). These payments for the non-medical

cultivation shall be in addition to payments made under Paragraphs 1(b)-(d) and 2 of the Agreement, with a maximum of \$155,000.00 per year (not including amounts shown under 1(a) of the Agreement) on an annual basis.

3. The Agreement, including this amendment, shall extend for a period of five years from the effective date of this Amendment, being April 17, 2018, and shall automatically be reopened on the first day of the fourth (4th) year thereafter at which time the parties shall commence negotiation in good faith the terms of a successor agreement.
4. The Parties agree that if they are unable to reach an agreement on a successor Host Community Agreement, the terms of the Agreement as amended by this Amendment shall be incorporated into an interim successor agreement with a term of two (2) years and that the parties shall during that two year term negotiate a successor agreement for a term of five (5) years.
5. The parties agree that all other provisions of the Agreement shall remain the same and shall continue in full force and effect.
6. This Amendment, together with the Agreement, constitutes the entire agreement between the parties, with no other agreements other than those incorporated herein.
7. The Agreement and this Amendment shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the CONTRACTOR submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year first above written.

TOWN OF MEDWAY  
BOARD OF SELECTMEN

  
\_\_\_\_\_  
Maryjane White

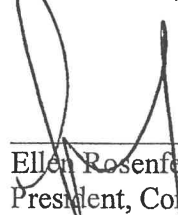
\_\_\_\_\_  
Richard D'Innocenzo

\_\_\_\_\_  
John Foresto

\_\_\_\_\_  
Glenn Trindade

\_\_\_\_\_  
Dennis Crowley

COMMCAN, INC

  
\_\_\_\_\_  
Ellen Rosenfeld  
President, CommCan, Inc.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Treasurer, CommCan, Inc.



## STATEMENT OF OWNERSHIP DISCLOSURE

**Name of Organization:** CommCan, Inc.

**Organization Address:** 730 Main Street, Millis, MA 02054

**Part I Check the box that represents the type of business organization:**


- ☐ Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- ☐ Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- ☒ For-Profit Corporation (any type) ☐ Limited Liability Company (LLC)
- ☐ Partnership ☐ Limited Partnership ☐ Limited Liability Partnership (LLP)
- ☐ Other (be specific): \_\_\_\_\_

**Part II**

- ☒ The list below contains the names and addresses of all owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses.

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address
Ellen Rosenfeld	12 Evergreen Terrace, Millis, MA 02054
Jon Rosenfeld	23 Ridgefield Circle, Boylston, MA 01505
Marc Rosenfeld	7 Springdale Circle, Holliston, MA 01746

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of CommCan, Inc.

Full Name (Print):	Ellen Rosenfeld	Title:	Pres
Signature:		Date:	March 16, 2022



March 31, 2022

Ms. Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

**Re: CommCan Site Plan Modification  
2 Marc Road  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (PEDB). The proposed Project is located at 2 Marc Road in Medway, Massachusetts. The reviewed materials are part of an Application to Modify a Previously Approved Marijuana Special Permit Decision. The site is currently developed with a two-story, 60,000 square-foot industrial building for marijuana cultivation, along with appurtenant driveways, parking areas, utilities, landscaping, and stormwater infrastructure. The proposed Project includes a 20,000 square-foot, two-story addition to the existing building, driveway reconfigurations, 56 proposed parking spaces and additional onsite stormwater treatment. The Project will also require the addition of two hazardous/toxic materials, referred to in the Site Narrative as "cleaning solutions" that will be handled and stored within the Project's proposed addition.

TT is in receipt of the following materials:

- A Plan (Plans) set titled "2 Marc Road, Site Plan of Land in Medway, Massachusetts" dated February 28, 2022, prepared by Legacy Engineering, LLC (LEL).
- Project Architecturals including Floor Plans, Elevations and Renderings, dated February 24, 2022, prepared by UDA Architects.
- An Application to Modify a Previously Approved Marijuana Special Permit Decision and/or Plan, dated February 28, 2022, prepared by LEL.
- An Application for Special Permit Approval, dated February 28, 2022, prepared by LEL.
- A Certified List (List) of Abutters, dated January 28, 2022, prepared by The Medway Board of Assessors.
- A Project Narrative (Narrative) titled "Site Narrative for 2 Marc, Road, Medway, MA 02053" dated February 28, 2022, prepared by LEL.

The Plans and accompanying materials were reviewed for conformance with the following Regulations and Bylaws:

- Town of Medway Planning & Economic Development Board Rules and Regulations, Chapter 200 – Site Plans, Rules & Regulations for Submission, Review and Approval of Site Plans. (Amended October 8, 2019)

The Project was also reviewed for good engineering practice and overall site plan efficiency. Review of the Project for zoning related matters is being conducted by Town personnel and is excluded from this review. Stormwater will be reviewed during the anticipated permitting effort with Medway Conservation Commission.

## **SITE PLAN REVIEW**

### **Site Plan Rules and Regulations (Chapter 200)**

1. The Applicant has not included a Development Impact Statement associated with the Project. (Ch. 200 §204-3.F)
2. Earth removal calculations are not provided in the Plans. (Ch. 200 §204-3.I)
3. Earth fill estimates are not provided in the Plans. (Ch. 200 §204-3.J)
4. A copy of an Order of Resource Area Delineation (ORAD) from Medway Conservation is not provided. (Ch. 200 §204-3.K)
5. The Applicant proposed drive aisles bounded by cape cod berm consistent with the prior Site Plan Approval. However, this does not meet the Regulations and a Waiver has been requested by the Applicant. (Ch. 200 §207-11.B.2)
6. The Applicant proposed modification to the pavement layout and added a loading dock at the northern end of the existing portion of the site. Additionally, a right-hand turn from the existing driveway onto the proposed driveway may be difficult for a larger emergency vehicle should they have to respond to the parking area for an emergency. The Applicant should provide turning radius templates for review by the Medway Fire Department. We recommend the Applicant provide written confirmation from the Medway Fire Department regarding their review of the new layout. (Ch. 200 §207-11.B.8)
7. The Applicant proposed cape cod berm along the southern edge of the proposed parking and no curb along the northern edge (to aid in stormwater mitigation) consistent with the prior Site Plan Approval. However, this does not meet the Regulations and a Waiver has been requested by the Applicant. (Ch. 200 §207-12.H)
8. The Applicant shall show conduit runs for the proposed EV charging stations and light poles. All utilities shall be placed underground. (Ch. 200 §207-16.A)
9. The Applicant has supplied a proposed Lighting and Photometric Plan. However, the Plan shows light trespass on the two properties to the south of the driveway and parking expansion which does not meet the Regulations. (Ch. 200 §207-18.A)
10. The Applicant has not submitted a formal Landscaping Plan. Trees have been proposed within the parking area islands but the Regulations require perimeter screening of parking areas and stormwater mitigation. The Applicant has requested a Waiver from the requirement to screen infiltration basins, but additional waivers from the landscaping section of the Regulations may be required. (Ch. 200 §207-19)
11. We recommend the PEDB require the Applicant confirm with the Medway Conservation Commission if the wetland resource area to the south of the lot will be impacted by the snow storage proposed upgradient of the resource area. (Ch. 200 §207-21)

### **General Site Plan Comments**

12. The Project is located within jurisdiction of the Medway Conservation Commission (Commission) and may require a filing with that Board.
13. The Applicant proposed a striped walkway along the eastern side of the existing building. Dimensions of the vehicular travel lane adjacent to the proposed walkway should be shown on the Plans to confirm two-way traffic can be maintained when the walkway is in use.
14. We recommend a stop sign and stop bar be placed at the intersection of the existing and proposed driveways.
15. Portions of the retaining wall along the proposed driveway are greater than four feet. We anticipate structural design of the wall will be required by the Building Commissioner.
16. We recommend a driveway curb cut be proposed where the existing gravel driveway meets the proposed driveway to limit damage to the cape cod berm proposed at that location. A "No Parking Beyond This Point"

sign or equal, should be placed at the entrance to advise drivers that the gravel driveway is not meant for parking.

17. The notes for the retaining wall on the southern side of the proposed driveway and light pole on the northern side are not pointing to the correct location.

These comments are offered as guides for use during the Town's review and additional comments may be generated during the course of review. The Applicant shall be advised that any absence of comment shall not relieve them of the responsibility to comply with all applicable local, state and federal regulations for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Steven M. Bouley, P.E.  
Project Manager



Bradley M. Picard, E.I.T.  
Civil Engineer

P:\21583\143-21583-22008 (PEDB 2 MARC RD MOD)\DOCS\2 MARC RD MOD\_PEDBREV(2022-03-31).DOCX

## Susan Affleck-Childs

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**From:** Susan Affleck-Childs  
**Sent:** Wednesday, March 16, 2022 5:04 PM  
**To:** Michael Boynton; Peter Pelletier; Bridget Graziano; Barbara Saint Andre; Jeff Lynch (ChiefLynch@townofmedway.org); Mike Fasolino ; Jack Mee; Stephanie Carlisle; Sgt. Jeffrey Watson; Joanne Russo; Beth Hallal; Sean Harrington  
**Cc:** Daniel Merrikin  
**Subject:** 2 Marc Road - Modification to Marijuana Special Permits and site plan, new groundwater protection special permit

Hi,

The Planning and Economic Development Board has received an application from Ellen Realty Trust of Millis, MA to modify the previously approved marijuana special permits and site plan for 2 Marc Road. They propose to construct a 20,000 sq. ft. addition at the back of the existing building, add a 56 car parking area, and expand the stormwater management facilities.

The hearing will begin on Tuesday, April 12th.

Project information has been loaded to the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/2-marc-road-commcan-special-permit-and-site-plan>

Please review the proposed site plan modification and associated information and supply any review comments to me by April 7<sup>th</sup>. Thanks.

As always, please do not hesitate to contact me if you have any questions.

Cheers!

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



## Susan Affleck-Childs

---

**From:** Daniel Merrikin <dan@legacy-ce.com>  
**Sent:** Tuesday, April 5, 2022 8:13 AM  
**To:** Susan Affleck-Childs  
**Subject:** Re: 2 Marc Road Modification Application

It will be a few weeks.

Dan

Daniel J. Merrikin, P.E.  
President



Legacy Engineering LLC  
(formerly Merrikin Engineering, LLP)  
730 Main Street  
Suite 2C  
Millis, MA 02054

[www.legacy-ce.com](http://www.legacy-ce.com)

[dan@legacy-ce.com](mailto:dan@legacy-ce.com)  
508-376-8883(*office*)  
508-868-8353(*cell*)

On Mon, Apr 4, 2022 at 2:54 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Thanks, Dan.

What are your timetables for the updated noise study and updated odor mitigation plan?

Susy

**From:** Daniel Merrikin [mailto:[dan@legacy-ce.com](mailto:dan@legacy-ce.com)]  
**Sent:** Monday, April 4, 2022 10:28 AM  
**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Cc:** Bouley, Steven <[steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)>; Matthew Hayes <[hayes7000@msn.com](mailto:hayes7000@msn.com)>; Barbara Saint Andre

<[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>; Rosenfeld, Ellen <[ellen@rosenfeld-law.com](mailto:ellen@rosenfeld-law.com)>

**Subject:** Re: 2 Marc Road Modification Application

Hi Susy,

Here is some of the additional information you were looking for. We are working on an updated noise study to account for the addition and also on an updated odor mitigation plan and will get those to you as soon as they are done.

Dan

Daniel J. Merrikin, P.E.

President



Legacy Engineering LLC

(formerly Merrikin Engineering, LLP)

730 Main Street

Suite 2C

Millis, MA 02054

[www.legacy-ce.com](http://www.legacy-ce.com)

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

508-376-8883(*office*)

508-868-8353(*cell*)



On Wed, Mar 16, 2022 at 2:28 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi Dan,

I have done a quick review of the 2 Marc Road modification submittal against the requirements of Sections 8.9 and 8.10 of the Zoning Bylaw and against the previous special permit decisions.

A few additional items are needed for a complete submittal:

1. Copy of CommCan's current license(s) from the Cannabis Control Commission
2. Copies of CommCan's annual reports for 2017, 2018, 2019, 2020 and 2021.
3. Copy of the current Host Community Agreement that is in effect
4. Comprehensive noise mitigation plan that addresses the proposed addition of 20,000 sq. ft.
5. Comprehensive odor mitigation plan that addresses the proposed addition of 20,000 sq. ft.
6. Updated statement, under oath, disclosing all of the applicant's owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses.

Please forward these items to me at your earliest convenience.

Thanks for your help.

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291





**April 12, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**4 Marc Road – Request for**  
**Authorization of Occupancy Permit**

- 4-6-22 email from NeoOrganics COO Chad Blair
- Noise Mitigation Compliance Study dated 4-6-22 prepared by Acentech. Required by the PEDB special permit.

NeoOrganics has requested an occupancy permit from the Building Department. The Cannabis Control Commission will conduct a final walkthrough of their facility next week for issuance of their license to begin operations. The Building Department wants to make sure the PEDB is OK with everything before it issues the CO.

NOTE – Tetra Tech visited the site on Friday, 4/8/22 to review the status of the outstanding work. We will have a report from them on Monday. I will update this file upon receipt. The Town has \$53,750 in cash performance security in an account at Charles River Bank.

## Susan Affleck-Childs

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**From:** Chad Blair <cblair@neoalts.com>  
**Sent:** Wednesday, April 6, 2022 1:39 PM  
**To:** Bouley, Steven  
**Cc:** Patrick Thornton; Susan Affleck-Childs; Bridget Graziano  
**Subject:** 4 Marc Road

Hi Steve

I hope you are well. We have completed all the items on the bond list except for the tree restoration which we have an agreement with Bridgett can be done later in the month as we are having trouble sourcing the native plants and we don't want them to die in the early spring weather. I wanted to see if the process was for you to come back out and verify the items have been completed. Please let me know and if so when you would be available to meet Patrick or myself.

### Conservation – Required Items

1. Removal and disposal of sediment from drain basin – Complete March 18th and reviewed by Bridget.
2. Cleanup and wrap of drain basin embankment – Completed and verification pictures sent to Bridget.
3. Seeding of drain basin embankment - To be completed with tree restoration on or about April 30, 2022
4. Tree Restoration – To be completed by Fragale on or about April 30, 2022.

### Planning – Items not complete as of the last Planning and Economic Board Meeting on March 8, 2022

1. Noise Test to be competed – Completed April 1, 2022 with a report to be completed and submitted to the Town by April 6<sup>th</sup>, 2022.
2. Odor plans submitted to the town and to Jack for approval - Completed
3. Performance Security – Complete, submitted March 9, 2022
4. Clearing trees for site line distance requirement – Complete 4/1/22.
5. Repair Settled pavement around Contech water quality unit. – Completed April 6, 2022
6. Engineering verification of all site work completed – A letter and plan was submitted by DGT. The only remaining outstanding items on that list are the tree restoration items which will be completed later in the month.

Thank you  
Chad

Chad Blair  
COO  
617-571-6068  
[cblair@NEOalts.com](mailto:cblair@NEOalts.com)





April 6, 2022

Chad Blair  
Neo Alternatives  
617-571-6068  
[cblair@neoalts.com](mailto:cblair@neoalts.com)

**Subject** Neo-Alternatives Cultivation Facility  
4 Marc Road, Medway, MA  
Results of Ambient Noise Survey and Daytime Attended Measurements  
Acentech Project No. 632403

Dear Chad:

Acentech has been engaged to provide acoustics consulting services in connection with the Neo-Alternatives cannabis cultivation facility in Medway, MA (the facility). The facility will be located 4 Marc Road, and had completed construction and commissioning of most HVAC equipment at the time of this writing.

This report and associated figures summarize the results of noise measurements that we conducted to determine if facility equipment sound is in compliance with applicable criteria. APPENDIX A contains a copy of the special permit for reference. APPENDIX B contains section 7.3 from the most recent Medway Zoning Bylaw, as referenced in the text below.

## SUMMARY

Acentech was involved in the noise control engineering and permitting of the facility, to ensure that noise imissions would be consistent with applicable criteria. The facility has been designed with community noise concerns in mind, and has used the Best Available Control Technology (BACT) framework to minimize community noise. The noise control design employs a sound-absorptive barrier wall to block and absorb sound that may otherwise impact the community, as well as equipment selected for low-noise operation.

With few exceptions, facility sound is consistent with special permit requirements and the MassDEP noise policy. At the property line location nearest the facility equipment, a slight exceedance of the special permit criteria was documented in the 1,000 Hz octave-band. Mitigating this exceedance to permit levels would have little measureable impact in the community, and no appreciable benefit to public health.

Facility sound as measured complies with the MassDEP noise policy under all expected operating conditions. Such sound would comply with most, but not all, of the provisions of the revised Medway noise ordinance, were they to apply. However, we understand that facility sound is regulated by the limits in the special permit, which supersede those of the revised Medway bylaw.

## FACILITY NOISE CRITERIA

### MASSDEP NOISE POLICY

The Massachusetts Department of Environmental Protection (MassDEP) noise policy<sup>1</sup> is based on marginal increases to the existing background sound level. A sound source or facility that causes the background sound level to increase by more than 10 dBA is in violation of the MassDEP noise policy.

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<sup>1</sup> <http://www.mass.gov/eea/docs/dep/air/community/noisepolicy.pdf>

In addition, the MassDEP noise policy prohibits the creation of a “pure-tone condition”, wherein the sound pressure level in an octave band exceeds the sound pressure level in both adjacent bands by 3 dB or more.

MassDEP has clarified the application of its noise guidelines in an update on its website<sup>2</sup>, which includes the following statement:

*Noise levels that exceed the criteria at the source's property line by themselves do not necessarily result in a violation or a condition of air pollution under MassDEP regulations (see 310 CMR 7.10 U). The agency also considers the effect of noise on the nearest occupied residence and/or building housing sensitive receptors.*

## SPECIAL PERMIT REQUIREMENTS

### Facility Property Line Sound Level Limits

We understand the following levels from the special permit to apply to project sound, when measured at the facility's property lines.

Octave Band Center Frequency (Hz)	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Nighttime	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Daytime
63	67	72
125	55	60
250	48	53
500	42	47
1000	38	43
2000	35	40
4000	32	37
8000	28	33

### Additional Requirements

The study described herein was consistent with Conditions D.2.a of the special permit. These are reproduced below *in italics*, with our comments [in brackets]. These comments were submitted to the Town in advance, and we understand them to be acceptable.

*D.2.a. Establishment of Ambient Noise Levels – Ambient background levels shall be established without the influence of any noise emanating from the CommCan facility at 2 Marc Road.*

[We do not expect it will be possible for CommCan to cease operations. However, our recent study of CommCan operational noise has demonstrated no impact on the nearest sensitive receptors.]

*If background noise levels at 2 Marc Road have been previously established prior to operation of the CommCan facility and are acceptable to the Board, they may be used. If not, new measurements to establish background noise levels will be performed by the Applicant.*

[This memo describes our protocol to conduct new ambient measurements at four points on the projects property lines.]

*Any noise sources from 2 Marc Road that may contribute to background noise levels should be turned off during the attended measurements to establish the background noise levels.*

[As above, we do not expect it will be possible for CommCan to cease operations.]

<sup>2</sup> <http://www.mass.gov/dep/air/laws/noisepol.htm>. See “Where Are MassDEP’s Noise Criteria Applied?”

*If unattended monitoring is used, the noise contribution from 2 Marc Road can be established by shutting down the noise sources during a specified time period and calculating the difference in L90 levels during on and off times. If it is absolutely not possible to take ambient measurements with the 2 Marc Road facility shutdown, ambient measurements should be taken in an area with similar ambient conditions (i.e. similar distance from major roads or other noise sources) which is far enough from the 2 Marc Road facility so that the 2 Marc Road facility does not significantly influence the measures.*

[As above, we do not expect it will be possible for CommCan to cease operations.]

*If an alternative method for establishing the background levels is proposed, a test plan shall be submitted to the Board for acceptance of the alternative method. The Board may seek guidance from its noise consultant. Separate background noise levels shall be established for daytime hours (7 am to 10 pm) and nighttime hours (10 pm to 7 am).*

[The ambient monitoring protocol described in our memo should serve as the proposed alternative method for establishing background sound levels.]

## **SOUND MEASUREMENTS**

### **AMBIENT SURVEY**

The special permit requires that ambient sound levels be documented in connection with the noise compliance study. These ambient levels are also useful to assess long-term compliance with the MassDEP noise policy. This section summarizes the ambient survey we completed in March 2022.

#### **Protocol**

FIGURE 1 identifies four locations on the site's property lines where we installed unattended sound monitoring kits (SM1 – SM4). These kits contained a Rion NL-52 type 1 sound level meter and battery, and gathered data continuously for six days. SM1 and SM4 are particularly relevant to community noise impacts at residences to the north, south, and west of the project.

Microphones were installed at a height of 5' and provided with windscreens. The sound level meters have current calibration certificates traceable to NIST, and were field-calibrated at install and retrieval to ensure system stability.

We measured both A-weighted and one-third octave-band sound levels in hourly intervals at the locations shown in FIGURE 1. Sound during these intervals has been reported in terms of the 90<sup>th</sup> percentile level at each of the monitoring locations.

#### **Results**

The results of the ambient survey are shown in FIGURE 2. As shown, ambient background sound levels ( $L_{AF90, 1-hr}$ ) were as low as 28 dBA at SM1 and SM4. Based on this finding, the MassDEP noise policy regulatory limit would be at most 38 dBA at residences during the quietest hours of the night.

### **FACILITY EQUIPMENT, DAYTIME**

The special permit requires that facility equipment sound levels be documented with attended measurements. This section summarizes the attended daytime measurements we conducted on March 31, 2022.

#### **Protocol**

FIGURE 3 presents 14 compliance measurement locations along the facility property line, referred to as PL01 – PL14. These locations are the same as those described in the sound mitigation plan that we submitted during design. Sound was measured at these locations at 5' above grade.

In addition, FIGURE 5 shows 7 community measurement locations referred to as R01' – R07'. These locations are similar to those in the mitigation plan, but modified to reflect locations that are publicly accessible and do not require access to private property. We understand from email correspondence with the Town of Medway that the alternate community locations are acceptable. Sound was measured at these locations at 15' above grade.

We measured both A-weighted and one-third octave-band sound levels in 10-minute intervals, with the facility operating. After facility sound was measured at each location, we turned off all facility equipment to briefly measure the ambient level in-situ, for the purpose of estimating the facility-only sound level by mathematical correction<sup>3</sup>.

### Operating Conditions

Temperatures during our measurements were on the order of 45 – 50 °F, with partly cloudy skies and moderate winds. These conditions are acceptable for the measurement of sound at relatively close distances, and marginally acceptable for measurements at locations up to 1,000 ft away.

Due to low ambient temperature and humidity, the dry coolers were operating with only one of three total fans to protect the cooling circuitry. Total facility emissions will likely increase by 4 dBA under full load.

## Results

### Facility Property Lines

FIGURES 4a – 4n present facility and ambient sound levels measured at the property line receptors (PL01 – PL14). It was not possible to credibly measure facility sound at most property lines due to ambient noise. This is a positive finding, suggesting that the facility has minimal acoustic impact in the context of its surroundings.

At the property lines nearest the equipment (PL03 and PL04), we were able to hear and reliably measure facility sound. Ambient noise was sufficiently low to determine the contributions of the facility only, without ambient sound. This is the level regulated by the special permit, in that a permit holder cannot be held responsible for sound they do not produce.

FIGURE 7 compares facility-only levels at PL03 and PL04 to special permit criteria. As shown, overall facility sound levels at PL04 (about 100 ft from the equipment) are 3 dB below the A-weighted limits of the special permit. However, our measurements show a slight (2 dB) exceedance of the special permit nighttime limit in the 1000 Hz octave-band. Mitigating this exceedance to permit levels would have little measureable impact in the community, and no appreciable benefit to public health.

### Community

FIGURES 6a – 6g present facility and ambient sound levels measured at the alternate community locations (R01' – R07'). It was not possible to hear or credibly measure the facility at any of the community locations during our daytime measurements.

## ANALYSIS

### IMPACTS AT NEAREST RESIDENCE

The nearest residential neighbor is in-line with location PL04, about 500 ft from facility equipment. Facility sound levels at this residence are expected to be 30 dBA based on our measurements. This is 6 dB quieter than our computer model prediction during design, which was based on full load (all 3 dry cooler fans operating).

The lowest measured ambient background level during our survey was 28 dBA. This corresponds to the quietest 6 minutes measured over a 6-day study duration. Our measurements show that the facility will increase the lowest ambient level to 32 dBA ( $28 + 30 = 32$  dBA) with the operating conditions as measured. This 4 dBA increase complies with the MassDEP noise policy.

Were worst-case facility sound emissions to increase by 4 dBA during the quietest parts of the week on account of increased dry cooler operations, the background level at the nearest residence might increase by as much as 7 dBA ( $28 + 34 = 35$  dBA). This also complies with the MassDEP noise policy, despite the fact that it will rarely (if ever) occur in practical operations.

<sup>3</sup>  $L_{\text{facility}} = L_{\text{measured}} - L_{\text{ambient}} = 10 \cdot \log_{10}(10^{L_{\text{measured}}/10} - 10^{L_{\text{ambient}}/10})$ . The “-” operator denotes energetic subtraction.



## COMPARISON TO UPDATED MEDWAY NOISE BYLAW

Since the issuance of the special permit, significant work has been done by the Medway community and their elected officials to revise the Town's noise bylaw (see APPENDIX B). The revised bylaw:

- *Removes the octave-band requirements*, in favor of a one-third octave-band test for prominent tonal sound. We have not yet reviewed the March 31 measurement data in this level of detail to determine potential facility compliance.

**Prominent Discrete Tone:** The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

- *Removes the day/night differentiation at industrial and commercial property line receptors*, in favor of one fixed limit of 55 or 50 dBA respectively. Facility sound complies with the revised limits at industrial and commercial receptors.

### Industrial Zoned Property to Industrial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 pm – 11:00 pm @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	55	55	55

### Industrial or Commercial Zoned Property to Commercial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 p.m. – 11:00 p.m. @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	50	50	50

- *Strengthens protections at residences*, while relaxing restrictions and commercial and industrial receptors. Facility sound is expected to be 30 dBA at the nearest sensitive receptors at night, which complies with the revised fixed limits.

	Daytime 7:00 a.m. – 7:00 p.m. @ any Residential Property Line	Evening 7:00 pm – 11:00 pm @ any Residential Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ any Residential Property Line	Evening & Nighttime 7:00 p.m. – 7:00 a.m. @ Sensitive Receptors
Maximum Overall Noise Level (dBA)	47	45	42	32

- *Adds a requirement that a new facility not increase the ambient sound level by more than 2 dBA<sup>4</sup>.*  
The facility is expected to increase ambient sound levels by between 4 and 7 dBA, which would not achieve the limits of this new provision.

The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line or any Sensitive Receptor; and

## CONCLUSIONS

With few exceptions, facility sound is consistent with special permit requirements and the MassDEP noise policy. At the property line location nearest the facility equipment, a slight exceedance of the special permit criteria was documented in the 1,000 Hz octave-band. Mitigating this exceedance to permit levels would have little measureable impact in the community, and no appreciable benefit to public health.

Facility sound as measured complies with the MassDEP noise policy under all expected operating conditions. Such sound would comply with most, but not all, of the provisions of the revised Medway noise ordinance, were they to apply. However, we understand that facility sound is regulated by the limits in the special permit, which supersedes those of the revised Medway bylaw.

\* \* \* \* \*

I trust that this information is useful to the Town in reviewing your application for a certificate of occupancy. It would be my pleasure to speak with the Town or their peer reviewer to discuss any questions they may have. Please feel free to email or call me at (617) 499-8025 if you have any questions or comments.

Sincerely,



Andrew C. Carballeira, INCE Bd Cert  
Principal Consultant

CC: Josh Brophy, Josh Brophy (Acentech)

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<sup>4</sup> Note that in the case of a 28 dBA ambient level, facility sound would be required to be 26 dBA or less in order to not increase the ambient level beyond 30 dBA. In other words, the facility would have to create sound 2 dBA below the lowest measured ambient level to be compliant with this provision.



**TOWN OF MEDWAY**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

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[www.townofmedway.org](http://www.townofmedway.org)

**Board Members**

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

**Staff**

Susan Affleck-Childs,  
Planning and Economic  
Development Coordinator

**Adult Recreational Marijuana Special Permit,  
Groundwater Protection Special Permit, and  
Site Plan Decision**

**NeoOrganics, LLC - 4 Marc Road  
APPROVED with Conditions**

**Decision Date:** January 28, 2020

**Name/Address of Applicants:**

Neo Organics LLC  
365 Boston Post Road, # 184  
Sudbury, MA 01776

NEK, LLC  
20533 SE Evergreen Highway  
Camas, WA 98607

**Name/Address of Property Owner:**

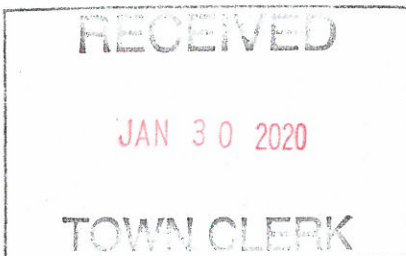
NEK, LLC  
20533 SE Evergreen Highway  
Camas, WA 98607

**Location:** 4 Marc Road

**Assessors' Reference:** 32 – 026

**Zoning District:** East Industrial

**Site Plan:** Permit Site Plan for 4 Marc Road, Neo Cultivation and  
Manufacturing, dated August 6, 2019, last revised  
December 13, 2019, prepared by DGT Associates  
Surveying and Engineering of Framingham, MA





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**Board Members**

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Thomas Gay, Clerk  
Matthew Hayes, P.E.,  
Member  
Richard Di Iulio, Member

**Staff**

Susan Affleck-Childs,  
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**Adult Recreational Marijuana Special Permit,  
Groundwater Protection Special Permit, and  
Site Plan Decision  
NeoOrganics, LLC - 4 Marc Road  
APPROVED with Conditions**

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**Site Plan:** Permit Site Plan for 4 Marc Road, Neo Cultivation and  
Manufacturing, dated August 6, 2019, last revised  
December 13, 2019, prepared by DGT Associates  
Surveying and Engineering of Framingham, MA

**I. PROJECT DESCRIPTION** - The Applicants seek a Recreational Marijuana Establishment Special Permit pursuant to Section 8.10 of the *Medway Zoning Bylaw*, a Groundwater Protection Special Permit pursuant to Section 5.6.3 of the *Zoning Bylaw*, and site plan approval pursuant to Section 3.5 of the *Zoning Bylaw*, to use the existing 29,718 sq. ft. (more or less) industrial building at 4 Marc Road, (*Medway Assessors' Parcel 32-026* on the north side of Marc Road in the East Industrial zoning district for the cultivation, processing, manufacturing, and packaging of marijuana for adult recreational use by Neo Organics, LLC of Sudbury, MA. The proposed scope of work includes interior renovations to accommodate the new use, construction of a 3,000 sq. ft. outside concrete mechanical pad to house HVAC and odor control equipment, construction of a dumpster pad with associated fencing, installation of stormwater management measures to supplemental those presently on site, clean-up of the existing manmade drainage ditch, and construction of a 17' wide fire lane along the west side of the building. The property includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission. Because a portion of the site is located within the Town's Groundwater Protection District and 24% of the improved site will have impervious surface, a Groundwater Protection special permit is also required.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on January 28, 2020, on a motion made by Tom Gay and seconded by Bob Tucker, voted to approve with CONDITIONS and WAIVERS as specified herein a recreational marijuana establishment special permit, a groundwater protection special permit, and a site plan for 4 Marc Road in Medway, MA.

The vote was approved by a vote of five in favor and none opposed.

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

### **III. PROCEDURAL HISTORY**

- A. August 6, 2019 – Special permit application filed with the Board; filed with the Town Clerk on August 7, 2019
- B. August 9, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. August 9, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- D. August 13 and August 20, 2019 - Public hearing notice advertised in *Milford Daily News*.
- E. August 27, 2019 - Public hearing commenced. The public hearing was continued to September 24, October 8, November 12 and 26, 2019 and to January 14, 2020 when the hearing was closed and a decision rendered.

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

- A. The following documents were provided at the time the applications were filed with the Board:

##### **Site Plan Application**

- Application for Minor Site Plan Approval dated August 6, 2019 with Project Description
- *PERMIT SITE PLAN - Neo Cultivation & Manufacturing*, dated August 6, 2019, prepared by DGT Associates of Framingham, MA
- Requests for Waivers from Medway *Site Plan Rules and Regulations*
- Purchase & Sale Agreement dated February 8, 2019, between NEK, LLC (property owner) and Pangea Realty LLC (buyer), pertaining to the sale of the 4 Marc Road property.
- *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 25, 2019, prepared by DGT Associates of Framingham, MA
- Schematic Design (floor plan), Sheet A1.2, 4 Marc Road, by Anderson Porter Design, Cambridge, MA

##### **Marijuana Special Permit Application**

- Marijuana Special Permit Application dated August 6, 2019 with Project Description
- Odor Mitigation Plan received August 6, 2019, unattributed
- Noise Mitigation Plan received August 6, 2019, unattributed
- Security Plan received August 6, 2019, unattributed
- Transportation of Marijuana Guidelines received August 6, 2019, unattributed

##### **Groundwater Protection Special Permit**

- Groundwater Protection Special Permit Application dated August 8, 2019 with Project Description

- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant and its representatives and consultants:

- Updated Noise Mitigation Plan dated September 27, 2019 with Noise Mitigation Plan letter from Andy Caballerira of Acentech, Inc. dated September 25, 2019
- Updated Odor Mitigation Plan by Impact Engineering dated September 12, 2019.
- Revised site plans from DGT Engineering Associates dated September 19, 2019, October 24, 2019 and December 13, 2019.
- Plan revision submittal letter from DGT Engineering Associates dated September 19, 2019
- Response letter from DGT Engineering Associates dated September 26, 2019 to Tetra Tech review comments dated August 22, 2019.
- Response letter from DGT Engineering Associates dated October 23, 2019 to Tetra Tech comments dated September 27, 2019
- Revised floor plans from Anderson Porter Design dated September 9, 2019
- Photometric plan by Illuminate dated September 23, 2019
- NeoOrganics security plan, unattributed, received September 19, 2019

- Assignment of interest in the purchase and sale agreement from Pangea, LLC to 4 Marc Road LLC dated March 1, 2019
  - Lease dated May 3, 2019 between Neo Organics, LLC and 4 Marc Road LLC for 4 Marc Road.
  - Additional request for a waiver from *Site Plan Rules and Regulations*, dated September 10, 2019.
  - Proposed sound wall information received November 8, 2019
  - *Land Disturbance Area Plan* dated September 27, 2019, revised October 22, 2019 and December 13, 2019, prepared by DGT.
  - *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road* dated July 25, 2019, revised September 19, 2019, last revised December 13, 2019, prepared by DGT Associates of Framingham, MA.
- C. During the course of the review, a variety of other materials were submitted to the Board by the Board's consultants and Town staff:
- Plan review letters and emails from Gino Carlucci, PGC Associates, dated August 20, 2019, October 3, 2019 and October 31, 2019
  - Plan review letters from Tetra Tech to the Board dated August 22, 2019, September 27, 2019 and October 28, 2019
  - Noise mitigation plan review letters from Ron Dempsey, Noise Control Engineering, dated August 21, 2019, October 3, 2019 and October 23, 2019
  - Odor mitigation plan review letters from Bruce Straughan, Straughan Forensic dated August 21, 2019 and October 2, 2019.
  - Host Community Agreement dated March 4, 2019 between Neo Cultivation MA, LLC and Neo Manufacturing MA, LLC and the Town of Medway.
  - Letter dated August 16, 2019 from Building Commissioner Jack Mee
  - Review letter dated October 7, 2019 from Police Chief Allen Tingley
  - Email memo dated August 12, 2019 from Treasurer/Collector Joanne Russo
  - 2 Marc Road CommCan recreational marijuana special permit decision dated February 26, 2019
  - Email memo dated November 26, 2019 from Deputy Fire Chief Mike Fasolino
  - Email memo dated December 12, 2019 from Fire Chief Jeff Lynch.
  - Plan review letter from Tetra Tech to the Conservation Commission dated December 16, 2019.
  - Revised Conservation Commission Order of Conditions dated January 14, 2020.
  - MA Department of Environmental Protection EP Noise Policy and associated Noise Regulations (310 CMR 7.10).
  - Installation Guide – Atlantic Industries Limited – AIL Tuf Barrier and Silent Protector Sound Walls
- D. Abutter Comments
- Email communication dated October 8, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
  - Email communication dated November 12, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
  - Email communication dated December 4, 2019 (with attachments) from abutter John Lally, 35 Coffee Street



E. Other Documentation

1. Mullins Rule Certification dated September 10, 2019 for Board member Matthew Hayes pertaining to the August 27, 2019 hearing.
2. Mullins Rule Certification dated October 22, 2019 for Board member Robert Tucker pertaining to the October 8, 2019 hearing.
3. Mullins Rule Certification dated October 17, 2019 for Board member Thomas Gay pertaining to the October 8, 2019 hearing.

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

- Gino Carlucci, PGC Associates, the Town’s Consulting Planner – Commentary throughout the public hearing process.
- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Ron Dempsey and Jeff Komrower of Noise Control Engineering LLC, acoustic sound consultants for the Town.
- Jaime Lewis, Neo Organics
- Andy Carballeria, Acentech Inc., acoustic sound consultant for the Applicant.
- Bert Corey and Joe Losanno, DGT Associates, engineering consultant for the Applicant.
- Resident and abutter John Lally, 35 Coffee Street
- Resident and neighbor Edward Burns, 43 Coffee Street

VI. **FINDINGS**

The Planning and Economic Development Board, at its meeting on January 28, 2020, on a motion made by Bob Tucker and seconded by Tom Gay, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for 4 Marc Road. The motion was approved by a vote of five in favor and none opposed.

**GENERAL FINDINGS from PUBLIC HEARING TESTIMONY**

(1) **NOISE ISSUES**

- A. Pursuant to Section 7.3.C.2. of the *Zoning Bylaw*, the “Maximum permissible sound pressure levels measured at the property line nearest to the noise source for noise radiated continuously from the noise source between 10 PM and 7 AM shall be as follows.”

Frequency Band (Cycles per Second)	Sound Pressure Level (Decibels 43 0.0002 Dyne/CM2)
2-72	69
75-150	54
150-300	47
300 - 600	41
600 – 1,200	37
1,200 – 2,400	34
2,400 - 4,800	31
4,800 – 10,000	28



“For noise levels between 7 A.M. and 10 P.M., and if the noise is not smooth and continuous, the following corrections shall be added to each of the decibel levels given above:

- Daytime operation only: +5
- Noise source operated at less than 20% of any 1-hour period: +5”

- B. Earlier in 2019, during the Board’s review of the recreational marijuana establishment special permit application for 2 Marc Road, the Board along with the Board’s sound consultant (Noise Control Engineering) and that applicant’s sound consultant (Acentech, Inc.) agreed that the frequency band range form of noise measurement specified in the *Medway Zoning Bylaw* is outdated. The consultants concurred that noise measurements in accordance with the *Zoning Bylaw*’s standards are neither ideal nor typical today. The Board acknowledged that frequency band ranges presently included in the *Zoning Bylaw* do not accurately reflect contemporary sound measurement standards and provide challenges to interpretation and enforcement of the applicable provisions of the *Zoning Bylaw*. The Board was willing to allow a conversion to more modern standards, but only as long as the conversion was more, not less restrictive.

Noise Control Engineering converted the *Zoning Bylaw*’s frequency band noise levels to octave bands for noise measurement purposes. The method used was based on the frequency span of the octave bands and is consistent with the conversion documented in the 1980 EPA document *905-R-80-117 Noise Legislation Trends and Implications*. The table below shows the conversion of the *Bylaw*’s frequency band noise standards to the modern octave band noise standards with the nighttime and daytime adjustments.

<b>Octave Band Center Frequency (Hz)</b>	<b>Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Nighttime</b>	<b>Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Daytime</b>
63	67	72
125	55	60
250	48	53
500	42	47
1000	38	43
2000	35	40
4000	32	37
8000	28	33

- C. The Applicant’s preliminary noise mitigation plan was submitted to the Board on August 6, 2019 with the special permit application. The Board retained Noise Control Engineering (NCE) of Billerica, MA to review that preliminary noise mitigation plan. NCE provided an email communication dated August 21, 2019 with comments and recommendations of additional information needed.
- D. The Applicant prepared an updated noise mitigation plan which was submitted to the Board on September 27, 2019. The Applicant also retained sound consultant Acentech, Inc. of Cambridge, MA to evaluate the anticipated levels of noise

producing equipment to be installed at the 4 Marc Road facility and provide recommendations for suitable noise control measures. Acentech developed a computer model of the facility's sound using CadnaA, an acoustic modeling software. The noise producing equipment includes a 300 kw generator, transformer, air handling units (AHU), a variety of condensing units, and rooftop exhaust fans. Acentech determined that the proposed noise generating equipment, absent any noise mitigation measures, will not comply with the noise regulations included in Section 7.3.C.2. of the *Zoning Bylaw* at all property lines of 4 Marc Road. To mitigate the excessive noise from certain of the noise producing sources, Acentech recommended placing sound barriers around the condensing and air handling units and to select a generator and enclosure that would meet the *Zoning Bylaw's* sound requirements.

Acentech then calculated the expected noise levels, with the planned noise control measures applied, at 14 receptor locations at the property lines of 4 Marc Road and at 7 receptor residential locations at second story building heights. Acentech found that the estimated sound levels created by the noise generating equipment, with the added noise mitigation measures recommended by Acentech, would be below the Town's noise standards (converted from frequency band to octave band) as described in Item B.

- E. The Board retained Noise Control Engineering, LLC (NCE) to evaluate the Applicant's proposed noise mitigation plan for the 4 Marc Road property. NCE provided an email communication dated October 3, 2019 and personal testimony by NCE personnel was provided during the November 12, 2019 hearing.
- F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 4 Marc Road expressing serious concerns and objections to the excessive noise emanating from the existing marijuana facility operating at 2 Marc Road. Concern was expressed that similar issues would occur with the 4 Marc Road facility.
- G. The Applicant has represented that the 4 Marc Road facility, as part of its permitting with the Massachusetts Cannabis Control Commission, is required to comply with the MA DEP Noise Policy and associated Noise Regulations (310 CMR 7.10). These regulations state that a source of sound violates the regulation if the source:
  - 1. Increases the broadband sound level by more than 10dB above ambient, or
  - 2. Produces a "pure tone" condition which occurs when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

The MA DEPT Noise Policy and Regulations state that these criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time (the L<sub>90</sub> metric) measured during equipment operating hours.

(2) **ODOR ISSUES**

- A. Pursuant to Section 7.3.D. of the *Zoning Bylaw*, “In all districts, no emissions of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted.”
- B. The Applicant’s preliminary odor mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Straughan Forensic, LLC of Arvada, CO, to review that preliminary odor mitigation plan. Straughan Forensic provided review letters dated August 21, 2019 with comments and recommendations of additional information needed.
- C. The Applicant retained Impact Engineering Inc. of Castle Rock, CO to prepare an updated odor mitigation plan which was submitted to the Board on September 19, 2019. At the Board’s request, Straughan Forensic, LLC evaluated the Applicant’s updated odor mitigation plan for the 4 Marc Road property and provided a review letter dated October 2, 2019.

- (3) **HOURS OF OPERATION** – The applicant has informed the Board that as a marijuana growing facility, the establishment will operate 24 hours a day/7 days a week. The Applicant anticipates that the facility will be occupied by a maximum of twenty-five employees. Occupancy will be generally limited to the hours of 7 am to 7 pm, Sunday – Saturday.

***RECREATIONAL MARIJUANA ESTABLISHMENT SPECIAL PERMIT FINDINGS***  
***(Sub-section 8.10 of the Zoning Bylaw)***

- (1) The recreational marijuana cultivation and processing establishment will operate inside the existing building at 4 Marc Road, a permanent, stand-alone building which does not include residential units or doctors’ offices. The site includes driveways, parking areas, utility systems, and stormwater management facilities.
- (2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* (public or private school serving students in grades K-12) are located within 500 feet of the site of the proposed facility.
- (3) As conditioned herein and as required by the *Zoning Bylaw*, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed.
- (4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.
- (5) As conditioned herein, any signage for the facility shall comply with Section 8.10.F and Section 7.2 of the *Zoning Bylaw*.

- (6) As conditioned herein, the Applicant shall provide the contact information for management staff and key holders of the facility to Town officials.
- (7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise and odor consultants. The Applicant has prepared a noise mitigation plan which has been reviewed by the Town's noise consultant. It will be implemented in accordance with Specific Condition D herein. The Applicant has also provided an odor control plan which will be implemented in accordance with Special Condition E herein.

The Board is requiring on-going noise and odor monitoring to ensure compliance with the Town's requirements. See Special Conditions D and E. The Building Commissioner, in consultation with the Health Agent, and the Town's noise and odor consultant(s), will confirm compliance with the noise and odor requirements of the *Zoning Bylaw* after the required noise and odor mitigation measures are installed. As conditioned herein, any non-compliance will be addressed through zoning enforcement.

- (8) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance to the facility, is fully visible from the site's frontage. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed pursuant to the *Zoning Bylaw*.
- (9) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products, and the transport and delivery of such to other recreational marijuana establishments. Retail sales and marijuana social establishments are not allowed pursuant to the *Zoning Bylaw*.
- (10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (11) Applicant, NEK, LLC is the record owner of the property as shown on the Medway Assessor's records and the seller on a purchase and sale agreement with Pangea Realty LLC dated February 8, 2019. On March 1, 2019, Pangea Realty LLC assigned its interest in the purchase and sales agreement to 4 Marc Road, LLC which will own the 4 Marc Road property.

The Applicant, Neo Organics, LLC will be a tenant in the subject property and building pursuant to a lease dated May 3, 2019 with 4 Marc Road, LLC. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

- (12) Prior to plan endorsement, the Applicant shall provide a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.

- (13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the Special Permit and Site Plan applications to the required parties.
- (14) A site plan was submitted and has been revised pursuant to comments from the Board's consultants and the Conservation Commission. A detailed floor plan of the premises showing the functional areas of the facility has also been provided. The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police Chief during the permitting process.
- (15) A copy of the policies and procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments was provided as part of the special permit application.
- (16) A comprehensive noise mitigation plan prepared by the applicant's noise consultant, Acentech, Inc. was submitted and reviewed by Noise Control Engineering, the Board's noise consultant. The plan was revised, re-submitted, and re-reviewed. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the *Zoning Bylaw*. As conditioned herein, any non-compliance will be addressed through zoning enforcement.
- (17) A comprehensive odor mitigation plan prepared by the applicant's odor consultant, Impact Engineering, Inc, was submitted to the Board and reviewed by Straughan Forensic, LLC, the Board's odor consultant. The odor mitigation plan was revised, re-submitted and re-reviewed. As conditioned herein, any non-compliance will be addressed by the Building Commissioner through zoning enforcement.
- (18) The required public hearing and review process for this special permit application has been followed.
- (19) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than the described site improvements and possible additional measures to address potential noise and odor impacts if such occur in the future.
- (20) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (21) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

***SITE PLAN RULES AND REGULATIONS FINDINGS*** – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

- (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 site is within an industrial park which is accessed directly from Route 109 so there is no access through minor streets serving residential areas. There is no backing up onto a public way.*

- (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 existing building and site are of an industrial style, with the scale and materials similar to other buildings within the industrial park. No exterior building façade renovations are planned.*

- (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 site is heavily wooded at its access driveway from Marc Road. The parking areas are along the driveway and behind the building. There is no outside storage of materials. An outdoor dumpster is included but it will be located at the back of the site and will have an enclosure around it. As the site is already developed, considerable landscaping is already provided. The building is set back approximately 110' from the western boundary line of the subject property.*

- (4) Is adequate access to each structure for fire and service equipment provided?

*The site plan has been revised pursuant to feedback from the Medway Fire Department to now include construction of a fire lane on the west side of the building. Fire Chief Jeff Lynch, in an email dated December 12, 2019, approved the revised site plan as suitable access to the building will be provided.*

- (5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

- a) the volume of cut and fill; *Since this is an existing developed site, the volume of cut and fill is minimal to adapt the site for a new use. The project scope is limited primarily to cleaning out and upgrading an existing drainage system and the installation of a new equipment pad and sound barrier on the west side of the building.*
- b) the number of trees to be removed with particular care taken with mature trees and root systems; *This is an existing developed site so tree removal is minimal to accommodate the construction of an equipment pad and a fire access road.*
- c) the visual prominence of man-made elements not necessary for safety; *The only added man-made visual element to the site is the equipment pad and associated sound barrier. While necessary to project abutters from excessive*

*noise, it is not visible from Marc Road and it is screened from the westerly abutter by a slope with existing trees on it.*

- d) *the removal of existing stone walls; No existing stone walls are being removed.*
  - e) *the visibility of building sites from existing streets; The current building is located off Marc Road, up a hill and the site includes trees between the road and building such that only the entrance driveway and sign are visible from Marc Road. This is not being changed for the new use.*
  - f) *the impacts on waterways and environmental resource areas; A small portion of the site is within the 100-foot wetlands buffer zone and in the Town's Groundwater Protection District. The only work proposed within this area consists of improvements to the stormwater management system which is upgraded throughout the site to comply with current standards so the impacts on waterways and environmental resource areas is positive. The project has also been reviewed by the Conservation Commission and an Order of Conditions has been issued.*
  - g) *soil pollution and erosion; The submitted plans include an Erosion and Sediment Control Plan, which has been reviewed and approved by the Town's Consulting Engineer. The Conservation Commission has also issued an Order of Conditions.*
  - h) *noise. The possibility of noise impacts on abutters has been the issue of most concern and has generated the most discussion at the public hearings. A comprehensive noise control plan was required and submitted to the Board. The Board's noise engineering consultant reviewed the initial plan and considered supplemental information submitted by abutters. Changes to the initial noise mitigation plan were made, including the addition of significant noise barriers with noise baffling features to contain the noise generated by the exterior mechanical equipment. The plan as approved will have minimal noise impacts and those impacts will be monitored once the building attains its full operating status and any needed adjustments will be required accordingly.*
- (6) Is pedestrian and vehicular safety both on the site and egressing from it maximized?
- There is no significant pedestrian use anticipated since no public access to the building is allowed. Pedestrian safety within the parking lot is standard and is adequate due to minimal vehicular traffic. Sidewalk improvements are planned to modify the existing concrete walkway to provide for handicap accessibility. The existing sight lines at the driveway for exiting traffic will be increased through the clearing of some trees (9" diameter and less) to the east of the driveway and some regarding.*
- (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?

*There are no historic features on site.*



- (8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

*A photometric plan has been submitted that demonstrates that there is no light trespass or glare off site.*

- (9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

*The limit of work is reasonable. It makes use of an already developed site and provides a comprehensive stormwater management system to address the existing facility and proposed site improvements.*

**GENERAL SPECIAL PERMIT FINDINGS (Sub-section 3.4 of the Zoning Bylaw)**

- (1) The proposed site is an appropriate location for the proposed use.

*Section 8.10 of the Zoning Bylaw (Recreational Marijuana) and Table 1 – Schedule of Uses specifies that non-retail recreational marijuana establishments are allowed by special permit in the East and West Industrial zoning districts. The subject site at 4 Marc Road is located within the East Industrial zoning district and is therefore an eligible location for the proposed use. Further, the site is not located within 500 feet of any of the uses from which marijuana establishments are prohibited (existing public or private school serving students in grades K-12). The site includes an existing industrial building constructed in 1984; the property has been used for industrial purposes for 35 years.*

- (2) Adequate and appropriate facilities will be provided for the operation of the proposed use.

*The recreational marijuana cultivation and processing uses will occur within the existing industrial building at 4 Marc Road. Suitable parking is available with access from Marc Road. As documented in the findings under Site Plan Rules and Regulations above, adequate and appropriate facilities have been provided for the operation of the facility. The site's internal driveways and stormwater management system have been reviewed by the Board's Consulting Engineer and found to be adequate.*

- (3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.

*The existing site contains suitable driveways, parking areas and stormwater management systems. Pedestrians are not expected to access the site as no retail marijuana operation is permitted. As conditioned herein, the Applicant is required to meet the Town's noise and odor standards as specified in Section 7.3 of the Zoning Bylaw and provide additional noise and odor mitigation measures if needed in the future.*

- (4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area.

*The proposed facility is expected to have 25 employees. The available on-site parking exceeds the number of parking spaces required. As the facility will not have a retail operation, non-employee traffic to the site will be minimal. The Industrial Park Road system is adequate to handle the routine employee traffic. Marc Road was recently reconstructed as part of the approval of an adjacent business facility at 2 Marc Road, so the adjacent roadway quality leading to the property is excellent. Furthermore, the site's access is via Marc Road from Industrial Park Road from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.*

- (5) The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.

*Site plan review has addressed each of these potential impacts on adjoining properties. A photometric plan for the lighting has been submitted; it documents that lighting will not spill over onto adjoining properties. The stormwater management plan has been reviewed and approved; stormwater will not result in flooding on adjoining properties. An odor control plan, specific to the property's use as a marijuana cultivation facility, has been submitted by the Applicant and reviewed by a firm specializing in odor mitigation. Any dust generated from the operation of the business shall be contained within the building. Noise has especially been carefully evaluated with the assistance of a noise consultant, and the final noise control plan has been accepted. Also, noise generation will be monitored following full operation of the facility. No vibration is expected to be generated by the operation of the business. Refuse materials will be contained within a locked dumpster area for security purposes. Any other undesirable visual, site or operational attributes of the facility shall either be the same as existing conditions or improved from the previous business operation on the premises.*

- (6) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.

*The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District in which the subject property is located. This application proposes to produce marijuana for adult recreational use within the existing building. The proposed use will not significantly alter the character of the East Industrial zoning district.*

*The Board heard testimony from residential abutters and neighbors about their concerns regarding adverse noise and odor conditions which may emanate from the proposed facility. These concerns result from their experience of noise and odor issues related to the existing marijuana cultivation and manufacturing operation at the adjacent 2 Marc Road marijuana facility. The Applicant made repeated verbal commitments during the public hearing that they will address neighbor concerns through reasonable noise and odor mitigation measures. Furthermore, as noted*

*above, the Board paid particular attention to the noise and odor concerns and contracted with outside consultants specializing in noise and odor control to review and provide guidance as to how to minimize such concerns. The final plans include maximum measures to ensure that the impacts are minimal at best. The Applicant will be held to the environmental standards included in Section 7.3 of the Zoning Bylaw. The Cannabis Control Commission requires the Applicant to also meet the MA DEP noise standards. Measures to address other types of potential impacts (lighting, flooding, dust, vibration, refuse materials, etc.) have also been provided. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.*

- (7) The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.

*The Recreational Marijuana section of the Zoning Bylaw (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the establishment of non-retail recreational marijuana establishments at limited locations in Medway. The stated purpose of Section 8.10 is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in appropriate places and under strict conditions. As the proposed facility is located within one of the designated zoning districts, it meets the purpose of the Zoning Bylaw.*

- (8) The proposed use is consistent with the goals of the Medway Master Plan.

*The existing facility and the expanded use of the facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives section of the Medway Master Plan as follows:*

- *Goal 1: Maximize the area's economic resources*
- *Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.*

- (9) The proposed use will not be detrimental to the public good.

*As a facility in compliance with state and local law, consistent with the goals of the Medway Master Plan, and as thoroughly conditioned herein, the proposed use will not be detrimental to the public good.*

***GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT FINDINGS (Sub-Section 7.3 of the Zoning Bylaw)*** – A portion of the 4 Marc Road site is located within the Town's Groundwater Protection District, therefore a groundwater protection special permit is required.

- (1) Maintenance, repair and enlargement of any existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (2) As conditioned herein, storage of hazardous materials, as defined in Massachusetts General Laws, c. 21E, is prohibited unless enclosed in a free standing container

within a building. Any accidental spillage will also be contained within the building and any that may enter the municipal sewer system will be treated prior to being discharged to the municipal sewer system.

- (3) As conditioned herein, any commercial fertilizers, as defined in Massachusetts General Law, c. 128, §64, used for the growing of marijuana plants will be stored within containers and kept inside the 4 Marc Road building.
- (4) The facility will handle toxic and hazardous materials. All use of hazardous materials will be contained within the building and as the risk of spillage during deliveries is low, the facility qualifies for a special permit. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
- (5) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.
- (6) The facility and associated site improvements will render more than 71,000 square feet of the site impervious. The Town's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality.
- (7) As required by Section 5.6.F. 1. of the *Zoning Bylaw*, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and consultation to evaluate whether the proposed project will adversely impact the quality or quantity of water available within the Groundwater Protection District, and to determine that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized.

**VII. WAIVERS** – At its January 28, 2020 meeting, the Board, on a motion made by Bob Tucker and seconded by Richard Di Iulio, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of five in favor and none opposed.

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

**Section 204-3 A. 7. - Development Impact Statement.** A written Development Impact Statement shall be provided to describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the *Development Impact Statement*. The *Development Impact Statement* shall consist of the following four elements: traffic, environmental, community and parking.

*The Applicant has requested a waiver from this requirement. The site is already developed and has been used for industrial purposes since 1984. The proposed site improvement work is minimal. Traffic is not expected to increase beyond previous occupants. The preparation of traffic,*

*environmental, community and parking impact assessments is not expected to reveal any useful information related to the site or the project's impacts. The recreational marijuana facility use is highly regulated by the Massachusetts Cannabis Control Commission and is subject to a special use zoning permit from the Board. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-4 B - Site Context Sheet.** A Site Context Sheet including the following items shall be submitted.

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand (2,000) feet of the perimeter of the site. The plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. Scenic roads shall be noted.
- 2) Abutters' names and addresses with assessor's reference.
- 3) Lot lines with dimensions and easement areas.
- 4) Existing topography at two (2) foot intervals from USGS survey maps or actual land survey.
- 5) All easements (*utility, conservation and other*) and rights-of-way.
- 6) Zoning district boundaries including groundwater protection district, wetlands, and flood plain zones.

*The Applicant has requested a waiver from this requirement. A separate Site Context Sheet has not been provided as part of the plan set. However, the information specified to be included on a Site Context Sheet is included on other sheets included in the plan set. For the foregoing reason, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-5 C. 3. Existing Landscape Inventory** – An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a “mapped” overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

*The Applicant has requested a waiver from this requirement. The site is large (6.68 acres) and is mostly wooded in nature. The existing building will be reused. Site improvements are minimal and will not result in a large land disturbance area. A 32” pine tree located in the southeast corner of the property is specifically identified to remain and be protected during construction. Locating the all trees with a diameter of one foot or greater at four feet above grade throughout the site would be an unnecessary additional expense and provide no added value to the site design or development. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-5 D. 7. Proposed Landscape Design** – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter

of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a “lesser” intensity graphic used to represent potential canopy at maturity.

*The applicant has requested a waiver from this requirement as no new landscaping is proposed for this already developed site. Any marijuana facility is subject to a permit from the Massachusetts Cannabis Control Commission which has strict requirements that prohibit shrubs and trees from being planted in proximity to marijuana establishments in order to promote safety in and around the facility. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-5 D. 12 – Signage Plan** - A *Signage Plan* shall be submitted which includes the design, location, materials, dimensions and lighting for:

- (a) the proposed development and all building identification signage, both freestanding and attached; and
- (b) standards for tenant signs.

*The applicant has requested a waiver from this requirement. The applicant intends to reuse the existing monument sign from the prior occupant to display only the property address. No other signage is planned for the building. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**VIII. CONDITIONS** The *Special and General Conditions* included in this Decision shall assure that the Board’s approval of this special permit is consistent with the *Zoning Bylaw* and that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

#### **SPECIFIC CONDITIONS OF APPROVAL**

- A. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:
  - 1. Upon approval and prior to commencing operations on the property to cultivate and process marijuana for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.
  - 2. The Applicant shall provide an annual report of Neo Organics, LLC’s operations to the Board and other Town officials no later than January 31<sup>st</sup> of each year, including a copy of all current state licenses and demonstrating continued

compliance with the conditions of this special permit. Any change in ownership of Neo Organics, LLC or change in management staff and key holders shall also be reported.

3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Neo Organics, LLC, as the operator of an adult recreational marijuana establishment on the premises.
  4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the *Permit Site Plan for 4 Marc Road, Neo Cultivation and Manufacturing*, dated August 6, 2019, last revised December 13, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Other Documentation** - Prior to plan endorsement, the Applicant shall provide a sworn statement the Applicant shall provide a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.
- D. **Noise Management**
1. The Applicant shall install and maintain at all times effective noise reduction equipment for the property to comply with Section 7.3 of the *Zoning Bylaw* as well as the Massachusetts Department of Environmental Protection (MA DEP) noise requirements as established in 310 CMR 7.10. The Applicant will achieve compliance through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness and ongoing compliance.
  2. Prior to the issuance of an occupancy permit for the 2 Marc Road facility, the Applicant shall provide the Building Commissioner, Health Agent, and Board with a noise study measuring ambient sound levels without the external mechanical equipment in operation, the sound at each of the 4 Marc Road property boundaries during full operating conditions, and the sound at the locations of existing residential receptors and expected future residential receptors. The purpose is to determine if the facility complies with Section 7.3 of the *Zoning Bylaw* as well as the MA DEP noise requirements as established in 310 CMR 7.10. The Board, Building Commissioner or Health Agent may forward the noise study to the Town's noise consultant for peer review and comment, at the Applicant's expense.



- a. Establishment of Ambient Noise Levels – Ambient background levels shall be established without the influence of any noise emanating from the CommCan facility at 2 Marc Road. If background noise levels at 2 Marc Road have been previously established prior to operation of the CommCan facility and are acceptable to the Board, they may be used. If not, new measurements to establish background noise levels will be performed by the Applicant. Any noise sources from 2 Marc Road that may contribute to background noise levels should be turned off during the attended measurements to establish the background noise levels. If unattended monitoring is used, the noise contribution from 2 Marc Road can be established by shutting down the noise sources during a specified time period and calculating the difference in  $L_{90}$  levels during on and off times. If it is absolutely not possible to take ambient measurements with the 2 Marc Road facility shutdown, ambient measurements should be taken in an area with similar ambient conditions (i.e. similar distance from major roads or other noise sources) which is far enough from the 2 Marc Road facility so that the 2 Marc Road facility does not significantly influence the measures. If an alternative method for establishing the background levels is proposed, a test plan shall be submitted to the Board for acceptance of the alternative method. The Board may seek guidance from its noise consultant.

Separate background noise levels shall be established for daytime hours (7 am to 10 pm) and nighttime hours (10 pm to 7 am).

Background noise levels can be established either by attended measurements (with the sample time at each measurement location to be not less than 10 minutes) or by unattended measurements for a period of at least 3 days. It will be sufficient to establish the background noise levels at representative locations at the property line.

- b. Measurement of Operational Noise Levels – The operational sounds measurements will consist of attended daytime and nighttime noise measurements at the facility property line and the residential receptors for a period of at least ten minutes. If the equipment is expected to produce higher noise levels at operating conditions other than the full load, those conditions shall be measured as well.

The measurements shall be taken at the same locations as evaluated in the September 27, 2019 Acentech study. These include:

- 14 receptor locations the property lines of 4 Marc Road and
- 7 residential receptor locations at second story building window heights.

- c. All sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices.

- d. Measurement instrumentation shall comply with Class 1 in accordance with IEC 61678, and should be capable of measuring A-weighted and octave-band sound levels. The acoustic descriptor for reporting shall be the  $L_{90}$  sound level for background noise levels. If operational data is steady state, the  $L_{90}$  metric can also be used for operational data. Otherwise the  $L_{eq}$  or higher metric should be used. Sound level meters shall be provided with windscreens and their calibration shall be field-checked before and after the measurements.
  - e. The Board, Building Commissioner or Health Agent may require the Applicant to implement additional noise mitigation measures if the noise study indicates that the facility is non-compliant with Section 7.3 of the *Zoning Bylaw* or the MA DEP Noise Policy.
3. Approximately six months after beginning operations under this Special Permit, the Applicant shall provide a supplemental noise study. These measurements shall be carried out to the same standards and methods as the initial study. The scope and methods of the study shall be the same as in the initial study described above.

The Applicant shall submit that study to the Building Commissioner, Health Agent and Board so as to determine continued compliance with the *Zoning Bylaw* and any conditions set forth herein as to noise. The Building Commissioner, Health Agent or Board may forward the plan to the Town's noise consultant for review and comment, at the Applicant's expense. The Applicant shall be required to implement additional noise mitigation measures if the facility is non-compliant with the *Zoning Bylaw* and the MA DEP Noise Policy.

4. The Applicant shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
5. The Building Commissioner, in enforcing the conditions contained herein, may require the Applicant to provide additional noise studies by a qualified noise consultant and/or implement additional mitigation measures should legitimate concerns or complaints develop in the future about noise generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

#### **E. Odor Management**

1. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply with Section 7.3 of the *Zoning Bylaw*. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall maintain all odor migration equipment to ensure maximum efficiency and effectiveness and ongoing compliance.

2. The presented Odor Mitigation Plan dated September 12, 2019 does not include mechanical drawings for the odor management system. At such time as the mechanical drawings are available, they shall be submitted to the Board for review by the Board's odor consultant, at the applicant's expense, to determine if they comply with the Odor Mitigation Plan.
3. The October 2, 2019 review letter of Straughan Forensic, LLC, the Board's odor consultant, identifies a number of issues and information missing from the Odor Mitigation Plan. The Straughan Forensic letter dated October 2, 2019 is attached and made a part of this decision. These items shall be fully addressed and included in the odor plans submitted to the Massachusetts Cannabis Control Commission for approval. The submittal to the Cannabis Control Commission shall indicate that the odor control system must comply with Section 7.3 of the *Zoning Bylaw*.
4. The Applicant shall provide the odor plan approved by the Massachusetts Cannabis Control Commission to the Board.
5. Prior to the issuance of an occupancy permit by the Medway Building Department, the Applicant shall review the approved odor control system as installed with the Building Commissioner and demonstrate that the measures specified in the approved odor control, abatement and mitigation plan including the secondary safeguard system have been implemented. The Applicant shall provide a certification made by a licensed engineer that the odor mitigation measures included in the approved plan have been installed. Additional odor mitigation measures may be required if determined to be necessary by the Building Commissioner.
6. For each of the two successive years following occupancy, the Applicant shall annually submit a certification by a registered professional engineer that there have been no changes in the mechanical equipment that has been installed to control the odor emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
7. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigations and/or odor mitigation measures should legitimate concerns and complaints develop in the future about odor generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

**F. Conditions Pertaining to Groundwater Protection District Special Permit**

1. Storage of hazardous materials and other hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.

2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to minimize adverse impacts on groundwater.
3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
4. There shall be no outdoor storage of pesticides, herbicides, fungicides or insecticides anywhere on the site. Any such products shall be stored inside.
5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin.
7. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
8. There shall be no earth removal within six feet of the historical high groundwater level.
9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

**G. *Stormwater Management - Post Construction***

1. The Applicant shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Board.
2. The stormwater drainage system, water and sewer systems shall be maintained by the Applicant, its successors and assigns, and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the *Post Construction and Long-Term Maintenance Plan* included in the *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 24, 2019, last revised December 13, 2019 prepared by DGT Associates Surveying and Engineering.

4. The applicant shall submit annual reports of inspections and maintenance of all stormwater management structures included in the site plan to the Board and the Medway Department of Public Works Compliance Officer starting one year after the Certificate of Site Plan Completion is issued.
  5. In the event that the Applicant, its successors and assigns, or its agent fail to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
- H. **Utilities** – All electric, telephone, cable TV and other utilities shall be located underground. No overhead utilities are permitted.
- I. **Water Use and Conservation**
1. The development is relying on the Town’s public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
    - a. private well water for landscape irrigation
    - b. rain-gauge controlled irrigation systems
    - c. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
  2. The Permittee shall not use Town water for irrigation of the site’s lawn and landscaping.
- J. **Signage** – Any changes to the existing sign or proposed new signs shall comply with Section 7.2 of the *Zoning Bylaw*.
- K. The permit holder shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder’s certificates or registration with the Massachusetts Cannabis Control Commission.
- L. There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of the marijuana establishment.
- M. **Limitations** - This special permit is limited to the operation of a recreational marijuana cultivation and processing establishment at 4 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products, or the operation of a marijuana social establishment, or the operation of a marijuana testing facility on the premises.

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Fees** - Prior to filing the special permit and site plan decision with the Town Clerk, the Applicant shall pay:
1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning, noise, odor or other consultants;
  2. an advance on fees for the continued review services to be provided by outside noise and odor consultants as approved by the Planning and Economic Development Board;
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. **Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, 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.
1. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
  2. *Neighborhood Relations* – The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
  3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
  4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible

for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.

5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with the Construction Period Stormwater Operation and Maintenance Plan included in *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 24, 2019, last revised December 13, 2019 prepared by DGT Associates Surveying and Engineering.

**D. Construction Oversight**

1. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent (if applicable), the contractors and Applicant's project engineer for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed.
2. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-



built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.

- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
3. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this *Decision*.
  4. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
  5. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

#### **E. 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 *Zoning Bylaw* nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or

emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

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

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

**G. Compliance with Plan and Decision**

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

## **H. Performance Security**

1. No occupancy permit shall be granted until the Board has provided a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.
2. The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
  - a) the date by which the Permittee shall complete construction
  - b) a statement that the agreement does not expire until released in full by the Board
  - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.
5. Final release of performance security is contingent on project completion.

## **I. Project Completion**

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and 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. Prior to issuance of a final occupancy permit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.
- J. ***Right to Enter Property*** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter the property at any time to ensure continued compliance with the terms and conditions of this special permit and the endorsed site plan.
- K. ***Recording*** - Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision and Plan have been duly recorded, or supply another alternative verification that such recording has occurred.
- L. ***Conflicts*** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

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

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

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

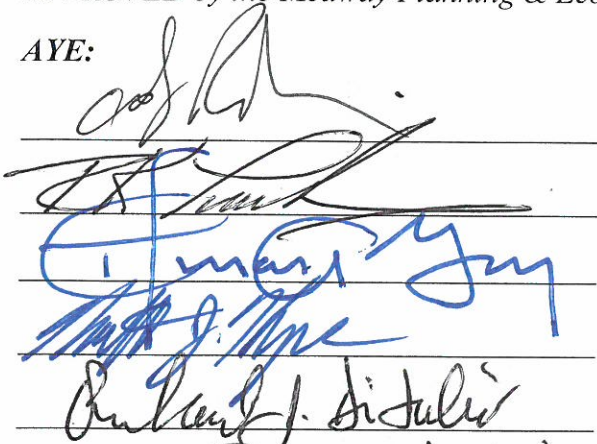
office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

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APPROVED by the Medway Planning & Economic Development Board: January 28, 2020

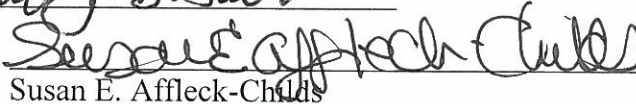
AYE:

NAY:



\_\_\_\_\_  
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ATTEST:

  
Susan E. Affleck-Chellis

Planning & Economic Development Coordinator

January 28, 2020  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
Dave D'Amico, DPW Director  
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  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Alan Tingley, Police Chief  
Jeff Watson, Police Department  
Chad Blair, Neo Organics and 4 Marc Road Realty, LLC  
Jaime Lewis, Neo Organics  
Jordan Naydeuov, NEK, LLC  
Bert Corey, DGT Associates  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates

October 2, 2019

Susan Affleck - Childs  
Planning and Economic Development Coordinator  
Town of Medway  
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Medway, MA 02053  
508-533-3291  
Email: [sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

**Re: NEO Organics – 4 Marc Road Cultivation Facility, Follow-up Review of Odor Mitigation Plan**

Dear Ms. Affleck - Childs:

This letter documents the findings from my follow-up review of the resubmitted Odor Mitigation Plan for the cannabis cultivation and processing facility at 4 Marc Road in Medway, Massachusetts. The following documents were reviewed:

- Architectural Floor Plan by Anderson Porter Design, A1.1, 9-09-2019, 1 page
- Permit Site Plan by DGT Associates, C-1 thru C-7, 9-09-2019, 7 pages
- Mech. Systems Ventilation and Odor Mitigation Plan by Impact Engineering, 9-12-2019, 17 pages

I offer the following comments from my review of the documents:

**General Comment:**

1. The Plan contains narrative descriptions of systems, but no mechanical drawings are available at this time. When the completed mechanical drawings eventually get submitted for permitting, they should be reviewed at that time for compliance with the Odor Mitigation Plan.

**Odor Mitigation System design:**

2. General: It is stated that "Other than ventilation air, all of the HVAC equipment will recirculate 100% of the supply being distributed to the various applications areas throughout the facility." Since no room air will be exhausted from grow rooms under normal operation, the rooms will not be under negative pressure, and therefore will likely exfiltrate odorous grow room air into the corridors when the doors are opened and possibly through cracks in exterior walls and into the outside air. No information has been provided to indicate that the rooms will be sealed to prevent exfiltration through the room envelope.
3. There is no mention of a control strategy or equipment to mitigate odor that will escape from cultivation and processing rooms when the doors are opened in order for staff to enter or exit the rooms. Will exhaust fans in the Janitor Rooms or other rooms be used to maintain negative pressure in the corridors? If so, these fans will need to run 24/7 and transfer air grilles will need to be installed in the doors or walls to these rooms.
4. In the descriptions for the Drying Room, Post Production/Manufacturing Rooms, and Packaging Rooms, there is no mention of carbon filters like there is for all the other rooms described in this



section or in the Operational Processes section. This seems to imply that no carbon filtering is planned for these three areas, even though the Maintenance Plan section describes carbon filtering for these three areas. This apparent contradiction should be clarified along with a description of how the bi-polar ionization units will be configured, i.e. which air stream will they be placed in, will the exhaust air stream be protected with odor mitigation systems?

**Building Exhaust Systems:**

5. The list of exhaust systems does not appear to be complete. No exhaust fans are mentioned for the Post Production, Manufacturing, Dishwashing, or Pot Washing Rooms. Will the exhaust air streams from these rooms be protected with odor mitigation systems?

**Operational processes:**

6. Design criteria for Bi-polar ionization units is not stated. Are these units sized based on a certain number of air changes per hour?

**Maintenance plan:**

7. In the description for the Flower Rooms and each room that follows after it, the design criteria for the carbon filters is stated to be 15 air-changes per hour, and this is appropriate for flower rooms and each room downstream of it the process. However, this criteria is contradicted in both the Odor Mitigation System Design section and the Operational Processes section, which both state the criteria for these rooms to be 6 air-changes per hour.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Straughan".

Bruce Straughan, PE  
Straughan Forensic, LLC

# TOWN OF MEDWAY MASSACHUSETTS



## ZONING BYLAW & MAP

*Includes amendments approved by Town Meeting on November 15, 2021*

### **Medway Planning & Economic Development Board**

*Matthew J. Hayes, P.E., Chair  
Robert K. Tucker, Vice-Chair  
Richard Di Iulio, Clerk  
Jessica Chabot  
Thomas Gay, Associate Member*

The Medway Zoning Bylaw & Map is available online at  
<https://www.townofmedway.org/planning-economic-development-board/pages/zoning-bylaw-and-map>

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

*Published – December 17, 2021*

# TOWN OF MEDWAY MASSACHUSETTS



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### 7.3. ENVIRONMENTAL STANDARDS

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- 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:

**Air Pollution:** The presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to: (a) cause a nuisance; (b) be injurious, or be on the basis of current information, potentially injurious to human health or animal life, to vegetation, or to property; or (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

**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. The measurement metric to determine ambient noise levels will be the A-weighted  $L_{90}$  sound level.

**Commercial Zones:** Properties located in the Central Business, Village Commercial, Neighborhood Commercial, Oak Grove Village Center, or Oak Grove Business Park zoning districts as shown on the Medway Zoning Map

**Continuous Noise:** Noise including but not limited to noise generated by machinery that keeps running without interruption including, but not limited to heating or ventilation systems, factory equipment, or engine noise.

**(Hz) Hertz:** A unit for measuring the number of cycles that occur in a second. In this standard, Hz will be referring to sound waves.

**(dB) Decibel:** A logarithmic (dimensionless) measure used in describing the amplitude 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.

**Industrial Zones:** Properties located in the East Industrial, West Industrial, Business/Industrial, or Energy Resource zoning districts as shown on the Medway Zoning Map

**$L_{90}$  Sound Level:** The A-weighted sound level that is exceeded ninety percent (90%) of the time during a measurement period.

**Noise:** Sound of sufficient intensity and/or duration as to cause a condition of air pollution. Noise which complies with subsection D.2 herein shall not be deemed to cause a condition of air pollution.

**Noise Level:** The frequency weighted sound pressure level as measured with a sound level meter or equivalent device using the A-weighting network. This level is designated dBA.

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

**One-Third Octave Band (TOB):** A frequency band where the highest frequency is 1.26 times the lowest frequency.

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

**Prominent Discrete Tone:** The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

1/3 Octave Band Center Frequency (Hz)	dB		1/3 Octave Band Center Frequency (Hz)	dB
100	16		1250	4
125	14		1600	4
160	12		2000	3
200	11		2500	3
250	9		3150	3
315	8		4000	3
400	7		5000	4
500	6		6300	4
630	6		8000	5
800	5		10000	6
1000	4			

**Residential Zones:** Properties located in the Agricultural-I, Agricultural-II, Village Residential, or Oak Grove Neighborhood zoning districts as shown on the Medway Zoning Map

**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 produce disturbing, offensive or objectionable noises in any zoning district or impact any space where people live, work or assemble in a way that unreasonable 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 positioned anywhere on a property that is wholly or partially located within two-thousand feet of the property line of the source of continuously radiated noise shall not exceed the values in the tables below. In the calculation of day-evening-night levels (known as  $L_{den}$ ), Daytime is defined as between the hours of 7:00 a.m. and 7:00 p.m.; Evening is defined as between the hours of 7:00 p.m. and 11:00 p.m.; and Nighttime is defined as between the hours of 11:00 p.m. and 7:00 a.m.<sup>1</sup> These time periods will be used to determine compliance as per the tables below.

**Industrial Zoned Property to Industrial Zoned Property**

	<b>Daytime 7:00 a.m. – 7:00 p.m. @ Property Line</b>	<b>Evening 7:00 pm – 11:00 pm @ Property Line</b>	<b>Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line</b>
Overall Level (dBA)	55	55	55

**Industrial or Commercial Zoned Property to Commercial Zoned Property**

	<b>Daytime 7:00 a.m. – 7:00 p.m. @ Property Line</b>	<b>Evening 7:00 p.m. – 11:00 p.m. @ Property Line</b>	<b>Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line</b>
Overall Level (dBA)	50	50	50

<sup>1</sup> Directive 2002/49/EC of the European Parliament and Council of the European Union, 25-June-2002

**Industrial or Commercial Zoned Property to Residential Zoned Property**

- The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line or any Sensitive Receptor; and
- The introduction of any potential noise sources cannot result in overall noise levels that exceed the following:

	<b>Daytime 7:00 a.m. – 7:00 p.m. @ any Residential Property Line</b>	<b>Evening 7:00 pm – 11:00 pm @ any Residential Property Line</b>	<b>Nighttime 11:00 p.m. – 7:00 a.m. @ any Residential Property Line</b>	<b>Evening &amp; Nighttime 7:00 p.m. – 7:00 a.m. @ Sensitive Receptors</b>
Maximum Overall Noise Level (dBA)	47	45	42	32

- 2) **Tonal Requirements** – The presence of prominent discrete tones, as defined in Section 7.3 (c) herein at any industrial, commercial or residential property line shall be considered a violation.
- 3) **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, demolition operations or equipment testing such as for emergency generators) between the hours of 7:00 p.m. and 7:00 a.m.
- 4) **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 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.

*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.

- 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 may include measurements of:

- Ambient noise (Daytime, Evening, and Nighttime) and
- Operational noise levels (Daytime, Evening, and Nighttime) at the facility property line and at Sensitive Receptors located anywhere on a property that is wholly or partially located within two thousand feet of the facility property line. These operational measurements may include one-third octave band measurements to check for the prominent discrete tone condition as defined in Section 7.3(c).

**c. Noise Control, Abatement and Mitigation Plan.**

- 1) 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.
- 2) Special permit and site plan applicants for facilities that could potentially introduce noise may be required to conduct a background noise survey over a minimum of a 7-day period to establish noise levels at the nearest residential property lines and at the property line of any Sensitive Receptor located within 2,000 feet of the subject property for conditions at the time of application. The applicant shall make a good faith effort to secure permission from the owners of such noted properties to install the sound monitoring equipment and to provide documentation of such efforts as part of the noise survey report. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards ANSI S12.18<sup>2</sup> and ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014<sup>3</sup>. Sound analyzers used for the background noise monitoring should be capable of collecting 10-minute and hourly L<sub>90</sub> sound levels. Background noise levels will be determined by monitoring noise levels for at least seven days. For each hour of the day, the hourly L<sub>90</sub> levels measured on every day of the monitoring period will be arithmetically averaged to determine a single L<sub>90</sub> average for each of the 24 hours of the day. The background noise level for Daytime, Evening and Nighttime periods will then be determined by taking the lowest averaged hourly L<sub>90</sub> value found in each of these time periods. The 10-minute L<sub>90</sub> sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.
- 3) If a special permit or site plan approval is required for construction or operation of any facility which could introduce noise sources into the community, once background ambient noise levels are established, an applicant may be required submit a noise control, abatement

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<sup>2</sup> Acoustical Society of America, American National Standard ANSI S12.18-1994 (R2009), "Procedures for Outdoor Measurement of Sound Pressure Level," reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements.

<sup>3</sup> Acoustical Society of America, American National Standard ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014. Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas  
<https://webstore.ansi.org/standards/asa/ansiasas3sc11002014s12>

and mitigation plan during the permitting process to demonstrate that the noise levels as specified above will not be exceeded.

- 4) A noise control, abatement and mitigation plan shall use established acoustical prediction procedures and should predict noise levels at property lines as well as Sensitive Receptors. The noise control, abatement and mitigation plan shall include the concept of “buy quiet”, which means using the quietest equipment that will meet operational requirements. The practice of using the Best Available Control Technology (BACT) shall also be employed to assure that any equipment being installed is as quiet as possible. The potential existence of prominent discrete tones as defined above shall also be evaluated and addressed.
- 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.
- e. **Continued Noise Compliance.** Should it be determined that a facility goes out of compliance and exceeds any allowable noise limit conditions (e.g. due to equipment wear), corrective action will be required to bring the facility back into compliance which could include, but not be limited to, equipment replacement or additional mitigation steps.
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 7:00 p.m. or for thirty seconds or more in any one hour from 7:00 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 2<sup>nd</sup> 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.

# FIGURES



FIGURE 1. Sound Monitoring Locations (SM1 - SM4)



Data Source: MassMapper (retrieved 3/10/2022)

FIGURE 2. Ambient monitoring results (A-weighted hourly L90)

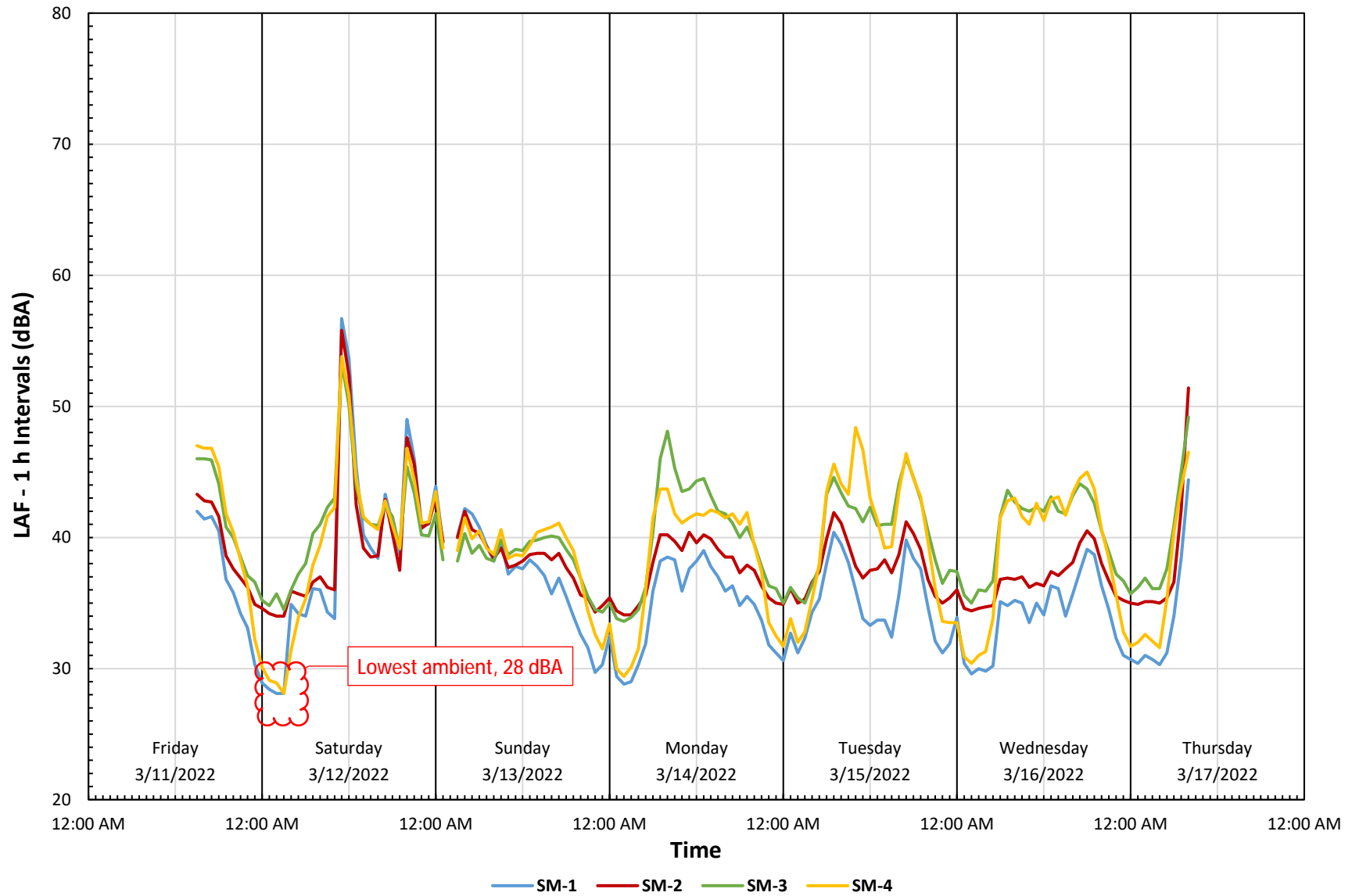




FIGURE 3. Property line measurement locations PL01 - PL14



FIGURE 4a - sound levels measured at PL01

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

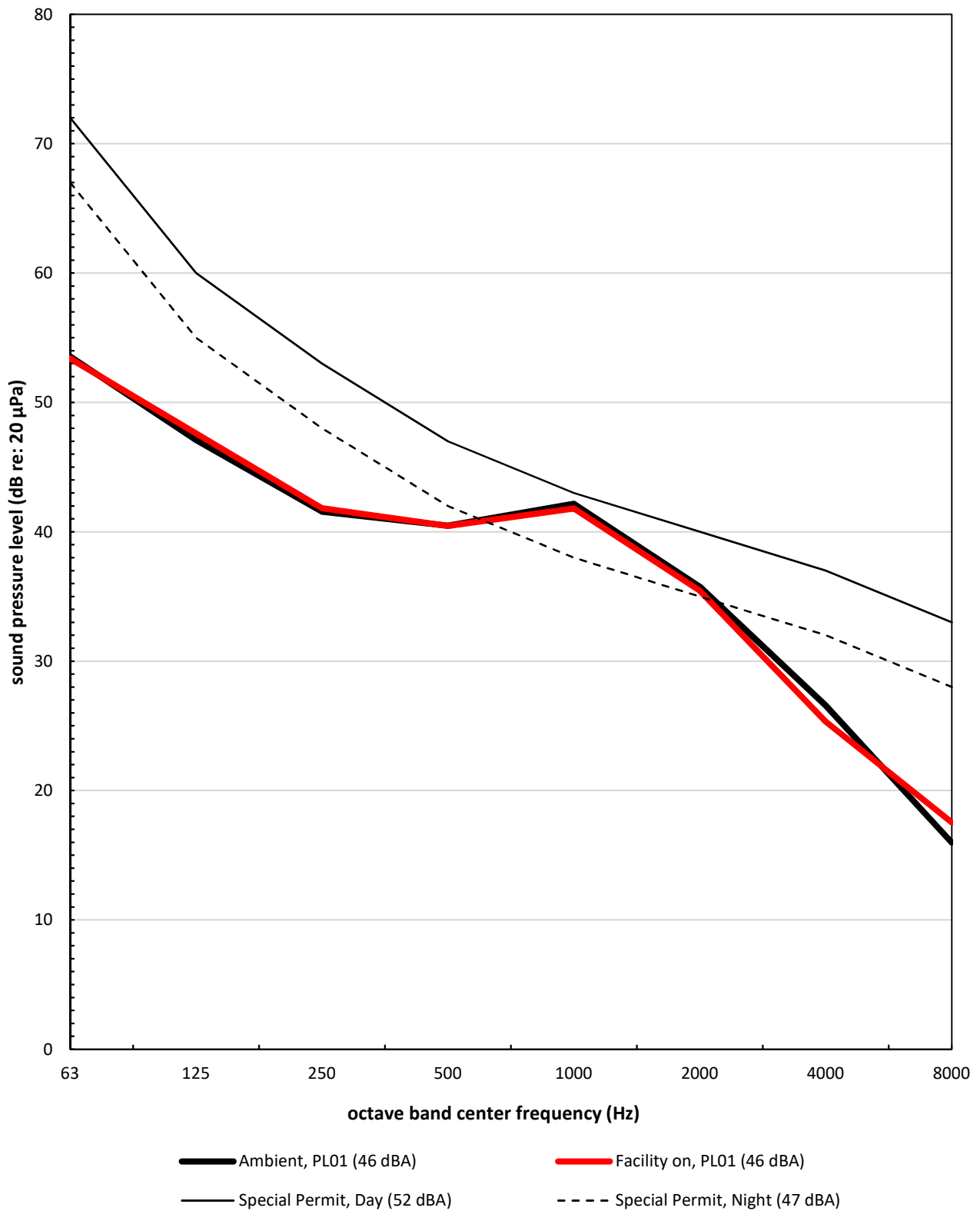


FIGURE 4b - sound levels measured at PL02

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

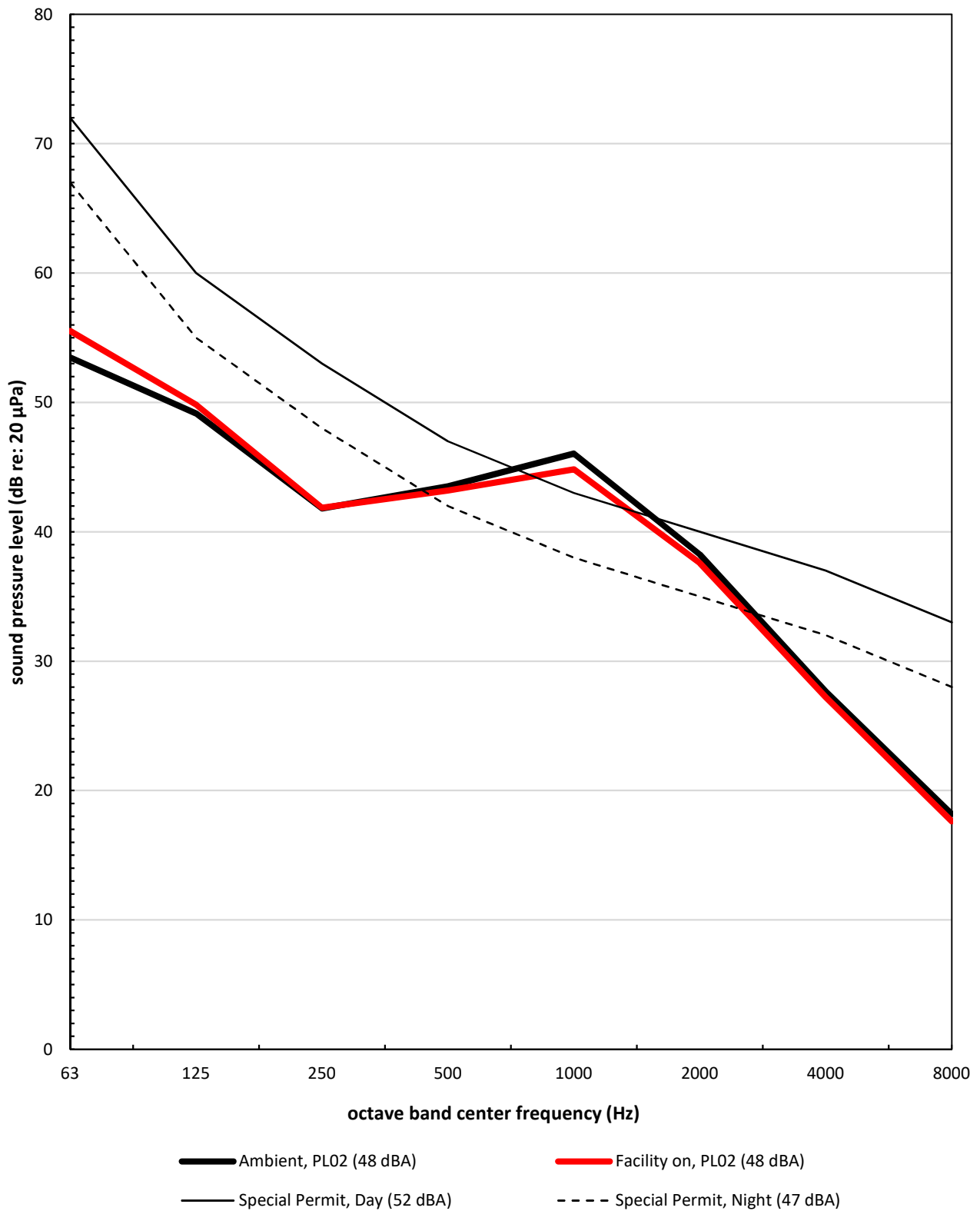


FIGURE 4c - sound levels measured at PL03

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

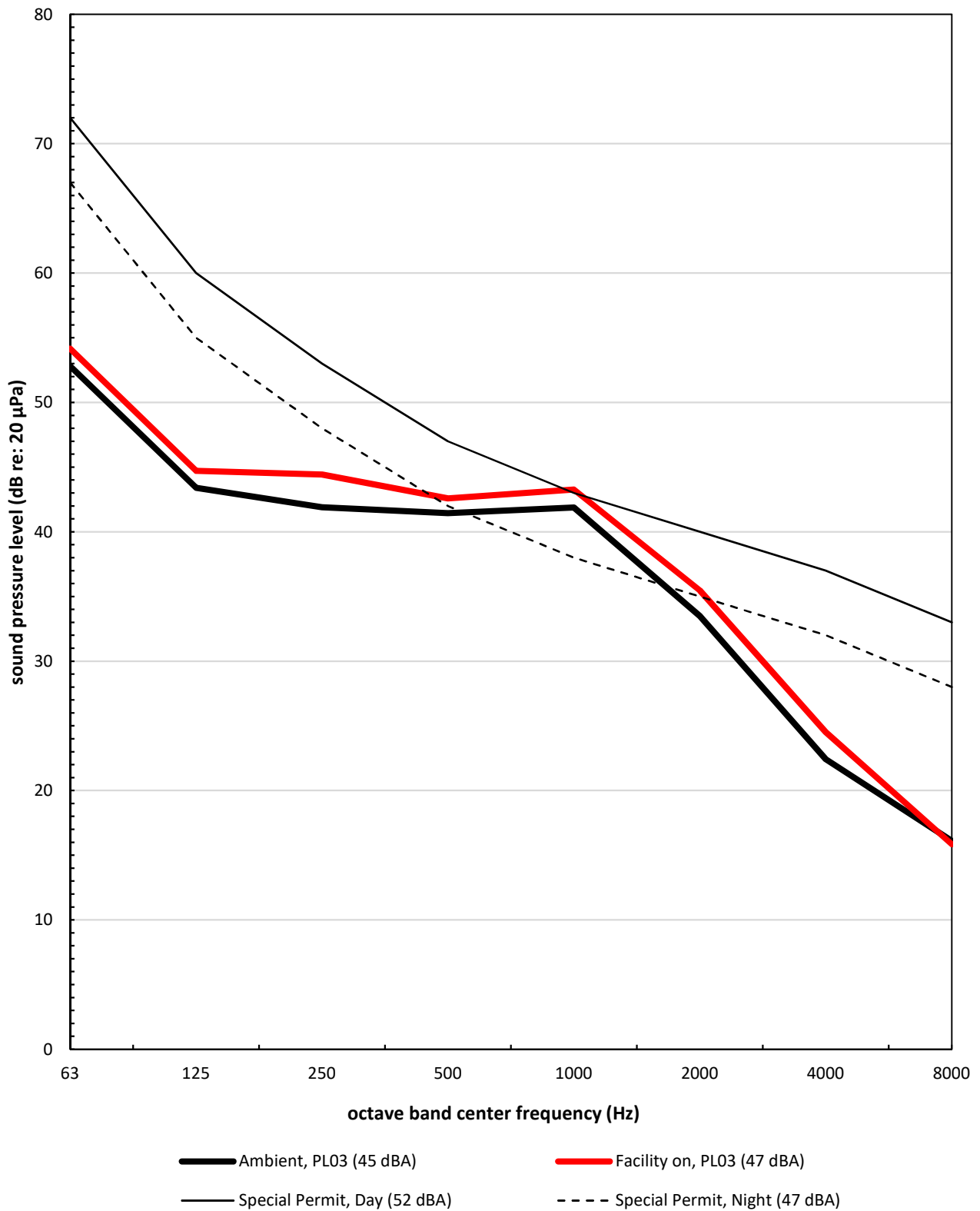




FIGURE 4d - sound levels measured at PL04

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

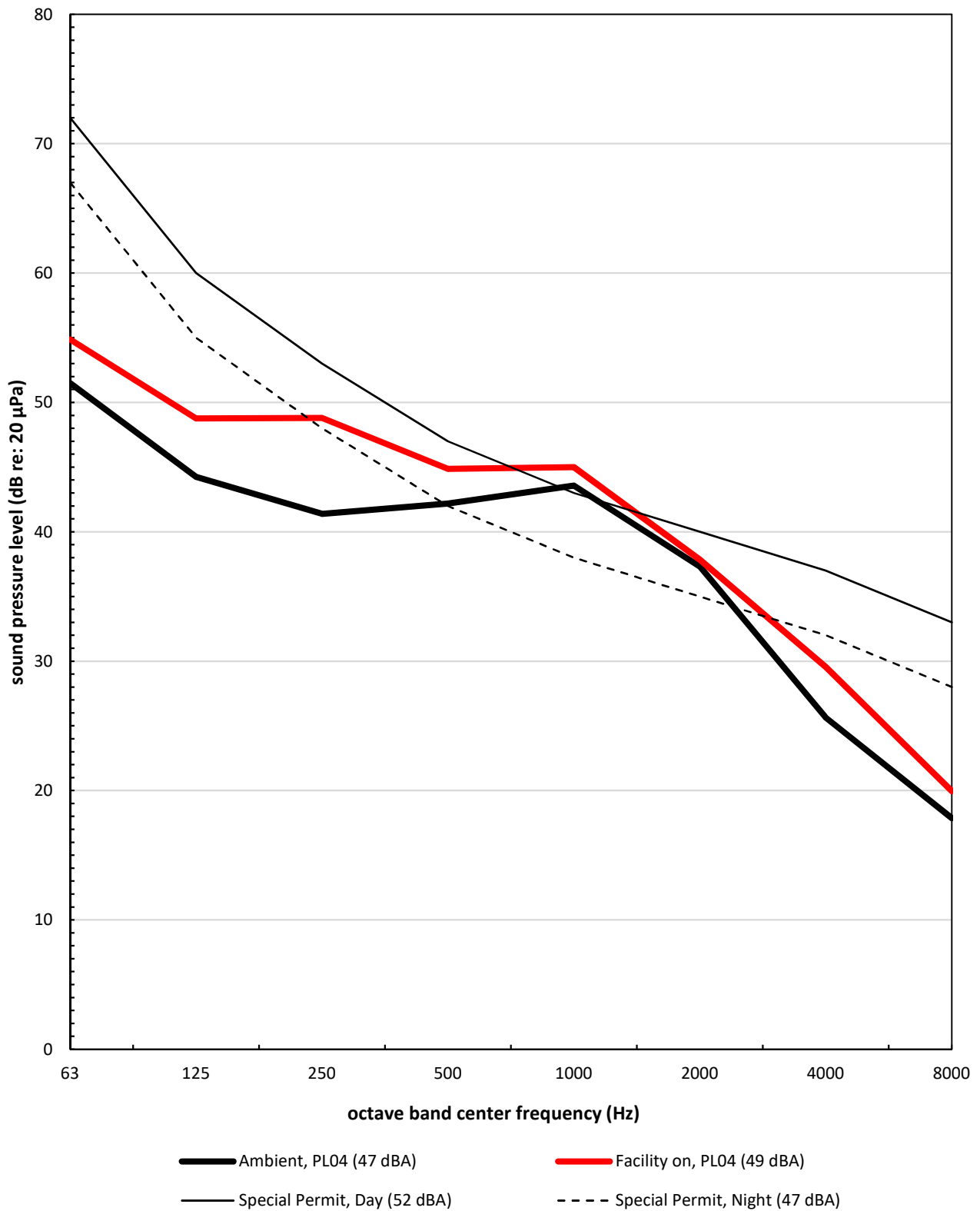


FIGURE 4e - sound levels measured at PL05

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

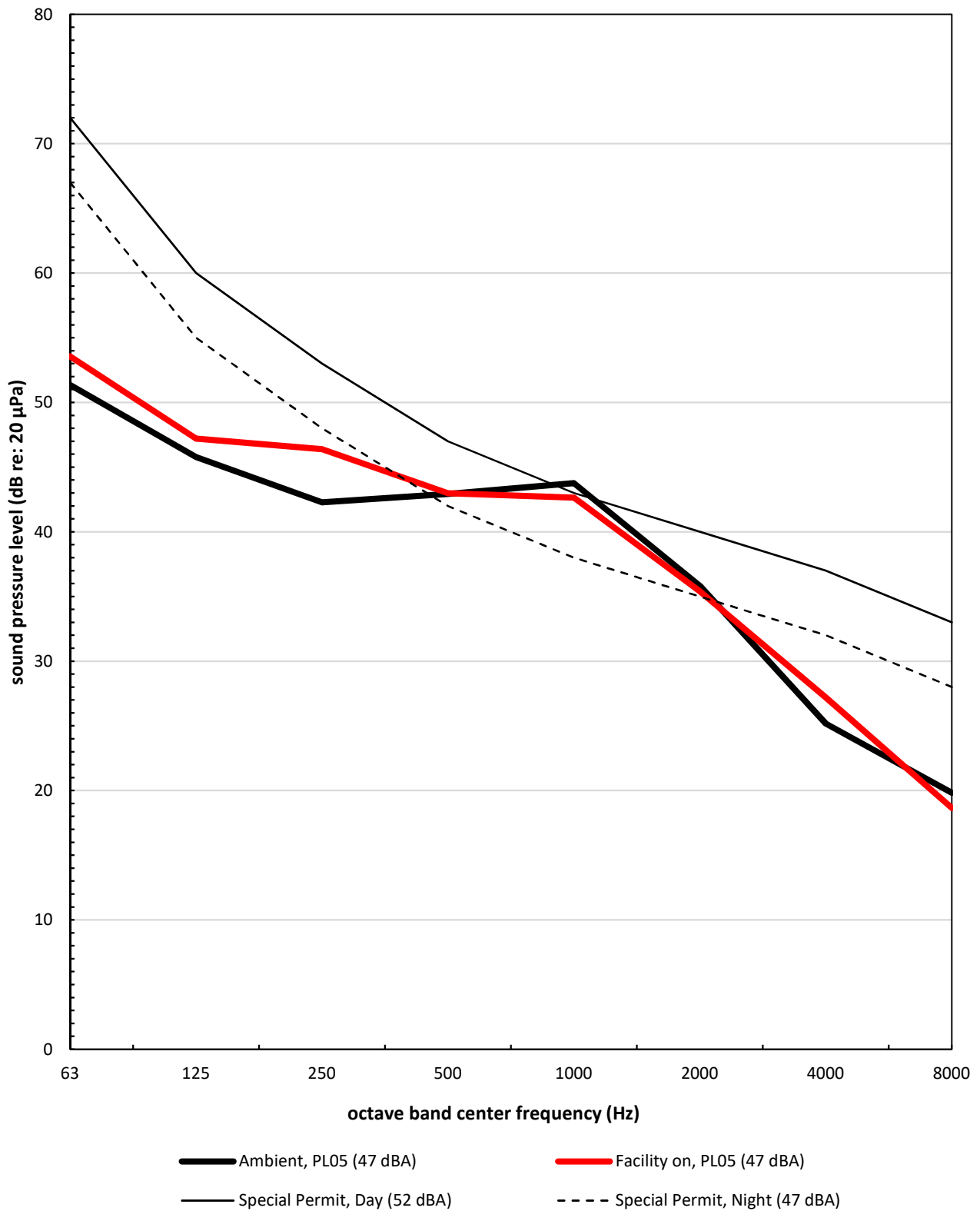


FIGURE 4f - sound levels measured at PL06

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

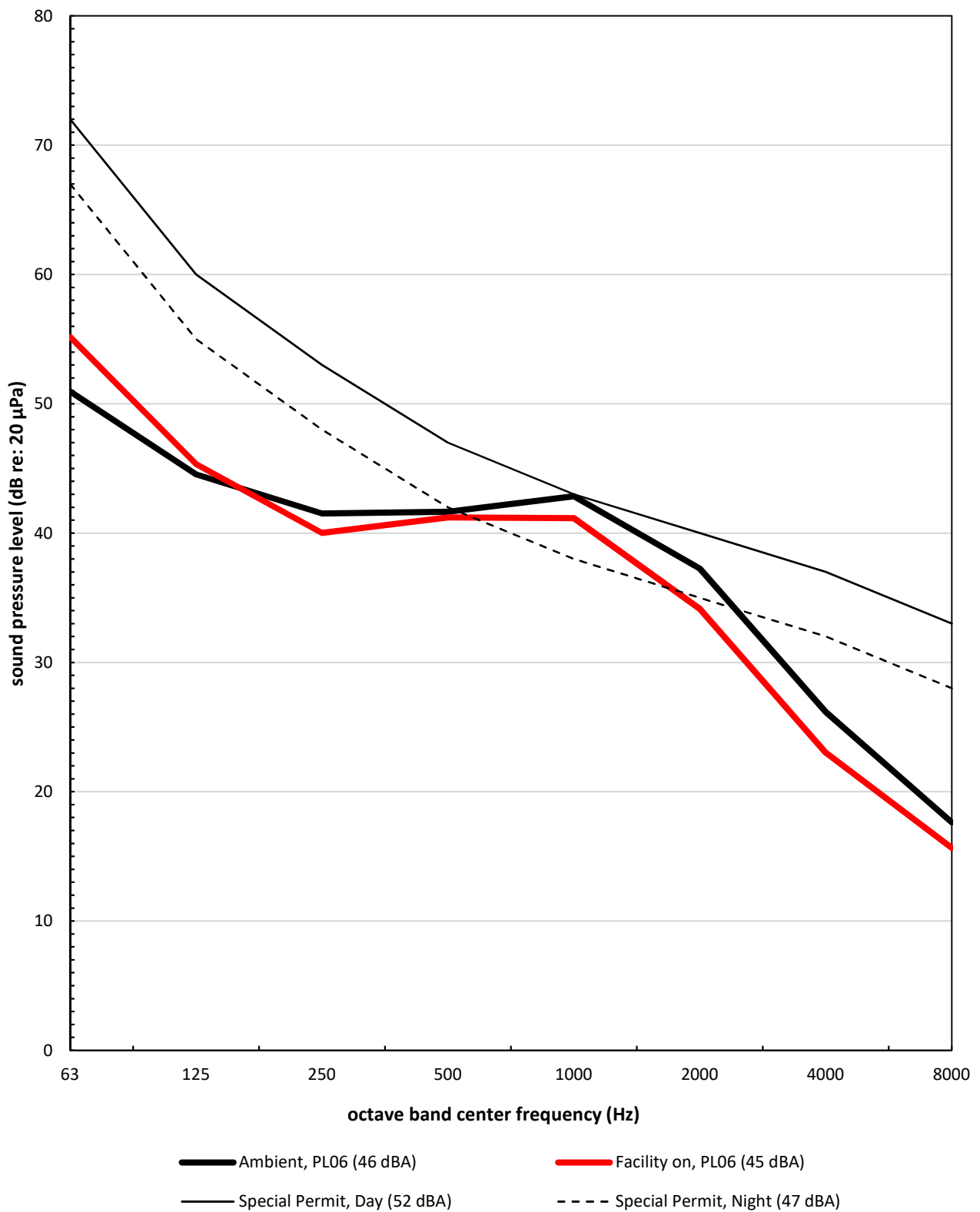


FIGURE 4g - sound levels measured at PL07

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

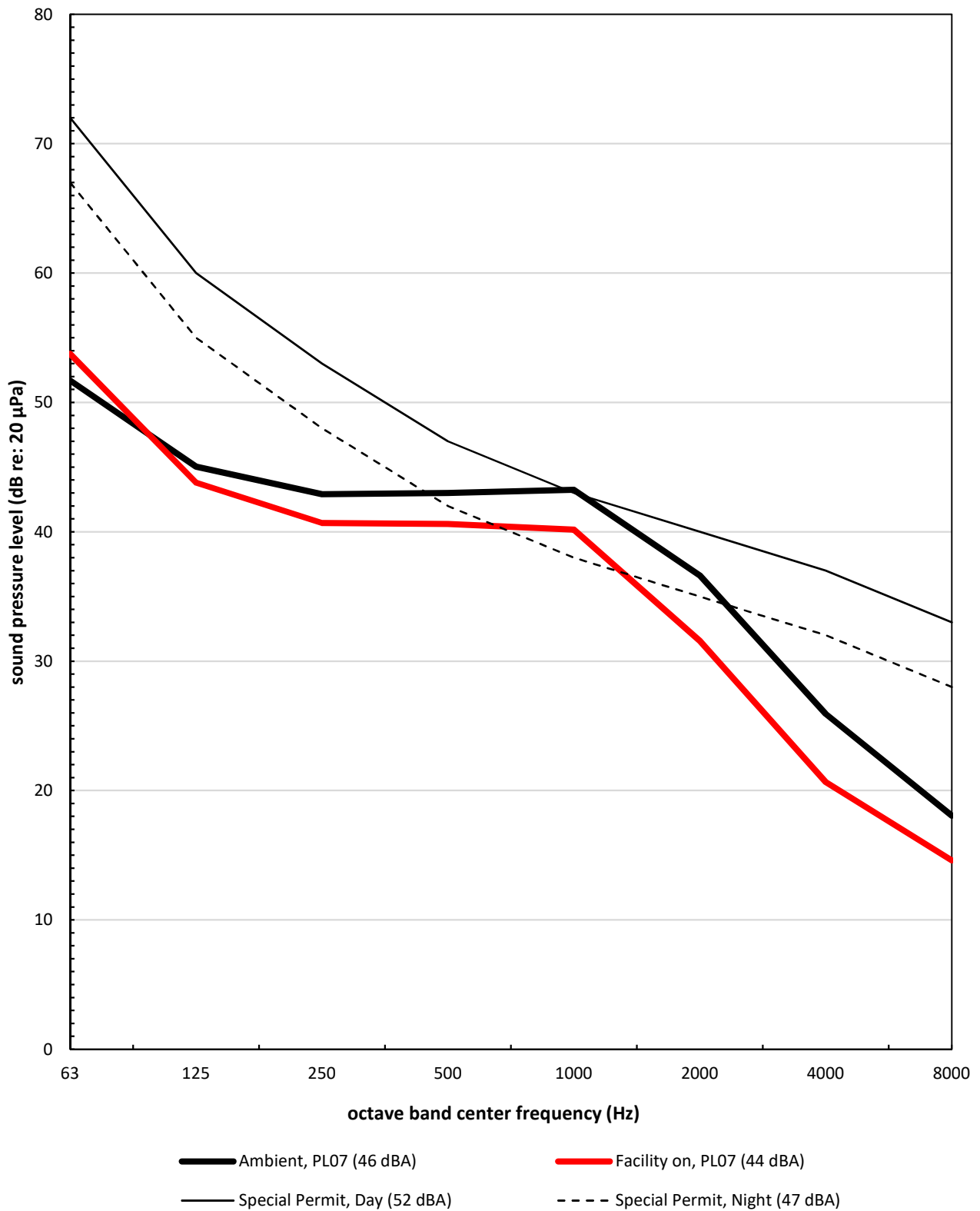


FIGURE 4h - sound levels measured at PL08

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

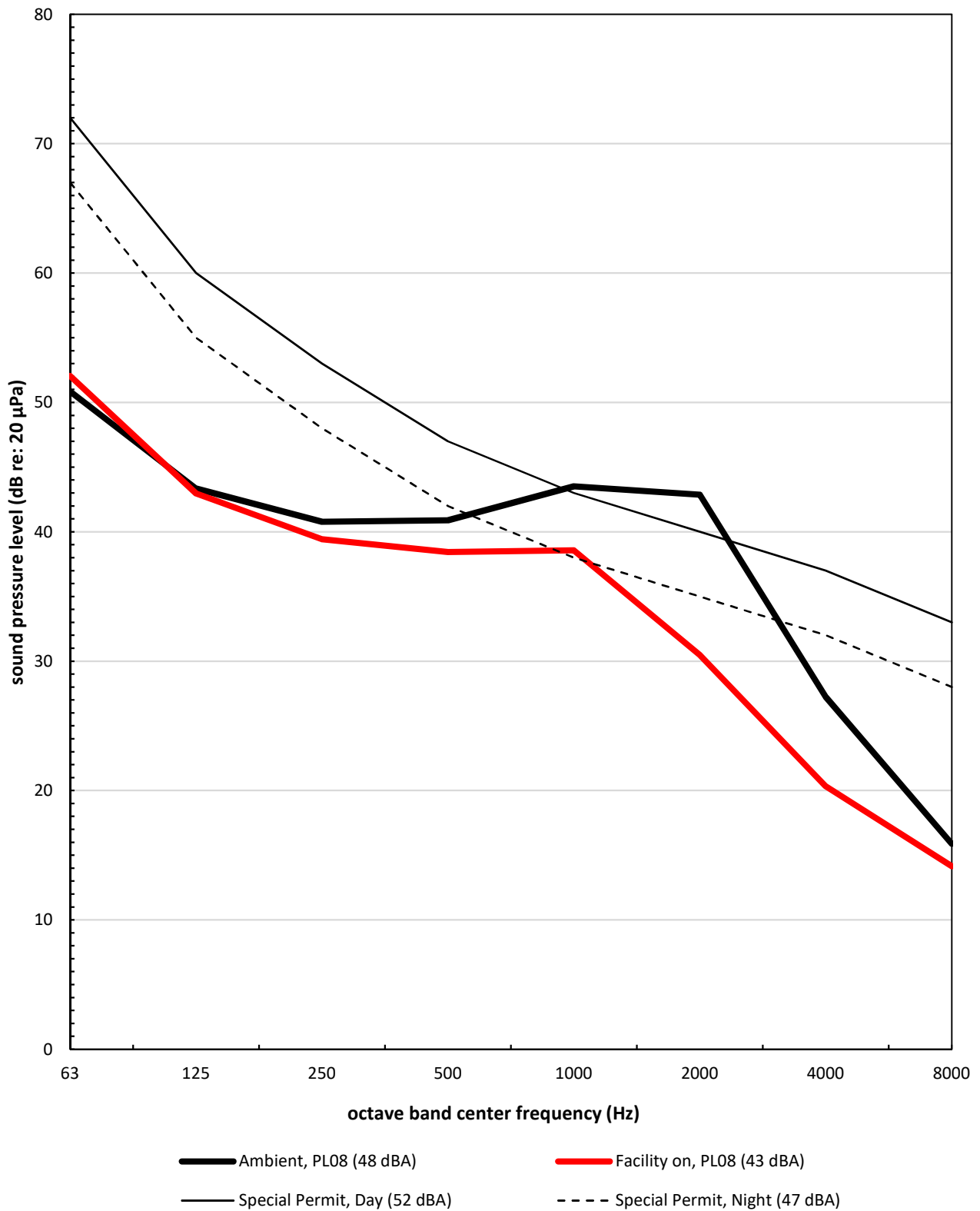




FIGURE 4i - sound levels measured at PL09

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

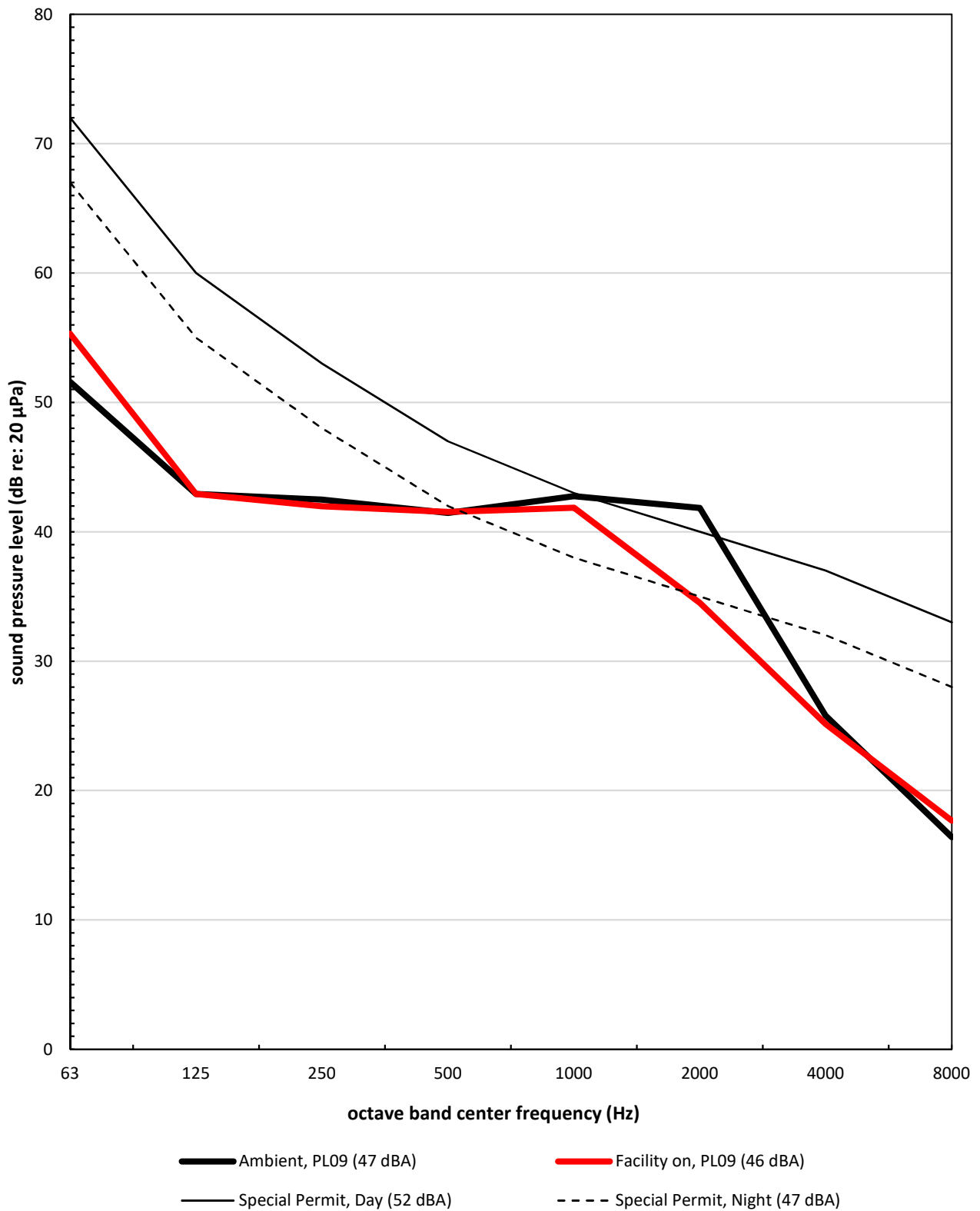


FIGURE 4j - sound levels measured at PL10

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

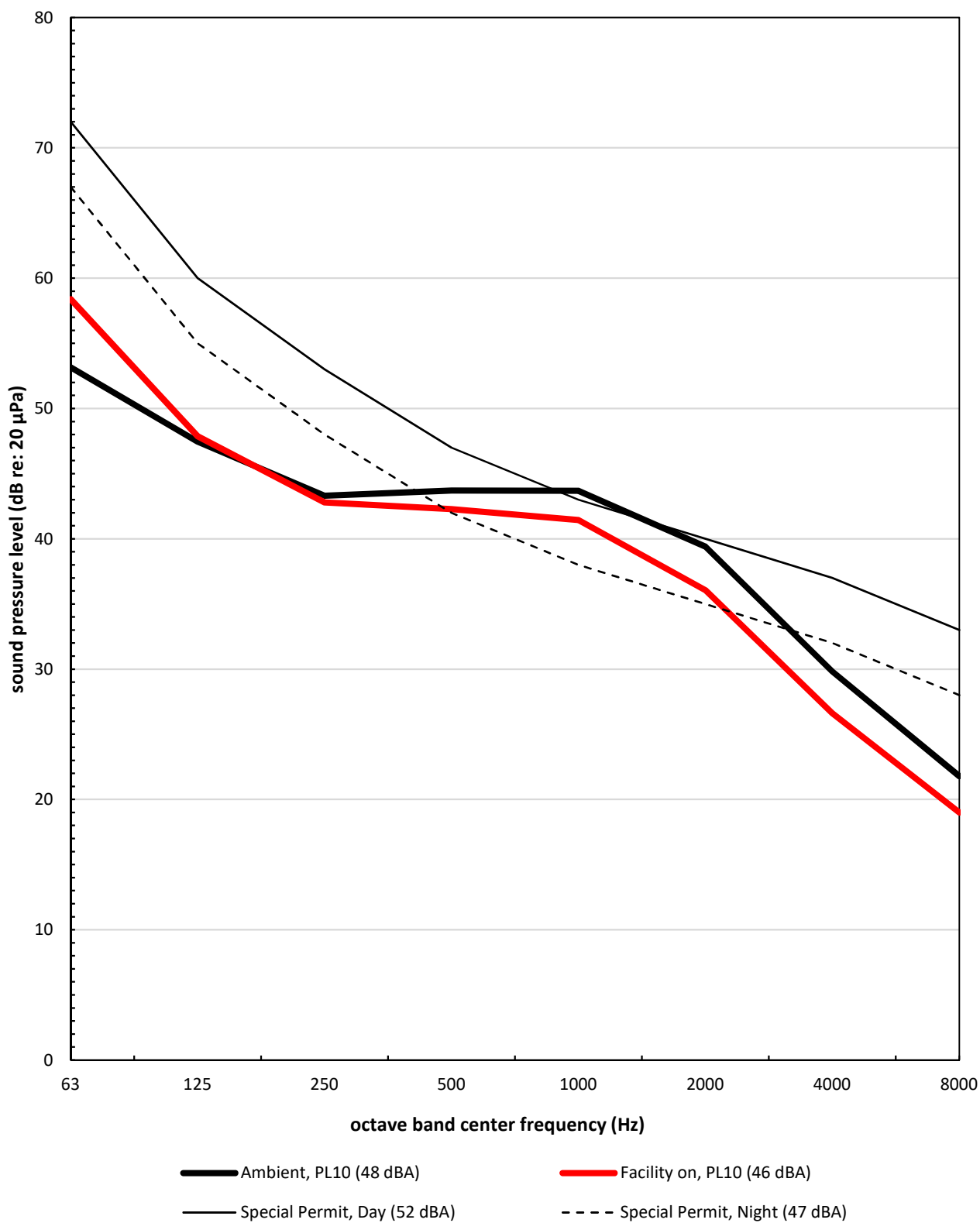


FIGURE 4k - sound levels measured at PL11

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

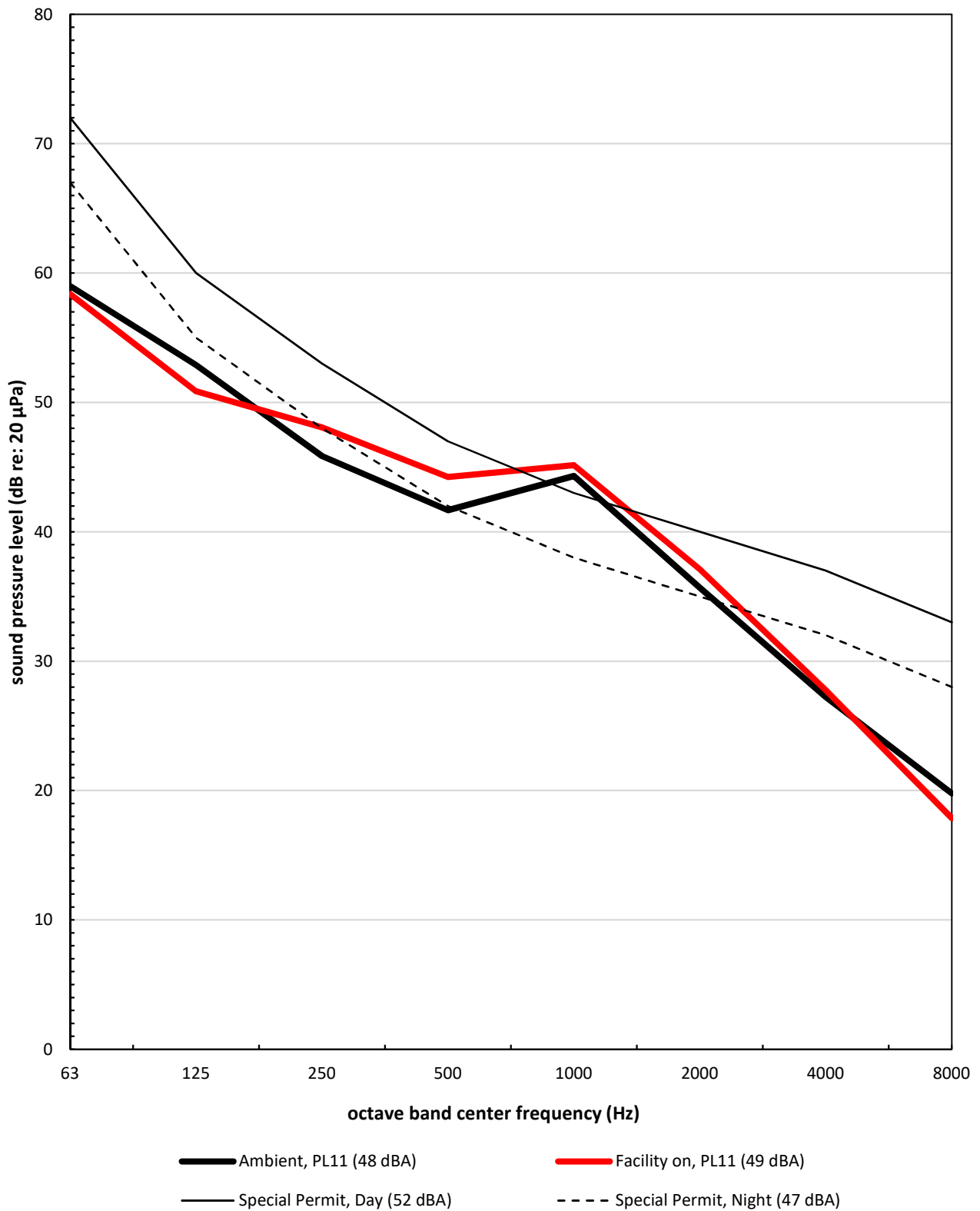


FIGURE 4I - sound levels measured at PL12

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

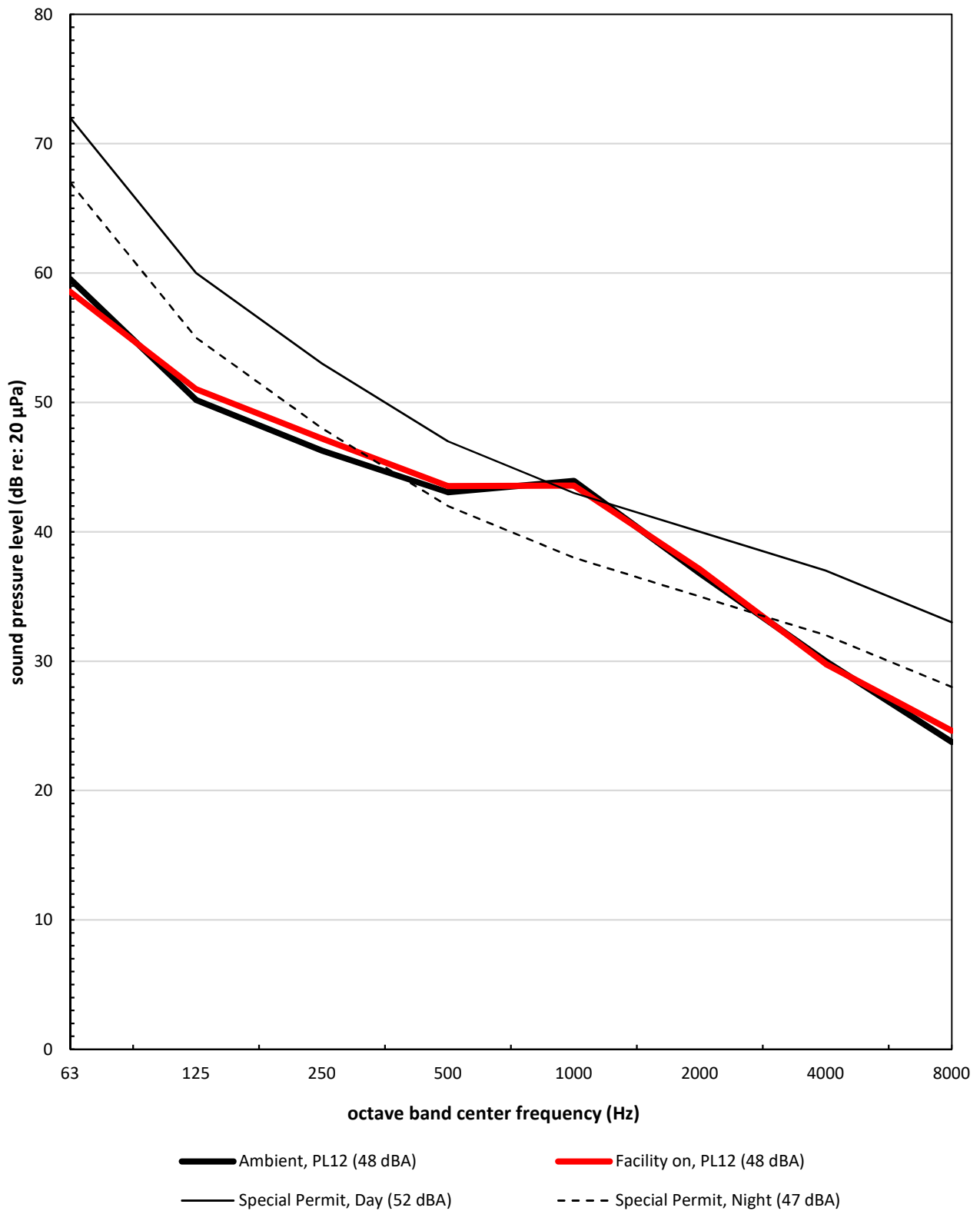


FIGURE 4m - sound levels measured at PL13  
March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

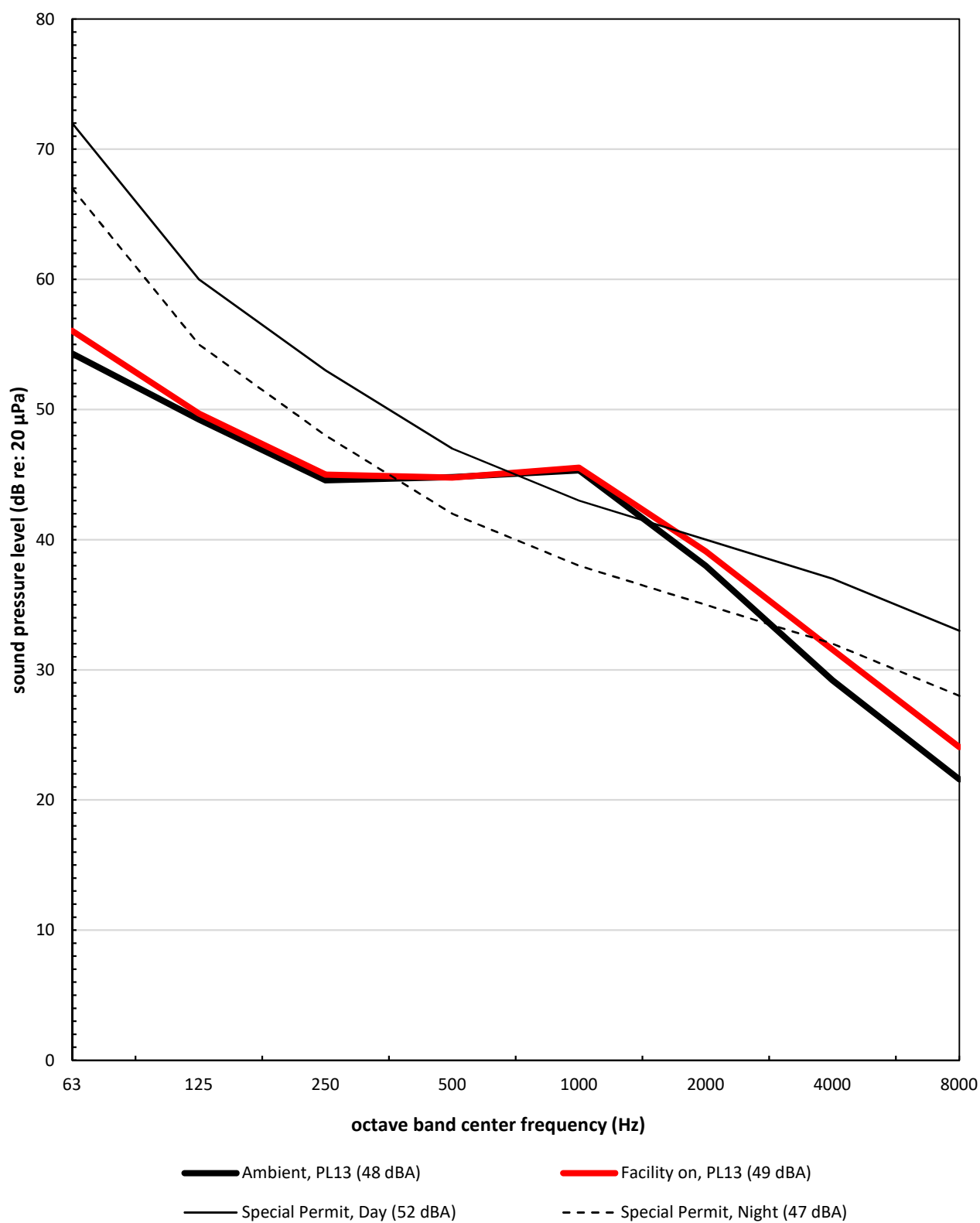


FIGURE 4n - sound levels measured at PL14

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

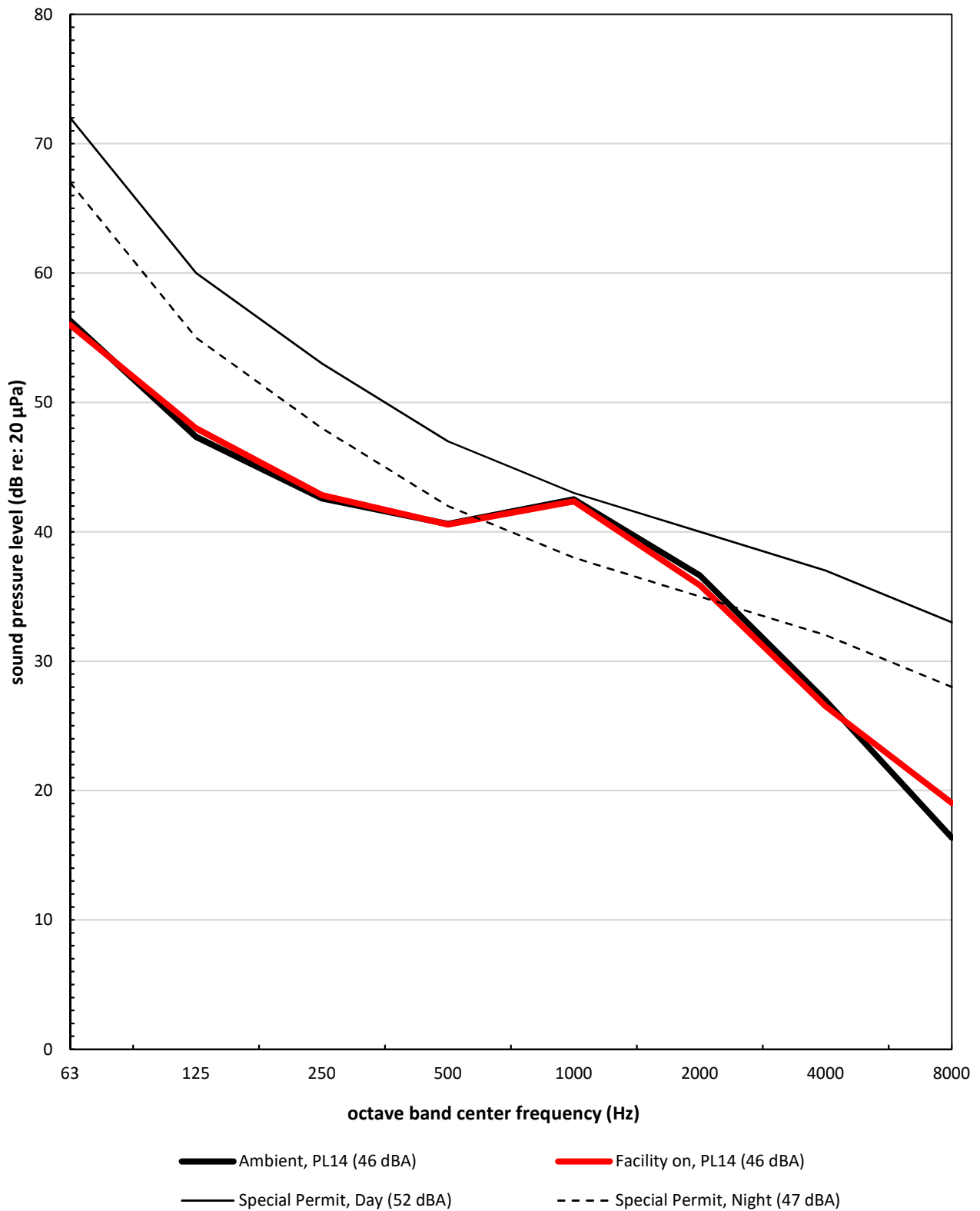




FIGURE 5. Community measurement locations R01' - R07'

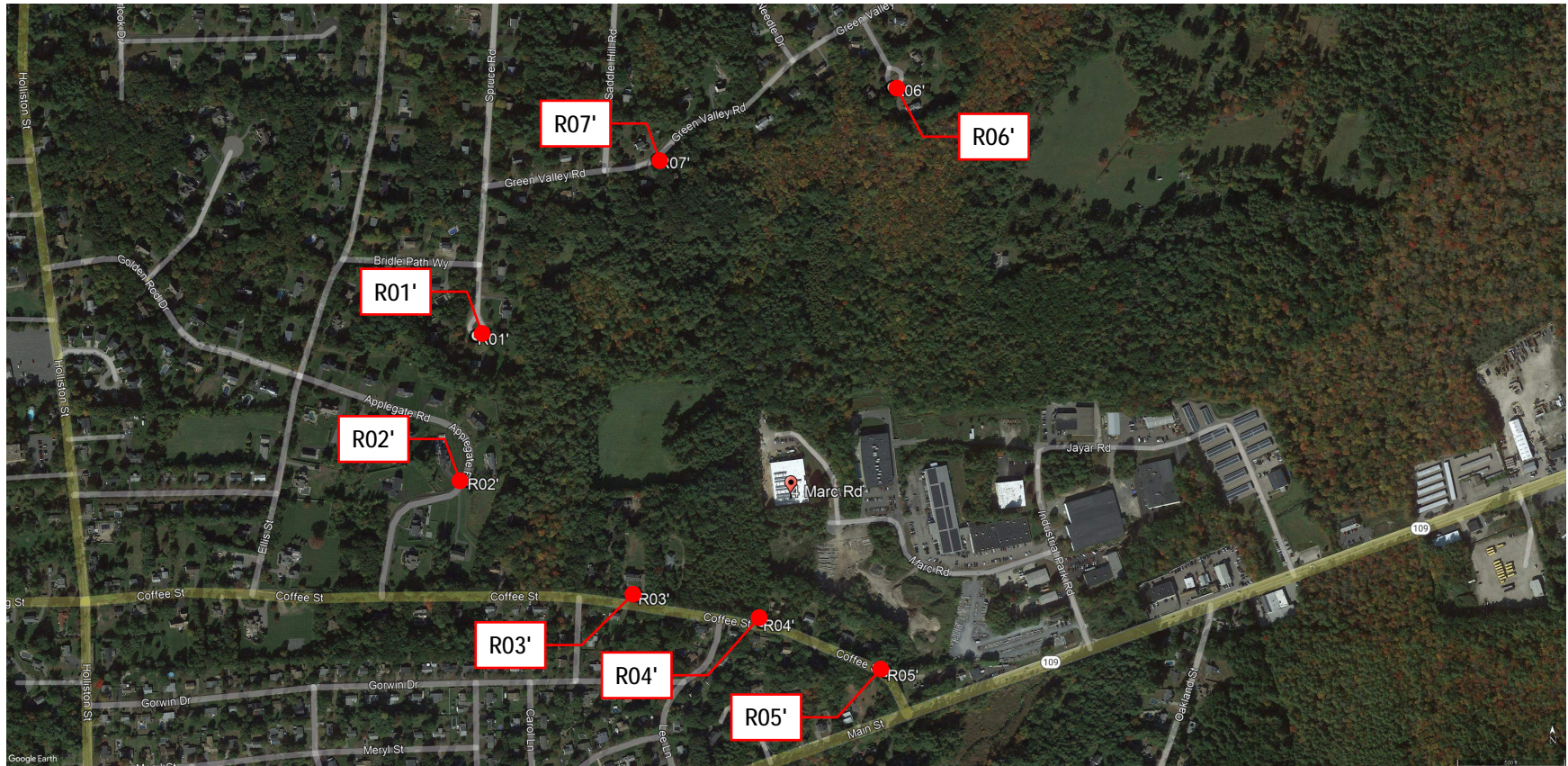


FIGURE 6a - sound levels measured at R01'

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

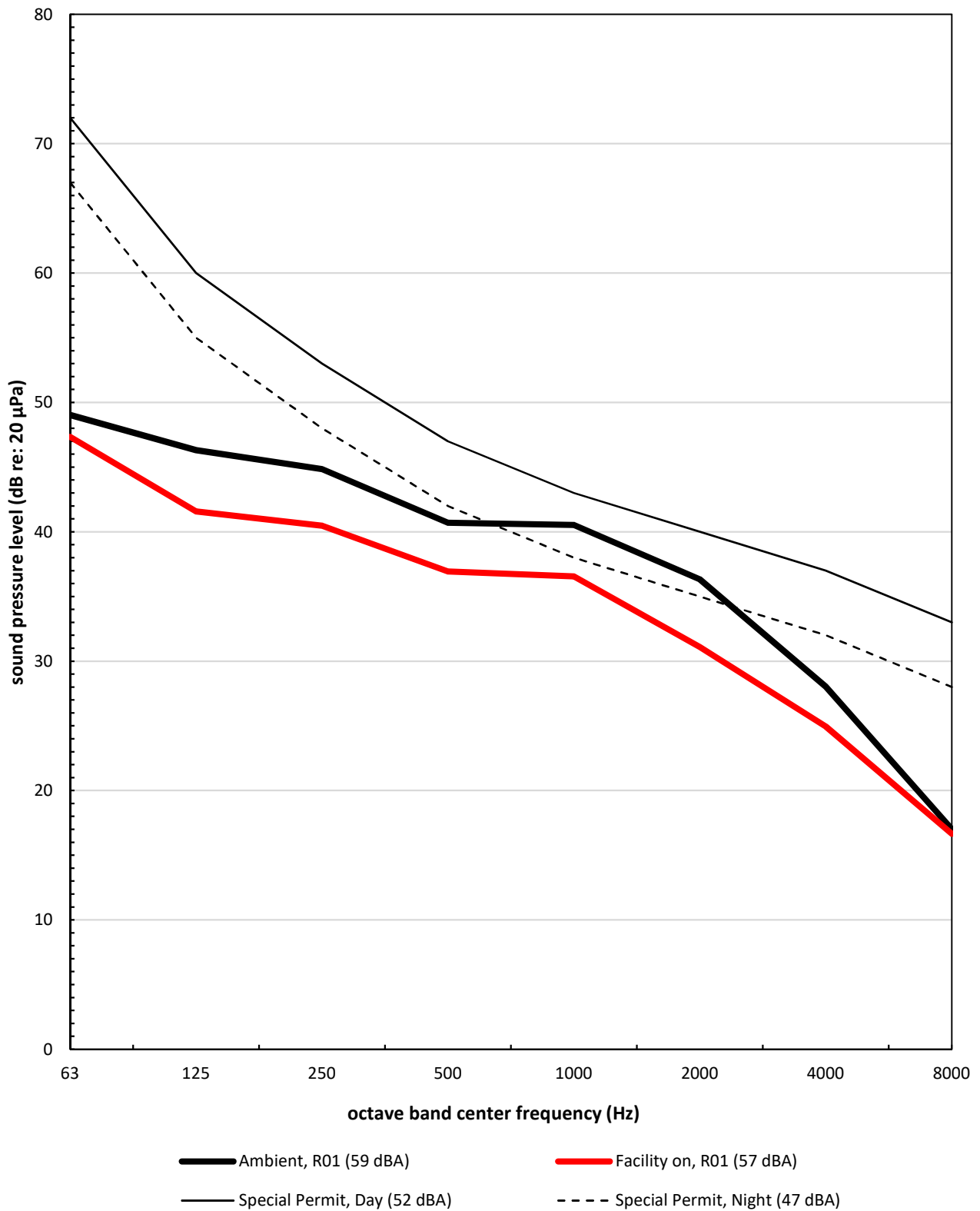


FIGURE 6b - sound levels measured at R02'

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

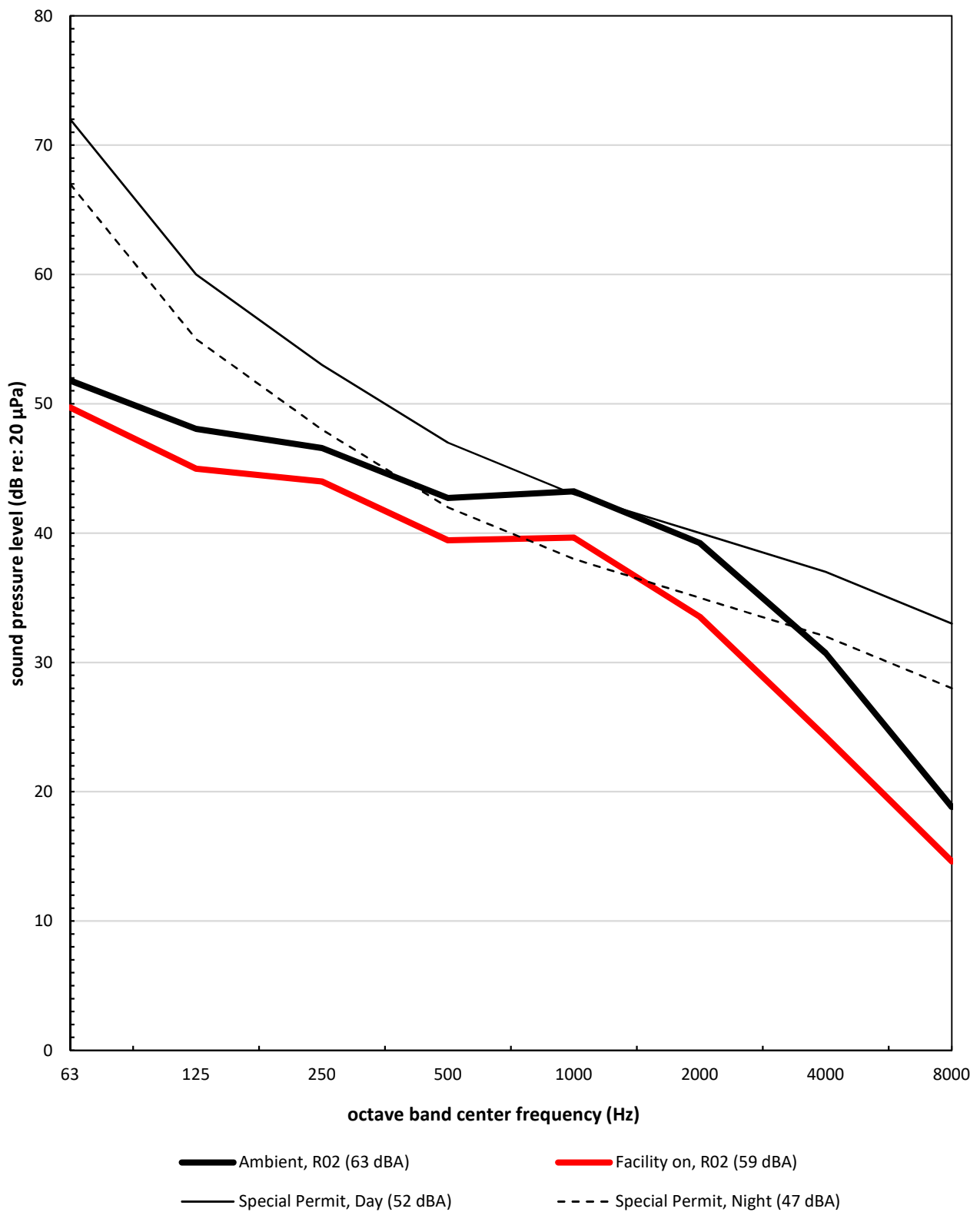


FIGURE 6c - sound levels measured at R03'

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

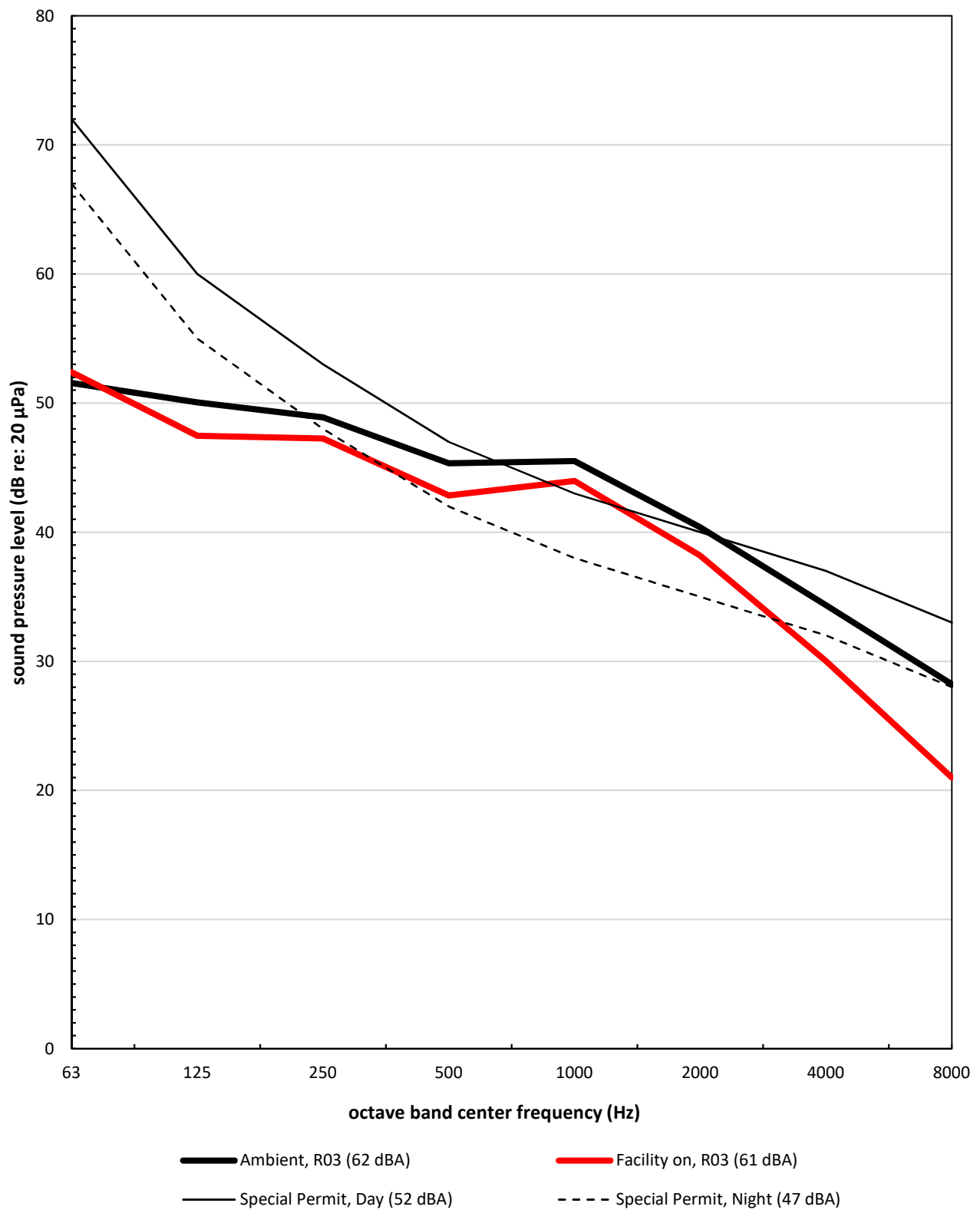


FIGURE 6d - sound levels measured at R04'

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

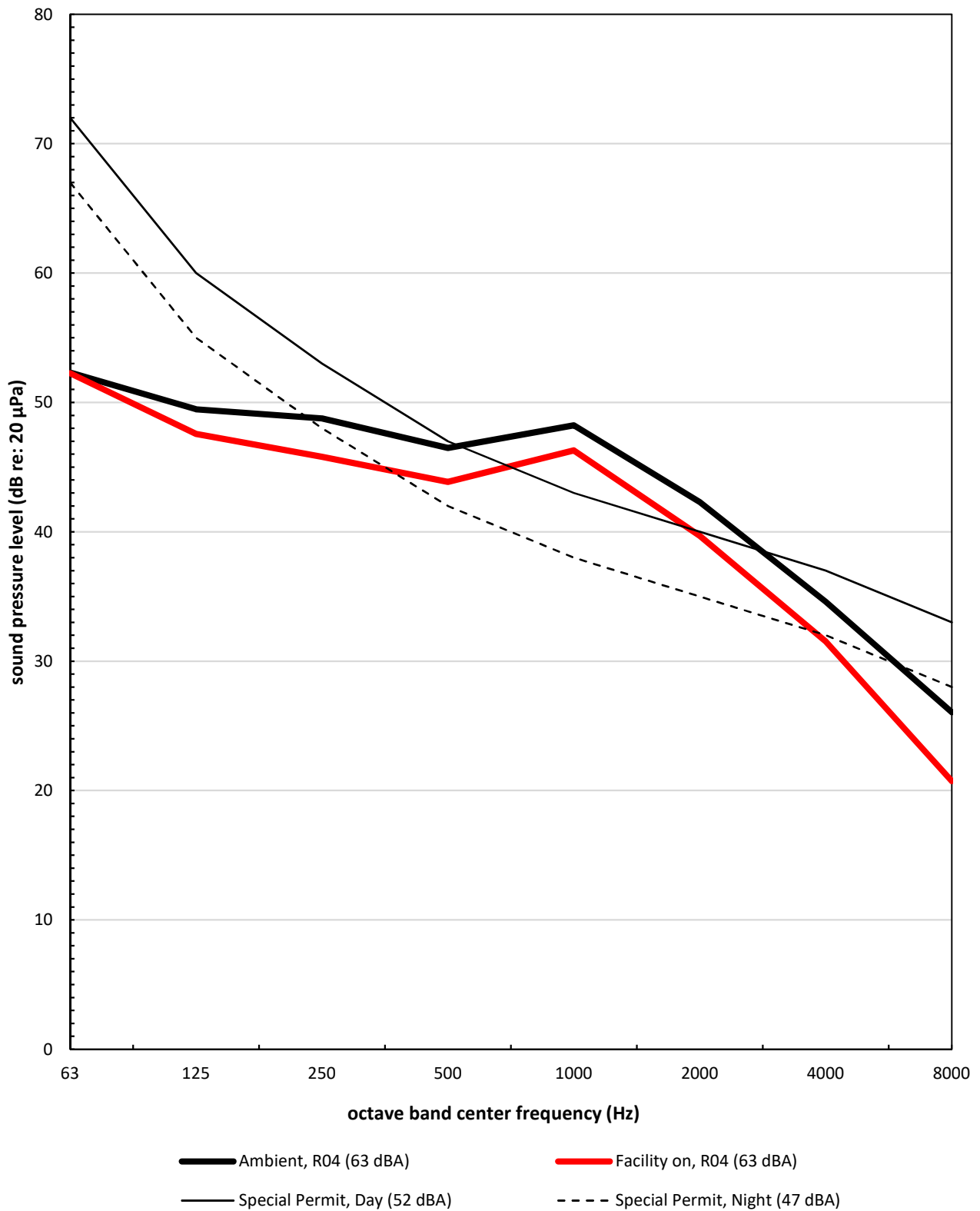


FIGURE 6e - sound levels measured at R05'

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

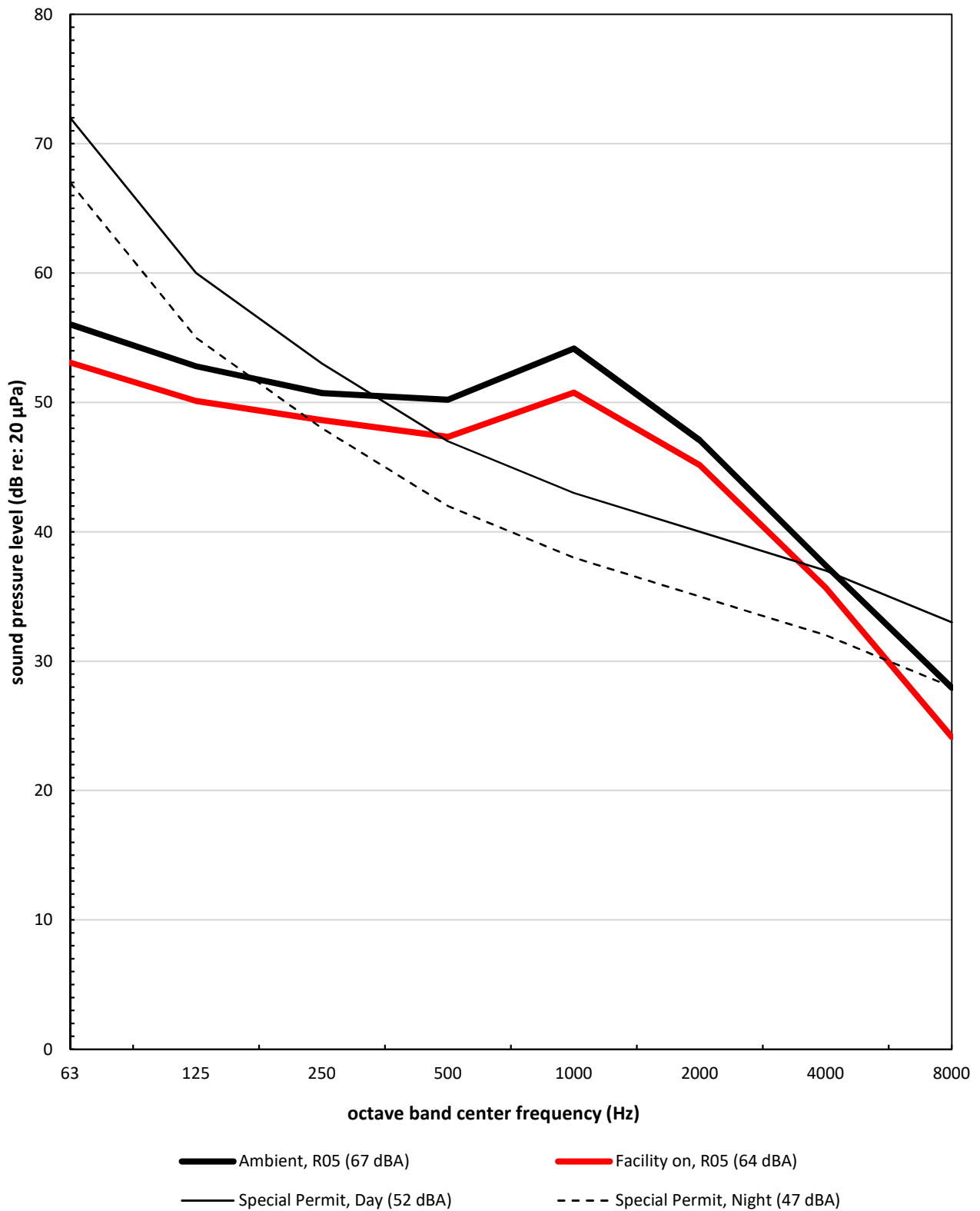




FIGURE 6f - sound levels measured at R06'

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

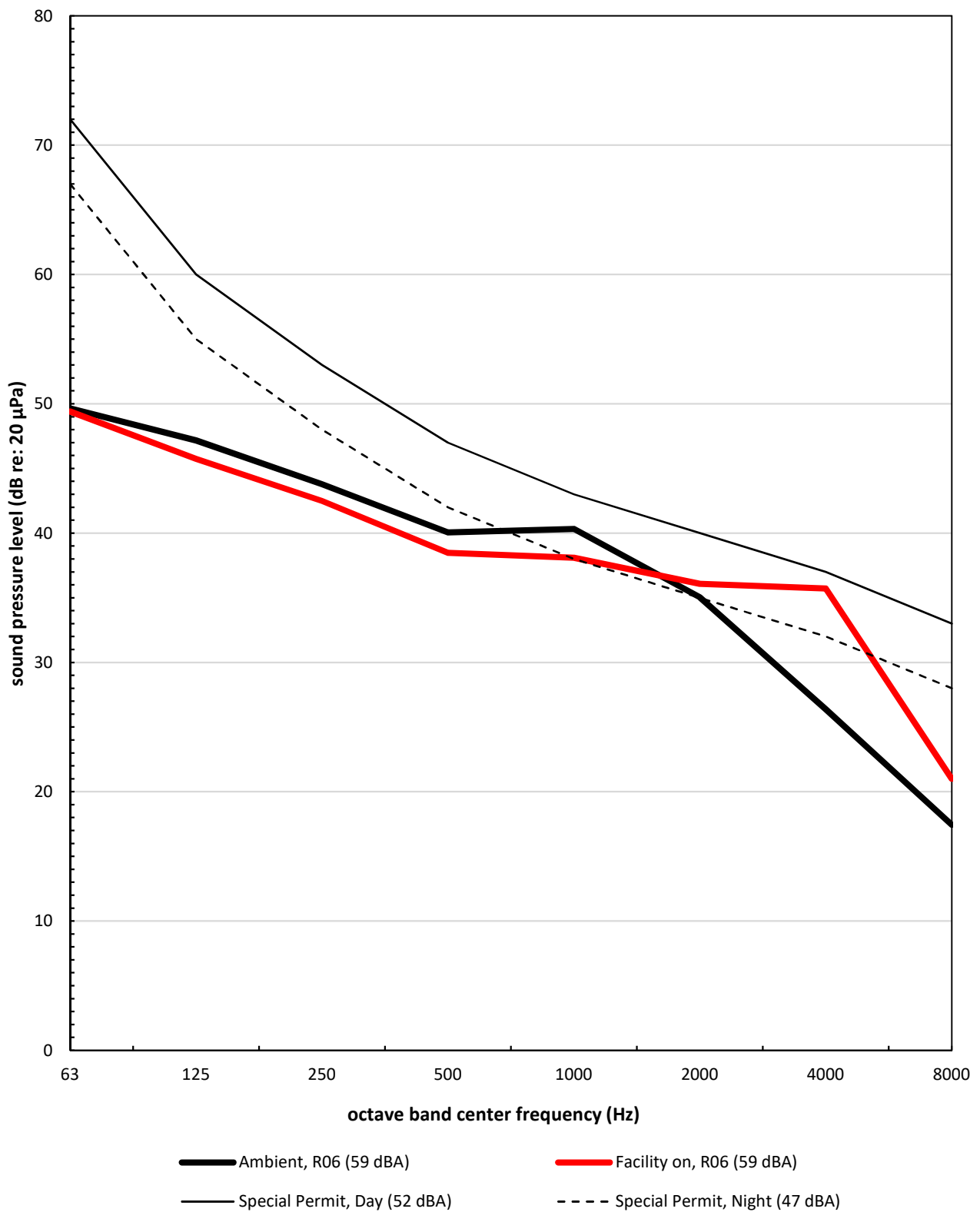


FIGURE 6g - sound levels measured at R07'

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)

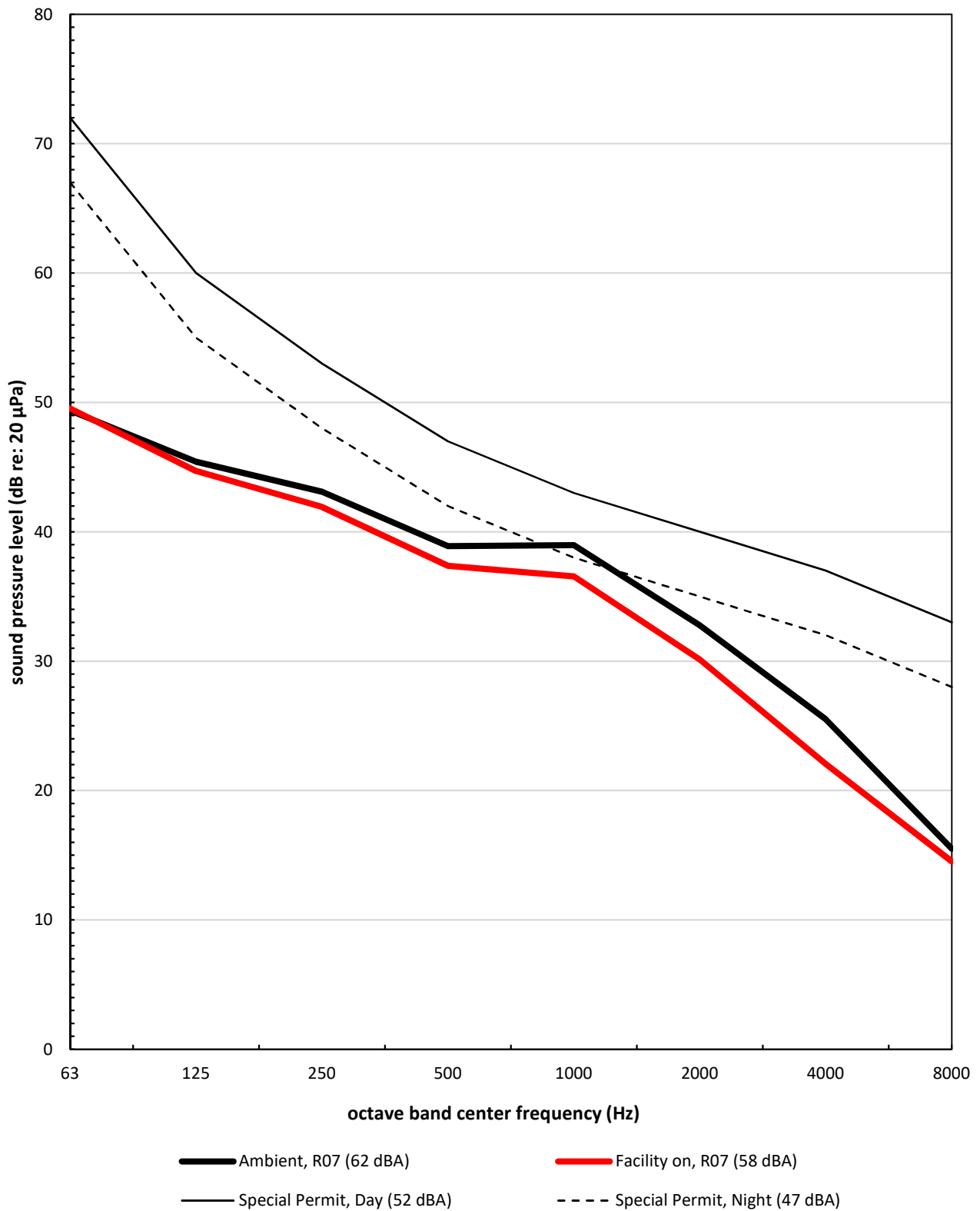
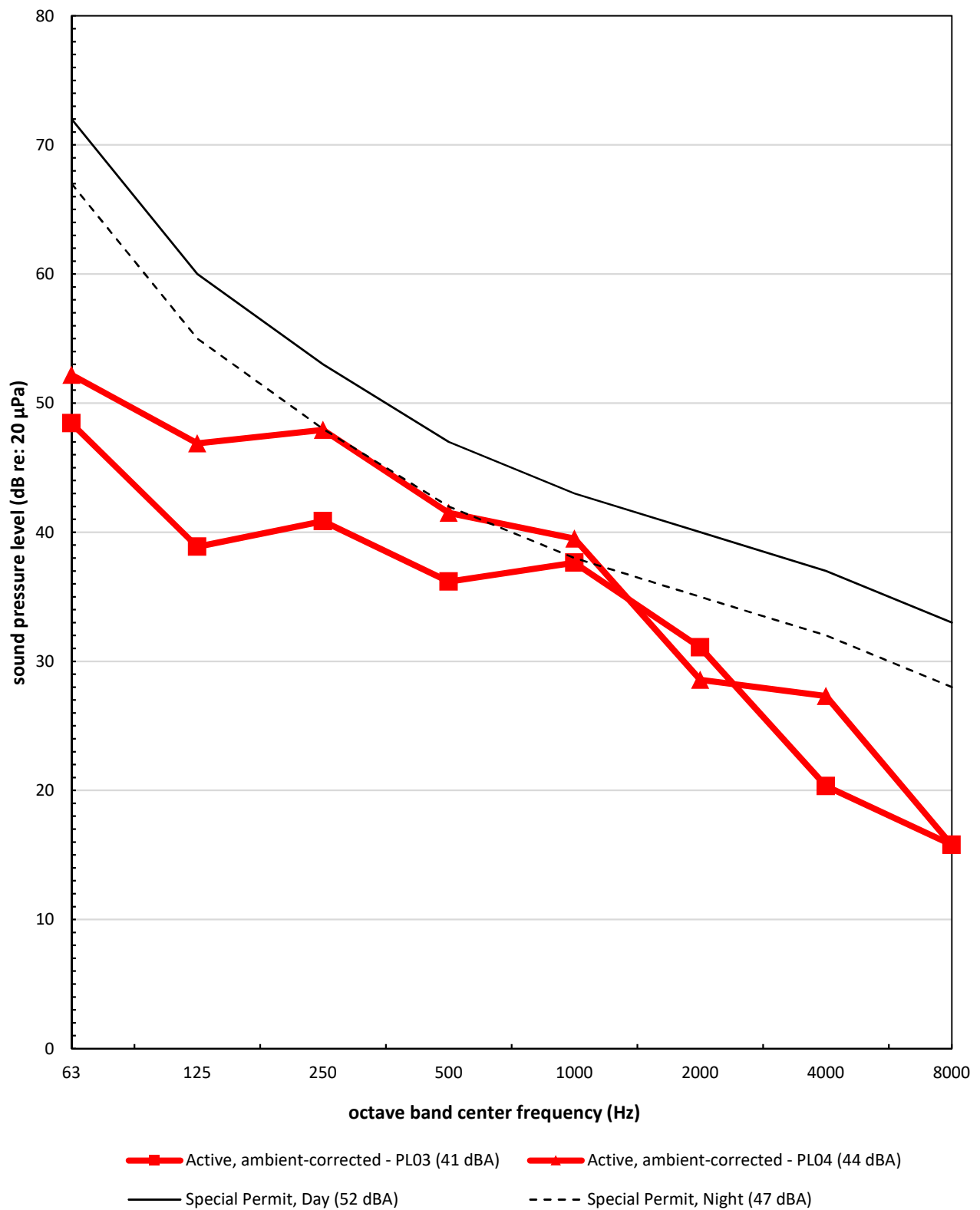


FIGURE 7 - sound levels measured at PL03 and PL04

March 31, 2022 - 1/3 of dry cooler fans operating (Medway, MA)





**April 12, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**4 Marc Road – NeoOrganics  
Supplemental Information for  
Discussion on Recommending Issuance  
of an Occupancy Permit**

**PUNCH LIST**

- Information provided by NeoOrganics on 4/11/22 re: the need to remove trees and reduce the height of a small hill to the east of the driveway to 4 Marc Road. This work has not been completed as noted in Tetra Tech's 3-4-22 punch list. The Permittee is asking that they not be required to complete that work or, at a minimum, that they not be required to complete the work before an occupancy permit is issued.
- Email dated 4/12/22 from Tetra Tech with review comments on the above noted information.
- Updated punch list dated 4/12/22 from Tetra Tech with comments on previously provided draft as-built plan and results of their 4/8/22 site visit.

## **NOISE**

- Excerpt (pages 19– 21) of the NeoOrganics (4 Marc Road) marijuana special permit/site plan decision (1-28-20) re: required noise study to be completed before an occupancy permit is issued.
- UPDATED (4-11-22) baseline noise study prepared by Acentech per the above noted requirement. Please ignore the noise study (dated 4-6-22) included in the first board packet file previously provided to you.

NOTE – Jack Mee and I decided to forward the UPDATED noise study to the Board’s noise consultant, Jeff Komrower at Noise Control Engineering, to review to determine if the study meets the criteria specified in the 4 Marc Road decision. Additional review funds were provided by NeoOrganics Monday afternoon to cover the cost of NCE’s review services. Jeff Komrower is reviewing the study today and I expect to have his review and comment letter before Tuesday’s meeting.

# 4 Marc Road

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Site Line Requirement



# Request Summary

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- The existing site plan design calls for the removal of some trees over 9" in diameter and some material to knock down a small hill near the exit of the driveway to 4 Marc Road. This is to accommodate the 200' site line distance to oncoming traffic.
- We are requesting that the requirement to remove the section of the hill be waived.
- The reasons that we believe the hill is not a danger or hindrance to the 200' site line requirement are as follows;
  - Preserves the existing landscape
  - Cul-De-Sac = No through traffic
  - Speed of traffic is extremely slow.
  - Comm Can use it as overflow parking
  - The property line is not where you stop
  - Addition of a stop line for added safety

# Preserve Landscape

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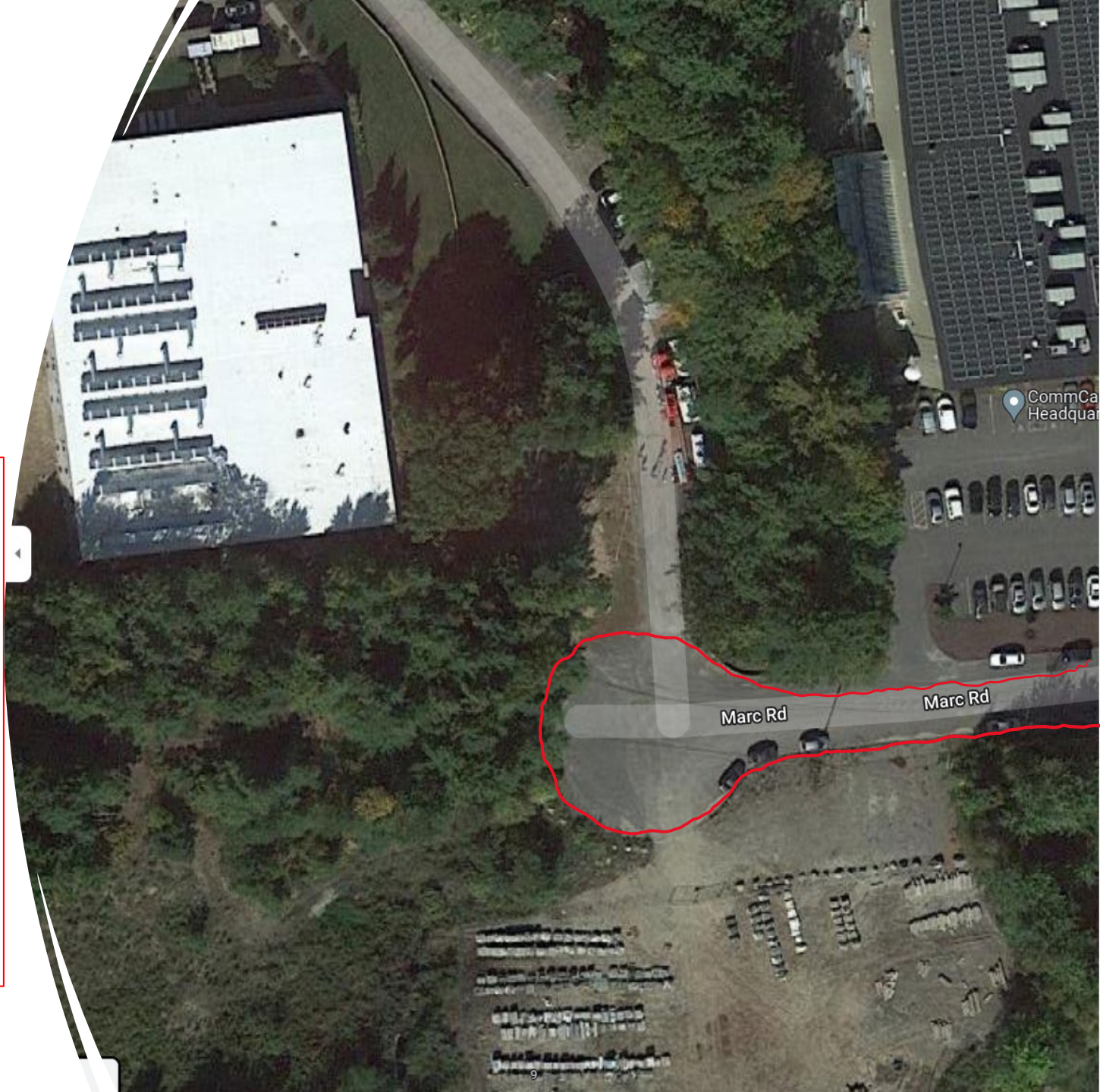
The hill as it currently stands provides no hindrance to seeing oncoming traffic. The removal of the hill would only serve to eliminate more plants, small trees and shrubs from the area and add unnecessary time and cost.



# Cul-De Sac

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Marc Rd is a cul-de-sac. The driveway to 4 Marc Rd sits at the end. Cars enter slowly and only to park or turn around. Virtually no activity on the weekends





# Parking

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Comm Cann, owns the private road and uses it as overflow parking. The cul-de-sac is full of parked cars from 6:30am – 3:00pm daily M-F.



# Property Line

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The property line where the 200' site line distance is being measured is not in actuality where a car would stop to look for oncoming traffic.



# Stop Line

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We have put in a stop line for vehicles leaving the facility where a stop takes place due to the parked cars.





# Our Request

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We respectfully request the board to consider waiving the requirement of the hill modification. If that is not acceptable, we request that we are allowed to modify the hill at the same time we complete the tree restoration work which is currently scheduled for the end of April as that is when earth moving equipment will be on site.

If our request for a waiver is not granted, we also request that the hill modification become a condition of our certificate of completion and not a condition of the final occupancy permit.

Thank you for your time and consideration.

## Susan Affleck-Childs

---

**From:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Sent:** Tuesday, April 12, 2022 9:39 AM  
**To:** Susan Affleck-Childs  
**Cc:** Sudak, Courtney  
**Subject:** RE: 4 Marc Road Site line -

Hi Susy,

Courtney reviewed the proposal and has the following comments:

1. Section 7.1.1.F.6 of the Zoning Bylaws (Amended November 15, 2021 – I assume the latest version would apply since they are seeking a modification to their decision) states ***Driveways/egresses serving ten or more parking spaces shall have stopping and intersection sight distances based on the AASHTO Standards for Geometric Design of Highways and Streets***. This falls under the section for parking design, but would seem to apply in this case. However, even if it doesn't apply to this driveway, the guidance is consistent with general driveway design onto a roadway – that AASHTO criteria should be met and that if it cannot be met, that measures be taken to improve sight distance and motorist awareness of the upcoming intersection/driveway.
2. If the Applicant is requesting to modify the requirement, they should have a formal sight distance analysis (intersection sight distance and stopping sight distance), complete with plans, prepared by a licensed civil engineer in accordance with AASHTO standards and guidelines.
3. The presence of on-street parking on Marc Road should be taken into consideration in the sight distance analysis as parked vehicles affect sight lines.
4. Any proposed pavement markings and signage at an intersection should conform to the MUTCD, including the placement of such signs and pavement markings. We would recommend that a Stop bar and Stop sign be installed at the driveways intersection with Marc Road.
5. Although there are no other current land uses with driveways in the cul-de-sac, there are several instances where use of the cul-de-sac by motorists not entering/exiting 4 Marc Road occurs:
  - Vehicles that are parked on the north side of Marc Road would use the cul-de-sac to circulate and return EB on Marc Road
  - Vehicles that are destined for on-street parking along the south side of Marc Road would use the cul-de-sac to circulate
  - Motorists that are lost would use the cul-de-sac to circulate
  - There is another parcel that has frontage along the cul-de-sac (Parcel 32-027). Should that parcel ever become developed and get approval for a driveway in the cul-de-sac, the cul-de-sac could experience an increase in traffic conflicting with the 4 Marc Road traffic entering/exiting 4 Marc Road.

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

Steve

**Steven M. Bouley, PE** | Project Manager  
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | [steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

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---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Monday, April 11, 2022 3:38 PM

**To:** Bouley, Steven <Steven.Bouley@tetrattech.com>

**Subject:** FW: 4 Marc Road Site line -

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Hi,

See note below and attachment to include in discussion on certificate of occupancy. Please review before Tuesday night.

Susy

---

**From:** Chad Blair [<mailto:cblair@neoalts.com>]

**Sent:** Monday, April 11, 2022 11:09 AM

**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Cc:** Andrew Laboissonniere <[alaboissonniere@gloriouscanna.com](mailto:alaboissonniere@gloriouscanna.com)>; Patrick Thornton <[pthornton@key-csi.com](mailto:pthornton@key-csi.com)>; Adam Patti <[apatti@neoalts.com](mailto:apatti@neoalts.com)>

**Subject:** 4 Marc Road Site line

Hi Susan

I hope you had a nice weekend. I put together some information for the Board to consider for tomorrow night when we discuss the need to modify the hill for the 200' site line distance requirement. Please let me know if you have any questions.

Thank you

Chad Blair

COO

617-571-6068

[cblair@NEOalts.com](mailto:cblair@NEOalts.com)



---

**From:** Chad Blair

**Sent:** Friday, April 8, 2022 2:58 PM

**To:** Bouley, Steven <[Steven.Bouley@tetrattech.com](mailto:Steven.Bouley@tetrattech.com)>

**Cc:** Patrick Thornton <[pthornton@key-csi.com](mailto:pthornton@key-csi.com)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Bridget Graziano <[bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org)>; Picard, Brad <[Brad.Picard@tetrattech.com](mailto:Brad.Picard@tetrattech.com)>; Paradee, Tucker <[TUCKER.PARADEE@tetrattech.com](mailto:TUCKER.PARADEE@tetrattech.com)>

**Subject:** RE: 4 Marc Road

Hi Susan and Steve

Our intention is to have the hill at the entrance modified per plan at the same time we plant the restoration trees later this month since that is when we will have the earth moving equipment back on site. In the interim, I would like to try and get this requirement taken off the plan as the reality is that it poses little to no safety risk. Susan, if you could let me know what the process is to request this modification, I would be very grateful.

Chad

Chad Blair  
COO  
617-571-6068  
[cblair@NEOalts.com](mailto:cblair@NEOalts.com)



---

**From:** Bouley, Steven <[Steven.Bouley@tetrattech.com](mailto:Steven.Bouley@tetrattech.com)>  
**Sent:** Friday, April 8, 2022 2:54 PM  
**To:** Chad Blair <[cblair@neoalts.com](mailto:cblair@neoalts.com)>  
**Cc:** Patrick Thornton <[pthornton@key-csi.com](mailto:pthornton@key-csi.com)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Bridget Graziano <[bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org)>; Picard, Brad <[Brad.Picard@tetrattech.com](mailto:Brad.Picard@tetrattech.com)>; Paradee, Tucker <[TUCKER.PARADEE@tetrattech.com](mailto:TUCKER.PARADEE@tetrattech.com)>  
**Subject:** RE: 4 Marc Road

Hi Chad,

We had an internal communication mix-up and Tucker already visited the site this morning. I spoke with Patrick this afternoon and let him know of that. Tucker stated that the hill at the entrance has not been cut back per the plan. If it is your intention to modify the approved plan then please provide Susy with the necessary documentation for a formal change request. We cannot simply remove that scope from the approved plans since it is a safety concern, as stated prior.

Patrick and I agreed that photos would suffice for the other items on-site, he will be forwarding those out to us.

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

Steve

**Steven M. Bouley, PE** | Project Manager  
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | [steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

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**From:** Chad Blair <[cblair@neoalts.com](mailto:cblair@neoalts.com)>  
**Sent:** Friday, April 8, 2022 2:44 PM  
**To:** Bouley, Steven <[Steven.Bouley@tetrattech.com](mailto:Steven.Bouley@tetrattech.com)>  
**Cc:** Patrick Thornton <[pthornton@key-csi.com](mailto:pthornton@key-csi.com)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Bridget Graziano <[bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org)>; Picard, Brad <[Brad.Picard@tetrattech.com](mailto:Brad.Picard@tetrattech.com)>  
**Subject:** RE: 4 Marc Road

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Hi Steve and Brad

Do you still plan to come out to 4 Marc Road today? If not, can you schedule a time to come out on Monday 4/11/22. We would like to get your comments into the town before our meeting on Tuesday night.

Thank you  
Chad

Chad Blair  
COO  
617-571-6068  
[cblair@NEOalts.com](mailto:cblair@NEOalts.com)



---

**From:** Bouley, Steven <[Steven.Bouley@tetrattech.com](mailto:Steven.Bouley@tetrattech.com)>  
**Sent:** Wednesday, April 6, 2022 3:03 PM  
**To:** Chad Blair <[cblair@neoalts.com](mailto:cblair@neoalts.com)>  
**Cc:** Patrick Thornton <[pthornton@key-csi.com](mailto:pthornton@key-csi.com)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Bridget Graziano <[bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org)>; Picard, Brad <[Brad.Picard@tetrattech.com](mailto:Brad.Picard@tetrattech.com)>  
**Subject:** RE: 4 Marc Road

Hi Chad,

Brad Picard will be reaching out to Patrick since he will be in town on Friday for other inspections. One item to note is the sight line clearing also involved earthwork to knock down that high point within the sight lines. Please confirm if that has also been completed to the satisfaction of your engineer, thanks.

Steve

**Steven M. Bouley, PE** | Project Manager  
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | [steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

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---

**From:** Chad Blair <[cblair@neoalts.com](mailto:cblair@neoalts.com)>  
**Sent:** Wednesday, April 6, 2022 1:39 PM  
**To:** Bouley, Steven <[Steven.Bouley@tetrattech.com](mailto:Steven.Bouley@tetrattech.com)>  
**Cc:** Patrick Thornton <[pthornton@key-csi.com](mailto:pthornton@key-csi.com)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Bridget Graziano <[bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org)>  
**Subject:** 4 Marc Road

**⚠ CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Hi Steve

I hope you are well. We have completed all the items on the bond list except for the tree restoration which we have an agreement with Bridgett can be done later in the month as we are having trouble sourcing the native plants and we don't want them to die in the early spring weather. I wanted to see if the process was for you to come back out and verify the items have been completed. Please let me know and if so when you would be available to meet Patrick or myself.

#### Conservation – Required Items

1. Removal and disposal of sediment from drain basin – Complete March 18th and reviewed by Bridget.
2. Cleanup and wrap of drain basin embankment – Completed and verification pictures sent to Bridget.
3. Seeding of drain basin embankment - To be completed with tree restoration on or about April 30, 2022
4. Tree Restoration – To be completed by Fragale on or about April 30, 2022.

#### Planning – Items not complete as of the last Planning and Economic Board Meeting on March 8, 2022

1. Noise Test to be completed – Completed April 1, 2022 with a report to be completed and submitted to the Town by April 6<sup>th</sup>, 2022.
2. Odor plans submitted to the town and to Jack for approval - Completed
3. Performance Security – Complete, submitted March 9, 2022
4. Clearing trees for site line distance requirement – Complete 4/1/22.
5. Repair Settled pavement around Contech water quality unit. – Completed April 6, 2022
6. Engineering verification of all site work completed – A letter and plan was submitted by DGT. The only remaining outstanding items on that list are the tree restoration items which will be completed later in the month.

Thank you  
Chad

Chad Blair  
COO  
617-571-6068  
[cblair@NEOalts.com](mailto:cblair@NEOalts.com)






---

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

---

**Cc:** Bridget Graziano – Medway Conservation Agent  
Chad Blair - Developer  
Patrick Thornton – Project Manager

---

**From:** Steven M. Bouley, P.E. 

---

**Date:** April 12, 2022

---

**Subject:** Neo Alternatives (4 Marc Road) Bond List

---

On March 2, 2022 at the request of the Medway PEDB, Tetra Tech (TT) conducted a punch list inspection of the Neo Alternatives Project located at 4 Marc Road in Medway, MA. A Bond List and Estimate were generated of outstanding items which have not yet been completed, are deficient in quality or outstanding administrative items to be submitted.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Permit Site Plan, 4 Marc Road, Medway Massachusetts 02053 for Neo Organics LLC", dated August 6, 2019, revised December 13, 2019, prepared by DGT Associates (DGT).
- A Site Plan Decision (Decision) titled "Adult Recreational Marijuana Special Permit, Groundwater Protection Special Permit, and Site Plan Decision, NeoOrganics, LLC – 4 Marc Road" dated January 28, 2020.

TT 4/12/22 Update: TT visited the site on April 8, 2022 to conduct an inspection of the site to update the Bond List. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated.

### Items Inconsistent with Approved Plans

1. The dumpster screen fence has been installed as chain link with black privacy slats which is inconsistent with the stockade type fence shown on the approved Plans.
  - **TT 4/12/22 Update: We are awaiting PEDB decision on this item and expect further discussion in the April 12, 2022 hearing.**
2. The accessible route into the building was installed at the northwest corner of the building rather than utilizing the existing concrete walkway located on the eastern side of the building as proposed. The ramp system was constructed with pressure treated wood with metal railings. The Applicant stated the ramp relocation was approved by the Building Department.
  - **TT 4/12/22 Update: We are awaiting PEDB decision on this item and expect further discussion in the April 12, 2022 hearing.**
3. A small room (approx. 6' x 10') was built on the southern side of the building to house electrical equipment as required by the electric utility. The Applicant stated the addition was approved by the Building Department.
  - **TT 4/12/22 Update: We are awaiting PEDB decision on this item and expect further discussion in the April 12, 2022 hearing.**

### Items to be Completed

4. Complete the clearing and earthwork at site entrance for sight distance. Also, overflow cars from the abutting 2 Marc Road site are parking within the sight distance triangle and along both sides of the roadway and cul-de-sac.
  - **TT 4/12/22 Update: The Applicant has conducted the proposed tree clearing but has not completed the earthwork portion. The Applicant has requested a modification to the plans, and we anticipate this will be discussed at the April 12, 2022 hearing.**

~~5. Repair settled pavement around Contech Water Quality Unit along entrance driveway.~~

6. Final stabilization and seeding of disturbed areas on-site. The Applicant stated this would occur during final site restoration this Spring.
  - **TT 4/12/22 Update: Applicant stated this would be completed at the time of tree mitigation on or about April 30, 2022.**

#### **Administrative**

7. Provide documentation from the engineer of record that the subsurface infiltration basin has been constructed according to the endorsed Plans and whether it is functioning as expected.
  - **TT 4/12/22 Update: A draft letter has been submitted but was not signed and stamped by the design engineer.**
8. Provide as-built plans of the Project.
  - **TT 4/12/22 Update: The Applicant has provided as-builts of the Project. We reviewed the Plans against the approved documents for the project and have the following comments:**
    - A. The limits of the Cultec stormwater recharge system have not been provided.**
    - B. The weir elevation in the Cultec system outlet control structure is approximately 4" lower than proposed which controls the discharge from the basin. This should be corrected prior to final certification.**
    - C. Critical elevations of the Cultec system have not been provided.**
    - D. The area drains within the sound wall enclosure have not been shown. Connections between all area drains on-site shall also be provided.**
    - E. Provide connectivity of all roof drain connections to the system.**

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

9. Complete conservation mitigation area to the satisfaction of the Medway Conservation Commission and remove erosion controls as directed.
  - **TT 4/12/22 Update: Mitigation area was not complete at time of inspection. However, Applicant stated they have an agreement in place with Medway Conservation Commission to perform the mitigation on or about April 30, 2022.**

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

P:\21583\143-21583-19016 (4 MARC RD)\CONSTRUCTION\PUNCH LIST\BOND LIST\_02\_4 MARC ROAD\_2022-04-12.DOC

compliance with the conditions of this special permit. Any change in ownership of Neo Organics, LLC or change in management staff and key holders shall also be reported.

3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Neo Organics, LLC, as the operator of an adult recreational marijuana establishment on the premises.
  4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the *Permit Site Plan for 4 Marc Road, Neo Cultivation and Manufacturing*, dated August 6, 2019, last revised December 13, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Other Documentation** - Prior to plan endorsement, the Applicant shall provide a sworn statement the Applicant shall provide a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.
- D. **Noise Management**
1. The Applicant shall install and maintain at all times effective noise reduction equipment for the property to comply with Section 7.3 of the *Zoning Bylaw* as well as the Massachusetts Department of Environmental Protection (MA DEP) noise requirements as established in 310 CMR 7.10. The Applicant will achieve compliance through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness and ongoing compliance.
  2. Prior to the issuance of an occupancy permit for the 2 Marc Road facility, the Applicant shall provide the Building Commissioner, Health Agent, and Board with a noise study measuring ambient sound levels without the external mechanical equipment in operation, the sound at each of the 4 Marc Road property boundaries during full operating conditions, and the sound at the locations of existing residential receptors and expected future residential receptors. The purpose is to determine if the facility complies with Section 7.3 of the *Zoning Bylaw* as well as the MA DEP noise requirements as established in 310 CMR 7.10. The Board, Building Commissioner or Health Agent may forward the noise study to the Town's noise consultant for peer review and comment, at the Applicant's expense.

- a. Establishment of Ambient Noise Levels – Ambient background levels shall be established without the influence of any noise emanating from the CommCan facility at 2 Marc Road. If background noise levels at 2 Marc Road have been previously established prior to operation of the CommCan facility and are acceptable to the Board, they may be used. If not, new measurements to establish background noise levels will be performed by the Applicant. Any noise sources from 2 Marc Road that may contribute to background noise levels should be turned off during the attended measurements to establish the background noise levels. If unattended monitoring is used, the noise contribution from 2 Marc Road can be established by shutting down the noise sources during a specified time period and calculating the difference in  $L_{90}$  levels during on and off times. If it is absolutely not possible to take ambient measurements with the 2 Marc Road facility shutdown, ambient measurements should be taken in an area with similar ambient conditions (i.e. similar distance from major roads or other noise sources) which is far enough from the 2 Marc Road facility so that the 2 Marc Road facility does not significantly influence the measures. If an alternative method for establishing the background levels is proposed, a test plan shall be submitted to the Board for acceptance of the alternative method. The Board may seek guidance from its noise consultant.

Separate background noise levels shall be established for daytime hours (7 am to 10 pm) and nighttime hours (10 pm to 7 am).

Background noise levels can be established either by attended measurements (with the sample time at each measurement location to be not less than 10 minutes) or by unattended measurements for a period of at least 3 days. It will be sufficient to establish the background noise levels at representative locations at the property line.

- b. Measurement of Operational Noise Levels – The operational sounds measurements will consist of attended daytime and nighttime noise measurements at the facility property line and the residential receptors for a period of at least ten minutes. If the equipment is expected to produce higher noise levels at operating conditions other than the full load, those conditions shall be measured as well.

The measurements shall be taken at the same locations as evaluated in the September 27, 2019 Acentech study. These include:

- 14 receptor locations the property lines of 4 Marc Road and
  - 7 residential receptor locations at second story building window heights.
- c. All sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices.

- d. Measurement instrumentation shall comply with Class 1 in accordance with IEC 61678, and should be capable of measuring A-weighted and octave-band sound levels. The acoustic descriptor for reporting shall be the  $L_{90}$  sound level for background noise levels. If operational data is steady state, the  $L_{90}$  metric can also be used for operational data. Otherwise the  $L_{eq}$  or higher metric should be used. Sound level meters shall be provided with windscreens and their calibration shall be field-checked before and after the measurements.
  - e. The Board, Building Commissioner or Health Agent may require the Applicant to implement additional noise mitigation measures if the noise study indicates that the facility is non-compliant with Section 7.3 of the *Zoning Bylaw* or the MA DEP Noise Policy.
3. Approximately six months after beginning operations under this Special Permit, the Applicant shall provide a supplemental noise study. These measurements shall be carried out to the same standards and methods as the initial study. The scope and methods of the study shall be the same as in the initial study described above.

The Applicant shall submit that study to the Building Commissioner, Health Agent and Board so as to determine continued compliance with the *Zoning Bylaw* and any conditions set forth herein as to noise. The Building Commissioner, Health Agent or Board may forward the plan to the Town's noise consultant for review and comment, at the Applicant's expense. The Applicant shall be required to implement additional noise mitigation measures if the facility is non-compliant with the *Zoning Bylaw* and the MA DEP Noise Policy.

4. The Applicant shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
5. The Building Commissioner, in enforcing the conditions contained herein, may require the Applicant to provide additional noise studies by a qualified noise consultant and/or implement additional mitigation measures should legitimate concerns or complaints develop in the future about noise generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

#### **E. Odor Management**

1. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply with Section 7.3 of the *Zoning Bylaw*. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall maintain all odor migration equipment to ensure maximum efficiency and effectiveness and ongoing compliance.



April 6, 2022 (revised April 11, 2022)

Chad Blair  
Neo Alternatives  
617-571-6068  
[cblair@neoalts.com](mailto:cblair@neoalts.com)

**Subject** Neo-Alternatives Cultivation Facility  
4 Marc Road, Medway, MA  
Results of Ambient Noise Survey and Daytime Attended Measurements  
Acentech Project No. 632403

Dear Chad:

Acentech has been engaged to provide acoustics consulting services in connection with the Neo-Alternatives cannabis cultivation facility in Medway, MA (the facility). The facility will be located 4 Marc Road, and had completed construction and commissioning of most HVAC equipment at the time of this writing.

This report and associated figures summarize the results of noise measurements that we conducted to determine if facility equipment sound is in compliance with applicable criteria. APPENDIX A contains a copy of the special permit for reference. APPENDIX B contains section 7.3 from the most recent Medway Zoning Bylaw, as referenced in the text below.

## SUMMARY

Acentech was involved in the noise control engineering and permitting of the facility, to ensure that noise imissions would be consistent with applicable criteria. The facility has been designed with community noise concerns in mind, and has used the Best Available Control Technology (BACT) framework to minimize community noise. The noise control design employs a sound-absorptive barrier wall to block and absorb sound that may otherwise impact the community, as well as equipment selected for low-noise operation.

With few exceptions, facility sound is consistent with special permit requirements and the MassDEP noise policy. At the property line location nearest the facility equipment, a slight exceedance of the special permit criteria was documented in the 1,000 Hz octave-band. Mitigating this exceedance to permit levels would have little measureable impact in the community, and no appreciable benefit to public health.

Facility sound as measured complies with the MassDEP noise policy under all expected operating conditions. Such sound would comply with most, but not all, of the provisions of the revised Medway noise ordinance, were they to apply. However, we understand that facility sound is regulated by the limits in the special permit, which supersede those of the revised Medway bylaw.

## FACILITY NOISE CRITERIA

### MASSDEP NOISE POLICY

The Massachusetts Department of Environmental Protection (MassDEP) noise policy<sup>1</sup> is based on marginal increases to the existing background sound level. A sound source or facility that causes the background sound level to increase by more than 10 dBA is in violation of the MassDEP noise policy.

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<sup>1</sup> <http://www.mass.gov/eea/docs/dep/air/community/noisepolicy.pdf>



In addition, the MassDEP noise policy prohibits the creation of a “pure-tone condition”, wherein the sound pressure level in an octave band exceeds the sound pressure level in both adjacent bands by 3 dB or more.

MassDEP has clarified the application of its noise guidelines in an update on its website<sup>2</sup>, which includes the following statement:

*Noise levels that exceed the criteria at the source's property line by themselves do not necessarily result in a violation or a condition of air pollution under MassDEP regulations (see 310 CMR 7.10 U). The agency also considers the effect of noise on the nearest occupied residence and/or building housing sensitive receptors.*

## SPECIAL PERMIT REQUIREMENTS

### Facility Property Line Sound Level Limits

We understand the following levels from the special permit to apply to project sound, when measured at the facility's property lines.

Octave Band Center Frequency (Hz)	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Nighttime	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Daytime
63	67	72
125	55	60
250	48	53
500	42	47
1000	38	43
2000	35	40
4000	32	37
8000	28	33

### Additional Requirements

The study described herein was consistent with Conditions D.2.a of the special permit. These are reproduced below *in italics*, with our comments [in brackets]. These comments were submitted to the Town in advance, and we understand them to be acceptable.

*D.2.a. Establishment of Ambient Noise Levels – Ambient background levels shall be established without the influence of any noise emanating from the CommCan facility at 2 Marc Road.*

[We do not expect it will be possible for CommCan to cease operations. However, our recent study of CommCan operational noise has demonstrated no impact on the nearest sensitive receptors.]

*If background noise levels at 2 Marc Road have been previously established prior to operation of the CommCan facility and are acceptable to the Board, they may be used. If not, new measurements to establish background noise levels will be performed by the Applicant.*

[This memo describes our protocol to conduct new ambient measurements at four points on the projects property lines.]

*Any noise sources from 2 Marc Road that may contribute to background noise levels should be turned off during the attended measurements to establish the background noise levels.*

[As above, we do not expect it will be possible for CommCan to cease operations.]

<sup>2</sup> <http://www.mass.gov/dep/air/laws/noisepol.htm>. See “Where Are MassDEP’s Noise Criteria Applied?”

*If unattended monitoring is used, the noise contribution from 2 Marc Road can be established by shutting down the noise sources during a specified time period and calculating the difference in L90 levels during on and off times. If it is absolutely not possible to take ambient measurements with the 2 Marc Road facility shutdown, ambient measurements should be taken in an area with similar ambient conditions (i.e. similar distance from major roads or other noise sources) which is far enough from the 2 Marc Road facility so that the 2 Marc Road facility does not significantly influence the measures.*

[As above, we do not expect it will be possible for CommCan to cease operations.]

*If an alternative method for establishing the background levels is proposed, a test plan shall be submitted to the Board for acceptance of the alternative method. The Board may seek guidance from its noise consultant. Separate background noise levels shall be established for daytime hours (7 am to 10 pm) and nighttime hours (10 pm to 7 am).*

[The ambient monitoring protocol described in our memo should serve as the proposed alternative method for establishing background sound levels.]

## **SOUND MEASUREMENTS**

### **AMBIENT SURVEY**

The special permit requires that ambient sound levels be documented in connection with the noise compliance study. These ambient levels are also useful to assess long-term compliance with the MassDEP noise policy. This section summarizes the ambient survey we completed in March 2022.

#### **Protocol**

FIGURE 1 identifies four locations on the site's property lines where we installed unattended sound monitoring kits (SM1 – SM4). These kits contained a Rion NL-52 type 1 sound level meter and battery, and gathered data continuously for six days. SM1 and SM4 are particularly relevant to community noise impacts at residences to the north, south, and west of the project.

Microphones were installed at a height of 5' and provided with windscreens. The sound level meters have current calibration certificates traceable to NIST, and were field-calibrated at install and retrieval to ensure system stability.

We measured both A-weighted and one-third octave-band sound levels in hourly intervals at the locations shown in FIGURE 1. Sound during these intervals has been reported in terms of the 90<sup>th</sup> percentile level at each of the monitoring locations.

#### **Results**

The results of the ambient survey are shown in FIGURE 2. As shown, ambient background sound levels ( $L_{AF90, 1-hr}$ ) were as low as 28 dBA at SM1 and SM4. Based on this finding, the MassDEP noise policy regulatory limit would be at most 38 dBA at residences during the quietest hours of the night.

### **FACILITY EQUIPMENT, DAYTIME**

The special permit requires that facility equipment sound levels be documented with attended measurements. This section summarizes the attended daytime measurements we conducted on March 31, 2022.

#### **Protocol**

FIGURE 3 presents 14 compliance measurement locations along the facility property line, referred to as PL01 – PL14. These locations are the same as those described in the sound mitigation plan that we submitted during design. Sound was measured at these locations at 5' above grade.

In addition, FIGURE 5 shows 7 community measurement locations referred to as R01' – R07'. These locations are similar to those in the mitigation plan, but modified to reflect locations that are publicly accessible and do not require access to private property. We understand from email correspondence with the Town of Medway that the alternate community locations are acceptable. Sound was measured at these locations at 15' above grade.

We measured both A-weighted and one-third octave-band sound levels in 10-minute intervals, with the facility operating. After facility sound was measured at each location, we turned off all facility equipment to briefly measure the ambient level in-situ, for the purpose of estimating the facility-only sound level by mathematical correction<sup>3</sup>.

### Operating Conditions

Temperatures during our measurements were on the order of 45 – 50 °F, with partly cloudy skies and moderate winds. These conditions are acceptable for the measurement of sound at relatively close distances, and marginally acceptable for measurements at locations up to 1,000 ft away.

Due to low ambient temperature and humidity, only one of the three GPOD condensing units was operating. Sound data for this equipment were not available during design. However, we have updated our computer model to assume that this equipment produces sound levels of 70 dBA at 1 m, in which case operation of all GPODS will not increase facility sound levels.

## Results

### Facility Property Lines

FIGURES 4a – 4n present facility and ambient sound levels measured at the property line receptors (PL01 – PL14). It was not possible to credibly measure facility sound at most property lines due to ambient noise. This is a positive finding, suggesting that the facility has minimal acoustic impact in the context of its surroundings.

At the property lines nearest the equipment (PL03 and PL04), we were able to hear and reliably measure facility sound. Ambient noise was sufficiently low to determine the contributions of the facility only, without ambient sound. This is the level regulated by the special permit, in that a permit holder cannot be held responsible for sound they do not produce.

FIGURE 7 compares facility-only levels at PL03 and PL04 to special permit criteria. As shown, overall facility sound levels at PL04 (about 100 ft from the equipment) are 3 dB below the A-weighted limits of the special permit. However, our measurements show a slight (2 dB) exceedance of the special permit nighttime limit in the 1000 Hz octave-band. Mitigating this exceedance to permit levels would have little measureable impact in the community, and no appreciable benefit to public health.

### Community

FIGURES 6a – 6g present facility and ambient sound levels measured at the alternate community locations (R01' – R07'). It was not possible to hear or credibly measure the facility at any of the community locations during our daytime measurements.

## ANALYSIS

### IMPACTS AT NEAREST RESIDENCE

The nearest residential neighbor is in-line with location PL04, about 500 ft from facility equipment. Facility sound levels at this residence are expected to be 30 dBA based on our measurements. This is 6 dB quieter than our computer model prediction during design, which was based on full load (all 3 dry cooler fans operating).

The lowest measured ambient background level during our survey was 28 dBA. This corresponds to the quietest 6 minutes measured over a 6-day study duration. Our measurements show that the facility will increase the lowest ambient level to 32 dBA ( $28 + 30 = 32$  dBA) with the operating conditions as measured. This 4 dBA increase complies with the MassDEP noise policy. Operation of all GPODs has no effect on this estimate, due to their low assumed sound level.

<sup>3</sup>  $L_{\text{facility}} = L_{\text{measured}} - L_{\text{ambient}} = 10 \cdot \log_{10}(10^{L_{\text{measured}}/10} - 10^{L_{\text{ambient}}/10})$ . The “-” operator denotes energetic subtraction.

## COMPARISON TO UPDATED MEDWAY NOISE BYLAW

Since the issuance of the special permit, significant work has been done by the Medway community and their elected officials to revise the Town's noise bylaw (see APPENDIX B). The revised bylaw:

- *Removes the octave-band requirements*, in favor of a one-third octave-band test for prominent tonal sound. We have not yet reviewed the March 31 measurement data in this level of detail to determine potential facility compliance.

**Prominent Discrete Tone:** The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

- *Removes the day/night differentiation at industrial and commercial property line receptors*, in favor of one fixed limit of 55 or 50 dBA respectively. Facility sound complies with the revised limits at industrial and commercial receptors.

### Industrial Zoned Property to Industrial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 pm – 11:00 pm @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	55	55	55

### Industrial or Commercial Zoned Property to Commercial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 p.m. – 11:00 p.m. @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	50	50	50

- *Strengthens protections at residences*, while relaxing restrictions and commercial and industrial receptors. Facility sound is expected to be 30 dBA at the nearest sensitive receptors at night, which complies with the revised fixed limits.

	Daytime 7:00 a.m. – 7:00 p.m. @ any Residential Property Line	Evening 7:00 pm – 11:00 pm @ any Residential Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ any Residential Property Line	Evening & Nighttime 7:00 p.m. – 7:00 a.m. @ Sensitive Receptors
Maximum Overall Noise Level (dBA)	47	45	42	32

- *Adds a requirement that a new facility not increase the ambient sound level by more than 2 dBA<sup>4</sup>.*  
The facility is expected to increase ambient sound levels by as much as 4 dBA, which would not achieve the limits of this new provision if all equipment were to operate during the quietest hours of the night. However, given the redundancy built into the mechanical design of the facility, we do not expect this to be the case frequently, if ever.

The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line or any Sensitive Receptor; and

## CONCLUSIONS

With few exceptions, facility sound is consistent with special permit requirements and the MassDEP noise policy. At the property line location nearest the facility equipment, a slight exceedance of the special permit criteria was documented in the 1,000 Hz octave-band. Mitigating this exceedance to permit levels would have little measureable impact in the community, and no appreciable benefit to public health.

Facility sound as measured complies with the MassDEP noise policy under all expected operating conditions. Such sound would comply with most, but not all, of the provisions of the revised Medway noise ordinance, were they to apply. However, we understand that facility sound is regulated by the limits in the special permit, which supersede those of the revised Medway bylaw.

\* \* \* \* \*

I trust that this information is useful to the Town in reviewing your application for a certificate of occupancy. It would be my pleasure to speak with the Town or their peer reviewer to discuss any questions they may have. Please feel free to email or call me at (617) 499-8025 if you have any questions or comments.

Sincerely,



Andrew C. Carballeira, INCE Bd Cert  
Principal Consultant

CC: Josh Brophy, Mike Bahtiarian (Acentech)

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<sup>4</sup> Note that in the case of a 28 dBA ambient level, facility sound would be required to be 26 dBA or less in order to not increase the ambient level beyond 30 dBA. In other words, the facility would have to create sound 2 dBA below the lowest measured ambient level to be compliant with this provision.

# FIGURES



FIGURE 1. Sound Monitoring Locations (SM1 - SM4)



Data Source: MassMapper (retrieved 3/10/2022)

FIGURE 2. Ambient monitoring results (A-weighted hourly L90)

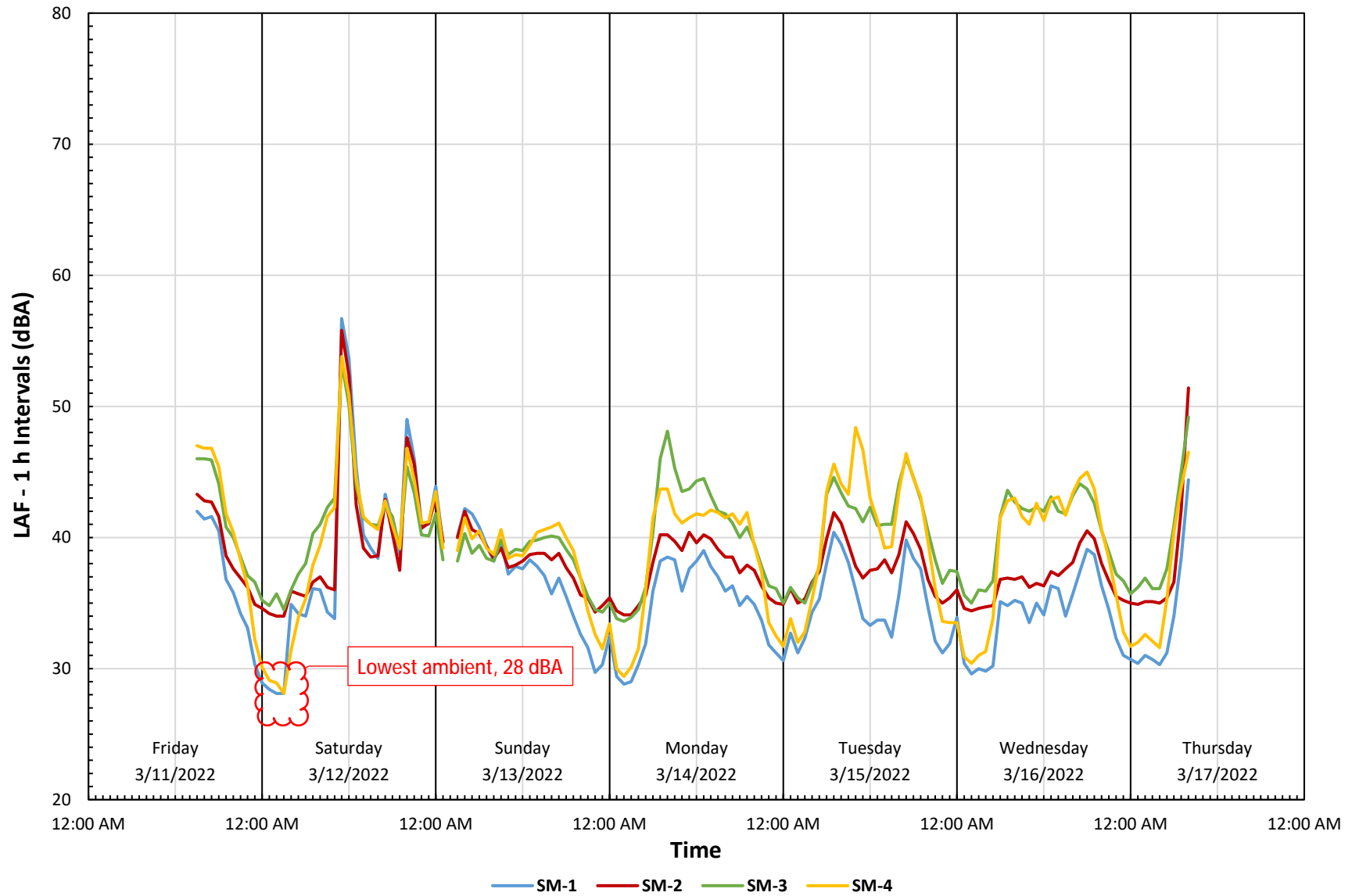




FIGURE 3. Property line measurement locations PL01 - PL14



FIGURE 4a - sound levels measured at PL01

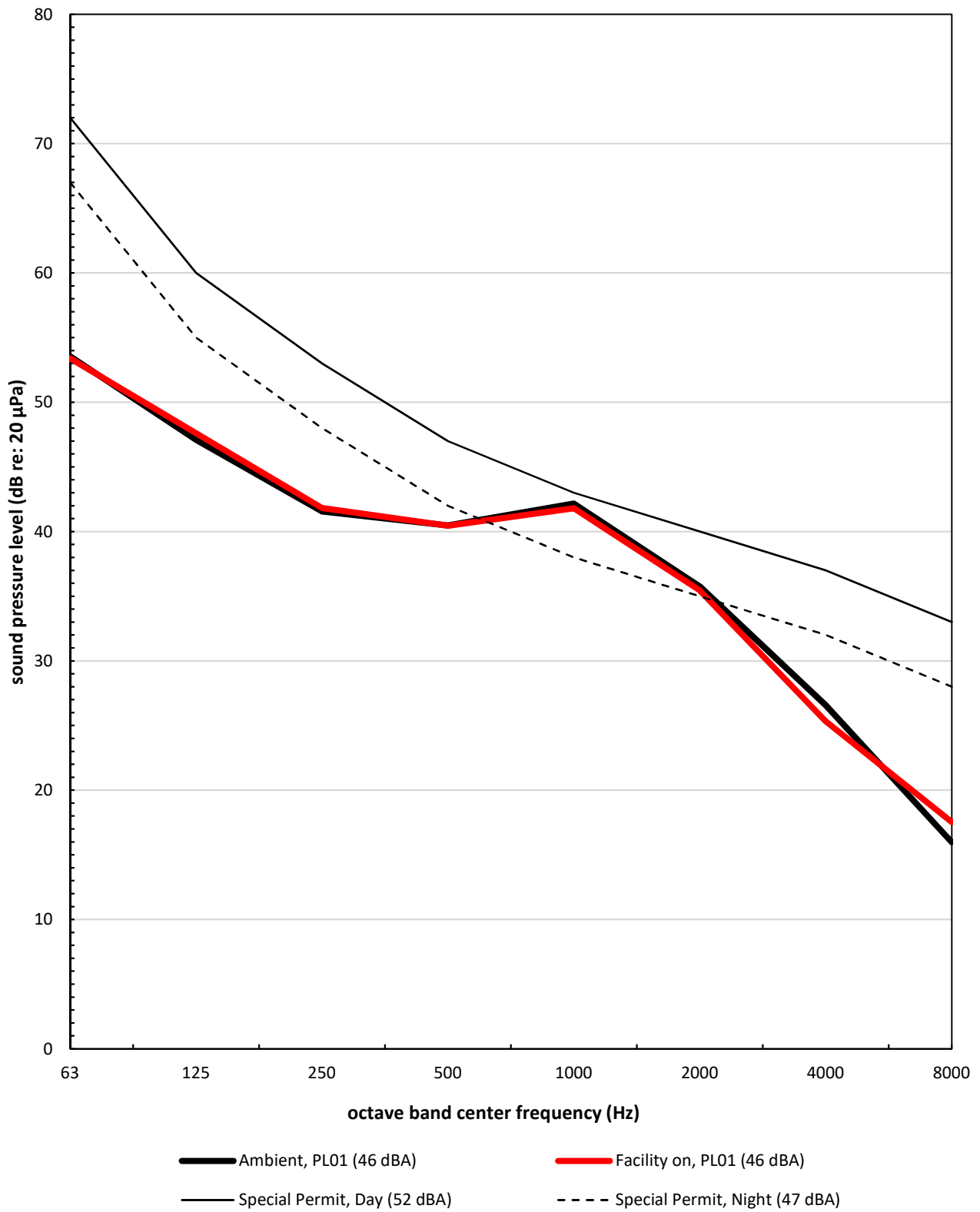


FIGURE 4b - sound levels measured at PL02

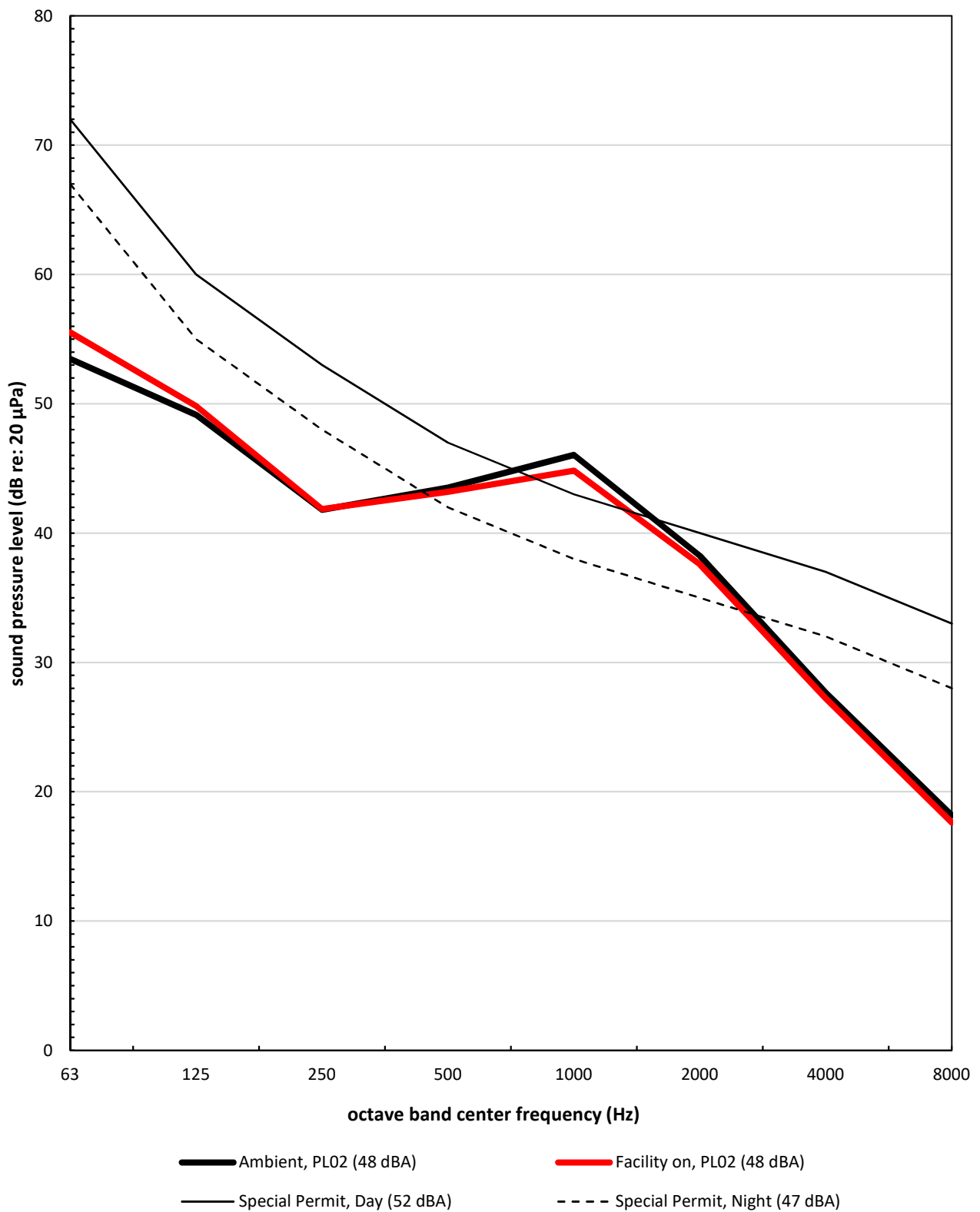


FIGURE 4c - sound levels measured at PL03

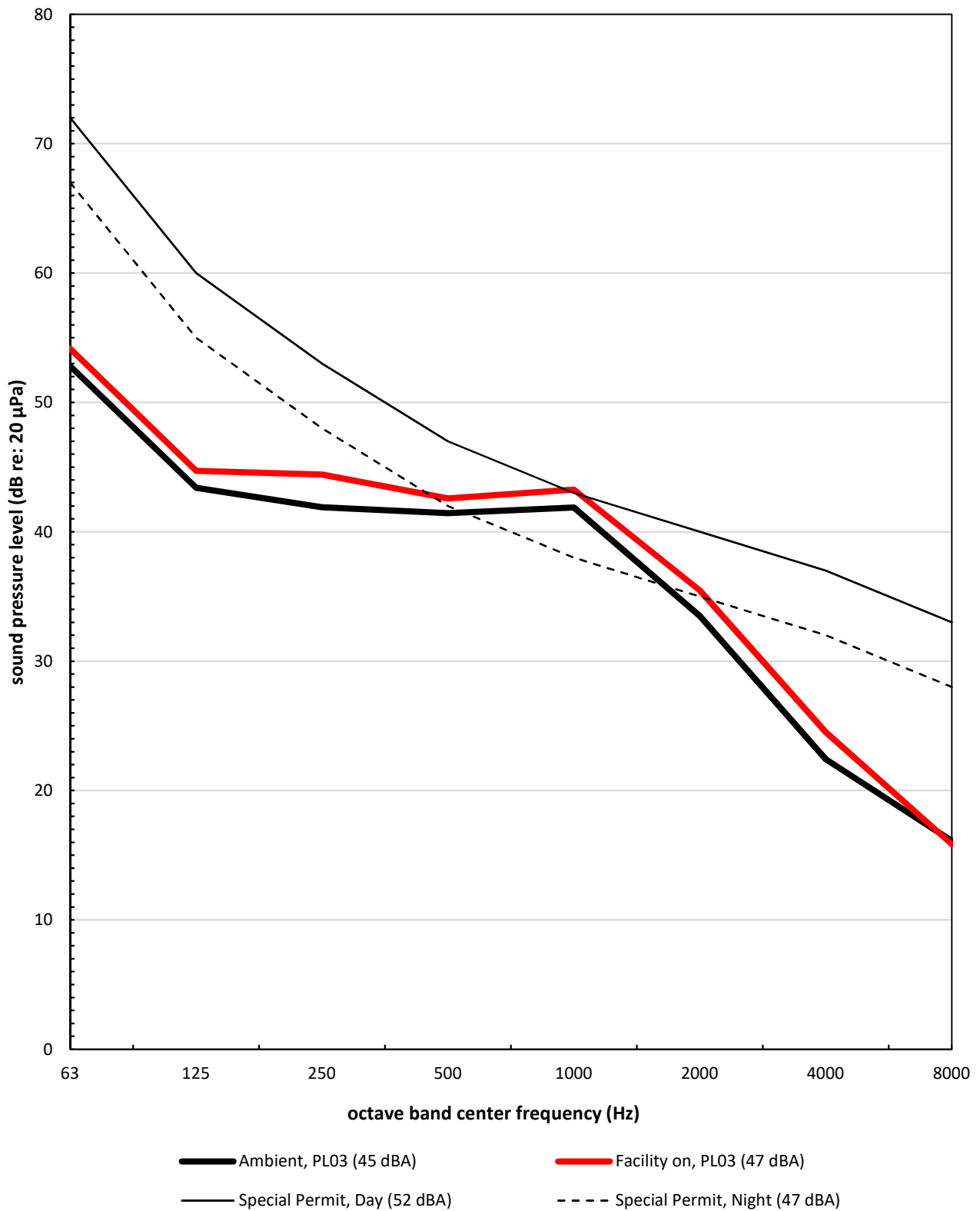




FIGURE 4d - sound levels measured at PL04

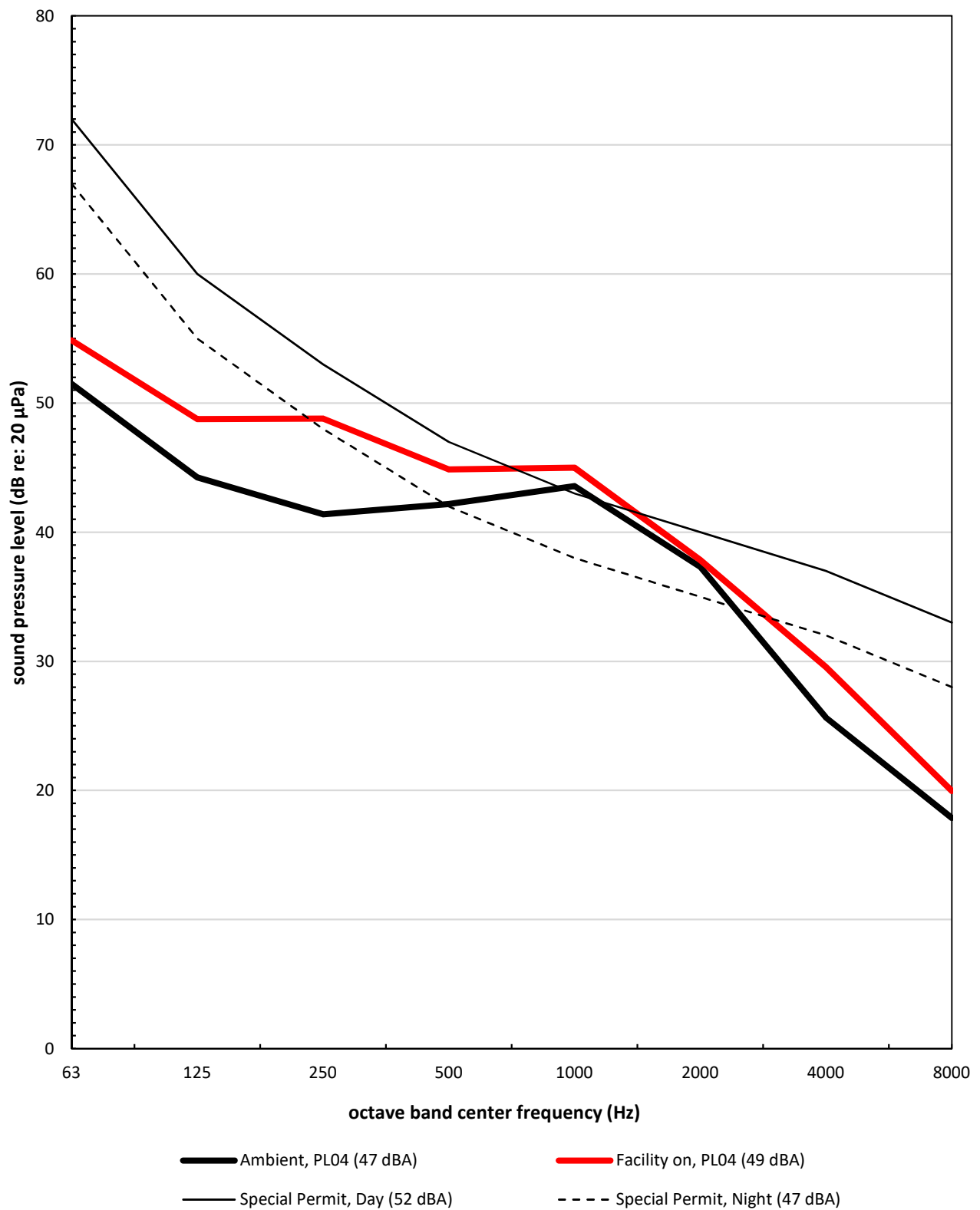


FIGURE 4e - sound levels measured at PL05

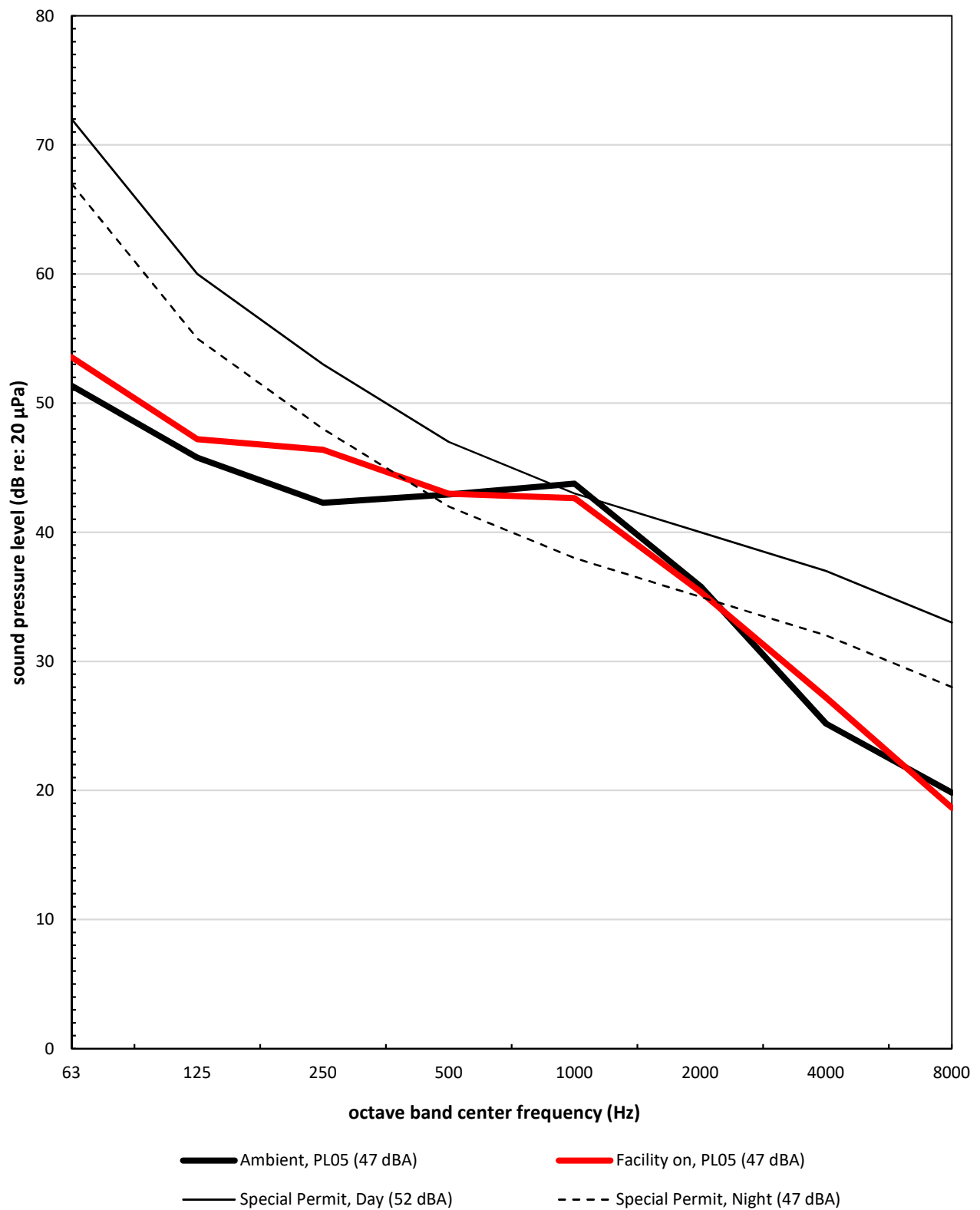


FIGURE 4f - sound levels measured at PL06

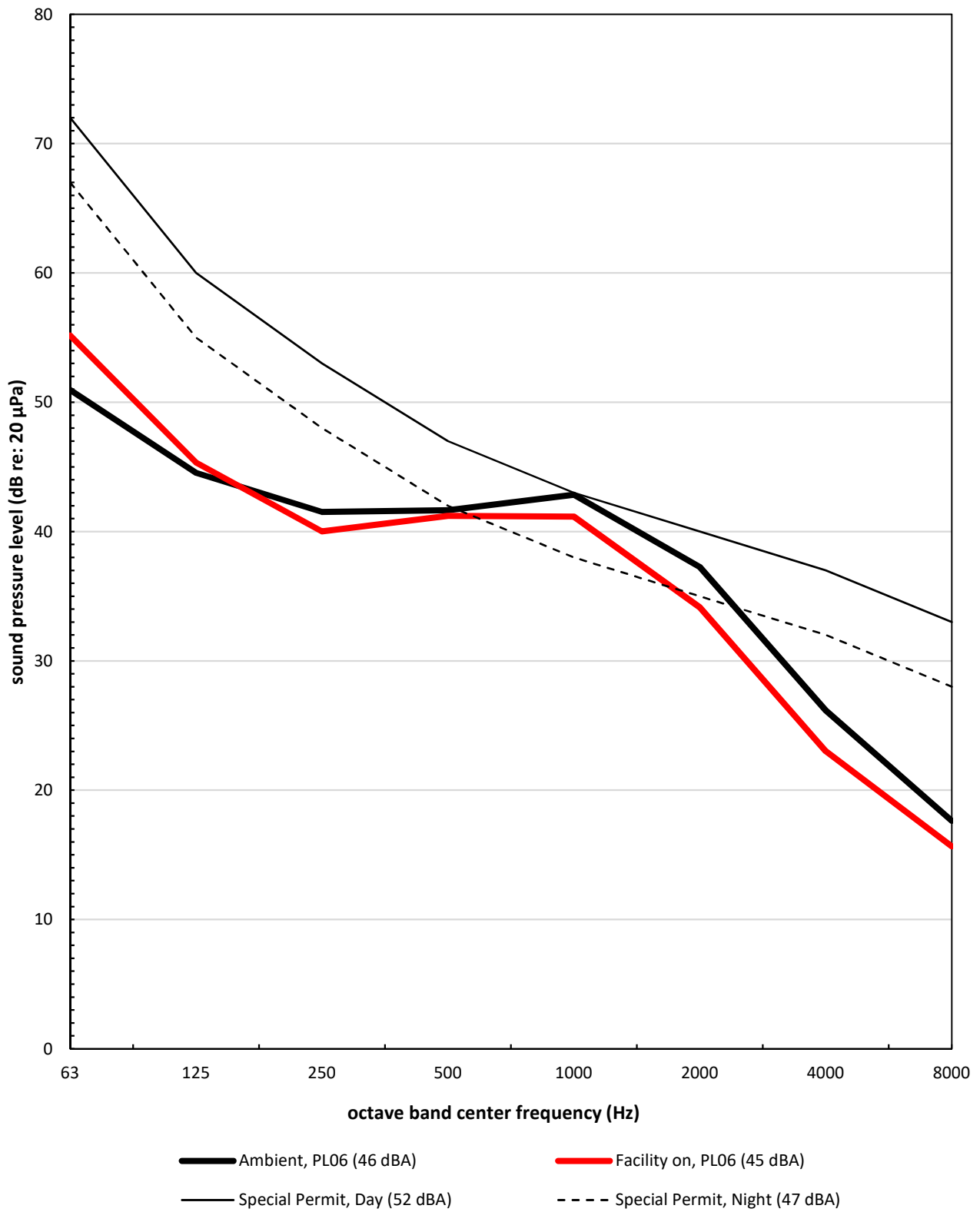


FIGURE 4g - sound levels measured at PL07

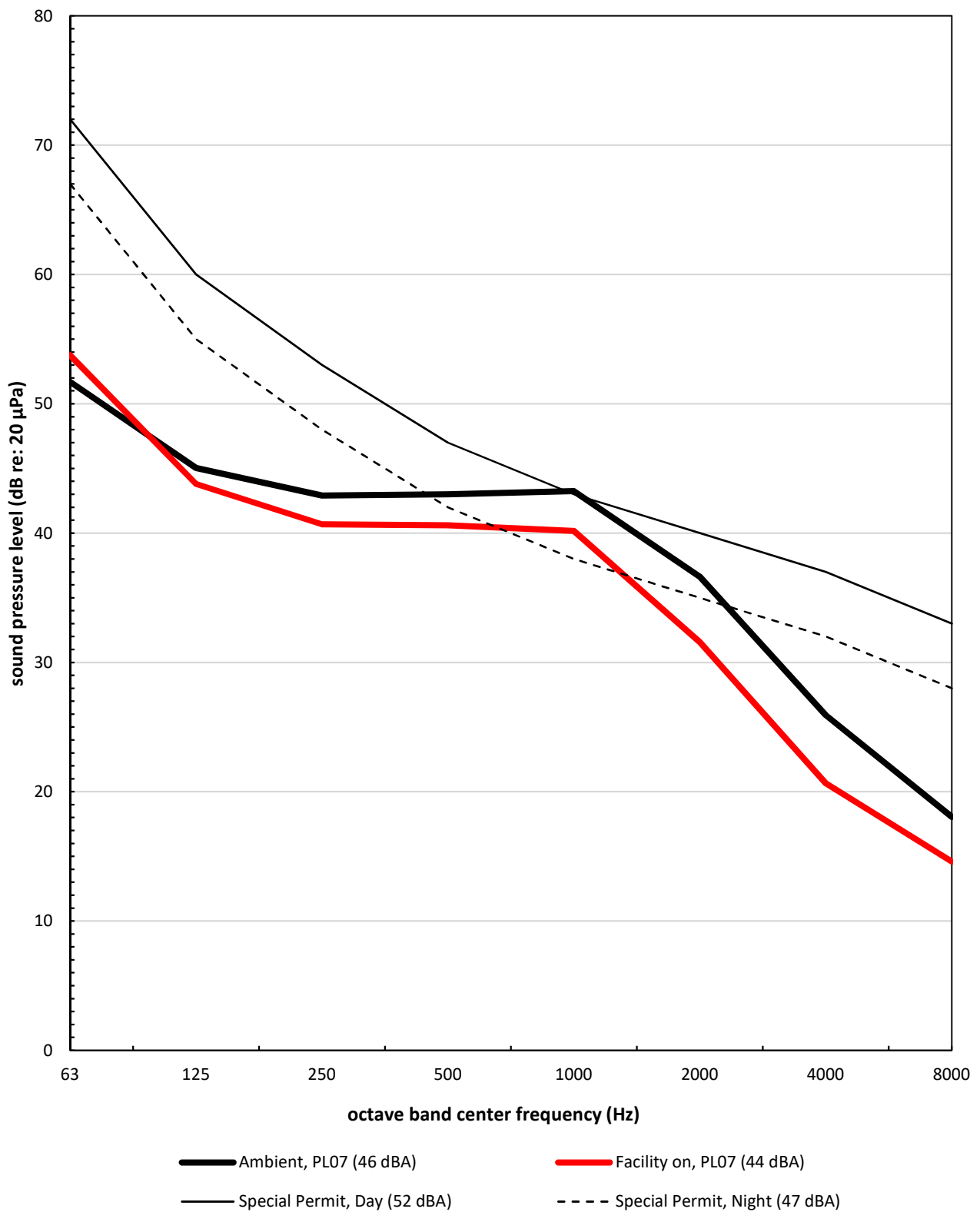


FIGURE 4h - sound levels measured at PL08

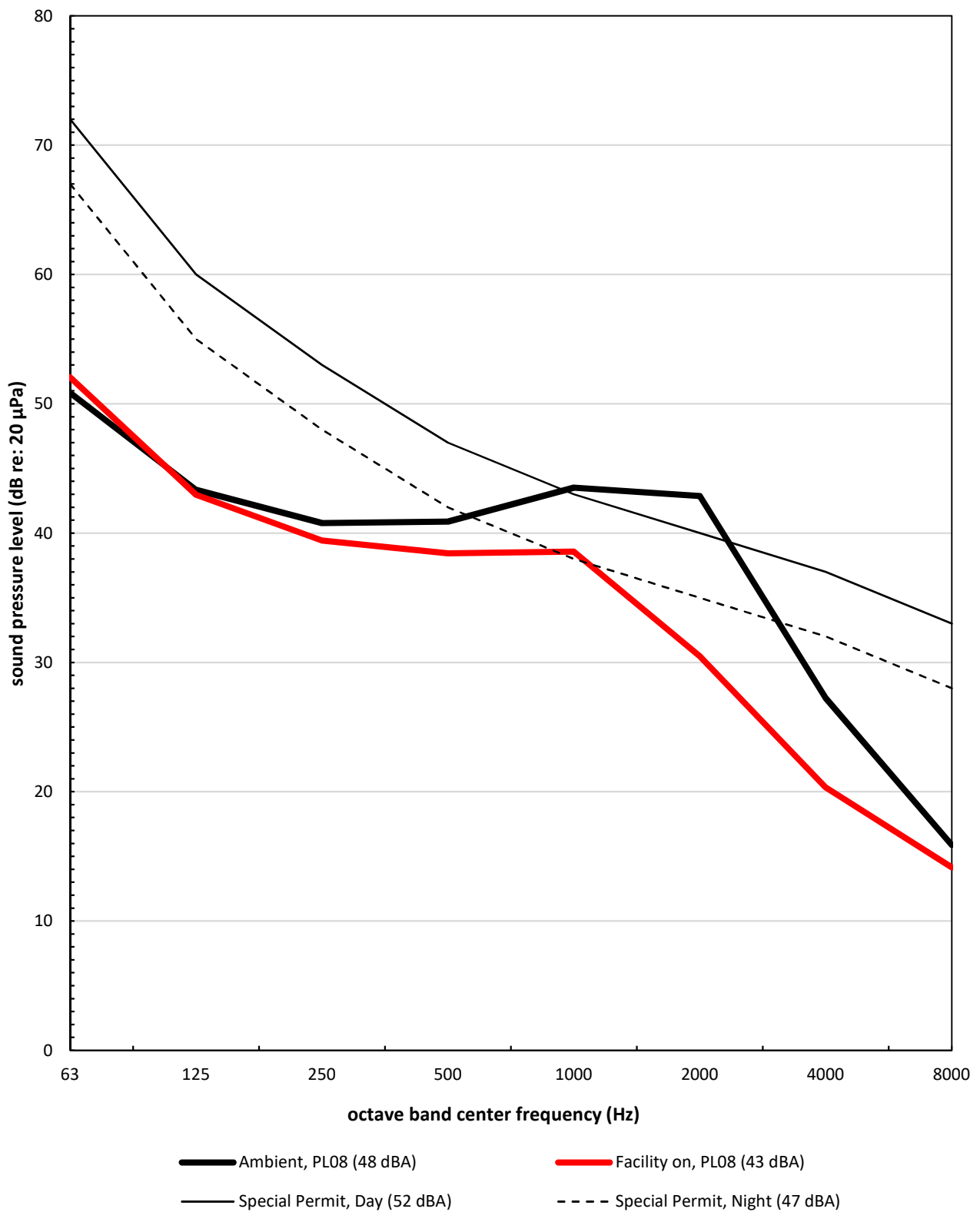


FIGURE 4i - sound levels measured at PL09

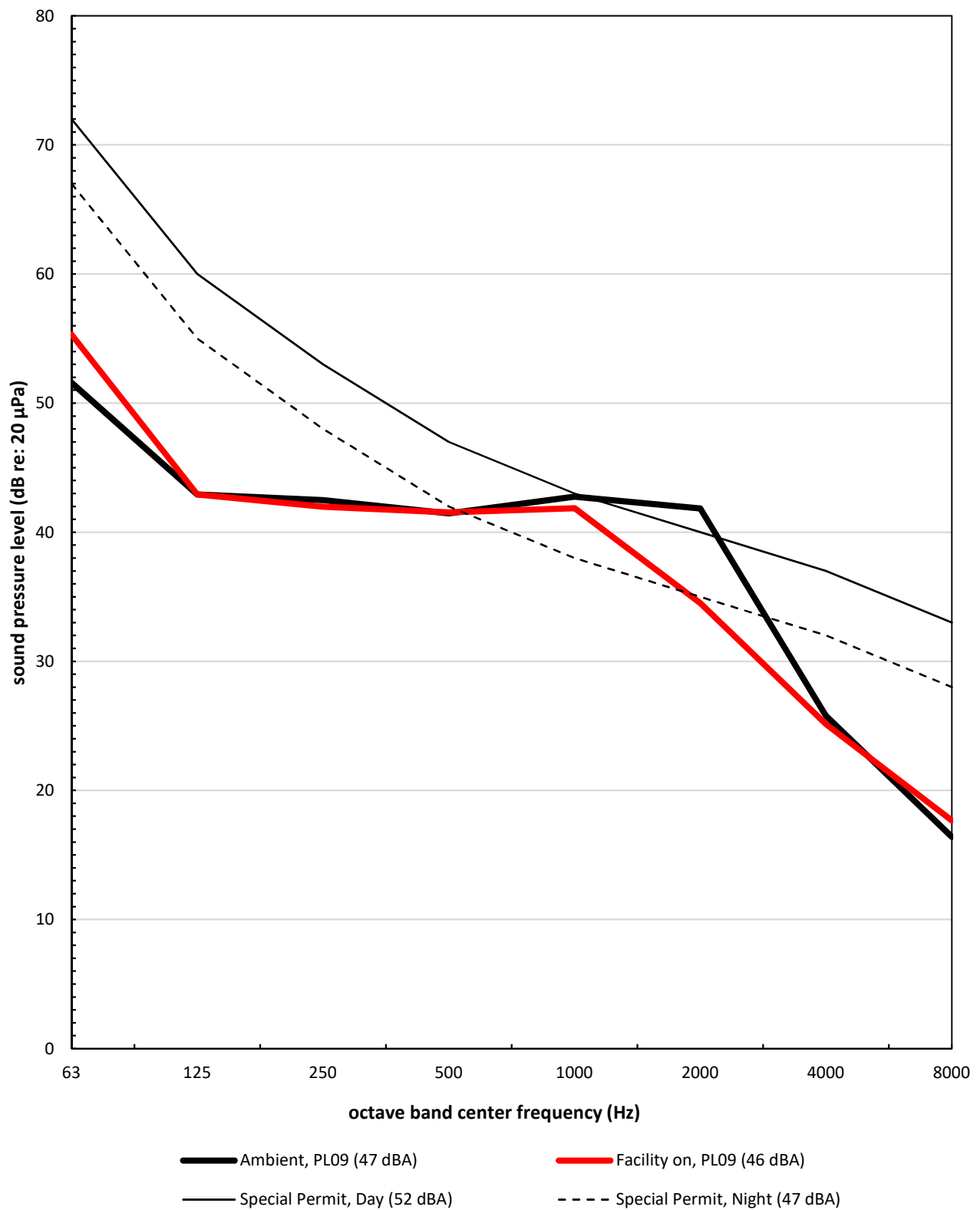




FIGURE 4j - sound levels measured at PL10

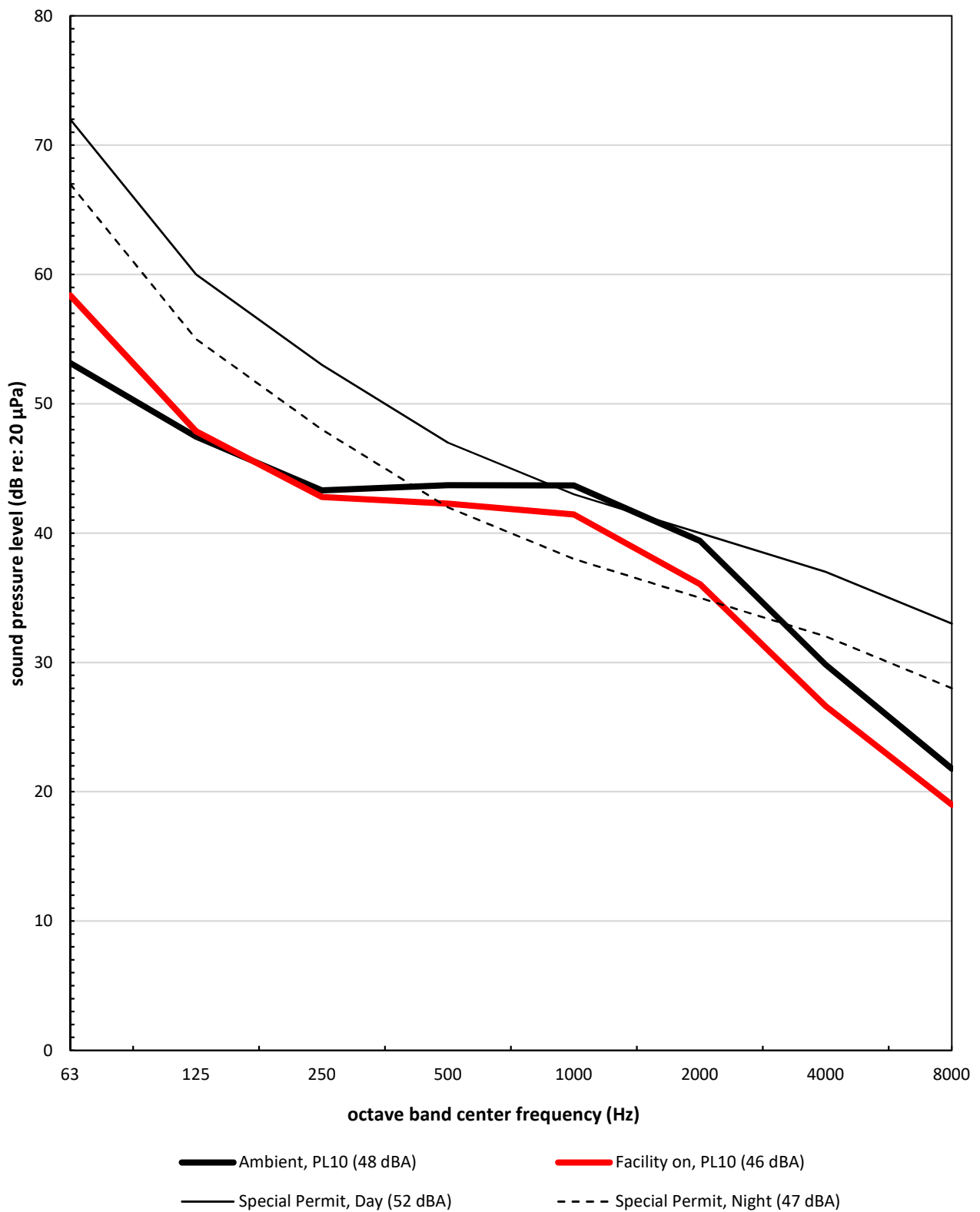


FIGURE 4k - sound levels measured at PL11

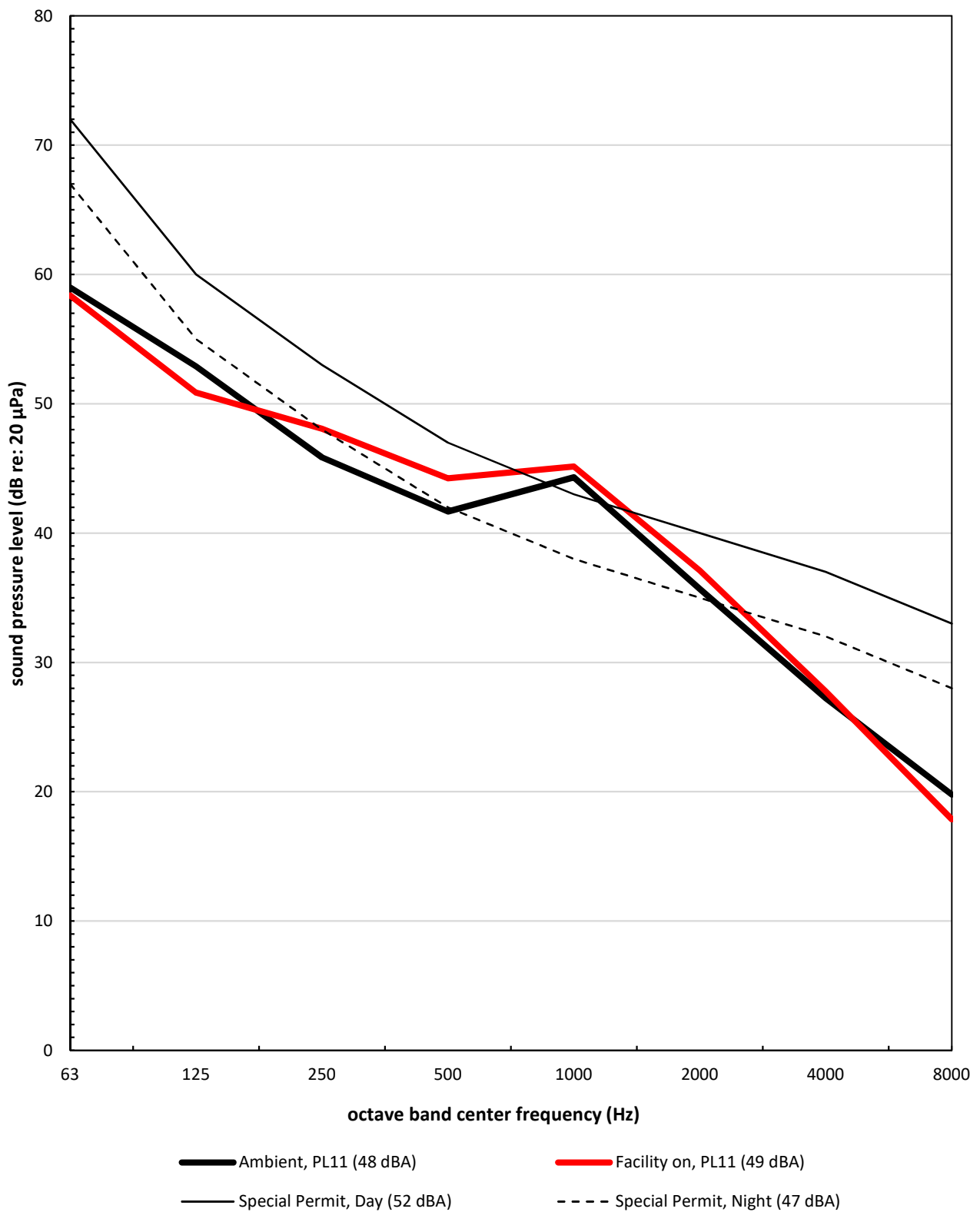


FIGURE 4I - sound levels measured at PL12

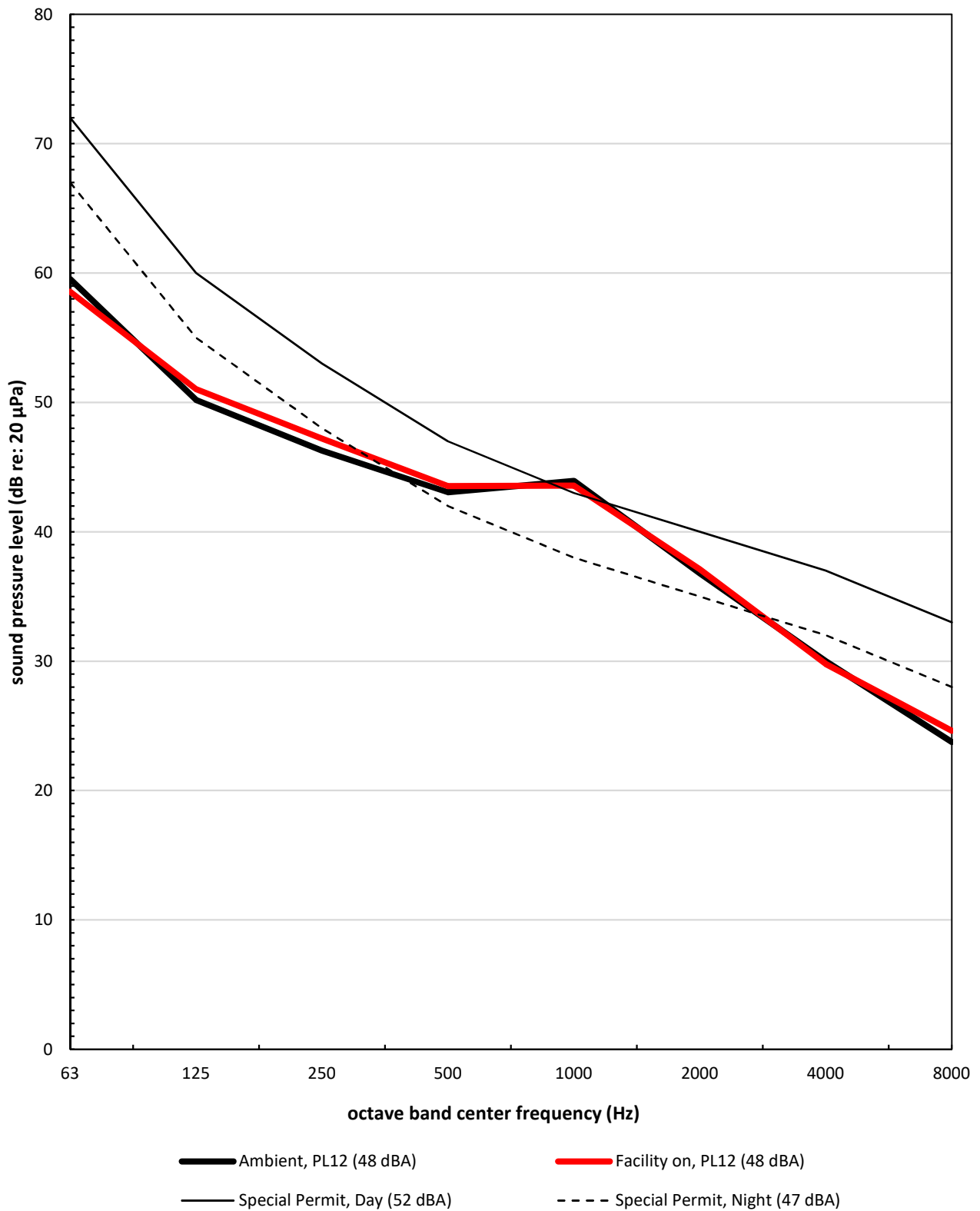


FIGURE 4m - sound levels measured at PL13

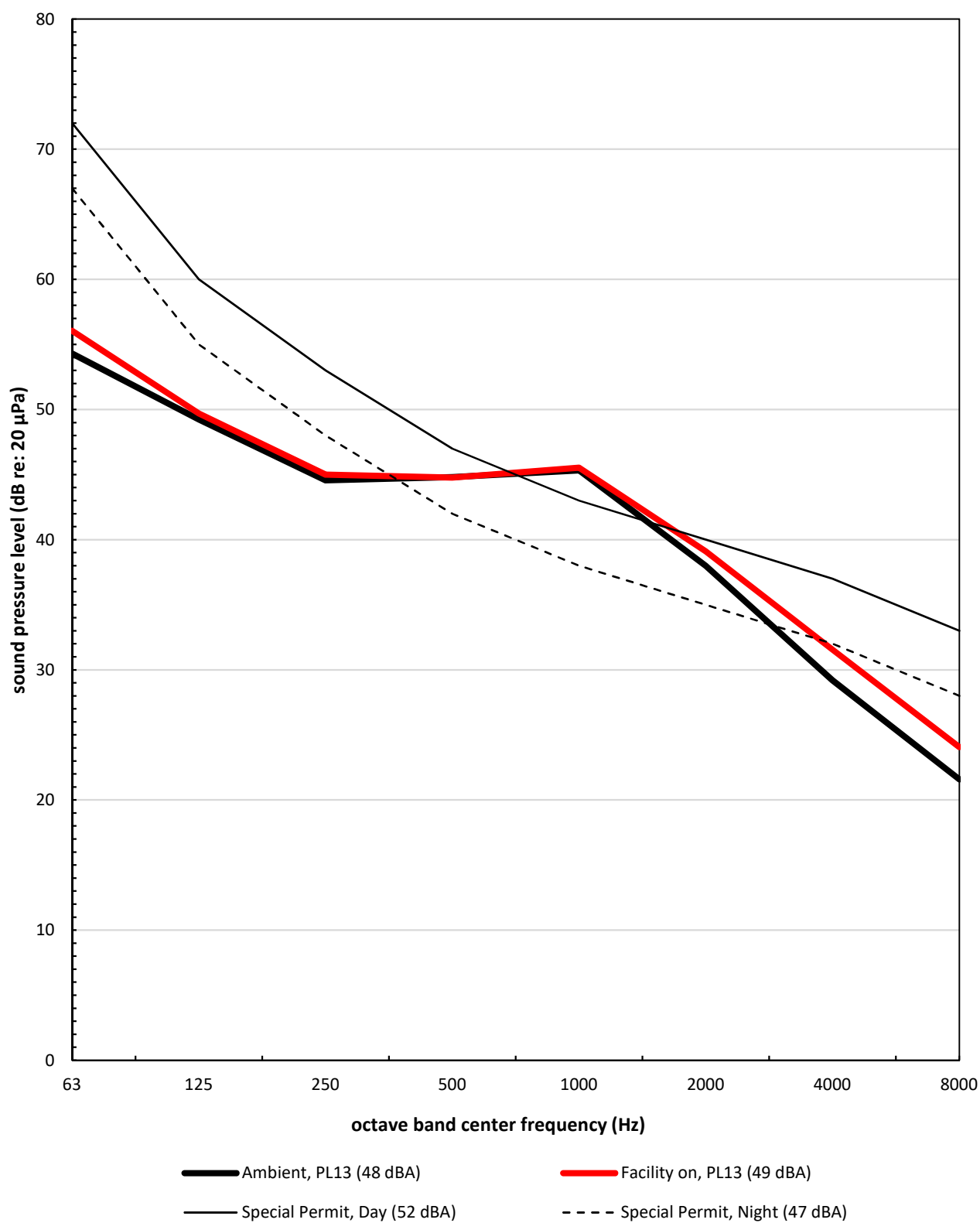


FIGURE 4n - sound levels measured at PL14

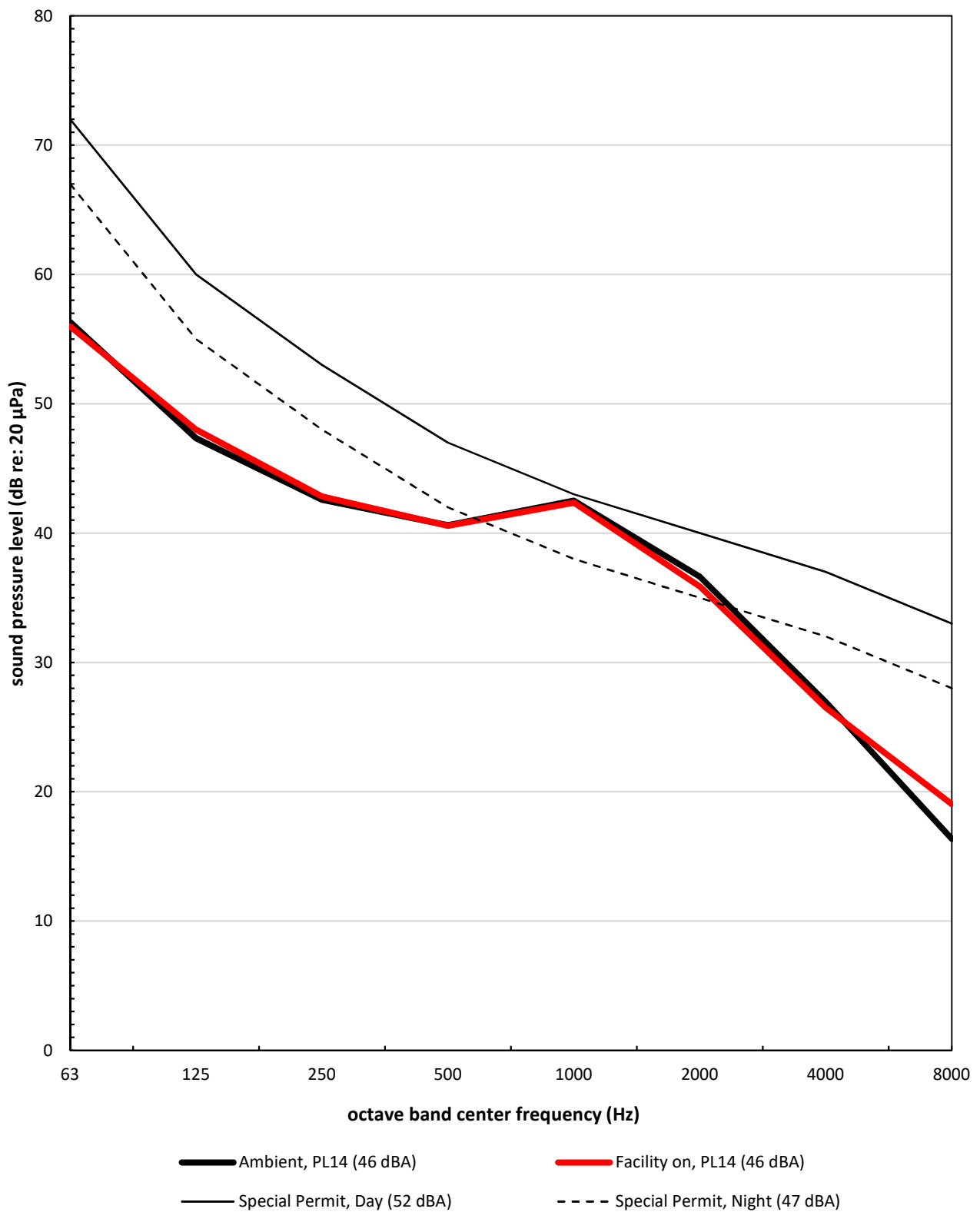


FIGURE 5. Community measurement locations R01' - R07'





FIGURE 6a - sound levels measured at R01'

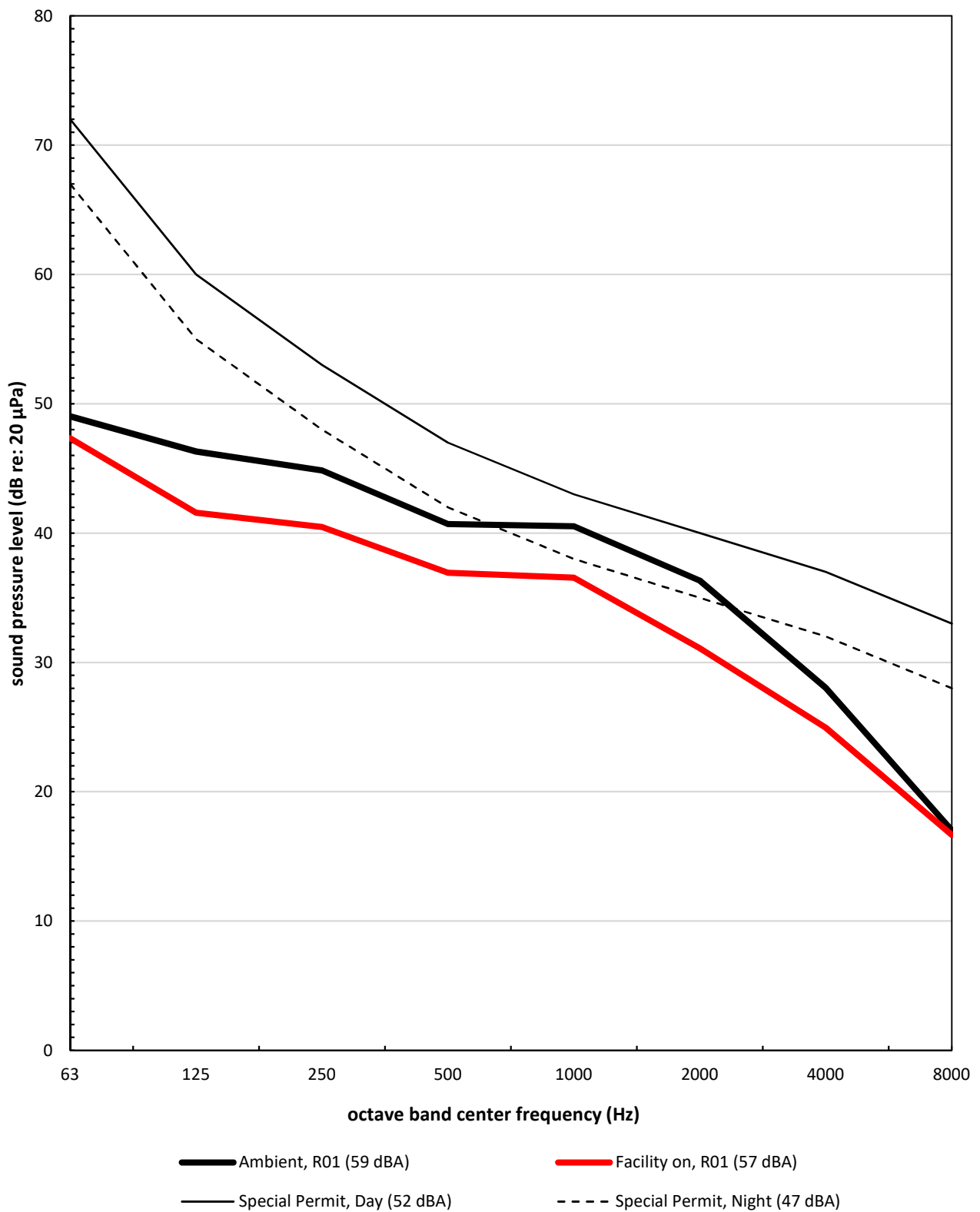


FIGURE 6b - sound levels measured at R02'

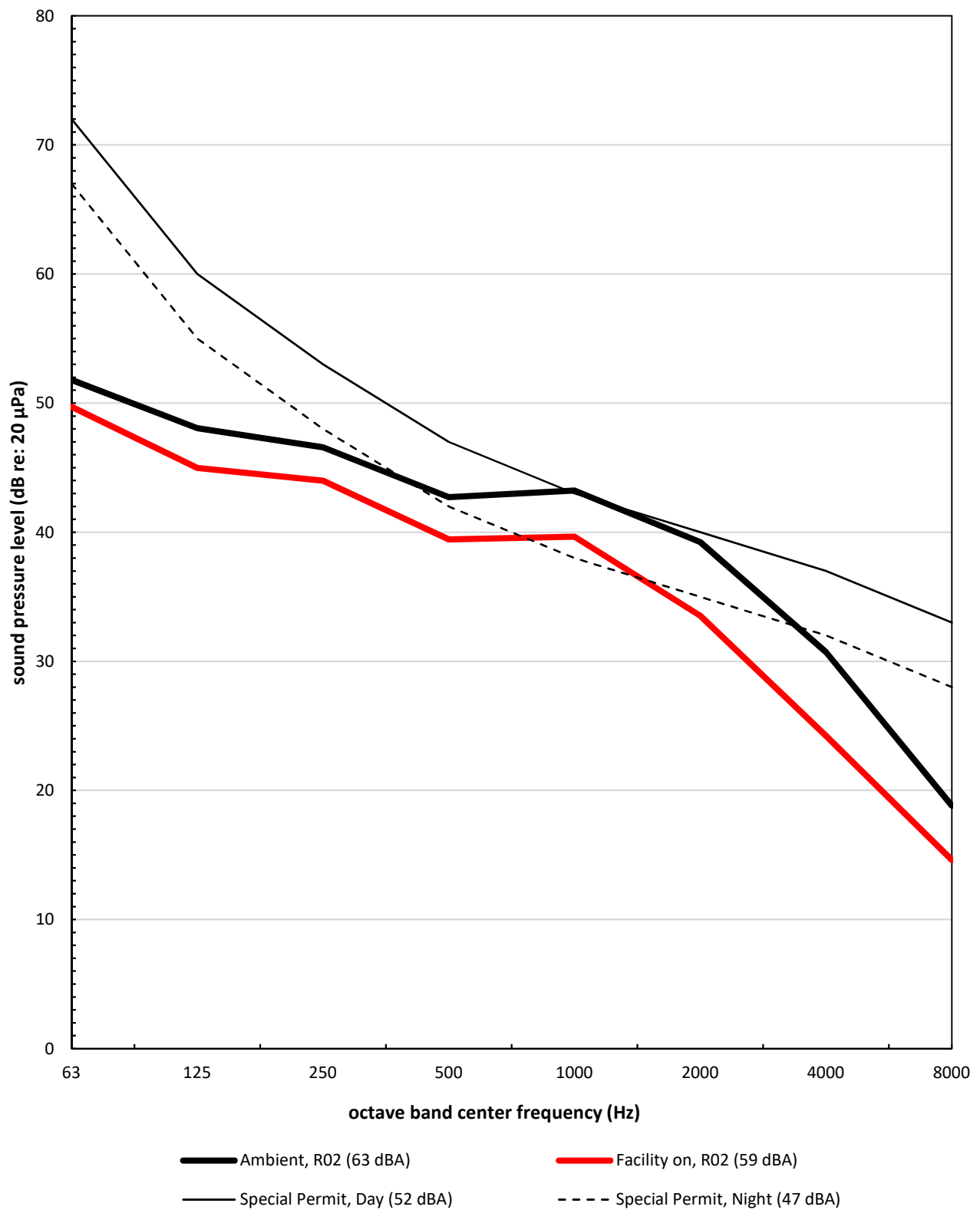


FIGURE 6c - sound levels measured at R03'

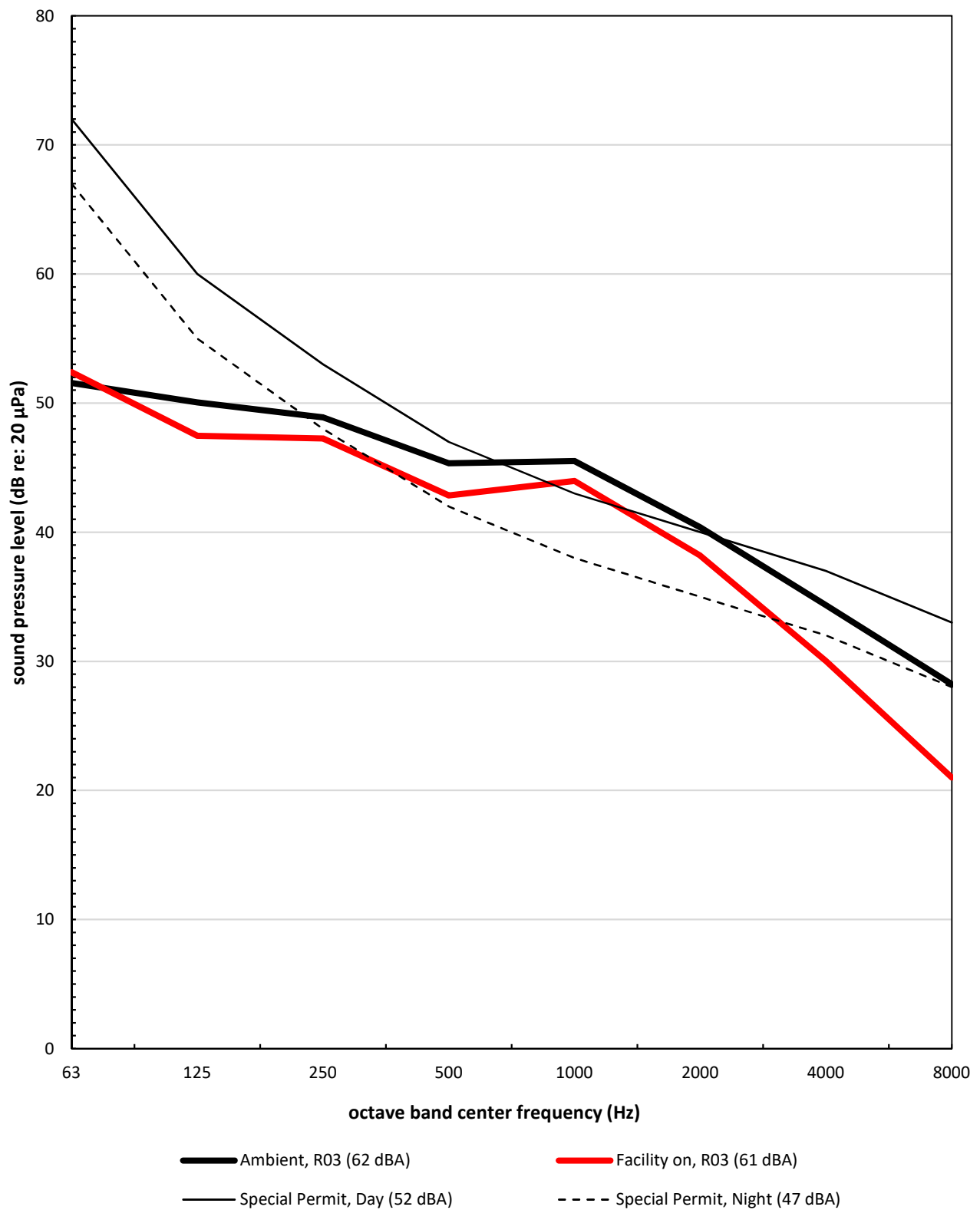


FIGURE 6d - sound levels measured at R04'

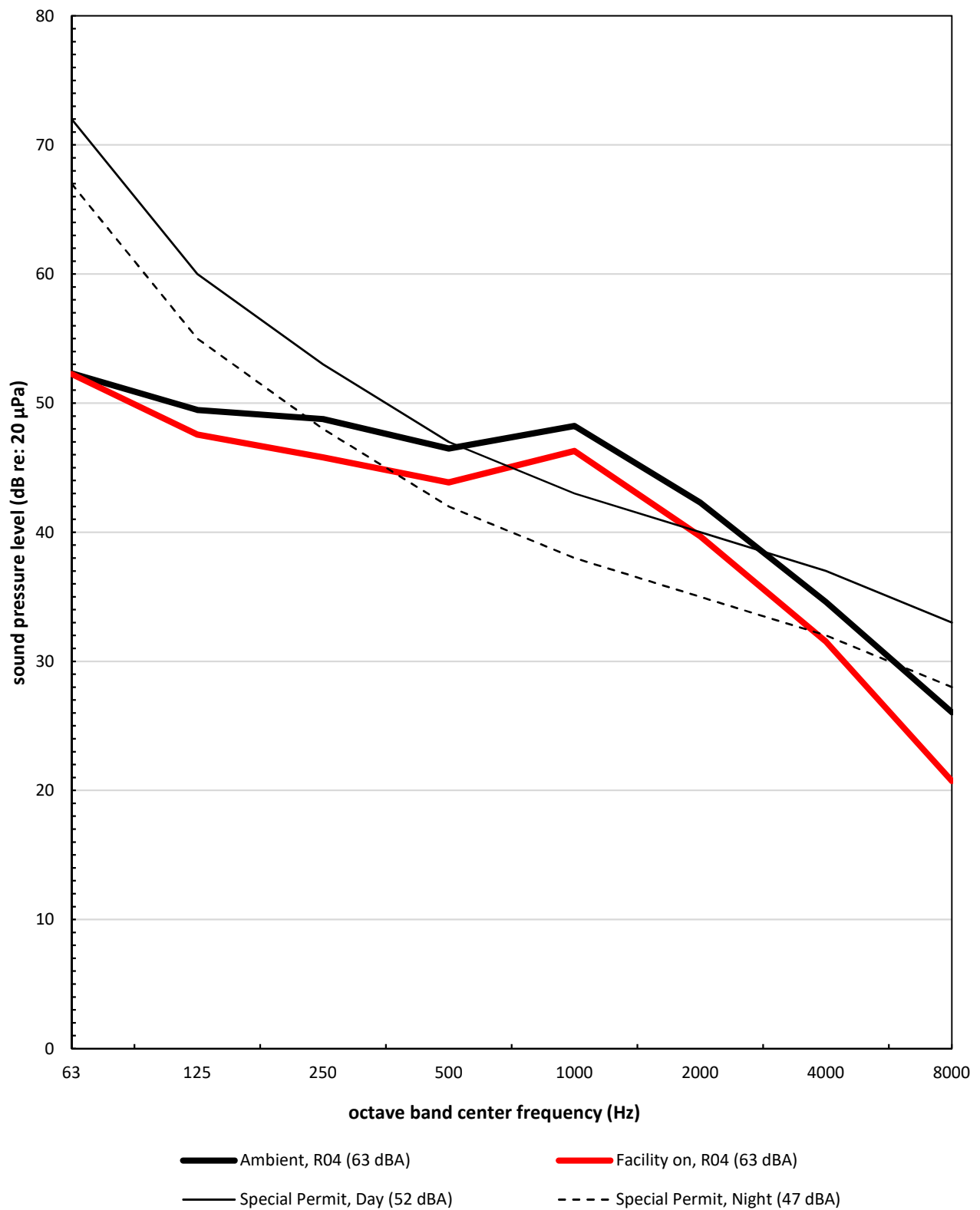


FIGURE 6e - sound levels measured at R05'

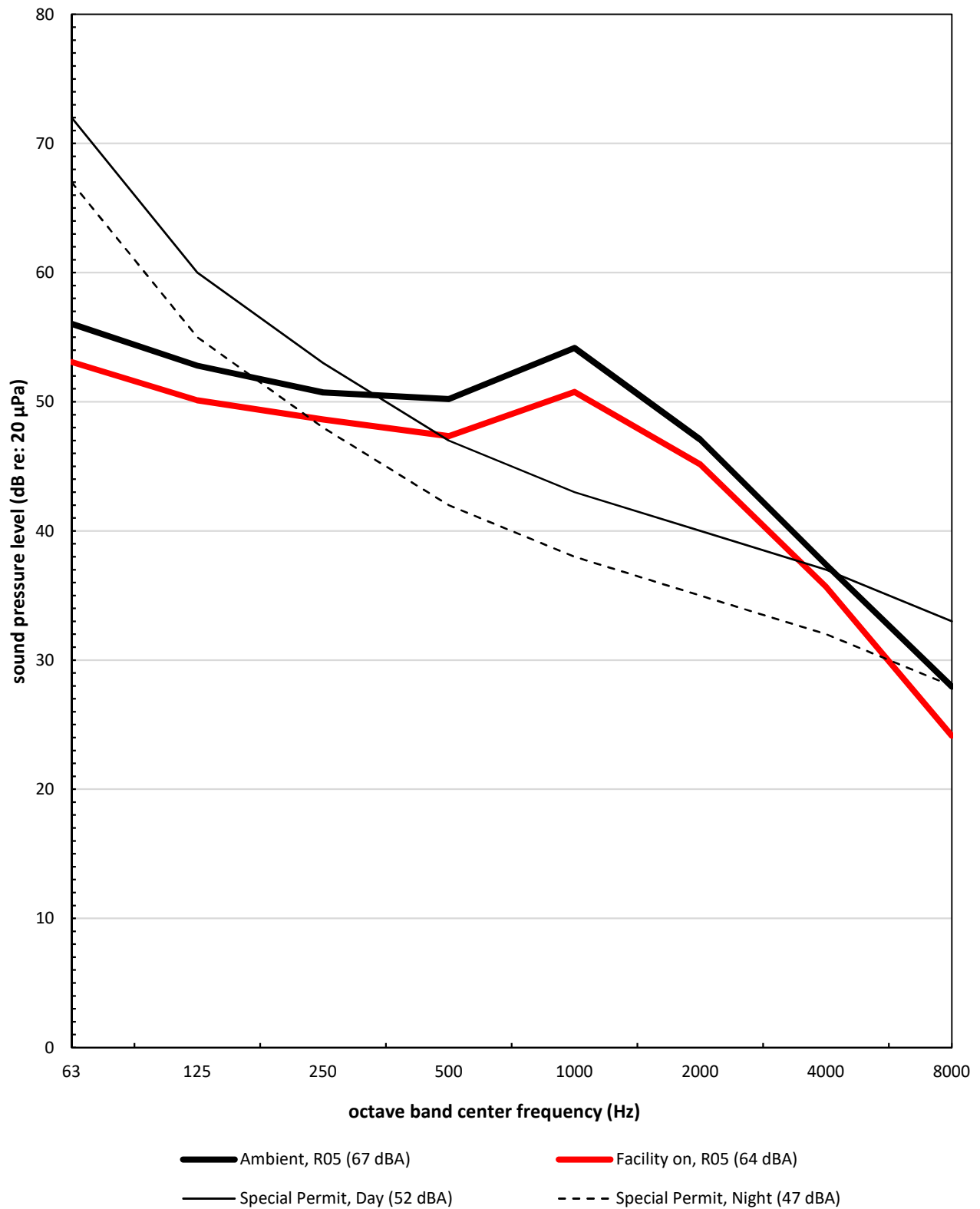


FIGURE 6f - sound levels measured at R06'

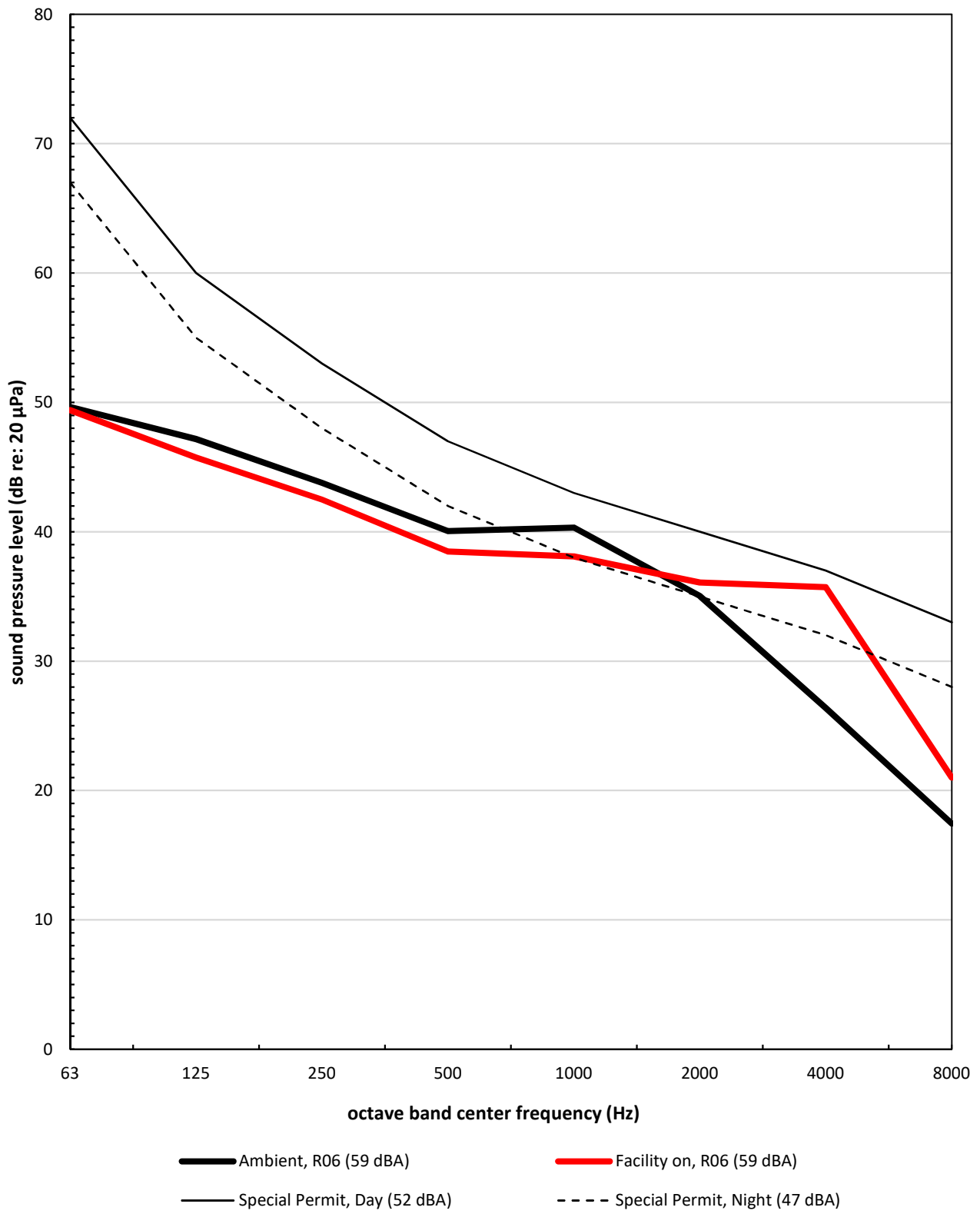




FIGURE 6g - sound levels measured at R07'

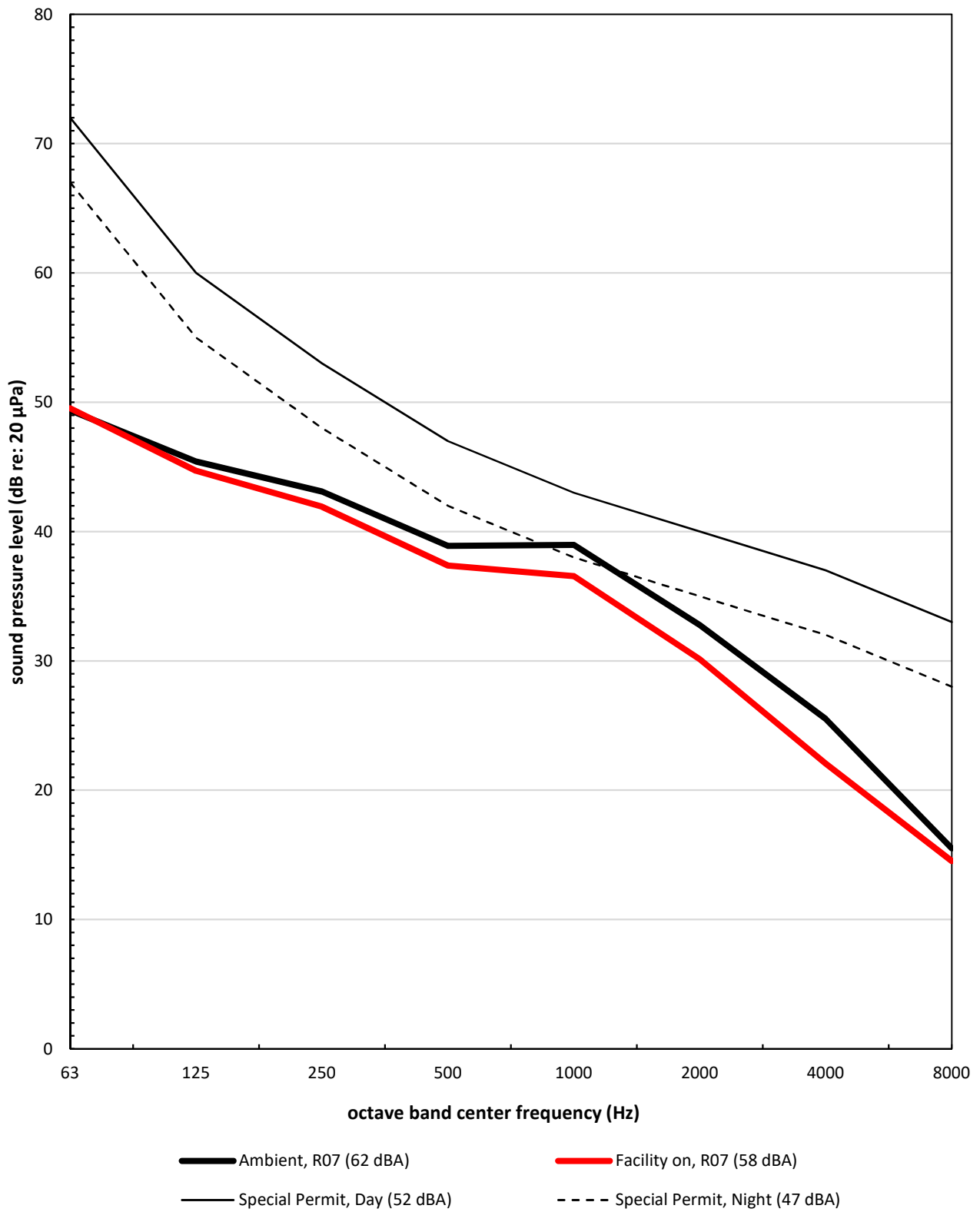
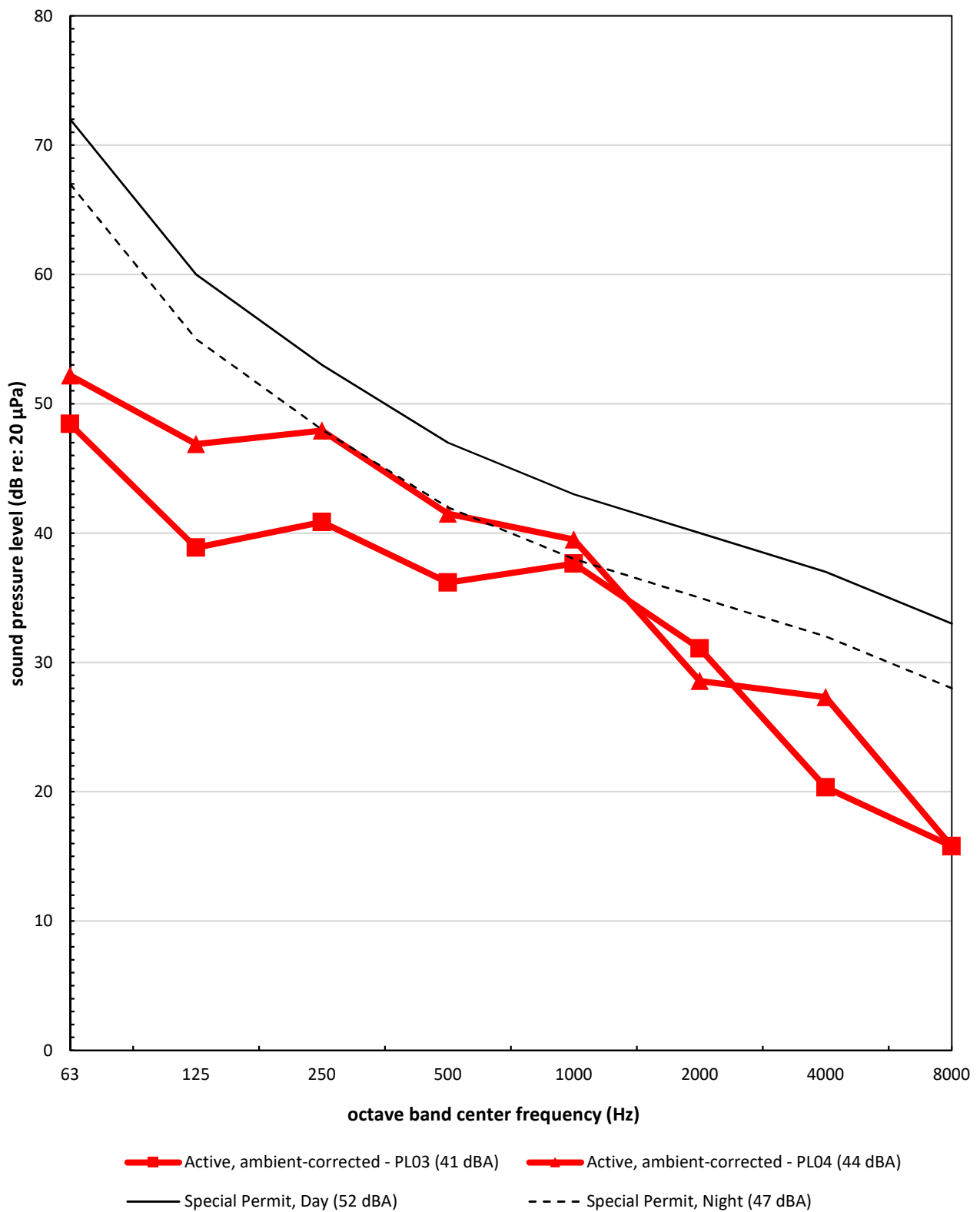


FIGURE 7 - sound levels measured at PL03 and PL04





**TOWN OF MEDWAY**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

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**Board Members**

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Robert Tucker, Vice Chair  
Thomas Gay, Clerk  
Matthew Hayes, P.E.,  
Member  
Richard Di Iulio, Member

**Staff**

Susan Affleck-Childs,  
Planning and Economic  
Development Coordinator

**Adult Recreational Marijuana Special Permit,  
Groundwater Protection Special Permit, and  
Site Plan Decision**

**NeoOrganics, LLC - 4 Marc Road  
APPROVED with Conditions**

**Decision Date:** January 28, 2020

**Name/Address of Applicants:**

Neo Organics LLC  
365 Boston Post Road, # 184  
Sudbury, MA 01776

NEK, LLC  
20533 SE Evergreen Highway  
Camas, WA 98607

**Name/Address of Property Owner:**

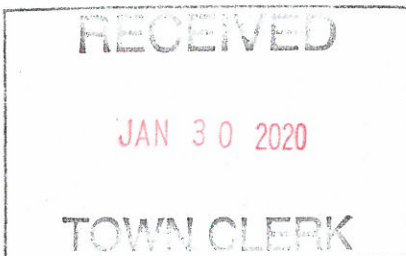
NEK, LLC  
20533 SE Evergreen Highway  
Camas, WA 98607

**Location:** 4 Marc Road

**Assessors' Reference:** 32 – 026

**Zoning District:** East Industrial

**Site Plan:** Permit Site Plan for 4 Marc Road, Neo Cultivation and  
Manufacturing, dated August 6, 2019, last revised  
December 13, 2019, prepared by DGT Associates  
Surveying and Engineering of Framingham, MA





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**I. PROJECT DESCRIPTION** - The Applicants seek a Recreational Marijuana Establishment Special Permit pursuant to Section 8.10 of the Medway *Zoning Bylaw*, a Groundwater Protection Special Permit pursuant to Section 5.6.3 of the *Zoning Bylaw*, and site plan approval pursuant to Section 3.5 of the *Zoning Bylaw*, to use the existing 29,718 sq. ft. (more or less) industrial building at 4 Marc Road, (*Medway Assessors' Parcel 32-026* on the north side of Marc Road in the East Industrial zoning district for the cultivation, processing, manufacturing, and packaging of marijuana for adult recreational use by Neo Organics, LLC of Sudbury, MA. The proposed scope of work includes interior renovations to accommodate the new use, construction of a 3,000 sq. ft. outside concrete mechanical pad to house HVAC and odor control equipment, construction of a dumpster pad with associated fencing, installation of stormwater management measures to supplemental those presently on site, clean-up of the existing manmade drainage ditch, and construction of a 17' wide fire lane along the west side of the building. The property includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission. Because a portion of the site is located within the Town's Groundwater Protection District and 24% of the improved site will have impervious surface, a Groundwater Protection special permit is also required.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on January 28, 2020, on a motion made by Tom Gay and seconded by Bob Tucker, voted to approve with CONDITIONS and WAIVERS as specified herein a recreational marijuana establishment special permit, a groundwater protection special permit, and a site plan for 4 Marc Road in Medway, MA.

The vote was approved by a vote of five in favor and none opposed.

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

### **III. PROCEDURAL HISTORY**

- A. August 6, 2019 – Special permit application filed with the Board; filed with the Town Clerk on August 7, 2019
- B. August 9, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. August 9, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- D. August 13 and August 20, 2019 - Public hearing notice advertised in *Milford Daily News*.
- E. August 27, 2019 - Public hearing commenced. The public hearing was continued to September 24, October 8, November 12 and 26, 2019 and to January 14, 2020 when the hearing was closed and a decision rendered.

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

- A. The following documents were provided at the time the applications were filed with the Board:

##### **Site Plan Application**

- Application for Minor Site Plan Approval dated August 6, 2019 with Project Description
- *PERMIT SITE PLAN - Neo Cultivation & Manufacturing*, dated August 6, 2019, prepared by DGT Associates of Framingham, MA
- Requests for Waivers from Medway *Site Plan Rules and Regulations*
- Purchase & Sale Agreement dated February 8, 2019, between NEK, LLC (property owner) and Pangea Realty LLC (buyer), pertaining to the sale of the 4 Marc Road property.
- *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 25, 2019, prepared by DGT Associates of Framingham, MA
- Schematic Design (floor plan), Sheet A1.2, 4 Marc Road, by Anderson Porter Design, Cambridge, MA

##### **Marijuana Special Permit Application**

- Marijuana Special Permit Application dated August 6, 2019 with Project Description
- Odor Mitigation Plan received August 6, 2019, unattributed
- Noise Mitigation Plan received August 6, 2019, unattributed
- Security Plan received August 6, 2019, unattributed
- Transportation of Marijuana Guidelines received August 6, 2019, unattributed

##### **Groundwater Protection Special Permit**

- Groundwater Protection Special Permit Application dated August 8, 2019 with Project Description

- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant and its representatives and consultants:

- Updated Noise Mitigation Plan dated September 27, 2019 with Noise Mitigation Plan letter from Andy Caballerira of Acentech, Inc. dated September 25, 2019
- Updated Odor Mitigation Plan by Impact Engineering dated September 12, 2019.
- Revised site plans from DGT Engineering Associates dated September 19, 2019, October 24, 2019 and December 13, 2019.
- Plan revision submittal letter from DGT Engineering Associates dated September 19, 2019
- Response letter from DGT Engineering Associates dated September 26, 2019 to Tetra Tech review comments dated August 22, 2019.
- Response letter from DGT Engineering Associates dated October 23, 2019 to Tetra Tech comments dated September 27, 2019
- Revised floor plans from Anderson Porter Design dated September 9, 2019
- Photometric plan by Illuminate dated September 23, 2019
- NeoOrganics security plan, unattributed, received September 19, 2019



- Assignment of interest in the purchase and sale agreement from Pangea, LLC to 4 Marc Road LLC dated March 1, 2019
  - Lease dated May 3, 2019 between Neo Organics, LLC and 4 Marc Road LLC for 4 Marc Road.
  - Additional request for a waiver from *Site Plan Rules and Regulations*, dated September 10, 2019.
  - Proposed sound wall information received November 8, 2019
  - *Land Disturbance Area Plan* dated September 27, 2019, revised October 22, 2019 and December 13, 2019, prepared by DGT.
  - *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road* dated July 25, 2019, revised September 19, 2019, last revised December 13, 2019, prepared by DGT Associates of Framingham, MA.
- C. During the course of the review, a variety of other materials were submitted to the Board by the Board's consultants and Town staff:
- Plan review letters and emails from Gino Carlucci, PGC Associates, dated August 20, 2019, October 3, 2019 and October 31, 2019
  - Plan review letters from Tetra Tech to the Board dated August 22, 2019, September 27, 2019 and October 28, 2019
  - Noise mitigation plan review letters from Ron Dempsey, Noise Control Engineering, dated August 21, 2019, October 3, 2019 and October 23, 2019
  - Odor mitigation plan review letters from Bruce Straughan, Straughan Forensic dated August 21, 2019 and October 2, 2019.
  - Host Community Agreement dated March 4, 2019 between Neo Cultivation MA, LLC and Neo Manufacturing MA, LLC and the Town of Medway.
  - Letter dated August 16, 2019 from Building Commissioner Jack Mee
  - Review letter dated October 7, 2019 from Police Chief Allen Tingley
  - Email memo dated August 12, 2019 from Treasurer/Collector Joanne Russo
  - 2 Marc Road CommCan recreational marijuana special permit decision dated February 26, 2019
  - Email memo dated November 26, 2019 from Deputy Fire Chief Mike Fasolino
  - Email memo dated December 12, 2019 from Fire Chief Jeff Lynch.
  - Plan review letter from Tetra Tech to the Conservation Commission dated December 16, 2019.
  - Revised Conservation Commission Order of Conditions dated January 14, 2020.
  - MA Department of Environmental Protection EP Noise Policy and associated Noise Regulations (310 CMR 7.10).
  - Installation Guide – Atlantic Industries Limited – AIL Tuf Barrier and Silent Protector Sound Walls
- D. Abutter Comments
- Email communication dated October 8, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
  - Email communication dated November 12, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
  - Email communication dated December 4, 2019 (with attachments) from abutter John Lally, 35 Coffee Street

E. Other Documentation

1. Mullins Rule Certification dated September 10, 2019 for Board member Matthew Hayes pertaining to the August 27, 2019 hearing.
2. Mullins Rule Certification dated October 22, 2019 for Board member Robert Tucker pertaining to the October 8, 2019 hearing.
3. Mullins Rule Certification dated October 17, 2019 for Board member Thomas Gay pertaining to the October 8, 2019 hearing.

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

- Gino Carlucci, PGC Associates, the Town’s Consulting Planner – Commentary throughout the public hearing process.
- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Ron Dempsey and Jeff Komrower of Noise Control Engineering LLC, acoustic sound consultants for the Town.
- Jaime Lewis, Neo Organics
- Andy Carballeria, Acentech Inc., acoustic sound consultant for the Applicant.
- Bert Corey and Joe Losanno, DGT Associates, engineering consultant for the Applicant.
- Resident and abutter John Lally, 35 Coffee Street
- Resident and neighbor Edward Burns, 43 Coffee Street

VI. **FINDINGS**

The Planning and Economic Development Board, at its meeting on January 28, 2020, on a motion made by Bob Tucker and seconded by Tom Gay, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for 4 Marc Road. The motion was approved by a vote of five in favor and none opposed.

**GENERAL FINDINGS from PUBLIC HEARING TESTIMONY**

(1) **NOISE ISSUES**

- A. Pursuant to Section 7.3.C.2. of the *Zoning Bylaw*, the “Maximum permissible sound pressure levels measured at the property line nearest to the noise source for noise radiated continuously from the noise source between 10 PM and 7 AM shall be as follows.”

Frequency Band (Cycles per Second)	Sound Pressure Level (Decibels 43 0.0002 Dyne/CM2)
2-72	69
75-150	54
150-300	47
300 - 600	41
600 – 1,200	37
1,200 – 2,400	34
2,400 - 4,800	31
4,800 – 10,000	28

“For noise levels between 7 A.M. and 10 P.M., and if the noise is not smooth and continuous, the following corrections shall be added to each of the decibel levels given above:

- Daytime operation only: +5
- Noise source operated at less than 20% of any 1-hour period: +5”

- B. Earlier in 2019, during the Board’s review of the recreational marijuana establishment special permit application for 2 Marc Road, the Board along with the Board’s sound consultant (Noise Control Engineering) and that applicant’s sound consultant (Acentech, Inc.) agreed that the frequency band range form of noise measurement specified in the *Medway Zoning Bylaw* is outdated. The consultants concurred that noise measurements in accordance with the *Zoning Bylaw*’s standards are neither ideal nor typical today. The Board acknowledged that frequency band ranges presently included in the *Zoning Bylaw* do not accurately reflect contemporary sound measurement standards and provide challenges to interpretation and enforcement of the applicable provisions of the *Zoning Bylaw*. The Board was willing to allow a conversion to more modern standards, but only as long as the conversion was more, not less restrictive.

Noise Control Engineering converted the *Zoning Bylaw*’s frequency band noise levels to octave bands for noise measurement purposes. The method used was based on the frequency span of the octave bands and is consistent with the conversion documented in the 1980 EPA document *905-R-80-117 Noise Legislation Trends and Implications*. The table below shows the conversion of the *Bylaw*’s frequency band noise standards to the modern octave band noise standards with the nighttime and daytime adjustments.

<b>Octave Band Center Frequency (Hz)</b>	<b>Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Nighttime</b>	<b>Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Daytime</b>
63	67	72
125	55	60
250	48	53
500	42	47
1000	38	43
2000	35	40
4000	32	37
8000	28	33

- C. The Applicant’s preliminary noise mitigation plan was submitted to the Board on August 6, 2019 with the special permit application. The Board retained Noise Control Engineering (NCE) of Billerica, MA to review that preliminary noise mitigation plan. NCE provided an email communication dated August 21, 2019 with comments and recommendations of additional information needed.
- D. The Applicant prepared an updated noise mitigation plan which was submitted to the Board on September 27, 2019. The Applicant also retained sound consultant Acentech, Inc. of Cambridge, MA to evaluate the anticipated levels of noise

producing equipment to be installed at the 4 Marc Road facility and provide recommendations for suitable noise control measures. Acentech developed a computer model of the facility's sound using CadnaA, an acoustic modeling software. The noise producing equipment includes a 300 kw generator, transformer, air handling units (AHU), a variety of condensing units, and rooftop exhaust fans. Acentech determined that the proposed noise generating equipment, absent any noise mitigation measures, will not comply with the noise regulations included in Section 7.3.C.2. of the *Zoning Bylaw* at all property lines of 4 Marc Road. To mitigate the excessive noise from certain of the noise producing sources, Acentech recommended placing sound barriers around the condensing and air handling units and to select a generator and enclosure that would meet the *Zoning Bylaw's* sound requirements.

Acentech then calculated the expected noise levels, with the planned noise control measures applied, at 14 receptor locations at the property lines of 4 Marc Road and at 7 receptor residential locations at second story building heights. Acentech found that the estimated sound levels created by the noise generating equipment, with the added noise mitigation measures recommended by Acentech, would be below the Town's noise standards (converted from frequency band to octave band) as described in Item B.

- E. The Board retained Noise Control Engineering, LLC (NCE) to evaluate the Applicant's proposed noise mitigation plan for the 4 Marc Road property. NCE provided an email communication dated October 3, 2019 and personal testimony by NCE personnel was provided during the November 12, 2019 hearing.
- F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 4 Marc Road expressing serious concerns and objections to the excessive noise emanating from the existing marijuana facility operating at 2 Marc Road. Concern was expressed that similar issues would occur with the 4 Marc Road facility.
- G. The Applicant has represented that the 4 Marc Road facility, as part of its permitting with the Massachusetts Cannabis Control Commission, is required to comply with the MA DEP Noise Policy and associated Noise Regulations (310 CMR 7.10). These regulations state that a source of sound violates the regulation if the source:
  - 1. Increases the broadband sound level by more than 10dB above ambient, or
  - 2. Produces a "pure tone" condition which occurs when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

The MA DEPT Noise Policy and Regulations state that these criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time (the L<sub>90</sub> metric) measured during equipment operating hours.

(2) **ODOR ISSUES**

- A. Pursuant to Section 7.3.D. of the *Zoning Bylaw*, “In all districts, no emissions of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted.”
- B. The Applicant’s preliminary odor mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Straughan Forensic, LLC of Arvada, CO, to review that preliminary odor mitigation plan. Straughan Forensic provided review letters dated August 21, 2019 with comments and recommendations of additional information needed.
- C. The Applicant retained Impact Engineering Inc. of Castle Rock, CO to prepare an updated odor mitigation plan which was submitted to the Board on September 19, 2019. At the Board’s request, Straughan Forensic, LLC evaluated the Applicant’s updated odor mitigation plan for the 4 Marc Road property and provided a review letter dated October 2, 2019.

- (3) **HOURS OF OPERATION** – The applicant has informed the Board that as a marijuana growing facility, the establishment will operate 24 hours a day/7 days a week. The Applicant anticipates that the facility will be occupied by a maximum of twenty-five employees. Occupancy will be generally limited to the hours of 7 am to 7 pm, Sunday – Saturday.

***RECREATIONAL MARIJUANA ESTABLISHMENT SPECIAL PERMIT FINDINGS***  
***(Sub-section 8.10 of the Zoning Bylaw)***

- (1) The recreational marijuana cultivation and processing establishment will operate inside the existing building at 4 Marc Road, a permanent, stand-alone building which does not include residential units or doctors’ offices. The site includes driveways, parking areas, utility systems, and stormwater management facilities.
- (2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* (public or private school serving students in grades K-12) are located within 500 feet of the site of the proposed facility.
- (3) As conditioned herein and as required by the *Zoning Bylaw*, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed.
- (4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.
- (5) As conditioned herein, any signage for the facility shall comply with Section 8.10.F and Section 7.2 of the *Zoning Bylaw*.

- (6) As conditioned herein, the Applicant shall provide the contact information for management staff and key holders of the facility to Town officials.
- (7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise and odor consultants. The Applicant has prepared a noise mitigation plan which has been reviewed by the Town's noise consultant. It will be implemented in accordance with Specific Condition D herein. The Applicant has also provided an odor control plan which will be implemented in accordance with Special Condition E herein.

The Board is requiring on-going noise and odor monitoring to ensure compliance with the Town's requirements. See Special Conditions D and E. The Building Commissioner, in consultation with the Health Agent, and the Town's noise and odor consultant(s), will confirm compliance with the noise and odor requirements of the *Zoning Bylaw* after the required noise and odor mitigation measures are installed. As conditioned herein, any non-compliance will be addressed through zoning enforcement.

- (8) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance to the facility, is fully visible from the site's frontage. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed pursuant to the *Zoning Bylaw*.
- (9) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products, and the transport and delivery of such to other recreational marijuana establishments. Retail sales and marijuana social establishments are not allowed pursuant to the *Zoning Bylaw*.
- (10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (11) Applicant, NEK, LLC is the record owner of the property as shown on the Medway Assessor's records and the seller on a purchase and sale agreement with Pangea Realty LLC dated February 8, 2019. On March 1, 2019, Pangea Realty LLC assigned its interest in the purchase and sales agreement to 4 Marc Road, LLC which will own the 4 Marc Road property.

The Applicant, Neo Organics, LLC will be a tenant in the subject property and building pursuant to a lease dated May 3, 2019 with 4 Marc Road, LLC. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

- (12) Prior to plan endorsement, the Applicant shall provide a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.



- (13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the Special Permit and Site Plan applications to the required parties.
- (14) A site plan was submitted and has been revised pursuant to comments from the Board's consultants and the Conservation Commission. A detailed floor plan of the premises showing the functional areas of the facility has also been provided. The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police Chief during the permitting process.
- (15) A copy of the policies and procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments was provided as part of the special permit application.
- (16) A comprehensive noise mitigation plan prepared by the applicant's noise consultant, Acentech, Inc. was submitted and reviewed by Noise Control Engineering, the Board's noise consultant. The plan was revised, re-submitted, and re-reviewed. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the *Zoning Bylaw*. As conditioned herein, any non-compliance will be addressed through zoning enforcement.
- (17) A comprehensive odor mitigation plan prepared by the applicant's odor consultant, Impact Engineering, Inc, was submitted to the Board and reviewed by Straughan Forensic, LLC, the Board's odor consultant. The odor mitigation plan was revised, re-submitted and re-reviewed. As conditioned herein, any non-compliance will be addressed by the Building Commissioner through zoning enforcement.
- (18) The required public hearing and review process for this special permit application has been followed.
- (19) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than the described site improvements and possible additional measures to address potential noise and odor impacts if such occur in the future.
- (20) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (21) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

***SITE PLAN RULES AND REGULATIONS FINDINGS*** – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

- (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 site is within an industrial park which is accessed directly from Route 109 so there is no access through minor streets serving residential areas. There is no backing up onto a public way.*

- (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 existing building and site are of an industrial style, with the scale and materials similar to other buildings within the industrial park. No exterior building façade renovations are planned.*

- (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 site is heavily wooded at its access driveway from Marc Road. The parking areas are along the driveway and behind the building. There is no outside storage of materials. An outdoor dumpster is included but it will be located at the back of the site and will have an enclosure around it. As the site is already developed, considerable landscaping is already provided. The building is set back approximately 110' from the western boundary line of the subject property.*

- (4) Is adequate access to each structure for fire and service equipment provided?

*The site plan has been revised pursuant to feedback from the Medway Fire Department to now include construction of a fire lane on the west side of the building. Fire Chief Jeff Lynch, in an email dated December 12, 2019, approved the revised site plan as suitable access to the building will be provided.*

- (5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

- a) the volume of cut and fill; *Since this is an existing developed site, the volume of cut and fill is minimal to adapt the site for a new use. The project scope is limited primarily to cleaning out and upgrading an existing drainage system and the installation of a new equipment pad and sound barrier on the west side of the building.*
- b) the number of trees to be removed with particular care taken with mature trees and root systems; *This is an existing developed site so tree removal is minimal to accommodate the construction of an equipment pad and a fire access road.*
- c) the visual prominence of man-made elements not necessary for safety; *The only added man-made visual element to the site is the equipment pad and associated sound barrier. While necessary to project abutters from excessive*

*noise, it is not visible from Marc Road and it is screened from the westerly abutter by a slope with existing trees on it.*

- d) *the removal of existing stone walls; No existing stone walls are being removed.*
  - e) *the visibility of building sites from existing streets; The current building is located off Marc Road, up a hill and the site includes trees between the road and building such that only the entrance driveway and sign are visible from Marc Road. This is not being changed for the new use.*
  - f) *the impacts on waterways and environmental resource areas; A small portion of the site is within the 100-foot wetlands buffer zone and in the Town's Groundwater Protection District. The only work proposed within this area consists of improvements to the stormwater management system which is upgraded throughout the site to comply with current standards so the impacts on waterways and environmental resource areas is positive. The project has also been reviewed by the Conservation Commission and an Order of Conditions has been issued.*
  - g) *soil pollution and erosion; The submitted plans include an Erosion and Sediment Control Plan, which has been reviewed and approved by the Town's Consulting Engineer. The Conservation Commission has also issued an Order of Conditions.*
  - h) *noise. The possibility of noise impacts on abutters has been the issue of most concern and has generated the most discussion at the public hearings. A comprehensive noise control plan was required and submitted to the Board. The Board's noise engineering consultant reviewed the initial plan and considered supplemental information submitted by abutters. Changes to the initial noise mitigation plan were made, including the addition of significant noise barriers with noise baffling features to contain the noise generated by the exterior mechanical equipment. The plan as approved will have minimal noise impacts and those impacts will be monitored once the building attains its full operating status and any needed adjustments will be required accordingly.*
- (6) Is pedestrian and vehicular safety both on the site and egressing from it maximized?
- There is no significant pedestrian use anticipated since no public access to the building is allowed. Pedestrian safety within the parking lot is standard and is adequate due to minimal vehicular traffic. Sidewalk improvements are planned to modify the existing concrete walkway to provide for handicap accessibility. The existing sight lines at the driveway for exiting traffic will be increased through the clearing of some trees (9" diameter and less) to the east of the driveway and some regarding.*
- (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?

*There are no historic features on site.*

- (8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

*A photometric plan has been submitted that demonstrates that there is no light trespass or glare off site.*

- (9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

*The limit of work is reasonable. It makes use of an already developed site and provides a comprehensive stormwater management system to address the existing facility and proposed site improvements.*

**GENERAL SPECIAL PERMIT FINDINGS (Sub-section 3.4 of the Zoning Bylaw)**

- (1) The proposed site is an appropriate location for the proposed use.

*Section 8.10 of the Zoning Bylaw (Recreational Marijuana) and Table 1 – Schedule of Uses specifies that non-retail recreational marijuana establishments are allowed by special permit in the East and West Industrial zoning districts. The subject site at 4 Marc Road is located within the East Industrial zoning district and is therefore an eligible location for the proposed use. Further, the site is not located within 500 feet of any of the uses from which marijuana establishments are prohibited (existing public or private school serving students in grades K-12). The site includes an existing industrial building constructed in 1984; the property has been used for industrial purposes for 35 years.*

- (2) Adequate and appropriate facilities will be provided for the operation of the proposed use.

*The recreational marijuana cultivation and processing uses will occur within the existing industrial building at 4 Marc Road. Suitable parking is available with access from Marc Road. As documented in the findings under Site Plan Rules and Regulations above, adequate and appropriate facilities have been provided for the operation of the facility. The site's internal driveways and stormwater management system have been reviewed by the Board's Consulting Engineer and found to be adequate.*

- (3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.

*The existing site contains suitable driveways, parking areas and stormwater management systems. Pedestrians are not expected to access the site as no retail marijuana operation is permitted. As conditioned herein, the Applicant is required to meet the Town's noise and odor standards as specified in Section 7.3 of the Zoning Bylaw and provide additional noise and odor mitigation measures if needed in the future.*

- (4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area.

*The proposed facility is expected to have 25 employees. The available on-site parking exceeds the number of parking spaces required. As the facility will not have a retail operation, non-employee traffic to the site will be minimal. The Industrial Park Road system is adequate to handle the routine employee traffic. Marc Road was recently reconstructed as part of the approval of an adjacent business facility at 2 Marc Road, so the adjacent roadway quality leading to the property is excellent. Furthermore, the site's access is via Marc Road from Industrial Park Road from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.*

- (5) The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.

*Site plan review has addressed each of these potential impacts on adjoining properties. A photometric plan for the lighting has been submitted; it documents that lighting will not spill over onto adjoining properties. The stormwater management plan has been reviewed and approved; stormwater will not result in flooding on adjoining properties. An odor control plan, specific to the property's use as a marijuana cultivation facility, has been submitted by the Applicant and reviewed by a firm specializing in odor mitigation. Any dust generated from the operation of the business shall be contained within the building. Noise has especially been carefully evaluated with the assistance of a noise consultant, and the final noise control plan has been accepted. Also, noise generation will be monitored following full operation of the facility. No vibration is expected to be generated by the operation of the business. Refuse materials will be contained within a locked dumpster area for security purposes. Any other undesirable visual, site or operational attributes of the facility shall either be the same as existing conditions or improved from the previous business operation on the premises.*

- (6) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.

*The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District in which the subject property is located. This application proposes to produce marijuana for adult recreational use within the existing building. The proposed use will not significantly alter the character of the East Industrial zoning district.*

*The Board heard testimony from residential abutters and neighbors about their concerns regarding adverse noise and odor conditions which may emanate from the proposed facility. These concerns result from their experience of noise and odor issues related to the existing marijuana cultivation and manufacturing operation at the adjacent 2 Marc Road marijuana facility. The Applicant made repeated verbal commitments during the public hearing that they will address neighbor concerns through reasonable noise and odor mitigation measures. Furthermore, as noted*

*above, the Board paid particular attention to the noise and odor concerns and contracted with outside consultants specializing in noise and odor control to review and provide guidance as to how to minimize such concerns. The final plans include maximum measures to ensure that the impacts are minimal at best. The Applicant will be held to the environmental standards included in Section 7.3 of the Zoning Bylaw. The Cannabis Control Commission requires the Applicant to also meet the MA DEP noise standards. Measures to address other types of potential impacts (lighting, flooding, dust, vibration, refuse materials, etc.) have also been provided. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.*

- (7) The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.

*The Recreational Marijuana section of the Zoning Bylaw (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the establishment of non-retail recreational marijuana establishments at limited locations in Medway. The stated purpose of Section 8.10 is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in appropriate places and under strict conditions. As the proposed facility is located within one of the designated zoning districts, it meets the purpose of the Zoning Bylaw.*

- (8) The proposed use is consistent with the goals of the Medway Master Plan.

*The existing facility and the expanded use of the facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives section of the Medway Master Plan as follows:*

- *Goal 1: Maximize the area's economic resources*
- *Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.*

- (9) The proposed use will not be detrimental to the public good.

*As a facility in compliance with state and local law, consistent with the goals of the Medway Master Plan, and as thoroughly conditioned herein, the proposed use will not be detrimental to the public good.*

**GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT FINDINGS (Sub-Section 7.3 of the Zoning Bylaw)** – A portion of the 4 Marc Road site is located within the Town's Groundwater Protection District, therefore a groundwater protection special permit is required.

- (1) Maintenance, repair and enlargement of any existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (2) As conditioned herein, storage of hazardous materials, as defined in Massachusetts General Laws, c. 21E, is prohibited unless enclosed in a free standing container



within a building. Any accidental spillage will also be contained within the building and any that may enter the municipal sewer system will be treated prior to being discharged to the municipal sewer system.

- (3) As conditioned herein, any commercial fertilizers, as defined in Massachusetts General Law, c. 128, §64, used for the growing of marijuana plants will be stored within containers and kept inside the 4 Marc Road building.
- (4) The facility will handle toxic and hazardous materials. All use of hazardous materials will be contained within the building and as the risk of spillage during deliveries is low, the facility qualifies for a special permit. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
- (5) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.
- (6) The facility and associated site improvements will render more than 71,000 square feet of the site impervious. The Town's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality.
- (7) As required by Section 5.6.F. 1. of the *Zoning Bylaw*, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and consultation to evaluate whether the proposed project will adversely impact the quality or quantity of water available within the Groundwater Protection District, and to determine that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized.

**VII. WAIVERS** – At its January 28, 2020 meeting, the Board, on a motion made by Bob Tucker and seconded by Richard Di Iulio, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of five in favor and none opposed.

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

**Section 204-3 A. 7. - Development Impact Statement.** A written Development Impact Statement shall be provided to describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the *Development Impact Statement*. The *Development Impact Statement* shall consist of the following four elements: traffic, environmental, community and parking.

*The Applicant has requested a waiver from this requirement. The site is already developed and has been used for industrial purposes since 1984. The proposed site improvement work is minimal. Traffic is not expected to increase beyond previous occupants. The preparation of traffic,*

*environmental, community and parking impact assessments is not expected to reveal any useful information related to the site or the project's impacts. The recreational marijuana facility use is highly regulated by the Massachusetts Cannabis Control Commission and is subject to a special use zoning permit from the Board. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-4 B - Site Context Sheet.** A Site Context Sheet including the following items shall be submitted.

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand (2,000) feet of the perimeter of the site. The plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. Scenic roads shall be noted.
- 2) Abutters' names and addresses with assessor's reference.
- 3) Lot lines with dimensions and easement areas.
- 4) Existing topography at two (2) foot intervals from USGS survey maps or actual land survey.
- 5) All easements (*utility, conservation and other*) and rights-of-way.
- 6) Zoning district boundaries including groundwater protection district, wetlands, and flood plain zones.

*The Applicant has requested a waiver from this requirement. A separate Site Context Sheet has not been provided as part of the plan set. However, the information specified to be included on a Site Context Sheet is included on other sheets included in the plan set. For the foregoing reason, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-5 C. 3. Existing Landscape Inventory** – An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a “mapped” overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

*The Applicant has requested a waiver from this requirement. The site is large (6.68 acres) and is mostly wooded in nature. The existing building will be reused. Site improvements are minimal and will not result in a large land disturbance area. A 32” pine tree located in the southeast corner of the property is specifically identified to remain and be protected during construction. Locating the all trees with a diameter of one foot or greater at four feet above grade throughout the site would be an unnecessary additional expense and provide no added value to the site design or development. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-5 D. 7. Proposed Landscape Design** – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter

of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a “lesser” intensity graphic used to represent potential canopy at maturity.

*The applicant has requested a waiver from this requirement as no new landscaping is proposed for this already developed site. Any marijuana facility is subject to a permit from the Massachusetts Cannabis Control Commission which has strict requirements that prohibit shrubs and trees from being planted in proximity to marijuana establishments in order to promote safety in and around the facility. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-5 D. 12 – Signage Plan** - A *Signage Plan* shall be submitted which includes the design, location, materials, dimensions and lighting for:

- (a) the proposed development and all building identification signage, both freestanding and attached; and
- (b) standards for tenant signs.

*The applicant has requested a waiver from this requirement. The applicant intends to reuse the existing monument sign from the prior occupant to display only the property address. No other signage is planned for the building. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**VIII. CONDITIONS** The *Special and General Conditions* included in this Decision shall assure that the Board’s approval of this special permit is consistent with the *Zoning Bylaw* and that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

### **SPECIFIC CONDITIONS OF APPROVAL**

- A. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:
  - 1. Upon approval and prior to commencing operations on the property to cultivate and process marijuana for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.
  - 2. The Applicant shall provide an annual report of Neo Organics, LLC’s operations to the Board and other Town officials no later than January 31<sup>st</sup> of each year, including a copy of all current state licenses and demonstrating continued

compliance with the conditions of this special permit. Any change in ownership of Neo Organics, LLC or change in management staff and key holders shall also be reported.

3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Neo Organics, LLC, as the operator of an adult recreational marijuana establishment on the premises.
  4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the *Permit Site Plan for 4 Marc Road, Neo Cultivation and Manufacturing*, dated August 6, 2019, last revised December 13, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Other Documentation** - Prior to plan endorsement, the Applicant shall provide a sworn statement the Applicant shall provide a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.
- D. **Noise Management**
1. The Applicant shall install and maintain at all times effective noise reduction equipment for the property to comply with Section 7.3 of the *Zoning Bylaw* as well as the Massachusetts Department of Environmental Protection (MA DEP) noise requirements as established in 310 CMR 7.10. The Applicant will achieve compliance through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness and ongoing compliance.
  2. Prior to the issuance of an occupancy permit for the 2 Marc Road facility, the Applicant shall provide the Building Commissioner, Health Agent, and Board with a noise study measuring ambient sound levels without the external mechanical equipment in operation, the sound at each of the 4 Marc Road property boundaries during full operating conditions, and the sound at the locations of existing residential receptors and expected future residential receptors. The purpose is to determine if the facility complies with Section 7.3 of the *Zoning Bylaw* as well as the MA DEP noise requirements as established in 310 CMR 7.10. The Board, Building Commissioner or Health Agent may forward the noise study to the Town's noise consultant for peer review and comment, at the Applicant's expense.

- a. Establishment of Ambient Noise Levels – Ambient background levels shall be established without the influence of any noise emanating from the CommCan facility at 2 Marc Road. If background noise levels at 2 Marc Road have been previously established prior to operation of the CommCan facility and are acceptable to the Board, they may be used. If not, new measurements to establish background noise levels will be performed by the Applicant. Any noise sources from 2 Marc Road that may contribute to background noise levels should be turned off during the attended measurements to establish the background noise levels. If unattended monitoring is used, the noise contribution from 2 Marc Road can be established by shutting down the noise sources during a specified time period and calculating the difference in  $L_{90}$  levels during on and off times. If it is absolutely not possible to take ambient measurements with the 2 Marc Road facility shutdown, ambient measurements should be taken in an area with similar ambient conditions (i.e. similar distance from major roads or other noise sources) which is far enough from the 2 Marc Road facility so that the 2 Marc Road facility does not significantly influence the measures. If an alternative method for establishing the background levels is proposed, a test plan shall be submitted to the Board for acceptance of the alternative method. The Board may seek guidance from its noise consultant.

Separate background noise levels shall be established for daytime hours (7 am to 10 pm) and nighttime hours (10 pm to 7 am).

Background noise levels can be established either by attended measurements (with the sample time at each measurement location to be not less than 10 minutes) or by unattended measurements for a period of at least 3 days. It will be sufficient to establish the background noise levels at representative locations at the property line.

- b. Measurement of Operational Noise Levels – The operational sounds measurements will consist of attended daytime and nighttime noise measurements at the facility property line and the residential receptors for a period of at least ten minutes. If the equipment is expected to produce higher noise levels at operating conditions other than the full load, those conditions shall be measured as well.

The measurements shall be taken at the same locations as evaluated in the September 27, 2019 Acentech study. These include:

- 14 receptor locations the property lines of 4 Marc Road and
- 7 residential receptor locations at second story building window heights.

- c. All sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices.

- d. Measurement instrumentation shall comply with Class 1 in accordance with IEC 61678, and should be capable of measuring A-weighted and octave-band sound levels. The acoustic descriptor for reporting shall be the  $L_{90}$  sound level for background noise levels. If operational data is steady state, the  $L_{90}$  metric can also be used for operational data. Otherwise the  $L_{eq}$  or higher metric should be used. Sound level meters shall be provided with windscreens and their calibration shall be field-checked before and after the measurements.
  - e. The Board, Building Commissioner or Health Agent may require the Applicant to implement additional noise mitigation measures if the noise study indicates that the facility is non-compliant with Section 7.3 of the *Zoning Bylaw* or the MA DEP Noise Policy.
3. Approximately six months after beginning operations under this Special Permit, the Applicant shall provide a supplemental noise study. These measurements shall be carried out to the same standards and methods as the initial study. The scope and methods of the study shall be the same as in the initial study described above.

The Applicant shall submit that study to the Building Commissioner, Health Agent and Board so as to determine continued compliance with the *Zoning Bylaw* and any conditions set forth herein as to noise. The Building Commissioner, Health Agent or Board may forward the plan to the Town's noise consultant for review and comment, at the Applicant's expense. The Applicant shall be required to implement additional noise mitigation measures if the facility is non-compliant with the *Zoning Bylaw* and the MA DEP Noise Policy.

4. The Applicant shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
5. The Building Commissioner, in enforcing the conditions contained herein, may require the Applicant to provide additional noise studies by a qualified noise consultant and/or implement additional mitigation measures should legitimate concerns or complaints develop in the future about noise generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

#### **E. Odor Management**

1. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply with Section 7.3 of the *Zoning Bylaw*. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall maintain all odor migration equipment to ensure maximum efficiency and effectiveness and ongoing compliance.



2. The presented Odor Mitigation Plan dated September 12, 2019 does not include mechanical drawings for the odor management system. At such time as the mechanical drawings are available, they shall be submitted to the Board for review by the Board's odor consultant, at the applicant's expense, to determine if they comply with the Odor Mitigation Plan.
3. The October 2, 2019 review letter of Straughan Forensic, LLC, the Board's odor consultant, identifies a number of issues and information missing from the Odor Mitigation Plan. The Straughan Forensic letter dated October 2, 2019 is attached and made a part of this decision. These items shall be fully addressed and included in the odor plans submitted to the Massachusetts Cannabis Control Commission for approval. The submittal to the Cannabis Control Commission shall indicate that the odor control system must comply with Section 7.3 of the *Zoning Bylaw*.
4. The Applicant shall provide the odor plan approved by the Massachusetts Cannabis Control Commission to the Board.
5. Prior to the issuance of an occupancy permit by the Medway Building Department, the Applicant shall review the approved odor control system as installed with the Building Commissioner and demonstrate that the measures specified in the approved odor control, abatement and mitigation plan including the secondary safeguard system have been implemented. The Applicant shall provide a certification made by a licensed engineer that the odor mitigation measures included in the approved plan have been installed. Additional odor mitigation measures may be required if determined to be necessary by the Building Commissioner.
6. For each of the two successive years following occupancy, the Applicant shall annually submit a certification by a registered professional engineer that there have been no changes in the mechanical equipment that has been installed to control the odor emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
7. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigations and/or odor mitigation measures should legitimate concerns and complaints develop in the future about odor generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

**F. Conditions Pertaining to Groundwater Protection District Special Permit**

1. Storage of hazardous materials and other hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.

2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to minimize adverse impacts on groundwater.
3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
4. There shall be no outdoor storage of pesticides, herbicides, fungicides or insecticides anywhere on the site. Any such products shall be stored inside.
5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin.
7. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
8. There shall be no earth removal within six feet of the historical high groundwater level.
9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

**G. *Stormwater Management - Post Construction***

1. The Applicant shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Board.
2. The stormwater drainage system, water and sewer systems shall be maintained by the Applicant, its successors and assigns, and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the *Post Construction and Long-Term Maintenance Plan* included in the *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 24, 2019, last revised December 13, 2019 prepared by DGT Associates Surveying and Engineering.

4. The applicant shall submit annual reports of inspections and maintenance of all stormwater management structures included in the site plan to the Board and the Medway Department of Public Works Compliance Officer starting one year after the Certificate of Site Plan Completion is issued.
  5. In the event that the Applicant, its successors and assigns, or its agent fail to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
- H. **Utilities** – All electric, telephone, cable TV and other utilities shall be located underground. No overhead utilities are permitted.
- I. **Water Use and Conservation**
1. The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
    - a. private well water for landscape irrigation
    - b. rain-gauge controlled irrigation systems
    - c. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
  2. The Permittee shall not use Town water for irrigation of the site's lawn and landscaping.
- J. **Signage** – Any changes to the existing sign or proposed new signs shall comply with Section 7.2 of the *Zoning Bylaw*.
- K. The permit holder shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificates or registration with the Massachusetts Cannabis Control Commission.
- L. There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of the marijuana establishment.
- M. **Limitations** - This special permit is limited to the operation of a recreational marijuana cultivation and processing establishment at 4 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products, or the operation of a marijuana social establishment, or the operation of a marijuana testing facility on the premises.

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Fees** - Prior to filing the special permit and site plan decision with the Town Clerk, the Applicant shall pay:
1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning, noise, odor or other consultants;
  2. an advance on fees for the continued review services to be provided by outside noise and odor consultants as approved by the Planning and Economic Development Board;
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. **Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, 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.
1. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
  2. *Neighborhood Relations* – The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
  3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
  4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible

for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.

5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with the Construction Period Stormwater Operation and Maintenance Plan included in *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 24, 2019, last revised December 13, 2019 prepared by DGT Associates Surveying and Engineering.

**D. Construction Oversight**

1. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent (if applicable), the contractors and Applicant's project engineer for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed.
2. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-

built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.

- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
3. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this *Decision*.
  4. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
  5. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

#### **E. 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 *Zoning Bylaw* nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or



emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

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

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

**G. Compliance with Plan and Decision**

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

## **H. Performance Security**

1. No occupancy permit shall be granted until the Board has provided a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.
2. The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
  - a) the date by which the Permittee shall complete construction
  - b) a statement that the agreement does not expire until released in full by the Board
  - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.
5. Final release of performance security is contingent on project completion.

## **I. Project Completion**

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and 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. Prior to issuance of a final occupancy permit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.
- J. ***Right to Enter Property*** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter the property at any time to ensure continued compliance with the terms and conditions of this special permit and the endorsed site plan.
- K. ***Recording*** - Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision and Plan have been duly recorded, or supply another alternative verification that such recording has occurred.
- L. ***Conflicts*** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

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

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

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

office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

###

**APPROVED** by the Medway Planning & Economic Development Board: \_\_\_\_\_

**AYE:**

**NAY:**

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

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

**ATTEST:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

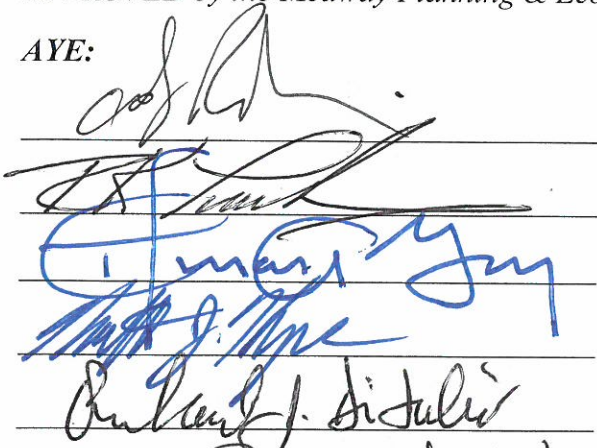
\_\_\_\_\_  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
Stephanie Carlisle, DPW Compliance Officer  
Dave D’Amico, DPW Director  
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  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Alan Tingley, Police Chief  
Jeff Watson, Police Department  
Chad Blair, Neo Organics and 4 Marc Road Realty, LLC  
Jaime Lewis, Neo Organics  
Jordan Naydeuov, NEK, LLC  
Bert Corey, DGT Associates  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates

APPROVED by the Medway Planning & Economic Development Board: January 28, 2020

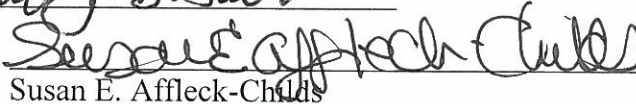
AYE:

NAY:



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

ATTEST:

  
Susan E. Affleck-Chellis

Planning & Economic Development Coordinator

January 28, 2020  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
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Bert Corey, DGT Associates  
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Gino Carlucci, PGC Associates



October 2, 2019

Susan Affleck - Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
Email: [sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

**Re: NEO Organics – 4 Marc Road Cultivation Facility, Follow-up Review of Odor Mitigation Plan**

Dear Ms. Affleck - Childs:

This letter documents the findings from my follow-up review of the resubmitted Odor Mitigation Plan for the cannabis cultivation and processing facility at 4 Marc Road in Medway, Massachusetts. The following documents were reviewed:

- Architectural Floor Plan by Anderson Porter Design, A1.1, 9-09-2019, 1 page
- Permit Site Plan by DGT Associates, C-1 thru C-7, 9-09-2019, 7 pages
- Mech. Systems Ventilation and Odor Mitigation Plan by Impact Engineering, 9-12-2019, 17 pages

I offer the following comments from my review of the documents:

**General Comment:**

1. The Plan contains narrative descriptions of systems, but no mechanical drawings are available at this time. When the completed mechanical drawings eventually get submitted for permitting, they should be reviewed at that time for compliance with the Odor Mitigation Plan.

**Odor Mitigation System design:**

2. General: It is stated that "Other than ventilation air, all of the HVAC equipment will recirculate 100% of the supply being distributed to the various applications areas throughout the facility." Since no room air will be exhausted from grow rooms under normal operation, the rooms will not be under negative pressure, and therefore will likely exfiltrate odorous grow room air into the corridors when the doors are opened and possibly through cracks in exterior walls and into the outside air. No information has been provided to indicate that the rooms will be sealed to prevent exfiltration through the room envelope.
3. There is no mention of a control strategy or equipment to mitigate odor that will escape from cultivation and processing rooms when the doors are opened in order for staff to enter or exit the rooms. Will exhaust fans in the Janitor Rooms or other rooms be used to maintain negative pressure in the corridors? If so, these fans will need to run 24/7 and transfer air grilles will need to be installed in the doors or walls to these rooms.
4. In the descriptions for the Drying Room, Post Production/Manufacturing Rooms, and Packaging Rooms, there is no mention of carbon filters like there is for all the other rooms described in this

section or in the Operational Processes section. This seems to imply that no carbon filtering is planned for these three areas, even though the Maintenance Plan section describes carbon filtering for these three areas. This apparent contradiction should be clarified along with a description of how the bi-polar ionization units will be configured, i.e. which air stream will they be placed in, will the exhaust air stream be protected with odor mitigation systems?

**Building Exhaust Systems:**

5. The list of exhaust systems does not appear to be complete. No exhaust fans are mentioned for the Post Production, Manufacturing, Dishwashing, or Pot Washing Rooms. Will the exhaust air streams from these rooms be protected with odor mitigation systems?

**Operational processes:**

6. Design criteria for Bi-polar ionization units is not stated. Are these units sized based on a certain number of air changes per hour?

**Maintenance plan:**

7. In the description for the Flower Rooms and each room that follows after it, the design criteria for the carbon filters is stated to be 15 air-changes per hour, and this is appropriate for flower rooms and each room downstream of it the process. However, this criteria is contradicted in both the Odor Mitigation System Design section and the Operational Processes section, which both state the criteria for these rooms to be 6 air-changes per hour.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Straughan".

Bruce Straughan, PE  
Straughan Forensic, LLC

# TOWN OF MEDWAY MASSACHUSETTS



## ZONING BYLAW & MAP

*Includes amendments approved by Town Meeting on November 15, 2021*

### **Medway Planning & Economic Development Board**

*Matthew J. Hayes, P.E., Chair  
Robert K. Tucker, Vice-Chair  
Richard Di Iulio, Clerk  
Jessica Chabot  
Thomas Gay, Associate Member*

The Medway Zoning Bylaw & Map is available online at  
<https://www.townofmedway.org/planning-economic-development-board/pages/zoning-bylaw-and-map>

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

*Published – December 17, 2021*

# TOWN OF MEDWAY MASSACHUSETTS



## ZONING BYLAW & MAP

*Includes amendments approved by Town Meeting on November 15, 2021*

### **Medway Planning & Economic Development Board**

*Matthew J. Hayes, P.E., Chair*

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The Medway Zoning Bylaw & Map is available online at  
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155 Village Street  
Medway, MA 02053  
508-533-3291  
[planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)

*Published – December 17, 2021*

### 7.3. ENVIRONMENTAL STANDARDS

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- 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:

**Air Pollution:** The presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to: (a) cause a nuisance; (b) be injurious, or be on the basis of current information, potentially injurious to human health or animal life, to vegetation, or to property; or (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

**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. The measurement metric to determine ambient noise levels will be the A-weighted  $L_{90}$  sound level.

**Commercial Zones:** Properties located in the Central Business, Village Commercial, Neighborhood Commercial, Oak Grove Village Center, or Oak Grove Business Park zoning districts as shown on the Medway Zoning Map

**Continuous Noise:** Noise including but not limited to noise generated by machinery that keeps running without interruption including, but not limited to heating or ventilation systems, factory equipment, or engine noise.

**(Hz) Hertz:** A unit for measuring the number of cycles that occur in a second. In this standard, Hz will be referring to sound waves.

**(dB) Decibel:** A logarithmic (dimensionless) measure used in describing the amplitude 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.

**Industrial Zones:** Properties located in the East Industrial, West Industrial, Business/Industrial, or Energy Resource zoning districts as shown on the Medway Zoning Map

**$L_{90}$  Sound Level:** The A-weighted sound level that is exceeded ninety percent (90%) of the time during a measurement period.

**Noise:** Sound of sufficient intensity and/or duration as to cause a condition of air pollution. Noise which complies with subsection D.2 herein shall not be deemed to cause a condition of air pollution.

**Noise Level:** The frequency weighted sound pressure level as measured with a sound level meter or equivalent device using the A-weighting network. This level is designated dBA.

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

**One-Third Octave Band (TOB):** A frequency band where the highest frequency is 1.26 times the lowest frequency.

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

**Prominent Discrete Tone:** The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

1/3 Octave Band Center Frequency (Hz)	dB		1/3 Octave Band Center Frequency (Hz)	dB
100	16		1250	4
125	14		1600	4
160	12		2000	3
200	11		2500	3
250	9		3150	3
315	8		4000	3
400	7		5000	4
500	6		6300	4
630	6		8000	5
800	5		10000	6
1000	4			

**Residential Zones:** Properties located in the Agricultural-I, Agricultural-II, Village Residential, or Oak Grove Neighborhood zoning districts as shown on the Medway Zoning Map

**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 produce disturbing, offensive or objectionable noises in any zoning district or impact any space where people live, work or assemble in a way that unreasonable 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 positioned anywhere on a property that is wholly or partially located within two-thousand feet of the property line of the source of continuously radiated noise shall not exceed the values in the tables below. In the calculation of day-evening-night levels (known as  $L_{den}$ ), Daytime is defined as between the hours of 7:00 a.m. and 7:00 p.m.; Evening is defined as between the hours of 7:00 p.m. and 11:00 p.m.; and Nighttime is defined as between the hours of 11:00 p.m. and 7:00 a.m.<sup>1</sup> These time periods will be used to determine compliance as per the tables below.

**Industrial Zoned Property to Industrial Zoned Property**

	<b>Daytime 7:00 a.m. – 7:00 p.m. @ Property Line</b>	<b>Evening 7:00 pm – 11:00 pm @ Property Line</b>	<b>Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line</b>
Overall Level (dBA)	55	55	55

**Industrial or Commercial Zoned Property to Commercial Zoned Property**

	<b>Daytime 7:00 a.m. – 7:00 p.m. @ Property Line</b>	<b>Evening 7:00 p.m. – 11:00 p.m. @ Property Line</b>	<b>Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line</b>
Overall Level (dBA)	50	50	50

<sup>1</sup> Directive 2002/49/EC of the European Parliament and Council of the European Union, 25-June-2002

**Industrial or Commercial Zoned Property to Residential Zoned Property**

- The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line or any Sensitive Receptor; and
- The introduction of any potential noise sources cannot result in overall noise levels that exceed the following:

	<b>Daytime 7:00 a.m. – 7:00 p.m. @ any Residential Property Line</b>	<b>Evening 7:00 pm – 11:00 pm @ any Residential Property Line</b>	<b>Nighttime 11:00 p.m. – 7:00 a.m. @ any Residential Property Line</b>	<b>Evening &amp; Nighttime 7:00 p.m. – 7:00 a.m. @ Sensitive Receptors</b>
Maximum Overall Noise Level (dBA)	47	45	42	32

- 2) **Tonal Requirements** – The presence of prominent discrete tones, as defined in Section 7.3 (c) herein at any industrial, commercial or residential property line shall be considered a violation.
- 3) **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, demolition operations or equipment testing such as for emergency generators) between the hours of 7:00 p.m. and 7:00 a.m.
- 4) **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 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.

*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.

- 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 may include measurements of:

- Ambient noise (Daytime, Evening, and Nighttime) and
- Operational noise levels (Daytime, Evening, and Nighttime) at the facility property line and at Sensitive Receptors located anywhere on a property that is wholly or partially located within two thousand feet of the facility property line. These operational measurements may include one-third octave band measurements to check for the prominent discrete tone condition as defined in Section 7.3(c).

**c. Noise Control, Abatement and Mitigation Plan.**

- 1) 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.
- 2) Special permit and site plan applicants for facilities that could potentially introduce noise may be required to conduct a background noise survey over a minimum of a 7-day period to establish noise levels at the nearest residential property lines and at the property line of any Sensitive Receptor located within 2,000 feet of the subject property for conditions at the time of application. The applicant shall make a good faith effort to secure permission from the owners of such noted properties to install the sound monitoring equipment and to provide documentation of such efforts as part of the noise survey report. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards ANSI S12.18<sup>2</sup> and ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014<sup>3</sup>. Sound analyzers used for the background noise monitoring should be capable of collecting 10-minute and hourly L<sub>90</sub> sound levels. Background noise levels will be determined by monitoring noise levels for at least seven days. For each hour of the day, the hourly L<sub>90</sub> levels measured on every day of the monitoring period will be arithmetically averaged to determine a single L<sub>90</sub> average for each of the 24 hours of the day. The background noise level for Daytime, Evening and Nighttime periods will then be determined by taking the lowest averaged hourly L<sub>90</sub> value found in each of these time periods. The 10-minute L<sub>90</sub> sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.
- 3) If a special permit or site plan approval is required for construction or operation of any facility which could introduce noise sources into the community, once background ambient noise levels are established, an applicant may be required submit a noise control, abatement

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<sup>2</sup> Acoustical Society of America, American National Standard ANSI S12.18-1994 (R2009), "Procedures for Outdoor Measurement of Sound Pressure Level," reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements.

<sup>3</sup> Acoustical Society of America, American National Standard ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014. Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas  
<https://webstore.ansi.org/standards/asa/ansiasas3sc11002014s12>

and mitigation plan during the permitting process to demonstrate that the noise levels as specified above will not be exceeded.

- 4) A noise control, abatement and mitigation plan shall use established acoustical prediction procedures and should predict noise levels at property lines as well as Sensitive Receptors. The noise control, abatement and mitigation plan shall include the concept of “buy quiet”, which means using the quietest equipment that will meet operational requirements. The practice of using the Best Available Control Technology (BACT) shall also be employed to assure that any equipment being installed is as quiet as possible. The potential existence of prominent discrete tones as defined above shall also be evaluated and addressed.
- 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.
- e. **Continued Noise Compliance.** Should it be determined that a facility goes out of compliance and exceeds any allowable noise limit conditions (e.g. due to equipment wear), corrective action will be required to bring the facility back into compliance which could include, but not be limited to, equipment replacement or additional mitigation steps.
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 7:00 p.m. or for thirty seconds or more in any one hour from 7:00 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 2<sup>nd</sup> 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.



**April 12, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Public Hearing - 149 Main Street AUOD**  
**Modification**

- Public hearing continuation notice dated 3-23-22
- Original AUOD special permit dated 3-7-06 for 149 Main Street
- Draft AUOD modification decision dated 4-11-22

### Board Members

Matthew Hayes, P.E., Chair  
Robert Tucker, Vice Chair  
Richard Di Iulio, Clerk  
Jessica Chabot, Member

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

RECEIVED TOWN CLERK  
MAR 23 '22 AM 10:32

### MEMORANDUM

March 23, 2022

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

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

RE: **Public Hearing Continuation for Modification to the 149 Main Street Adaptive Use Overlay District Special Permit**  
Continuation Date – Tuesday, April 12, 2022 at 8:45 p.m.



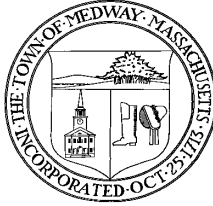
At its March 22, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Early Capital, LLC of Medway, MA for approval of a modification to the previously approved adaptive use overlay district special permit plan for 149 Main Street to the Board's meeting on Tuesday, April 12, 2022 at 8:45 p.m. at Medway Town Hall, 155 Village Street.

The applicant proposes to add paving to fully accommodate 15 parking spaces, alter the curb cut at Evergreen Street to create a more definitive traffic pattern, and install supplemental landscaping around the site for beautification and screening. Vehicular access to the site will continue to be from Evergreen Street.

The proposed site improvements are shown on a plan titled *Adaptive Use Overlay District (AUOD) Modification Plan, 149 Main Street, Medway, MA* dated February 24, 2022, prepared by CMG Engineering and Environmental Services of Sturbridge, MA. The application materials are on file at the offices of the Town Clerk and the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The application materials have also been posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/149-main-street-adaptive-use-overlay-district-auod-special>

**The Board expects to vote a decision at the April 12<sup>th</sup> meeting. If you have any review comments on the proposed plan modification, please forward them to me by April 5<sup>th</sup>. Please don't hesitate to contact me if you have any questions. Thanks.**





**TOWN OF MEDWAY**  
**Planning Board**  
155 Village Street  
Medway, Massachusetts 02053

*Matthew J. Hayes, P.E., Chairman*  
*Andy Rodenhiser, Vice-Chairman*  
*Karyl Spiller-Walsh*  
*Cranston (Chan) Rogers, P.E.*  
*John Schroeder*  
*Eric Alexander, Associate Member*

March 7, 2006

***ADAPTIVE USE SPECIAL PERMIT DECISION***  
***Sandelswood LLC dba The Maids for 149 Main Street***  
***SPECIAL PERMIT – GRANTED***

Name/Address of Applicant: Sandelswood LLC, dba The Maids  
165 Main Street  
Medway, MA 02053

Name/Address of Owner: Paul Yorkis and George Papadopoulos  
159 Main Street  
Medway, MA 02053

Designer: Faist Engineering  
Southbridge, MA

Plan Date: November 23, 2005 as last revised February 10, 2006

Project Location: 149 Main Street

Assessor's Reference: Map 5-6; Parcel 11A

Zoning District: AR-II

Purpose: Continue to use the residential structure at the front of the property for two-family residential purposes and modify the use of the converted barn/garage accessory structure at the rear of the property from a day care facility to a business office for The Maids, as authorized under the *Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section W. Adaptive Use Overlay District, Paragraph 3b) 1) (as amended June 6, 2005)*.

This is a decision of the Planning Board of the Town of Medway, MA (hereinafter “Board”) on the November 23, 2005, as revised January 27, 2006 Petition of Sandelswood LLC (hereafter “Applicant”), 165 Main Street, Medway, MA 02053, for an Adaptive Use Special Permit for Property presently owned by Paul Yorkis and George Papadopoulos at 149 Main Street, Medway, Massachusetts (hereinafter “Property”). The Special Permit is sought pursuant to *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw (as amended June 6, 2005)* and other relevant provisions of the *Zoning Bylaw* in order to allow the Project as described below.

## **PROJECT DESCRIPTION**

The Petition seeks to modify the mixed commercial/residential use of the subject Property at 149 Main Street. The Applicant is in the process of purchasing the Property, which has an area of 18,427 +/- square feet. The Applicant plans to continue using the existing residential structure facing Main Street, approximately 2,190 sq. feet, as a two-family residence, consistent with the special permit issued by the Zoning Board of Appeals on April 21, 1999. The barn/garage accessory structure with a footprint of approximately 1,328 square feet that is presently used as a day-care facility will be converted to be used exclusively as a business office from which Sandelswood LLC, would operate its commercial cleaning business, The Maids, as allowed in the *Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, Paragraph 3b) 1)*. Certain site improvements will be made to the Property including landscaping, parking and minor building enhancements.

The Property that is the subject of this petition is shown on the ADAPTIVE USE OVERLAY DISTRICT (AUOD) PLAN - 149 MAIN STREET, MEDWAY, MASSACHUSETTS” prepared by Faist Engineering for Robert Goodliffe, Sandelswood LLC, dba The Maids, 165 Main Street, Medway, MA. 02053. Originally dated November 23, 2005, the plan was revised February 10, 2006.

## **PROCEDURAL BACKGROUND**

On November 23, 2005, an application dated November 23, 2005 for an Adaptive Use Special Permit was filed with the Medway Planning Board and Town Clerk by Robert Goodliffe, Sandelswood LLC. The application consisted of an Adaptive Use Overlay District Special Permit application, an Adaptive Use Overlay District (AUOD) Plan dated November 23, 2005 prepared by Faist Engineering, a project narrative including a traffic evaluation and landscaping plan, building elevation photographs, a drainage evaluation report from Faist Engineering, and a certified abutters list. Subsequent to the submittal date, the Applicant provided additional information including existing interior floor plans and the 4-21-99 opinion of the Zoning Board of Appeals. Project revisions were provided on February 15 and March 3, 2006.

Upon the Planning Board’s receipt of the Applicant’s petition, a Public Hearing thereon was scheduled to commence December 20, 2005 in the Sanford Room of Medway Town Hall, 155 Village Street, Medway, MA. Notice of the public hearing was published in the *Milford Daily News* on December 6 and 12, 2005. Notice was also sent to abutters and the Planning Boards of all adjacent towns on December 2, 2005 and posted in the Town Hall on November 28, 2005 as required by M.G.L, Chapter 40A, Section 11.

On November 23, 2005, a memo from the Planning Board soliciting comments on the application and plan was distributed to the Board of Selectmen/Town Administrator, Assessors, Conservation Commission, Department of Public Services, Design Review Committee, Historical Commission, Inspector of Buildings, Fire Department and Police Department. The memo indicated that the public hearing was scheduled to begin on December 20, 2005 and requested review comments by that date. Comments were received from the Design Review Committee.

The matter came on for hearing at the time and place set forth above. The hearing was continued to January 17 and 24, February 15 and 28, and March 7, 2006 when the hearing was closed. Present for all sessions were members Andy Rodenhiser, Karyl Spiller-Walsh, Cranston Rogers and John Schroeder. The petitioner was present along with David Faist, of Faist Engineering and Robin Gelbwachs, Coldwell Banker. Mark Cerel, as Trustee/owner of the property at 151, Main Street raised concerns about the applicant's petition.

The plans and all associated application materials were reviewed by VHB, Inc., the Town's Consulting Engineer, and PGC Associates, the Town's Consulting Planner, which provided written review comments dated December 20, 2006. The plans were modified accordingly to address the identified concerns and deficiencies, resulting in revised plans dated February 10, 2006.

The Board carefully reviewed the November 23, 2005 and February 10, 2006 plans and the March 3, 2006 presentation package. Throughout its deliberations, the Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings. The Board carefully analyzed the general purposes of the Adaptive Use Overlay District provision of the *Zoning Bylaw* and its specific requirements and standards as well as the requirements of Section 9 of Chapter 40A, M.G.L. specifically relating to Special Permits in making its findings, conditions of approval and decision.

**FINDINGS** - Based on the evidence and testimony presented at the public hearings as documented in the application materials and detailed record of this case, the Board makes the following findings regarding this application in accordance with *SECTION V. Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw (as amended June 6, 2005)*.

1. The Subject property, located at 149 Main Street, is located within the Adaptive Use Overlay District. It has 90.05 feet of frontage on Main Street and 107.79 feet of frontage on Evergreen Street. *(This complies with the Zoning Bylaw requirement for a minimum of 50 feet of frontage.)* The primary existing building upon the parcel was constructed in 1850. *(This complies with the Bylaw requirement for the site to have a building constructed before June 28, 2004.)*

2. The proposed mixed-use of the Property for a two-family residence in the existing structure and office use for The Maids in the barn/garage accessory structure is allowed pursuant to *SECTION V, USE REGULATIONS, Sub-Section W, 3. b)* of the *Medway Zoning Bylaw (as amended June 6, 2005)*. Overall, the area is one in which residential, professional and commercial uses historically and presently co-exist.

3. The Project preserves the overall residential character of the neighborhood in which the Property lies. The change in use of the barn/garage accessory building to an office for business use will be less intrusive on the adjacent properties and neighborhood than the existing day-care facility.

4. The Project as proposed includes improvements to the existing residential building, which has gone into disrepair over recent years and does not presently enhance Main Street, as a building of its age and character should. Planned work includes replacement of the front door sill; re-roof the front part of the building; replace side wood wall below grade with block wall; replace the side wood wall above grade with brick to match the chimney; repainting; and miscellaneous renovations to the siding, gutters and woodwork
5. In addition, extensive landscaping is planned to enhance the residential character of the property. Overgrown landscaping adjacent to the residential building facing Main Street will be removed and replaced with new landscape materials. Unsightly chain link fencing will be removed which will improve the site's appearance from Main Street, providing a more positive aesthetic. The day-care facility's playground area will be eliminated and replaced with grass lawn and a landscape area to provide a buffer with the abutting property at 151 Main Street.
6. The combination of the building improvements and landscaping plan enhances the aesthetic appeal of the primary building and the site. The impact of the Project on the neighborhood's visual character is positive.
7. The Property site is adequate for the proposed Project's use in terms of the size, configuration, and uses of the abutting properties.
8. Parking - The Adaptive Use section of the *Zoning Bylaw* specifies that nine (9) off-street parking spaces should be provided for business use of 2,656 square feet (*the first and second floors of the barn/garage accessory building @ one space per 300 square feet gross floor area*) and four (4) off-street spaces for the two residential apartments for a total of 13 needed parking spaces. The Applicant proposes to improve the parking area to provide a total of twelve (12) spaces on site, including one handicapped space. All parking is to be located to the rear of the residential building, accessed only from Evergreen Street. No parking is located in the front or side yards. The Planning Board finds that the provision of 12 parking spaces is adequate based on site characteristics and for the proposed uses of the site.
9. Lighting – No changes to exterior lighting are proposed. The lighting from the Summer House does produce some glare on the abutting property at 151 Main Street. That structure is being removed as part of this Project.
10. Vehicular Access - Provisions for traffic are adequate based on the Property's proposed use. Sole vehicular access to this site shall be provided from Evergreen Street. No new curb cuts are being added and no existing curb cut is being expanded. Instead, the Evergreen access is being reworked to improve traffic circulation.
11. Pedestrian and Bicycle Access – Provisions for pedestrian and bicycle accesses in the Project are already adequate, based upon Property site characteristics and the proposed uses. The Site already has a sidewalk across a portion of the front of the property. However, it is in disrepair. The Applicant will contribute \$3,116 to the Town of Medway Sidewalk Fund in lieu of sidewalk construction/reconstruction along the Property's 90 feet of Main Street frontage.

12. Provision of Utilities - The provisions in the Project for utilities, including sewerage disposal, water supply and stormwater management are adequate. Approximately 75% of the site, consisting of the rear half of the existing two-family residential structure, the barn/garage accessory building, and the entire existing paved parking area, drains via overland flow across the parking area toward Evergreen Street where it is directed toward an existing catch basin located on the northwest side of Evergreen Street. The front half of the two-family residential structure, the existing playground area and the front law drain to the ground surrounding the residential building. The proposed redevelopment of the site including the expansion of the paved parking area is designed to maintain the existing drainage patterns. The area of pavement expansion is balanced with areas of new landscaping so that there is no net increase in the site's impervious area. No change to the existing on-site drainage patterns or peak runoff flows will result from the planned re-development of this site. The stormwater management design was reviewed by VHB, Inc., the Town's consulting engineer. The Project provides for adequate on-site retention and treatment of stormwater in compliance with Massachusetts' Stormwater Management Policy.

13. The proposed Project complies with the purposes of *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005)*. The Project implements certain goals of the Medway Master Plan including encouragement of economic development, protecting small town character, and preserving historic sites.

14. Scenic Road – Although this property has frontage on and access from Evergreen Street, a Medway Scenic Road, the planned site improvements do not include any construction work that would result in the removal of trees or the destruction of stone walls within the Evergreen Street right of way. Therefore a Scenic Road Work Permit is not required.

**VOTE OF THE BOARD** - After reviewing the application and information gathered during the public hearing process and considering all the evidence, the Medway Planning Board, at a duly posted meeting on March 7, 2006, by a 4 – 0 vote, granted an Adaptive Use Special Permit to Sandelswood LLC, for the subject property at 149 Main Street, Medway, MA. as represented in the hearing and shown on the plans, subject to the following conditions.

<u>Voting Planner Board Member</u>	<u>Grant/Not Grant</u>
Karyl Spiller-Walsh	
Andy Rodenhiser	
Cranston Rogers	
John Schroeder	

**DECISION** – It is the decision of this Board, as evidenced by its vote herein, that the aforesaid Property is a proper parcel to be developed under *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005)* in that it meets all the requisite site development standards and special permit criteria. It is therefore decided to grant the Adaptive Use Special Permit request of Sandelswood LLC for the property at 149 Main Street, Medway, MA subject to the conditions, safeguards, and limitations set forth below. This special permit is general and runs with the land.

## **CONDITIONS/SAFEGUARDS/LIMITATIONS OF APPROVAL**

1. The primary existing structure facing Main Street shall not be altered or used except for a maximum of two (2) residential dwelling units. No other use of this building is permitted.
2. Upon the existing day care facility's vacating the barn/garage accessory structure at the back of the site upon the expiration of the current tenant's lease on May 31, 2006, the first and second floors of the building (2,656 square feet) may be used exclusively as a business office for a commercial cleaning business known as The Maids, as permitted under the *Medway Zoning Bylaw (as amended June 6, 2005), SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, Paragraph 3 b) 1)*. No other use is permitted in any part of the converted barn/garage accessory structure.
3. Within one (1) year following the issuance of an occupancy permit for The Maids' use of the barn/garage accessory structure, the Applicant will contribute \$3,116 to the Town of Medway (*Sidewalk Improvement Fund*) in lieu of the construction/reconstruction of ninety (90) feet of sidewalk along the Main Street frontage of the Property. If the Applicant fails to comply with this condition it shall be considered to be a violation of this Special Permit and is subject to enforcement by the Inspector of Buildings/Zoning Enforcement Officer.
4. The Medway Planning Board shall endorse its approval of the Adaptive Use Special Permit on Sheet C-1 of the Adaptive Use Overlay District (AUOD) Plan for 149 Main Street. The endorsed Adaptive Use Overlay District (AUOD) Plan is considered part of the Special Permit and shall be recorded therewith. The February 10, 2006 149 Main Street AUOD plan shall be revised as follows:
  - A. Sheet C-1. Add "Adaptive Use Overlay District (AUOD) Plan for 149 Main Street, Medway, MA" at the top center of the sheet.
  - B. Sheet C-1. Provide a box for the signatures of Planning Board members, with space for dates of approval and endorsement.
  - C. Sheet C-1. Adjust the Parking Calculations to reflect use of 2,656 sq. feet of the barn/garage accessory structure by The Maids.
  - D. Sheet C-1. Provide an index of all sheets to be included in the plan set.
  - E. Provide additional sheet(s) depicting the pages of the March 3, 2006 supplemental presentation including: Structural Improvements, Landscape Improvements and Landscape Plan by Fasolino Landscape, Fencing for Dumpster Enclosure and Color Plan. The March 3, 2006 supplemental presentation shall be revised as follows:
    1. Add a note that the decaying wood wall on the west side of the front building shall be replaced with brick that matches the chimney brick.
    2. Add a note that there shall be a guardrail affixed on top of the stone retaining wall adjacent to the garage/barn accessory structure at the rear of the site. The guardrail shall be made of wood or another natural or natural looking material.
    3. Add a note that the stone retaining wall adjacent to the garage/barn accessory structure shall be repaired using like materials.



4. The fencing option for the dumpster enclosure shall be 8 foot high and made of wood. The fencing may be unpainted if cedar is used.

F. The Fasolino Landscape Plan shall be revised as follows:

1. The landscape materials to be installed along the northern front property line adjacent to the existing playground area shall not be designed as a full hedge. Instead, bushes should be designed and placed in clusters and clumps along the property line. The landscape design should include a featured corner treatment at the northwest corner of the site. Plant materials along the front shall NOT include arborvitae, but may come from the list of other plant materials shown on the plan.

5. This approval is conditioned on project completion in full compliance with the 149 Main Street Adaptive Use Overlay District Plan, as last revised February 10, 2006, as may be further revised as a condition of this permit. Notwithstanding any requirements of the Inspector of Buildings, the timetable for Project completion is as follows:

<b>2006</b>	April/May	Replace front building front door sill Repair/replace front building roof Remove existing landscape materials Re-landscape front yard Landscape east side of front building
	May/June	Install sign
	June/July	Rebuild the decaying east facing side wall of front building Landscape west side of front building toward 151 Main Street
	June/September	Tidy up rear barn area Paint front building exterior Paint barn/garage exterior Install fencing to screen dumpster
	<b>2007</b> Spring	Remove summer house in side yard Rebuild barn foundation Pave parking area Convert paved area to grass along Evergreen Street

6. Parking – The Project shall include at least twelve (12) parking spaces, which shall be a permanent condition of this permit. One handicap parking space is to be provided. Except for the handicap space, each parking space shall be at least 9' x 18'.
7. Entrance/egress to this parcel shall be from Evergreen Street only.
8. The area where the former driveway from Main Street was located between the principal building and the westerly property line, now presently used as a playground for the day-care facility, shall not be used for vehicular access to the site or for parking. Instead, the playground equipment and fencing shall be removed and the area converted into a landscaped buffer to provide a privacy screen and noise mitigation for the benefit of the adjacent property at 151 Main Street.
9. The applicant shall make no further site improvements/changes that would alter the site's drainage patterns or characteristics as indicated on the plan approved by the Board.

10. Collection of garbage and domestic trash shall be the responsibility of the applicant subject to Board of Health *Rules and Regulations*.
11. Duly authorized agents of the Town of Medway shall have the right to enter upon the property to ensure continued compliance with the terms and conditions of this Special Permit
12. The hours of operation for The Maids shall be limited to not earlier than 7:00 a.m. nor later than 8:00 p.m. Monday – Saturday.
13. This Special Permit shall lapse unless exercised within two years of its recording.
14. No expansion, addition, nor any change of use(s) of any building or portion of the property at 149 Main Street shall be permitted without an amendment to or issuance of a new Adaptive Use Special Permit by the Planning Board.
15. Overnight parking of vehicles for The Maids shall not conflict with parking for the residents of the two apartments in the main building.
16. Any exterior lighting shall be focused onto the Property and will not have any spillage onto adjacent properties.

**APPEAL** – Appeals, if any, shall be pursuant to Section 17 of Chapter 40A, M.G.L., as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. After the appeals period has expired, the Applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed with the Norfolk County Registry of Deeds with this special permit and the endorsed plan. A copy of said recording must be returned to the Town Clerk and the Planning Board to complete the file.

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The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or document received by it, and directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

**IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11,  
NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE  
TAKES EFFECT UNTIL RECORDED AT THE REGISTRY OF DEEDS.**

**MEDWAY PLANNING BOARD**

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I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed on this office.

Attest: \_\_\_\_\_  
Town Clerk Date

cc: Robert Goodliffe, Sandelswood LLC  
Town Administrator/Board of Selectmen  
Board of Assessors  
Board of Health  
Board of Water/Sewer Commissioners  
Building Commissioner/Zoning Enforcement Officer  
Department of Public Services  
Design Review Committee  
Disability Commission  
Fire Department  
Historical Commission  
Industrial Development Commission  
Police Department  
Zoning Board of Appeals

**Board Members**

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



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[www.townofmedway.org](http://www.townofmedway.org)

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

DRAFT – April 11, 2022

***MODIFICATION***

***To Previously Approved Adaptive Use Overlay District (AUOD)***  
***Site Plan and Permit for 149 Main Street***  
***with Conditions and Waivers***

**Decision Date:** April 12, 2022

**Name & Address of Owner/Applicant:**

Early Capital, LLC  
153 Main Street  
Medway, MA 02053

**Project Location:** 149 Main Street

**Assessor's Reference:** Map 48, Parcel 021

**Zoning:** Agricultural-Residential II and Adaptive Use Overlay District

**Purpose:** Amend the previously approved AUOD special permit and site plan.

**Site Plan:** *Adaptive Use Overlay District Modification Plan –  
149 Main Street, Medway, MA*

**Date:** February 24, 2022, to be revised as specified herein

**Engineer:** David Faist, P.E.  
CMG Engineering and Environmental Services  
67 Hall Road  
Sturbridge, MA 01560

**INTRODUCTION** — This is a decision of the Medway Planning and Economic Development Board (hereinafter “Board”) on the application of Early Capital LLC (hereinafter “Applicant”) of 153 Main Street, Medway, MA 02053, to MODIFY the previously approved AUOD Special Permit and Plan for property located at 149 Main Street, now owned by Early Capital LLC of Medway, MA (hereinafter “Property”).

This modification is sought pursuant to the Medway Zoning Bylaw, Section 5.6.2 Adaptive Use Overlay District and the Board’s *Adaptive Use Overlay District Rules and Regulations* dated \_\_\_\_\_.

## **BACKGROUND**

**Original Special Permit Date:** March 7, 2006 issued to Sandalswood LLC (former property owner). That permit authorized the previous owner to convert the barn/garage accessory structure with a 1,328 sq. ft. footprint for use as a business office for a commercial cleaning service, with minor building enhancements, and site improvements including landscaping and parking.

**Date of AUOD Plan Endorsement:** April 6, 2006

**Recording Information:** April 10, 2006; Book 23560, Page 230

**Property Conveyed to Applicant:** December 8, 2016

**DESCRIPTION OF PROPOSED MODIFICATION** - The Applicant proposes to add paving to the parking area at the back of the site toward Evergreen Street to fully accommodate 15 parking spaces, alter the curb cut at Evergreen Street to create a more definitive traffic pattern, and install supplemental landscaping along the property’s Main Street frontage along with landscape screening with 145 Main Street and perennial plantings around the existing office building, all as shown on *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA* dated 2-24-22. Vehicular access to the site will continue to be from Evergreen Street.

**VOTE OF THE BOARD** - After reviewing the application and information gathered during the public hearing and review process, the Board, on April 12, 2022, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with WAIVERS and CONDITIONS a modification to the previously approved AUOD special permit and site plan for improvements at 149 Main Street, as shown on a site plan titled *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA*, dated February 24, 2022 to be further revised as specified herein before endorsement and recording.

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

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Sarah Raposa	

Robert Tucker

## PROCEDURAL HISTORY

- A. March 1, 2022 – Modification application and associated materials filed with the Board. Documents filed with the Town Clerk on March 2, 2022.
- B. March 2, 2022 – Public hearing notice filed with Town Clerk and posted at the Town of Medway web site.
- C. March 2, 2022 – Project documents and information loaded to the Board's web page.
- D. March 3, 2022 – Abutter notice sent to abutters and parties of interest by certified sent mail.
- E. March 3, 2022 – Site plan information distributed to Town boards, committees and departments requesting review and comments
- F. March 7 and March 15, 2022 – Public hearing notice advertised in the *Milford Daily News*
- G. March 22, 2022 – Public hearing commenced. It was continued to April 12, 2022 when a decision was rendered and the hearing was closed. On March 23, 2022, a public hearing continuation notice was filed with the Town Clerk and distributed to Town staff, boards and committee.

## INDEX OF SPECIAL PERMIT/SITE PLAN DOCUMENTS

- A. The application package for the proposed modification included the following documents, plan and information that were supplied to the Board on March 1, 2022
  - AUOD Modification Application dated 2-24-22
  - Letter/project narrative dated 2-24-22 from David Faist, P.E., project engineer
  - *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA* dated 2-24-22 by CMG Engineering Services
  - Requests for waivers from *Site Plan Rules and Regulations*
  - Certified abutters' list from the Medway Assessor's office
- B. Other documentation submitted to the Board during the course of the public hearing:
  - Tetra Tech plan review letter dated 3-18-22
  - Emails dated 3-15-22 and 3-16-22 among Susy Affleck-Childs, Planning and Economic Development Coordinator; Stephanie Carlisle, Medway DPW Compliance Officer; and David Faist, Project Engineer.
  - The original AUOD Special Permit decision dated 3-7-2006.

**TESTIMONY** - During the course of its review, the Board heard verbal testimony from:

- Robert Lussier, CMG
- John and Christine Early, Applicants
- Steve Bouley, Tetra Tech

**FINDINGS** - Based on the evidence and testimony presented during the public hearing and the project's continued uses as authorized by the original AUOD special permit dated 3-7-2006, and the Conditions as included herein, the Board:

- A. Finds that the proposed modifications are "major" in nature as defined the Board's *AUOD Rules and Regulations*, Section 505-7 B. Revisions to Approved Adaptive Use Special Permit

and AUOD Plan, as amended July 14, 2020.

- B. Affirms FINDINGS 1 – 7 included in the 3-7-2006 AUOD special permit decision for 149 Main Street.
- C. Finds that the proposed modified AUOD plan for 149 Main Street meets the special permit decision criteria included in the *Zoning Bylaw*, Section 3.4 as follows:
  - 1. The proposed site is an appropriate location for the proposed use.
  - 2. Adequate and appropriate facilities will be provided for the operation of the proposed use.
  - 3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.
  - 4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.
  - 5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.
  - 6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.
  - 7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.
  - 8. The proposed use is consistent with the goals of the Medway Master Plan.
  - 9. The proposed use will not be detrimental to the public good.
- D. Finds that although the Property has frontage on Evergreen Street, a Medway Scenic Road, the proposed modified plan does not include any construction work that would result in the removal of trees or the destruction of stone walls within the Evergreen Street right of way.

**CONDITIONS** - The Conditions included in this Decision shall assure that the Board's approval of the site plan modification is consistent with the *Zoning Bylaw*, Section 5.6.2 Adaptive Use Overlay District and that the comments of Town officials and Board members have been adequately addressed. The Board's approval is subject to the following Conditions:

- A. Consistent with the previous decision, the primary existing structure facing Main Street may continue to be used for a maximum of two (2) residential dwelling units. No other use of this building is permitted.
- B. The accessory barn building may continue to be used as a business office for a commercial cleaning business, currently known as The Maids. No other use is permitted in any part of the converted/barn accessory structure.
- C. Plan Endorsement - Within one-hundred and twenty days after the Board has filed its *Decision* with the Town Clerk, the modified site plan for 149 Main Street, presently dated 2-24-22, 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 along with this decision. All plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee



shall also provide the Board with a Certificate of No Appeal from the Town Clerk's office

D. Plan Revisions – Prior to plan endorsement, the Applicant shall make the following changes to *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA* dated 2-24-22.

1. Show the location of 2 drywells (sub-surface infiltrators) (SIZE???) one to each side of the roof (which building?) to reduce stormwater runoff from the site out to Evergreen Street
2. Show the limits of paving adjacent to the southern portion of the office building.
3. Remove the existing dumpster located on the adjacent property to the west (151 Main Street) and adjust the fencing for the modified dumpster enclosure area.
4. The gravel areas on the plan shall be shown with hatching or some other characteristic manner to distinguish the gravel area from paved areas.
4. Include a detail for the fencing located on top of the retaining wall.
5. Revise sheet L1 to add raised planter boxes at the head of the three parking stalls located adjacent to the southern portion of the office building.
6. Recommend installing a railing and short fence on the retaining wall for fall protection.
7. Add some landscaping to the bump out area at the southeast corner of the site at Evergreen Street.
8. Show hatched stripes for the undersized parking space at the southwestern end of the main building and add a No Parking sign to discourage parking in that area.
9. Specify areas where loam and seeding is to be done
10. Include a revised plan date.
11. Designate snow storage areas

E. Recording of Plan and Decision – This decision, further revised and endorsed site plan, and certificate of no appeal shall be recorded at the Norfolk County Registry of Deeds within 30 days after the Board endorses the plan. Proof of such recording shall be provided to the Board within 15 days of recording.

F. Parking

1. The property shall maintain 15 on-site parking spaces as a permanent condition of this permit.
2. Parking spaces shall be striped.
3. The Permittee shall require that all tenants of the premises park on-site; no parking on Evergreen Street is permitted.
4. Overnight parking for the vehicles for the cleaning business shall not conflict with parking for the residents of the two apartments in the main building on the premises.
5. Anything re: parking for electric vehicles?

G. 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.

H. Ongoing Stormwater Maintenance – The Permittee shall:

1. Clean the drywells of sediment annually or when no more than 50% of the structure is full, whichever comes first.
2. Regularly sweep the parking lot to remove debris, salt and sand
3. Not use fertilizers or other chemicals on site that could end up in stormwater discharge off site.
4. Any other measures?

I. Plan Compliance

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

J. Construction Oversight

1. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the endorsed site plan. 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 construction schedule, and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.
2. Tetra Tech to do inspections?

K. Project Completion

1. This approval shall lapse after 2 years of the grant thereof if substantial use has not sooner commenced except for good cause. The approved site plan shall be completed by the Permittee or its assignees within 3 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 Completion* - The Permittee shall request a *Certificate of Completion* from the Board. 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.
  - 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 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 site work shown on the endorsed site plan and any modifications thereto.
- L. Modifications
  - 1. The Applicant shall make no further site changes that would alter the site's drainage patterns or characteristics without review and approval by the Board.
  - 2. No expansion, addition, nor any change of use(s) of any building or portion of the property at 149 Main Street shall be permitted without a modification to the AUOD special permit or issuance of a new Adaptive Use Overlay District special permit by the Board.

**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 this 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.

APPROVED by the Medway Planning & Economic Development Board: April 12, 2022

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

\_\_\_\_\_  
Richard Di Iulio

\_\_\_\_\_  
Matthew J. Hayes

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

\_\_\_\_\_  
Robert K. Tucker

**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  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Robert Lussier, CMG Engineering  
John and Christine Early  
Steven Bouley, Tetra Tech



**April 12, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Phytopia, 6 Industrial Park Road**  
**Public Hearing**

- 3-14-22 notice to continue the public hearing to the 4-12-22 PEDB meeting
- 4-7-22 letter from attorney Ted Cannon requesting a continuation of the hearing to the 4-26-22 PEDB meeting

## Board Members

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



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

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK  
MAR 14 '22 PM 1:18

## MEMORANDUM

March 14, 2022

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

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

RE: **Public Hearing Continuation for Phytopia, Inc**  
**Major Site Plan, Groundwater Protection Special Permit, and Reduced Parking**  
**Special Permit**  
**Continuation Date – Tuesday, April 12, 2022**

At its March 8, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Phytopia, Inc. of Peabody, MA for approval of a major site plan, a groundwater protection district special permit, and a reduced parking special permit for its proposed development at 6 Industrial Park Road to the Board's meeting on Tuesday, April 12, 2022 at 8:00 p.m. at Medway Town Hall, 155 Village Street.

On November 30, 2021, the Board approved special use permits to use the existing 53,128 sq. ft. industrial manufacturing building at 6 Industrial Park Road and construct a 66,238 sq. ft., 2-story addition to the existing building for the cultivation, manufacturing, processing, and packaging of marijuana for medical use and adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities.

The planned scope of work for site plan approval and for the groundwater protection and reduced parking special permits includes interior renovations to the existing building, construction of the addition, improvements to the access/egress driveways, installation of curbing, parking area improvements, landscaping, lighting, and installation of and improvements to stormwater drainage facilities. The planned work is shown on a plan titled *Industrial Park Road*, dated April 1, 2021, last revised October 12, 2021 prepared by Williams & Sparages Engineers, Planners and Surveyors of Middleton, MA. The architectural drawings dated April 6, 2021, last revised June 2, 2021 were prepared by Anderson Porter Design of Cambridge, MA. Noise and odor mitigation plans have also been provided. The project is also before the Conservation Commission for an order of conditions and a land disturbance permit.

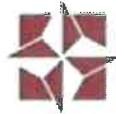
The application, site plan and supporting documentation were filed with the Town on May 12, 2021 and are on file with the Medway Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA. Project

information including the revised site plan has been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/phytopia-inc-6-industrial-park-road-marijuana-facility>.

**NOTE – The applicant reports it will submit a revised site plan shortly. Upon receipt, it will be posted to the Board's web page and we welcome your review and comments on it by April 7<sup>th</sup>.**

Please do not hesitate to contact me if you have any questions.





Doherty, Dugan, Cannon,  
Raymond & Weil, P.C.

Edward V. Cannon, Jr.  
evc@ddcrwlaw.com

124 Grove Street  
Suite 220  
Franklin, MA 02038  
TEL. NO. (508) 541-3000  
FAX NO. (508) 541-3008

April 7, 2022

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

RE: 6 Industrial Park Road, Medway, MA  
Medway Flower LLC  
Site Plan & Special Permit Applications

Dear Susy:

The applicant respectfully requests that the Board continue the meeting currently scheduled for April 12, 2022 to April 26, 2022. The applicant's engineer is still working on finalizing the revised plans and Tetra Tech will need time to review those prior to the applicant appearing before the Board.

As for the Con Comm process, the LSP is making great progress with the cleanup. We hope to have a more detailed update on April 26<sup>th</sup>.

Thank you for your time and attention to this matter, and please contact me with any questions or if you need any additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read 'E. Cannon, Jr.', with a large, stylized flourish extending to the right.

Edward V. Cannon, Jr.

Enclosures

cc: Angelo Frangoulidis  
Dale Buckman, MD  
Alex Athanas  
Peter D'Agostino  
Chris Sparages  
Brian Anderson

F19-039



**April 12, 2022**

**Medway Planning & Economic Development Board  
Meeting**

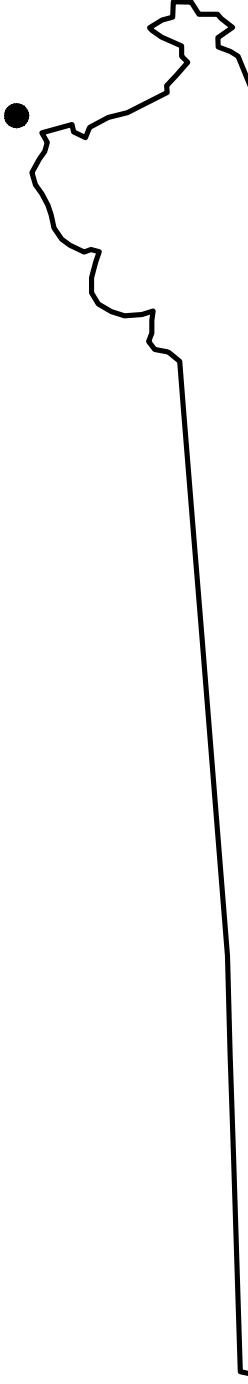
**Site Plan Endorsement – Medway DPW**  
**Water Treatment Building Site Plan**  
**19 Populatic Street**

- Revised site plan for Board's endorsement
- Certificate of No Appeal from Town Clerk dated 4-8-22
- Tetra Tech review comments dated 3-15-22
- Excerpt from 3-22-22 PEDB mtg minutes re: this project

I recommend the PEDB endorse the site plan for the Medway DPW Water Treatment Facility at 19 Populatic Street.

# TOWN

PORTSMOUTH



## GENERAL NOTES

1. THE OWNER WILL BE RESPONSIBLE FOR OBTAINING THE PERMITS LISTED IN THE SUPPLEMENTARY OR SPECIAL CONDITIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BE FAMILIAR WITH THE APPLICABLE PROVISIONS OF EACH PERMIT AS THEY APPLY TO THE WORK PRIOR TO BIDDING AND ABIDE BY THOSE PROVISIONS DURING CONSTRUCTION. COPIES OF ALL OBTAINED PERMITS ARE AVAILABLE FOR REVIEW FROM THE OWNER. ALL OTHER PERMITS ARE THE RESPONSIBILITY OF THE CONTRACTOR.
2. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TRAFFIC FLOW AT ALL TIMES. CONTRACTOR SHALL INSTALL AND MAINTAIN TRAFFIC CONTROL SIGNS IN ACCORDANCE WITH THE MUTCD AND ALL STATE AND LOCAL REGULATIONS. THE CONTRACTOR IS REQUIRED TO SUBMIT A TRAFFIC CONTROL PLAN TO THE OWNER PRIOR TO COMMENCING CONSTRUCTION. THE POLICE DEPARTMENT AND FIRE DEPARTMENT ARE TO BE NOTIFIED AT LEAST 24-HOURS IN ADVANCE OF ANY STREET CLOSING OR DETOUR. REFER TO SPECIFICATION SECTION 01570.
3. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).
4. CONTRACTOR SHALL COMPLY WITH THE COORDINATION REQUIREMENTS AND RELATED COSTS, IF ANY, AS SPECIFIED IN SPECIFICATION SECTION 01050.
5. CONTRACTOR SHALL NOTE THAT, IN GENERAL, ALL EXISTING CONDITION INFORMATION ON THE DRAWINGS ARE SHOWN WITH A LIGHTER LINE WEIGHT AND WITH A SLANTED TYPE TEXT.
6. REFER TO THE EROSION CONTROL PLAN AND NOTES PRIOR TO ANY LAND DISTURBING ACTIVITY.
7. FERTILIZER USE IS PROHIBITED ON THE SITE DUE TO THE ZONE 1 WELLHEAD PROTECTION AREA.

## EXISTING SITE CONDITIONS

1. THE LOCATIONS OF UNDERGROUND UTILITIES AND STRUCTURES, AS SHOWN ON THE DRAWINGS, ARE APPROXIMATE AND MAY NOT BE COMPLETE. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE BASED ON PREVIOUS CONSTRUCTION DESIGN PLANS, RECORD DRAWINGS AND SURVEY DATA, WHICH ARE AVAILABLE FOR INSPECTION AT THE ENGINEER'S OFFICE. NO GUARANTEE IS MADE THAT UTILITIES OR STRUCTURES WILL BE ENCOUNTERED WHERE SHOWN, OR THAT ALL UNDERGROUND UTILITIES AND STRUCTURES ARE SHOWN. ALL LOCATIONS AND SIZES OF EXISTING UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD WITH TEST PITS AS REQUIRED PRIOR TO BEGINNING CONSTRUCTION OF NEW FACILITIES OR PIPING THAT MAY BE AFFECTED. THE CONTRACTOR WILL REALIGN NEW PIPE LOCATIONS AS REQUIRED TO CONFORM TO EXISTING LINES AND AS APPROVED BY THE ENGINEER.

2. BELOW GRADE UTILITY INFORMATION IS BASED ON INFORMATION PROVIDED BY EACH UTILITY. LOCATION OF PUBLIC UTILITIES SHOWN IS ONLY APPROXIMATE AND MAY NOT BE COMPLETE. PRIVATE UNDERGROUND UTILITIES SUCH AS, BUT NOT LIMITED TO, SEWER LINES, WATER LINES AND BURIED ELECTRICAL SERVICE ENTRANCES ARE NOT SHOWN. THE CONTRACTOR SHALL ASCERTAIN THE LOCATION AND SIZE OF EXISTING UTILITIES IN THE FIELD WITH THE RESPECTIVE UTILITY COMPANY REPRESENTATIVE PRIOR TO COMMENCING WORK. REFER TO SPECIFICATION SECTION 01050. ADDITIONAL TEST PITS, BEYOND THOSE SHOWN, MAY BE REQUIRED. UTILITY CONTACTS ARE AS FOLLOWS:

3. THERE ARE NO KNOWN HAZARDOUS ENVIRONMENTAL CONDITIONS WITHIN THE AREA OF WORK. REFER TO SPECIFICATION SECTION 00800-SC-5.06. IF THE PRESENCE OF HAZARDOUS ENVIRONMENTAL CONDITIONS ARE

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N/F: ROGERS, CHRISTOPHER S. AND ANNE L. —

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61-054

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N/F: JONES, ROBERT

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N/F: MOYLA

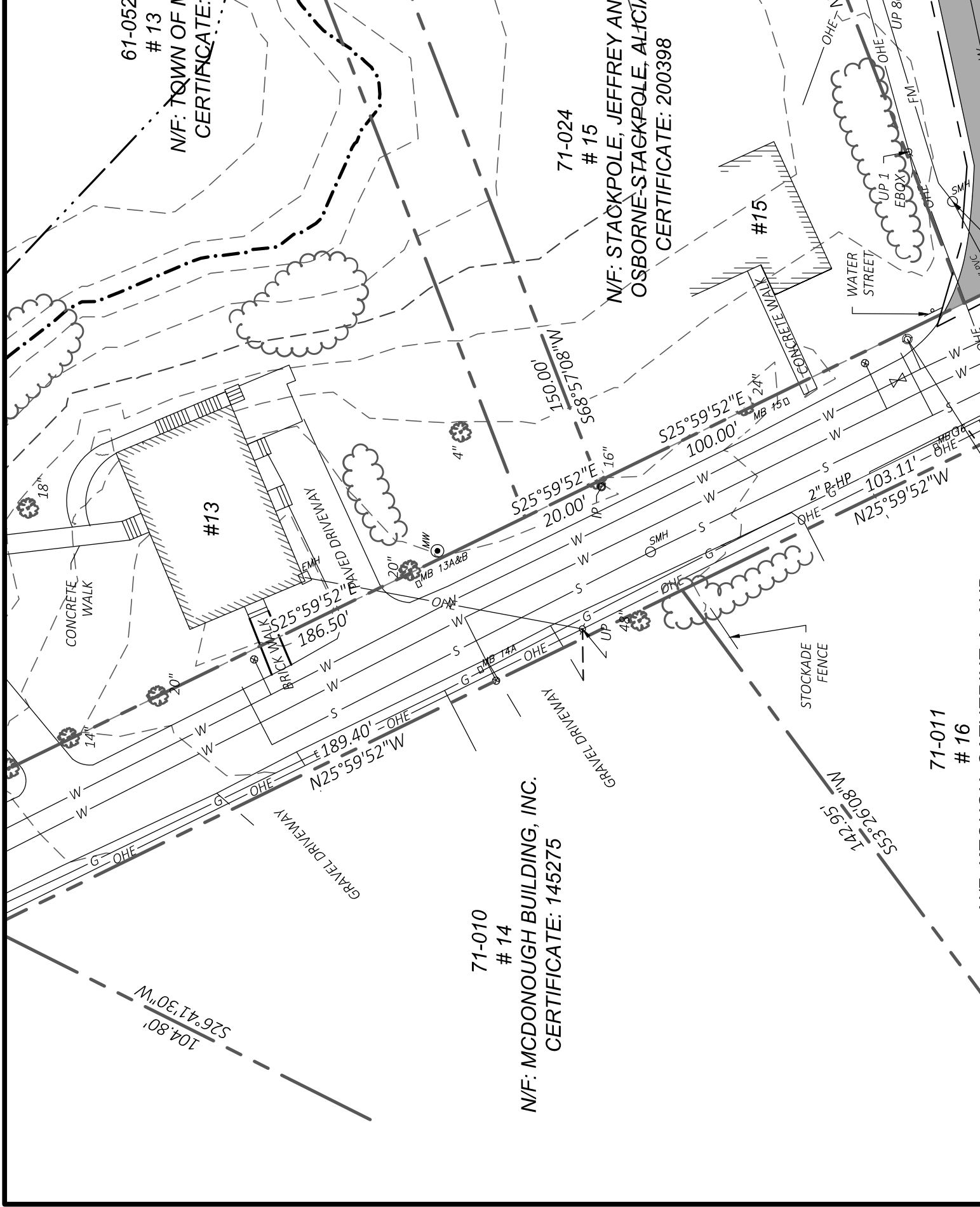
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N/F: MCDONOUGH BUILDING, INC.  
CERTIFICATE: 145275

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N/F: STACKPOLE, JEFFREY AND  
OSBORNE-STACKPOLE, ALICIA  
CERTIFICATE: 200398

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71-011  
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N/F: STACKPOLE, JEFFREY AND  
OSBORNE-STACKPOLE, ALICIA  
CERTIFICATE: 200398





N/F: STACKPOLE, JEFFREY AND  
OSBORNE-STACKPOLE, ALICIA  
CERTIFICATE: 200398

**GARAGE**

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N/F: STACKPOLE, JEFFREY AND  
OSBORNE-STACKPOLE, ALICIA  
CERTIFICATE: 200398

100.00'  
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**GARAGE**

#15

**RAW WATER FROM  
OAKLAND AND VILLAGE  
WELL STATIONS, CONNECT  
TO THE EXISTING VALVE**

A close-up photograph of a white street sign with black lettering that reads "BRICK DRIVEWAY". The sign is mounted on a metal post. To the left, another sign is partially visible with the words "ETE" and "K". The background shows a dark, textured surface, possibly a wall or another sign.

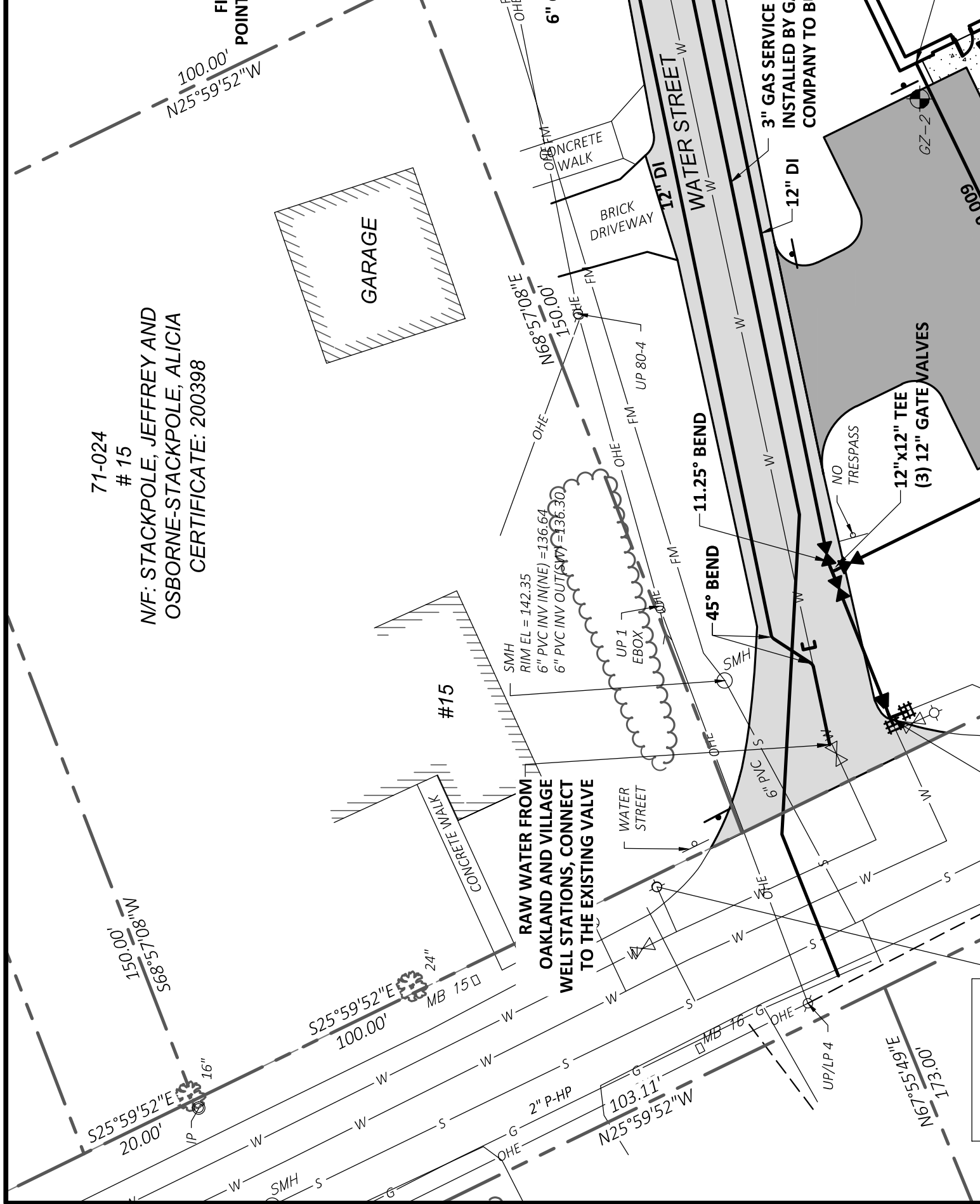
3" GAS SERVICE  
INSTALLED BY G  
COMPANY TO B

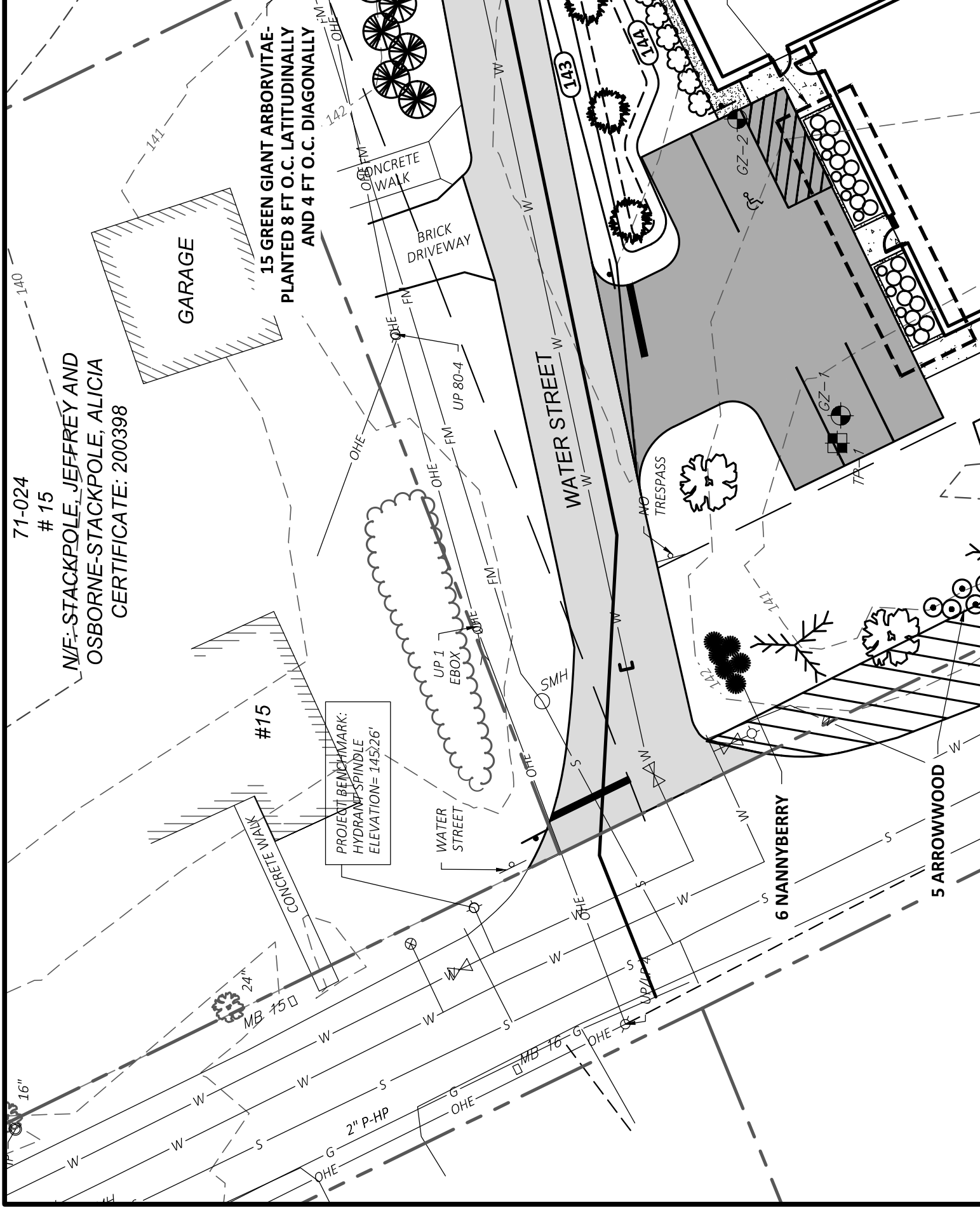
12"x12" TEE  
(3) 12" GATE VALVES

GZ-2

600

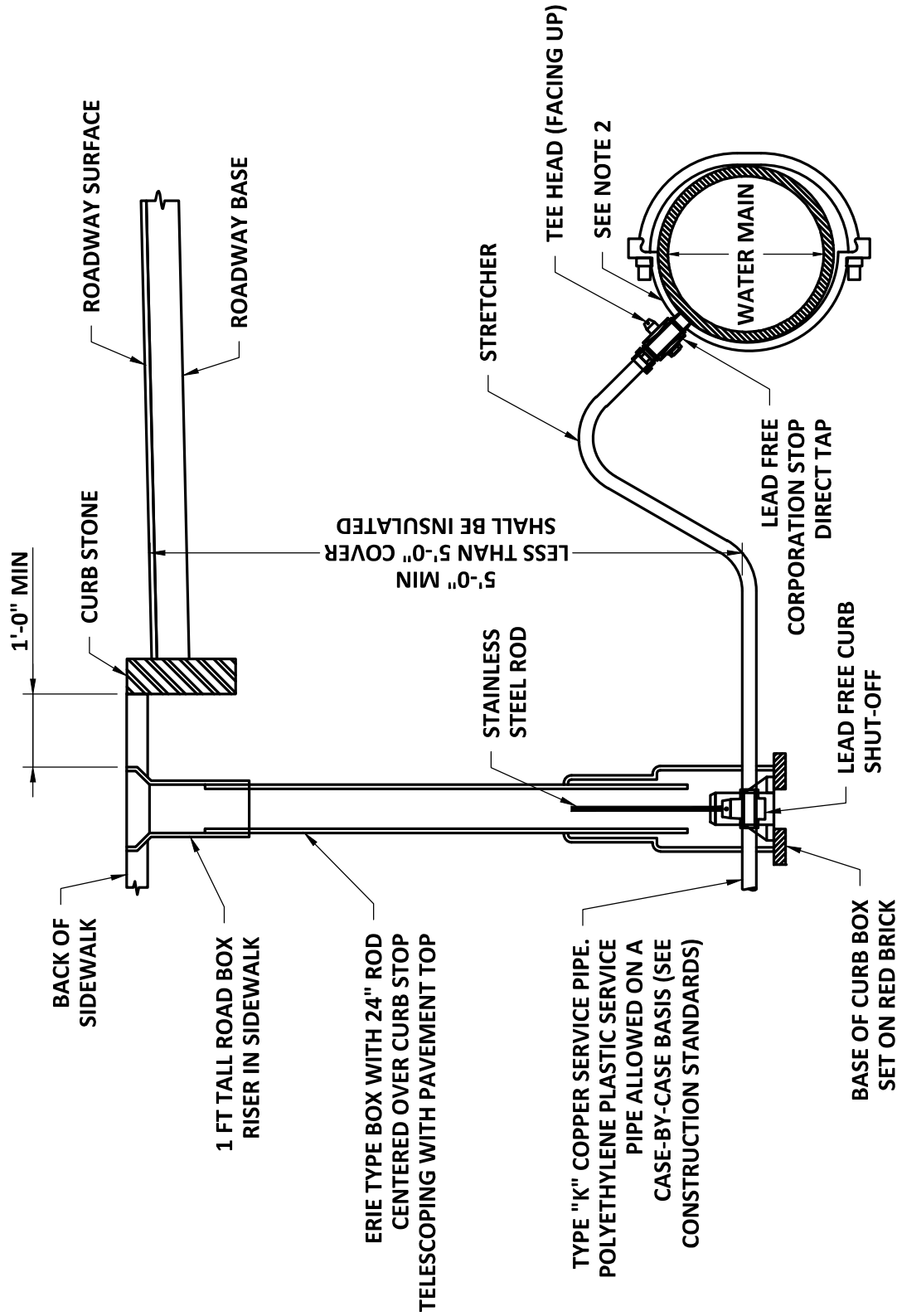
LAST SAVED BY: DANIEL.METZ 3/7/2022 7:43 AM







1. TYPICAL SANITARY MANHOLE TO BE 4 FEET IN DIAMETER.
2. 5'-0" DIAMETER FOR ALL MANHOLE DEPTHS GREATER THAN 12 FEET OR WHEN ORDERED BY THE ENGINEER.

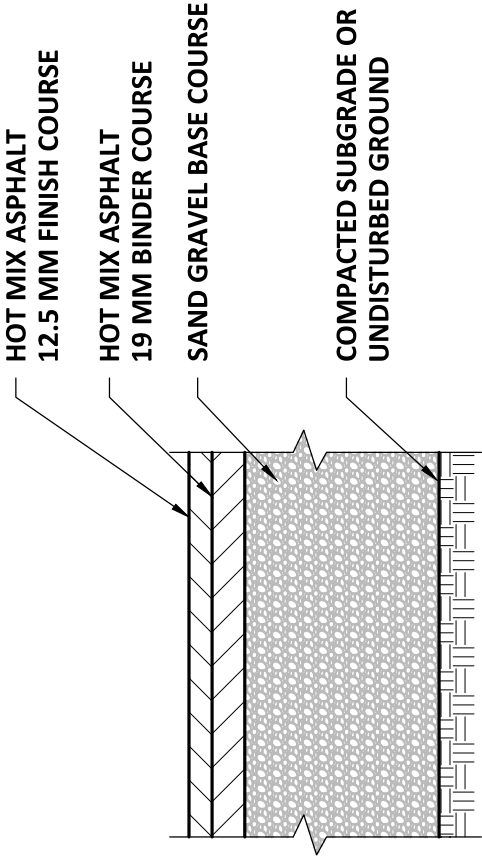


NOTES:

1. ALL SERVICE CONNECTIONS AND APPURTENANT VALVES AND FITTINGS SHALL BE LEAD FREE.
2. FOR WATER MAINS UP TO AND INCLUDING 8-INCH DIAMETER USE SADDLE CONNECTION IF SERVICE LARGER THAN 1" DIAMETER, ALL PLASTIC MAINS SHALL BE TAPPED USING A SADDLE CONNECTION.

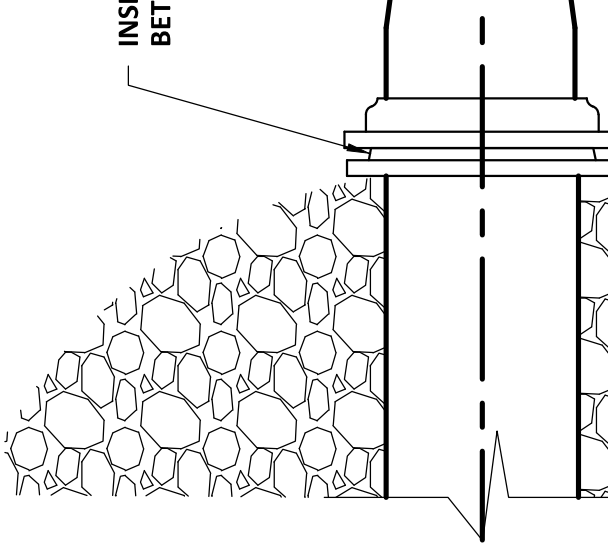
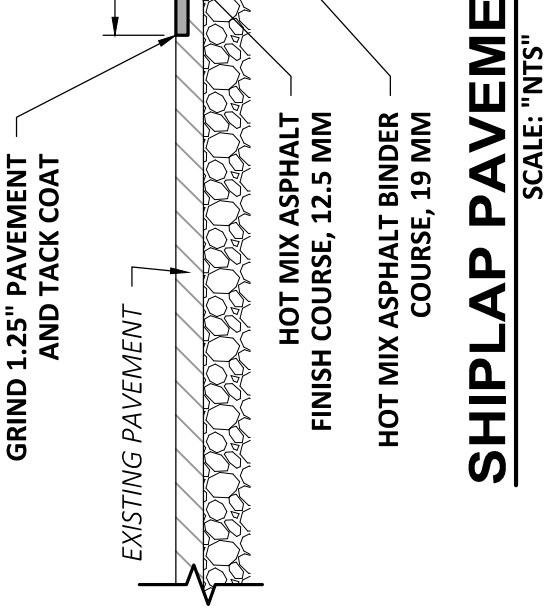
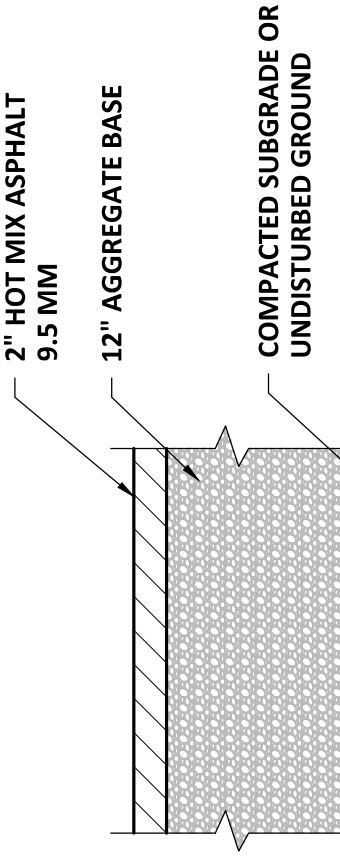
# WATER CONNECTION FOR 1"-2" SERVICE

SCALE: NTS



PAVEMENT MINIMUM THICKNESS			
LAYER	CAR PARKING	TRUCK LOADING/H-20 ROADWAYS	
FINISH COURSE	1 1/4 INCHES	1 1/2 INCHES	
BINDER COURSE	1 1/4 INCHES	2 1/2 INCHES	
SAND-GRAVEL BASE COURSE	12 INCHES	20 INCHES	

**PAVEMENT**  
SCALE: "NTS"





## EROSION AND SEDIMENTATION CONTROL NOTES

THIS PLAN HAS BEEN DEVELOPED AS A STRATEGY TO CONTROL SOIL EROSION AND SEDIMENTATION DURING AND AFTER CONSTRUCTION. THIS PLAN IS BASED ON THE STANDARDS AND SPECIFICATIONS FOR EROSION PREVENTION IN URBAN AND SUBURBAN AREAS AS CONTAINED IN THE "MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS", FRANKLIN, HAMPDEN, HAMPSHIRE CONSERVATION DISTRICTS, DATED MARCH, 1997; REPRINT MAY, 2003.

THE PROPOSED LOCATIONS OF SILTATION AND EROSION CONTROL STRUCTURES REQUIRED FOR THE PROJECT ARE SHOWN ON SHEET C-2. PROVIDE SILT FENCE, STONE CHECK DAMS AND OTHER EROSION CONTROL MEASURES AS REQUIRED TO ADEQUATELY PREVENT SEDIMENT TRANSPORT AS NOTED IN THE BMP.

1. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE DONE IN ACCORDANCE WITH THE "MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS", FRANKLIN, HAMPDEN, HAMPSHIRE CONSERVATION DISTRICTS, DATED MARCH, 1997.
2. THOSE AREAS UNDERGOING ACTUAL CONSTRUCTION WILL BE MAINTAINED IN AN UNTREATED OR UNVEGETATED CONDITION FOR THE MINIMUM TIME REQUIRED. IN GENERAL, AREAS TO BE VEGETATED SHALL BE PERMANENTLY STABILIZED WITHIN 15 DAYS OF FINAL GRADING AND TEMPORARILY STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE OF THE SOIL.
3. SEDIMENT BARRIERS (SILT FENCE, STONE CHECK DAMS, ETC.) SHOULD BE INSTALLED PRIOR TO ANY SOIL DISTURBANCE OF UPGRADIENT DRAINAGE AREAS.
4. CONTRACTOR IS REQUIRED TO IMPLEMENT BMPS TO MITIGATE EROSION ASSOCIATED WITH A 100-YEAR, 24-HOUR STORM DURING CONSTRUCTION.
5. CONTRACTOR SHALL INSTALL THE EXTENDED DRY DETENTION BASIN (OR EQUIVALENT TEMPORARY SEDIMENTATION BASIN) AT THE START OF CONSTRUCTION, TO CONTROL EROSION DURING CONSTRUCTION.
6. INSTALL SILT FENCE AT TOE OF SLOPES TO FILTER SILT FROM RUNOFF. SEE SILT FENCE DETAIL FOR PROPER INSTALLATION. SILT FENCE WILL REMAIN IN PLACE PER NOTE #5.
7. ALL EROSION CONTROL STRUCTURES WILL BE INSPECTED, REPLACED AND/OR REPAIRED EVERY 7 DAYS AND IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL OR SNOW MELT OR WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DECOMPOSITION. SEDIMENT DEPOSITS MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE AND BE MAINTAINED BY THE CONTRACTOR UNTIL AREAS UPSLOPE ARE PERMANENTLY STABILIZED.

## EROSION CONTROL

1. WINTER CON
2. WINTER EXCA/ACRE OF THE
3. EXPOSED ARE TO ANY PREC
4. AN AREA SHA HAVE BEEN E SQUARE FEET ADEQUATELY SHALL BE APP
5. BETWEEN TH DURING PERI AND EITHER I SUCH TIME A AND IF THE E AREA MAY B PERMANENT WEATHER, A TEMPORARIL NOT BE LEFT SUSPENSION CONDITIONS TREATMENT, STONE CHECK
6. A) BETWEEN WOOD CELLU  
B) MULCH NI SLOPE GREAT SLOPES GREA  
C) MULCH NI GREATER TH 8%.
7. AFTER NOVE ANCHORING

OWNER/APPLICANT:  
TOWN OF MEDWAY  
155 VILLAGE STREET

ABBREVIATIONS:

&	AND
@	AT
AAH	ATTIC ACCESS HATCH
ACP	ACOUSTICAL CEILING PANEL
ACM	ASBESTOS CONTAINING MATERIAL
AFF	ABOVE FINISH FLOOR
AHU	AIR HANDLING UNIT
ALUM(AL)	ALUMINUM
BIT	BITUMINOUS
BLDG	BUILDING
BOT	BOTTOM
BS	BRICK SHELF
C	CAULK
CAB	CABINET
CARP	CARPET
¢	CENTER LINE
CBB	CONTINUOUS BOND BEAM
CDM	CAVITY DRAINAGE MATERIAL
CJ	CONTROL JOINT
CJV	CONTROL JOINT (VENEER ONLY)
CMU	CONCRETE MASONRY UNIT
COORD	COORDINATE
CONC	CONCRETE
CONT	CONTINUOUS
CPT	CARPET TILES
CT	CERAMIC TILES
CTR	CENTER
DIA	DIAMETER
DIM	DIMENSION
DN	DOWN
DWG	DRAWING
EL	ELEVATION (HEIGHT)
ELEV	ELEVATION (PICTORAL)
EP	EPOXY PAINT
EQ	EQUAL
ES	EACH SIDE
EXIST	EXISTING

ARCHITECTURAL

1. ALL DIMENSIONS INDICATED SHALL BE IN FEET AND INCHES. FRACTIONS SHALL BE IN 16THS OF AN INCH.
2. ALL INTERIOR AND EXTERIOR FINISHES SHALL BE INDICATED ON THE STRUCTURAL DRAWINGS.
3. ALL INTERIOR WALLS SHALL BE FINISHED WITH 5/8" GYPSUM BOARD.
4. ALL INTERIOR EXPOSED EDGES SHALL BE FINISHED WITH 1/2" GYPSUM BOARD.
5. ALL MASONRY OPENINGS AND WINDOWS SHALL BE FINISHED WITH MASONRY OPENINGS AND WINDOWS.
6. PROVIDE A LINTEL FOR ALL MASONRY OPENINGS AND WINDOWS. THE LINTEL SHALL BE A BOND BEAM WITH A MINIMUM SPAN OF 10 FEET. PROVIDE A LINTEL FOR ALL MASONRY OPENINGS AND WINDOWS. THE LINTEL SHALL BE A BOND BEAM WITH A MINIMUM SPAN OF 10 FEET.
7. PROVIDE MASONRY OPENINGS AND WINDOWS. THE MASONRY SHALL BE FINISHED WITH MASONRY OPENINGS AND WINDOWS.
8. MECHANICAL DRAWINGS SHALL BE COORDINATE WITH ALL OTHER DRAWINGS. MECHANICAL DRAWINGS SHALL BE COORDINATE WITH ALL OTHER DRAWINGS.
9. SLEEVES AND ITEMS BUILT INTO THE CMU SHALL BE COORDINATE WITH ALL OTHER DRAWINGS. SLEEVES AND ITEMS BUILT INTO THE CMU SHALL BE COORDINATE WITH ALL OTHER DRAWINGS.
10. GROUT THE CMU SOLID ANCHORS AND EXPANSION ANCHORS AS SHOWN ON THE DRAWINGS. GROUT THE CMU SOLID ANCHORS AND EXPANSION ANCHORS AS SHOWN ON THE DRAWINGS.
11. CONTROL JOINTS IN THE TOP OF THE WALL. THE CONTROL JOINT SHALL BE FINISHED WITH MASONRY OPENINGS AND WINDOWS.
12. INFILL STEEL "W" SHAPE FASTENED TO THE WEB OF THE CMU. THE INFILL STEEL SHALL BE FINISHED WITH MASONRY OPENINGS AND WINDOWS.
13. PROVIDE A LINTEL FOR ALL MASONRY OPENINGS AND WINDOWS. THE LINTEL SHALL BE A BOND BEAM WITH A MINIMUM SPAN OF 10 FEET. PROVIDE A LINTEL FOR ALL MASONRY OPENINGS AND WINDOWS. THE LINTEL SHALL BE A BOND BEAM WITH A MINIMUM SPAN OF 10 FEET.

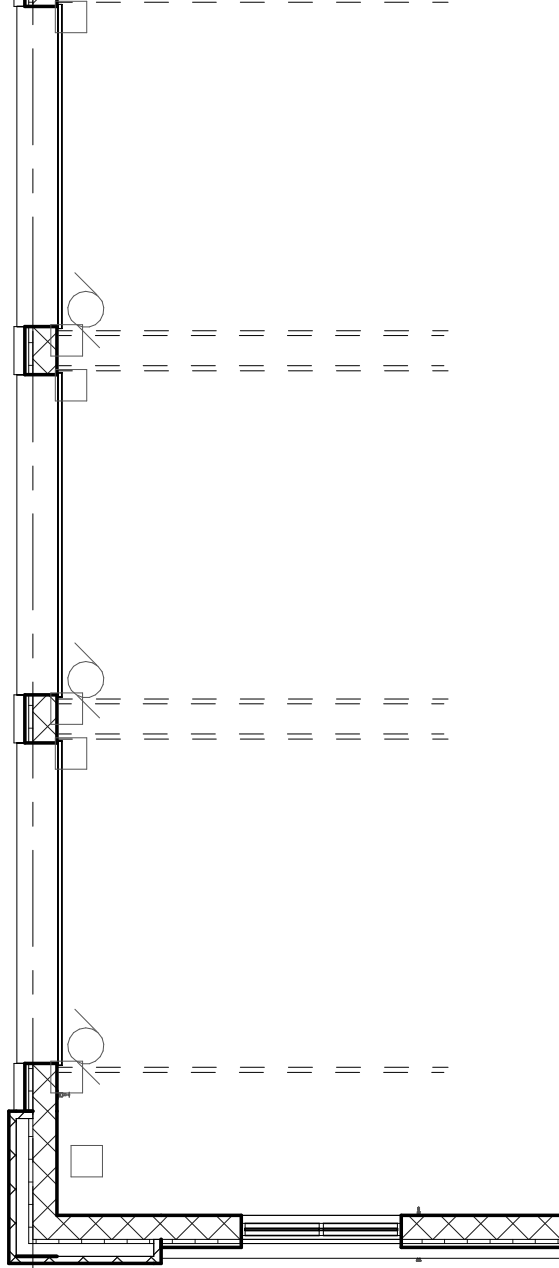
WALLS LEGEND

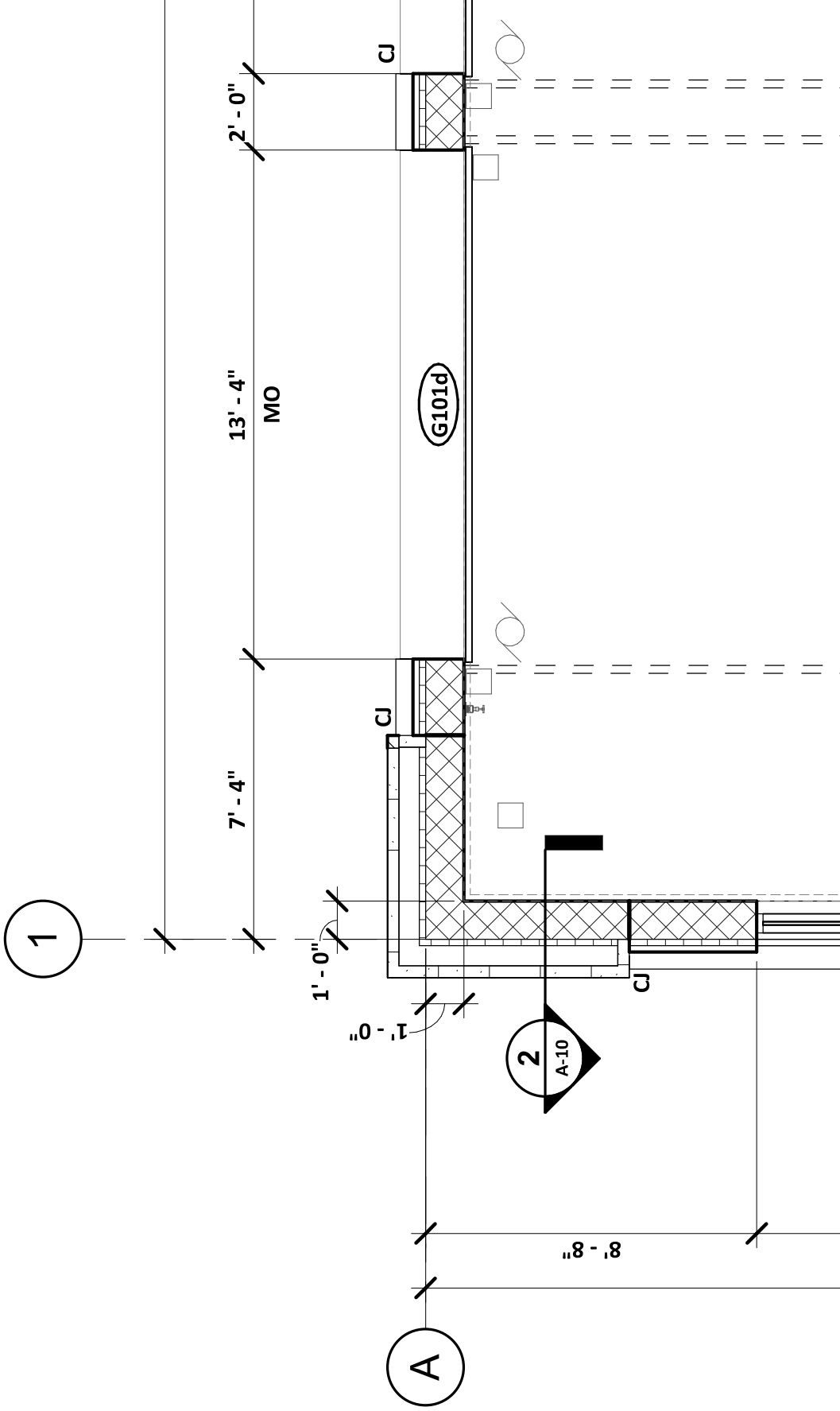
	EXISTING
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1

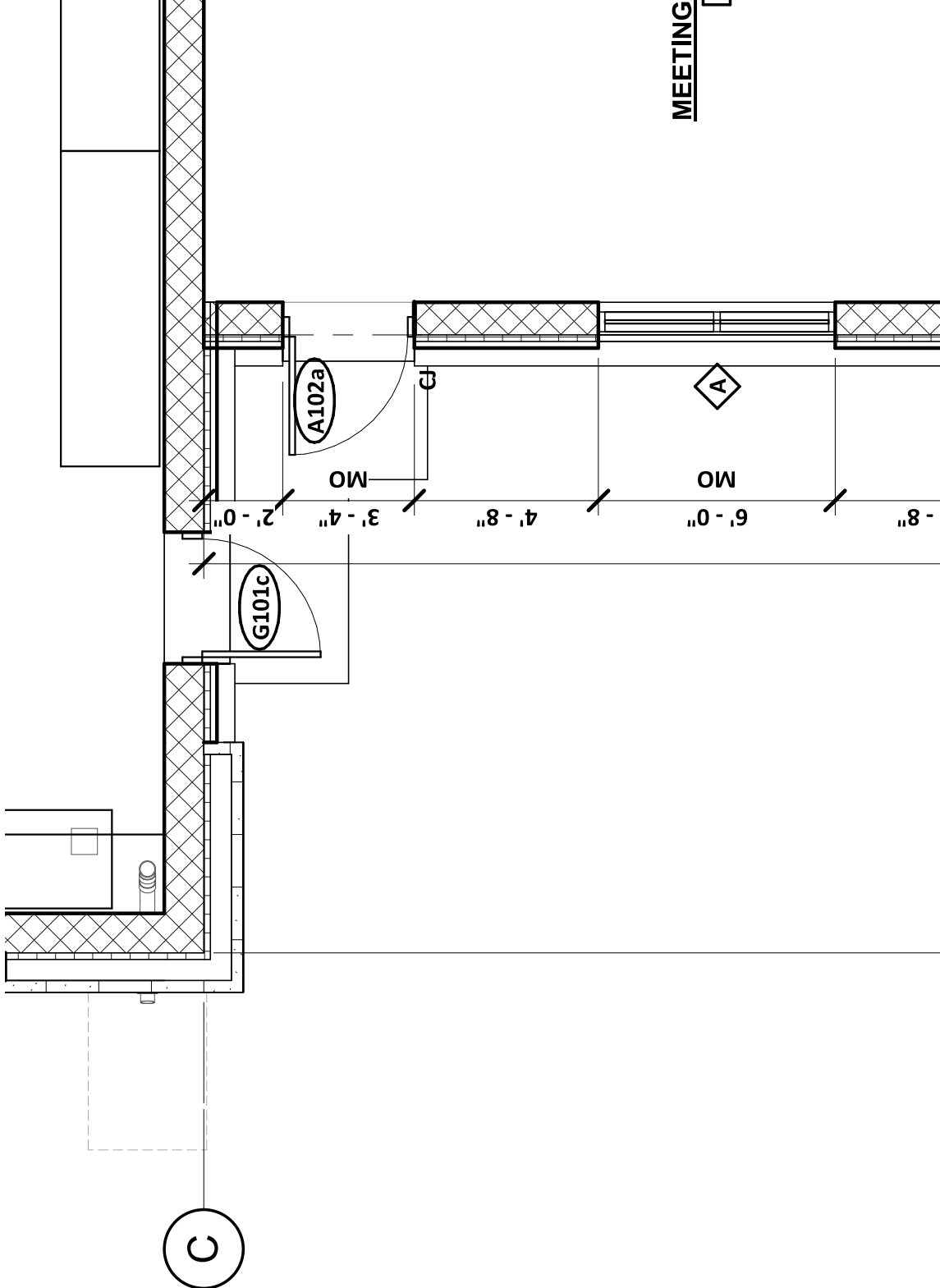
A

82' - 8"





MEETING



OWNER/APPLICANT:  
TOWN OF MEDWAY  
155 VILLAGE STREET  
MEDWAY, MA 02053

ZONING DISTRICT:  
AR2 - AGRICULTURAL RESIDENTIAL 2

ASSESSORS PARCELS:  
71-027

PLAN AND DEED REFERENCE:  
BOOK 1244 PAGE 453  
BOOK 1248 PAGE 191

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

**STORAGE ROOM**

G103

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

3/7/2022 3:34:06 PM

25' - 0"

CONTAINMENT AREA

CJ

CJ

EMERGENCY EYEWASH  
AND SHOWER

**ORTHO/POLYPHOSPHATE  
& SODIUM FLUORIDE  
ROOM**

H101

CONTAINMENT AREA

14' - 0"

5  
A-10

H101

**POTASSIUM  
PERMANGANATE ROOM**

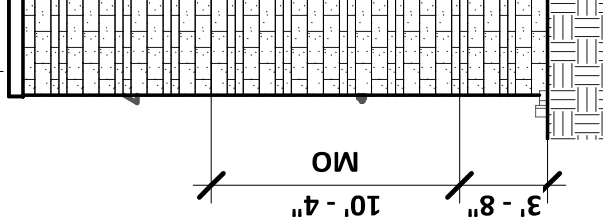
H102

CONTAINMENT AREA

14' - 0"



A



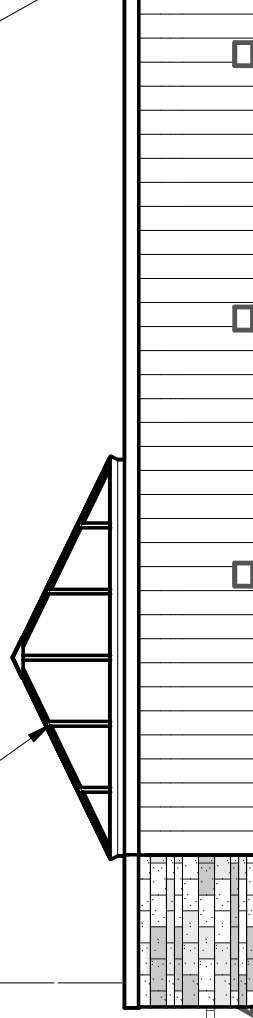
ALUMI  
PRECA

INSULATED TRANSLUCENT SKYLIGHT

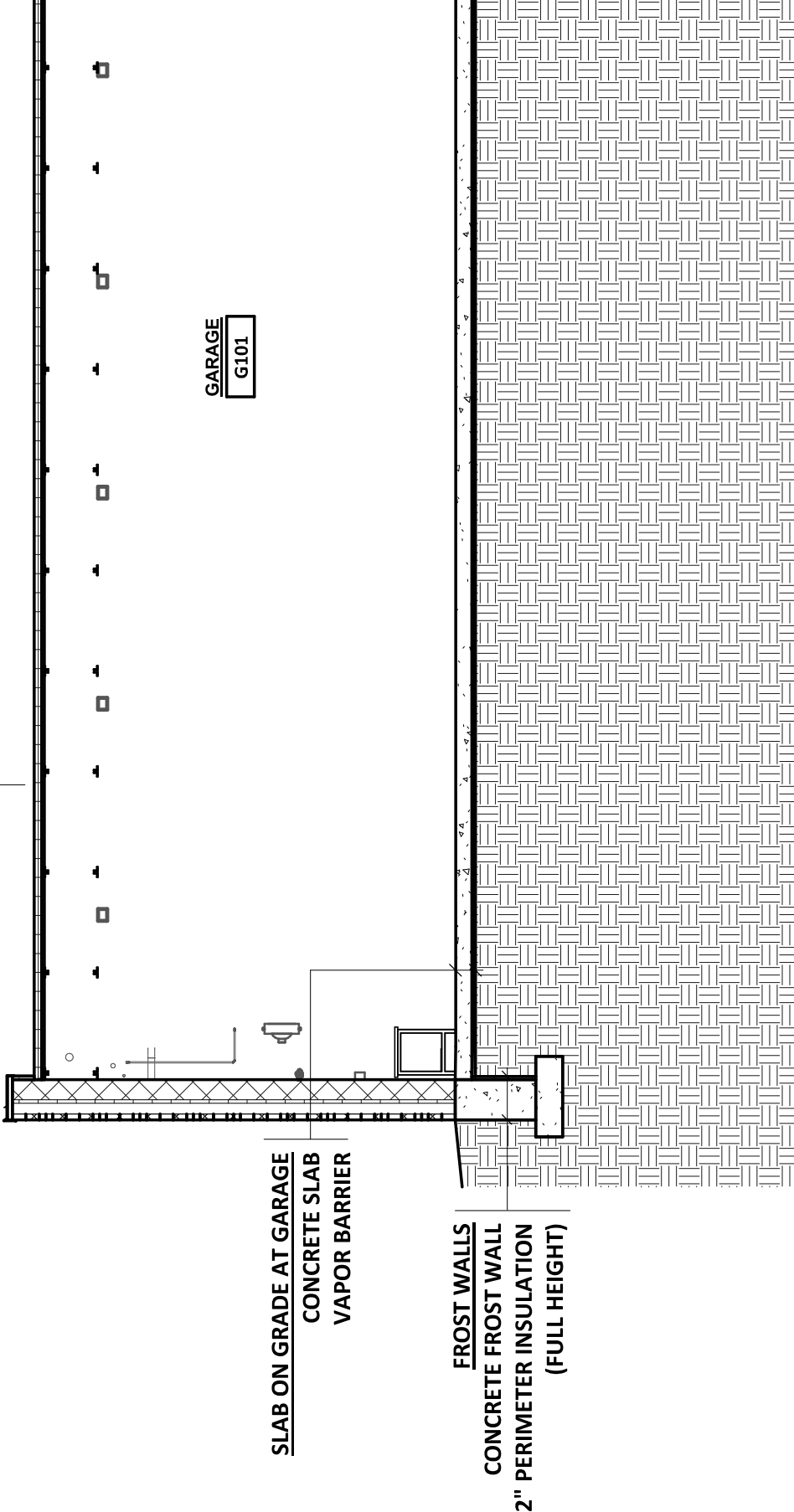
ANTENNAS, SEE ELECTRICAL DRAWINGS

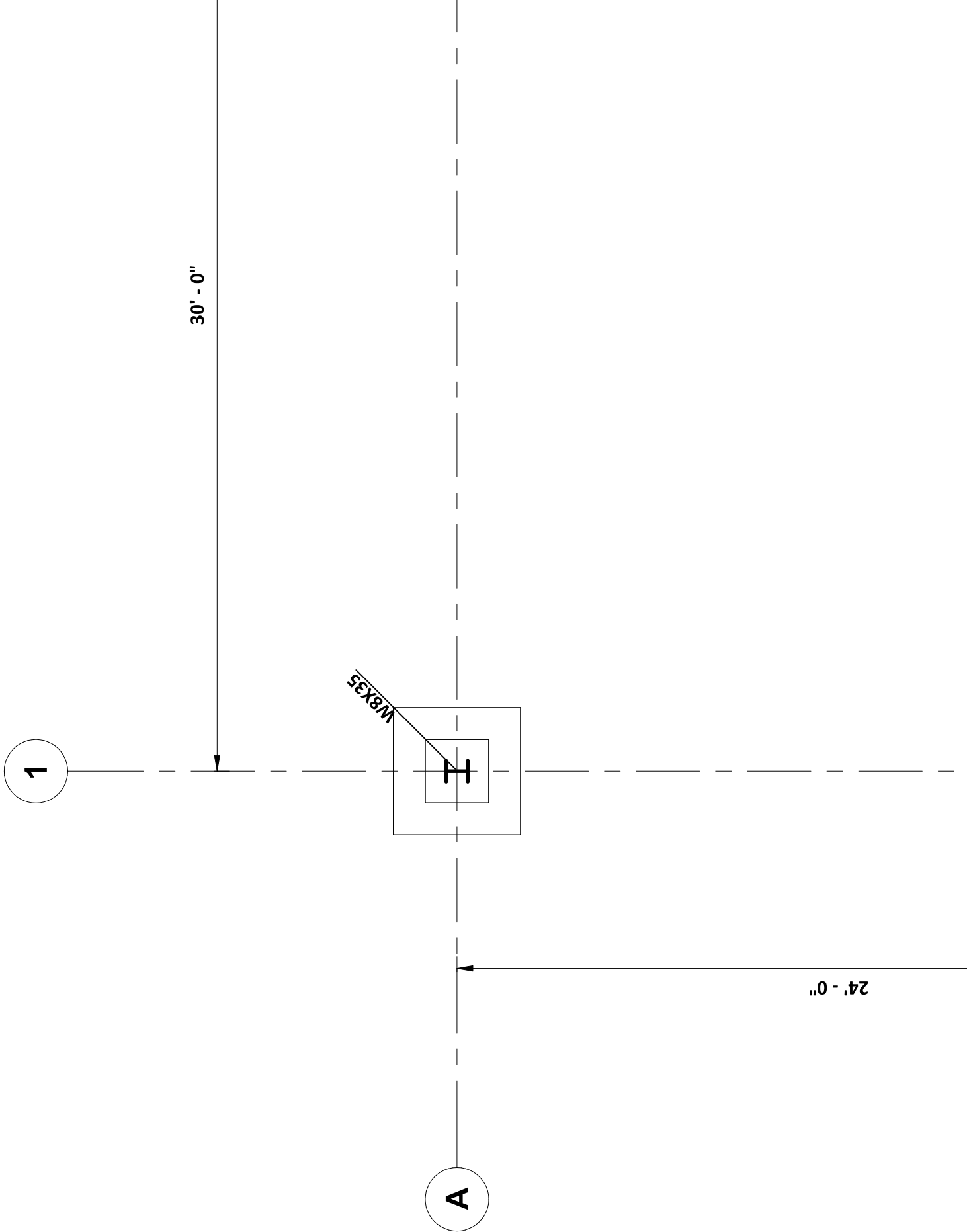
LOUVER, SEE MECHANICAL DRAWINGS

4



2

















**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**TOWN CLERK'S OFFICE**

Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3204  
Fax (508) 321-4988  
sohannesian@townofmedway.org  
www.townofmedway.org

Town Clerk  
Stefany Ohannesian

**CERTIFICATE**

I, Stefany Ohannesian, Town Clerk of the Town of Medway, hereby certify that the decision of the Medway Planning and Economic Development Board, regarding **Town of Medway Department of Public Works Water and Sewer Division, Medway, MA** was filed on **March 7, 2022**.

It was received and filed in this office in the matter of:

Major Site Plan Decision

Applicant: Town of Medway Department of Public Works Water and Sewer Division  
45B Holliston Street  
Medway, MA 02053

Property Owner: Town of Medway  
155 Village Street  
Medway, MA 02053

No appeal was received during the twenty days after such receipt and recording of said decision in the Town Clerk's Office.

Dated **April 8, 2022** in Medway, MA.

A true copy

ATTEST.....

## Susan Affleck-Childs

---

**From:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Sent:** Tuesday, March 15, 2022 11:42 AM  
**To:** James Cray; Susan Affleck-Childs  
**Cc:** Peter Pelletier; Sean Harrington  
**Subject:** RE: Medway WTP Draft Final Plan Review

Hi Susy,

I have no further comment as the items below would need to be confirmed by yourself and/or the PEDB, thanks.

Steve

**Steven M. Bouley, PE** | Project Manager  
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | [steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

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---

**From:** James Cray <jim.cray@wright-pierce.com>  
**Sent:** Tuesday, March 15, 2022 11:37 AM  
**To:** Susan Affleck-Childs <sachilds@townofmedway.org>; Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Cc:** Peter Pelletier <ppetier@townofmedway.org>; Sean Harrington <sharrington@townofmedway.org>  
**Subject:** RE: Medway WTP Draft Final Plan Review

**⚠ CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. **⚠**

Hi Steve,

Please refer to my feedback below in Red.

Thanks,  
-Jim

**James Cray, PE**  
**Wright-Pierce** | Senior Project Manager  
direct 978.416.8002 | cell 978.509.3960



---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Tuesday, March 15, 2022 10:48 AM  
**To:** Bouley, Steven <steven.bouley@tetrattech.com>  
**Cc:** James Cray <jim.cray@wright-pierce.com>; Peter Pelletier <ppetier@townofmedway.org>; Sean Harrington <sharrington@townofmedway.org>  
**Subject:** RE: Medway WTP Draft Final Plan Review

Thanks, Steve.

Jim, would be glad to speak further with you about these items.

Thanks.

Susy

---

**From:** Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]

**Sent:** Tuesday, March 15, 2022 10:37 AM

**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

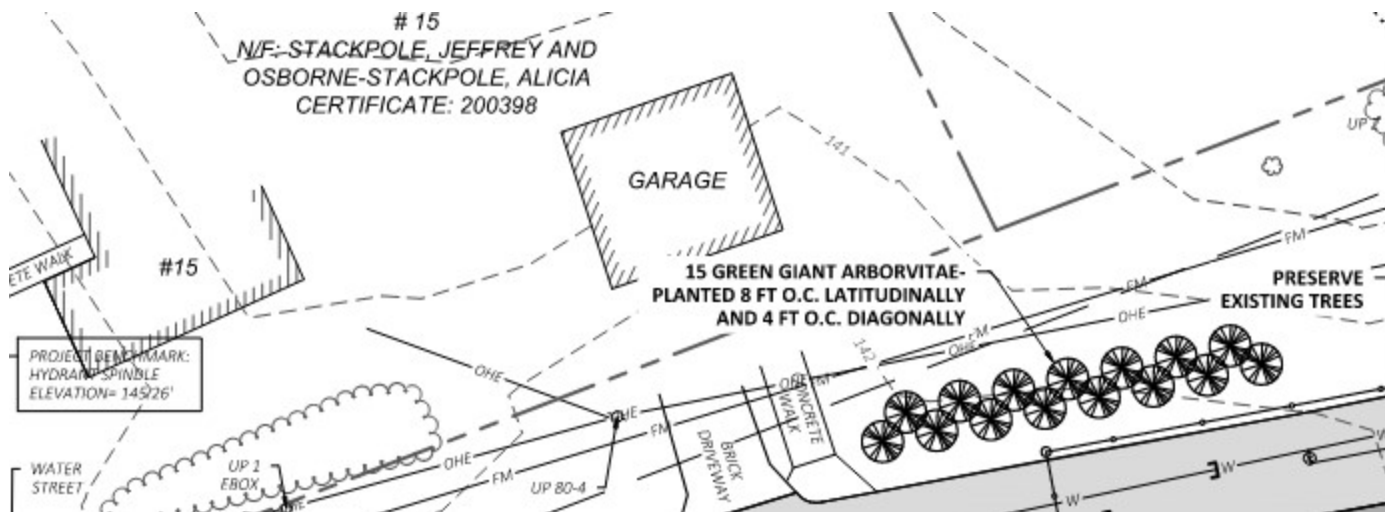
**Cc:** James Cray <[jim.cray@wright-pierce.com](mailto:jim.cray@wright-pierce.com)>; Peter Pelletier <[ppelletier@townofmedway.org](mailto:ppelletier@townofmedway.org)>; Sean Harrington <[sharrington@townofmedway.org](mailto:sharrington@townofmedway.org)>

**Subject:** Medway WTP Draft Final Plan Review

Hi Susy,

We have reviewed the draft final plan submission titled "Town of Medway Massachusetts, Contract Drawings for Populatic Water Treatment Plant, March 2022 Permit Submittal" dated March 2022, prepared by Wright Pierce. We reviewed the Plans against *Section VIII. Conditions* in the Decision and have the following comments:

1. The Decision references specific plan revision date be shown on the Plans. The Applicant has shown "March 2022" on the Cover Sheet and "3/2022" in the revision block. We recommend the PEDB confirm whether that is sufficient or if the intent of the condition was to include an actual date on the Plans. (VIII.C.3) **JEC: PEDB to confirm if Month/Year is sufficient.**
2. The Applicant has included a signature block for Board signatures. However, only four lines have been provided and there are five members of the PEDB. (VIII.C.4 and VIII.D.4) **JEC: We will add a 5<sup>th</sup> line.**
3. We recommend the PEDB confirm with Design Review Committee that the proposed canopy structure has been reviewed and approved. (VIII.D.2) **JEC: We still owe the DRC some additional photos showing similar canopy structures so they can get a better visual of what the proposed canopy will look like once completed.**
4. It does not appear additional landscaping is proposed to screen the Storage Canopy location as compared to the previous Plan Set. (VIII.D.7) **JEC: We discussed adding more landscaping to screen the canopy with our landscape architect. We were having a hard time determining what additional landscaping would really be needed. The goal was to screen the canopy from the abutting neighbor (#15 Populatic) as best we could and what we are showing now for screening appears adequate. There is not a lot open space to add additional plantings along that side of Water Street. We are keeping 3 large existing pines in place that already provide significant screening and we are also keeping the existing vegetation behind the proposed structure. So it's essentially surrounded by vegetation/screening. We also added a row of 15 Arborvitae to provide even more additional screening. See below. What is the PEDB's expectation for screening? We can certainly add more if needed, we just need some direction on where/what they would like added.**



Please let us know if you have any questions, thanks.

Steve

**Steven M. Bouley, PE** | Project Manager  
 Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | [steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

**Tetra Tech** | *Leading with Science®* | INE  
 100 Nickerson Road | Marlborough, MA 01752 | [tetrattech.com](http://tetrattech.com)

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Resident Charlie Myers communicated that there are a variety of scales for energy storage systems. The concern is that these are not jammed into an area. There needs to be a solid review process to evaluate the size and scale. There was a recommendation to look at the Cranberry Point petition from the Town of Carver.

The PEDB has been on budget regarding the consultant's BESS work. The next two tasks of the scope will be completed simultaneously. The BOS voted to retain special counsel. Susy Affleck-Childs reported that Tetra Tech will provide a price quote to review the Able Grid project as if it was going to come in under site plan review.

### **ZBA Petition – 2 Bullard Circle – Accessory Family Dwelling Unit (AFDU):**

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

- Selections from the applicant's submittal to the ZBA.

The owner is seeking an AFDU special permit to allow for the conversion of a free-standing garage to an AFDU. The hearing is scheduled for April 6, 2022. Susy Affleck-Childs reported that the applicant has withdrawn its petition to the ZBA so the Board does not need to review it.

### **DPW Water Treatment Facility 19 Populatic Street – Storage Canopy:**

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

- Collection of emails and memos
- Excerpt from the plan set showing the location of the proposed storage canopy.

Wright-Pierce engineer James Cray was present via Zoom.

The Board was informed that this was discussed at the DRC meeting on March 21, 2022. There was a screen share of page 5. It was communicated that the DRC has no issues with the type and design of the proposed storage canopy. It was explained that the proposed storage canopy will be installed over an existing paved area of approximately 1,300 sq. ft. This area is well screened from the northwesterly abutter and is currently used for equipment storage for the Water Department. The Board has no issues with what is proposed.

### **CUTLER PLACE PLAN ENDORSEMENT:**

The Board was informed that they need to re-endorse the Cutler Place plan on MYLARS for recording at the Registry of Deeds.

**On a motion made by Jessica Chabot, seconded by Rich Di Iulio, the Board voted to Re-indorse the site plan for Cutler Place. (Member Raposa abstained)**

### **MASTER PLAN UPDATE:**

- Jessica Chabot informed the Board that there will be the third community forum on April 5, 2022. Feedback from this is welcomed until the end of April.

### **PEDB MEETING MINUTES:**



**April 12, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**William Wallace Village – Request for  
PEDB’s Recommendation to the  
Building Commission for Building**

- 4-7-22 letter from attorney Rita McGeary on behalf of developer Larry Rucki (DTRT, LLC) requesting that the Board authorize the Building Commissioner to issue building permits for the remaining structures in the development.



April 7, 2022

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

Re: William Wallace Village Condominium  
274 Village Street, Medway

Dear Members of the Board:

Our office represents DTRT, LLC, the developer of the above-referenced property (the "Property"). Our client received a Multi-Family Housing Special Permit and Site Plan Decision (the "Special Permit") from the Town approving the development of the Property, including the construction of twelve (12) condominium units. A condition of the Special Permit requires that one of the units be designated as "Affordable" and that a cash payment be made to the Medway Affordable Housing Trust on the sale of each remaining unit. The Special Permit further provides in Section VIII O 10 b) that "[t]he building permit for the 7<sup>th</sup> dwelling unit shall not be issued until the Affordable Housing Regulatory Agreement is approved by DHCD and recorded with the Norfolk County Registry of Deeds."

Our client retained Susan Jacobson to serve as the Lottery Agent with respect to the Affordable Unit. Ms. Jacobson has submitted all necessary documentation to DHCD for approval of the Affordable Unit, including the proposed Regulatory Agreement and Declaration of Restrictive Covenants (the "Agreement"). Sometime around the end of February, 2022, DHCD informed Ms. Jacobson that it had reviewed the Agreement and requested that the sale price be reduced to reflect the rising mortgage interest rates. Shortly thereafter, Ms. Jacobson made that change, along with a few minor other requested changes, and re-submitted the Agreement to DHCD for final approval. Since all of the requested changes have been made, we anticipate that DHCD will now issue final approval of the Agreement, but we have not received it to date.

As you might imagine, our client has experienced many significant delays in its efforts to complete construction of this project due to the Covid-19 pandemic. Those delays have been very costly, and our client is respectfully requesting that the Board authorize issuance of the building permit for the 7<sup>th</sup> unit now, without the need to wait for DHCD's final approval and recording of the Agreement, and appreciates your consideration of this request.

Very truly yours,



Rita M. McGeary





**April 12, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Medway Mill – Field Change Requests**

- Letter request dated 3-21-22 from developer John Greene requesting several field changes for the Medway Mill development
- Photometric Plan by Visual dated 1/17/22
- Collection of photos of the new fence along the western side of the property
- 4-8-22 email from Steve Bouley with review comments on proposed field changes

## Susan Affleck-Childs

---

**From:** John Greene <johnjgreene1@gmail.com>  
**Sent:** Monday, March 21, 2022 2:21 PM  
**To:** Susan Affleck-Childs  
**Subject:** Medway Mill Requests  
**Attachments:** Photometric Plan Approved by Tetrattech.pdf; IMG\_7099.jpg; IMG\_7096.jpg; IMG\_7097.jpg; IMG\_7095.jpg; IMG\_7098.jpg

**NRG CONCEPTS INC.**  
165 Main Street  
Suite 307  
Medway, MA. 02053

March 21, 2022

Medway Planning Board  
Town Hall  
155 Village Street  
Medway, MA. 02053

Dear Planning Board,

I write regarding the following requests, site changes...

1) Added lighting—THE BOARDS decision, included a clause that more lighting may be added. We produced a new PHOTO METRIC PLAN, had the same reviewed by Steve Bouley, TETRA TECH, he stated adding one more light pole and two more bollard lights to the walkway down, makes ambulation safer, with no lumen spillage onto abutters properties. (PLAN PHOTO METRIC PLAN ENCLOSED)

2) We would like to shorten the length of fence by 4 feet on the right hand side as one exits the new parking lot. The present design blocks vision of traffic entering from the right on the roadway. Steve Bouley walked the site, perused the sight lines and is in agreement. It appears this change would have no real effect on the abutter's view directly behind the fence in this location. Steve Bouley agreed with this also. This is a public safety issue.

3) We are requesting we substitute 5" standing granite as opposed to 6" standing granite curbs. The product is difficult to find, 5" will be sufficient, it's what the TOWN OF MEDWAY USED on RT 109. Steve Bouley reviewed my inquiry and states he has no problem with the substitution.

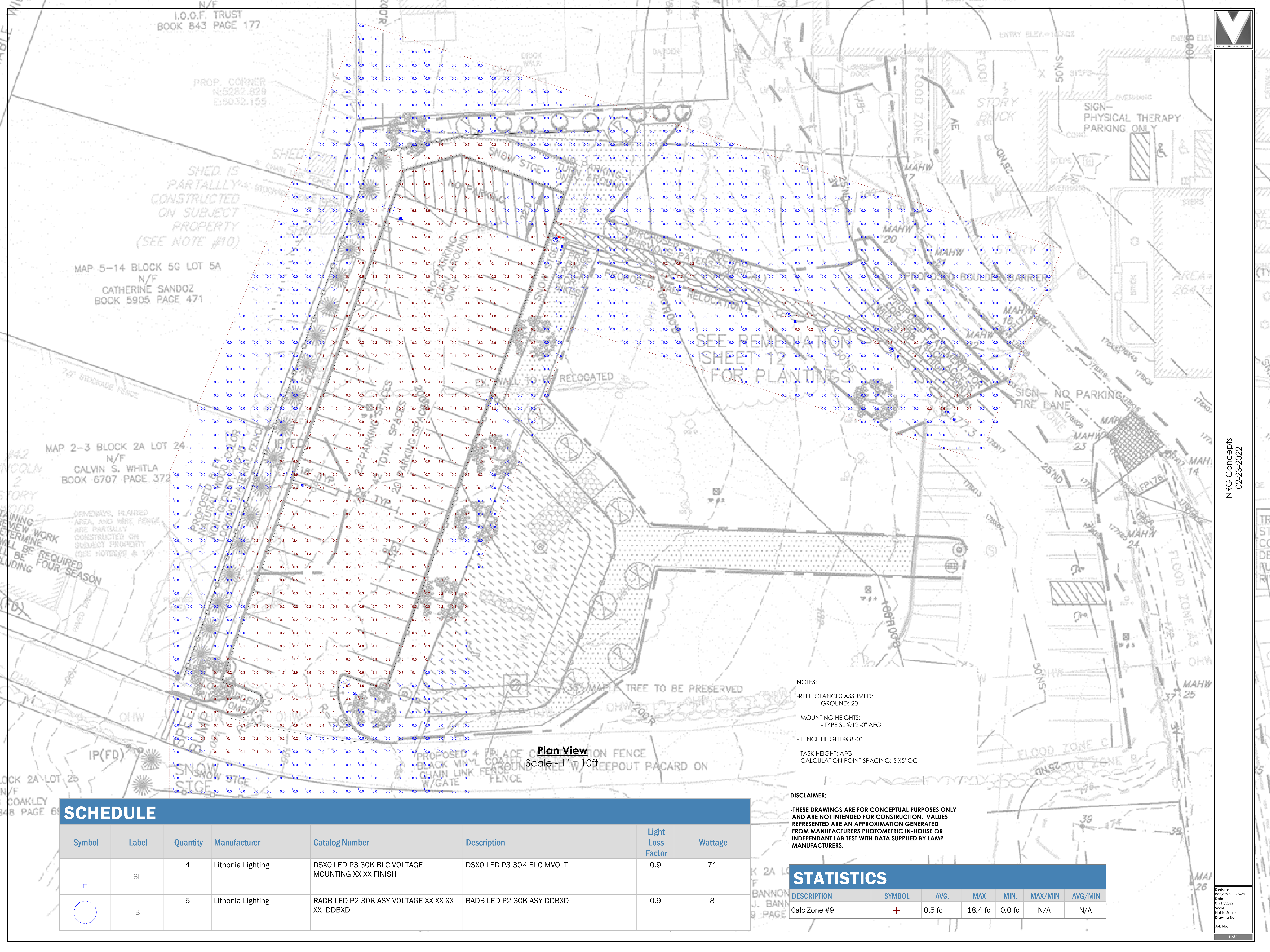
A speedy response would be much appreciated.

Very truly yours.

John Greene Medway Mill  
165 Main St.  
Medway, MA 02053

Phone: 508-367-8745  
Email: [johnjgreene1@gmail.com](mailto:johnjgreene1@gmail.com)





Plan View

Scale - 1" = 10ft

NOTES:

- REFLECTANCES ASSUMED:  
GROUND: 20
- MOUNTING HEIGHTS:  
- TYPE SL @ 12'-0" AFG
- FENCE HEIGHT @ 8'-0"
- TASK HEIGHT: AFG
- CALCULATION POINT SPACING: 5'X5' OC

DISCLAIMER:

- THESE DRAWINGS ARE FOR CONCEPTUAL PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION. VALUES REPRESENTED ARE AN APPROXIMATION GENERATED FROM MANUFACTURERS PHOTOMETRIC IN-HOUSE OR INDEPENDANT LAB TEST WITH DATA SUPPLIED BY LAMP MANUFACTURERS.

SCHEDULE

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Light Loss Factor	Wattage
	SL	4	Lithonia Lighting	DSX0 LED P3 30K BLC VOLTAGE MOUNTING XX XX FINISH	DSX0 LED P3 30K BLC MVOLT	0.9	71
	B	5	Lithonia Lighting	RADB LED P2 30K ASY VOLTAGE XX XX XX XX DDBXD	RADB LED P2 30K ASY DDBXD	0.9	8

STATISTICS

DESCRIPTION	SYMBOL	AVG.	MAX	MIN.	MAX/MIN	AVG/MIN
Calc Zone #9	+	0.5 fc	18.4 fc	0.0 fc	N/A	N/A

















## Susan Affleck-Childs

---

**From:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Sent:** Friday, April 8, 2022 12:46 PM  
**To:** Susan Affleck-Childs  
**Subject:** RE: Medway Mill Field Change Requests

Hi Susy,

My comments are listed below in **red**, thanks.

Steve

**Steven M. Bouley, PE** | Project Manager  
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | [steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

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---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Friday, April 8, 2022 12:15 PM  
**To:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Subject:** FW: Medway Mill Field Change Requests

**⚠ CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. **⚠**

Hi,

Any comments about these field changes requested by John Greene? John indicates that he had spoken with you about these changes.

I need to add this item to the agenda for the 4-12 meeting for the Board to discuss.

Please let me know.

Thanks.

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



---

**From:** Susan Affleck-Childs  
**Sent:** Monday, March 21, 2022 2:42 PM

**To:** John Greene <[johnjgreene1@gmail.com](mailto:johnjgreene1@gmail.com)>

**Cc:** Steve Bouley <[steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)>; Amanda Cavaliere <[ACavaliere@gandhengineering.com](mailto:ACavaliere@gandhengineering.com)>

**Subject:** RE: Medway Mill Requests

Hi John,

Thanks for your note.

I will add these requested field changes to the agenda for the Board's April 12<sup>th</sup> meeting.

Best regards,

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



**From:** John Greene [<mailto:johnjgreene1@gmail.com>]

**Sent:** Monday, March 21, 2022 2:21 PM

**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Subject:** Medway Mill Requests

**NRG CONCEPTS INC.**  
165 Main Street  
Suite 307  
Medway, MA. 02053

**March 21, 2022**

**Medway Planning Board**  
Town Hall  
155 Village Street  
Medway, MA. 02053

Dear Planning Board,

I write regarding the following requests, site changes...

1) Added lighting—THE BOARDS decision, included a clause that more lighting may be added. We produced a new PHOTO METRIC PLAN, had the same reviewed by Steve Bouley, TETRA TECH, he stated adding one more light pole and two more bollard lights to the walkway down, makes ambulation safer, with no lumen spillage onto abutters properties. (PLAN PHOTO METRIC PLAN ENCLOSED) **We have no issue with the proposed changes to the lighting. We reviewed the Photometric Plan and no light trespass is proposed.**

2) We would like to shorten the length of fence by 4 feet on the right hand side as one exits the new parking lot. The present design blocks vision of traffic entering from the right on the roadway. Steve Bouley walked the site, perused

the sight lines and is in agreement. It appears this change would have no real effect on the abutter's view directly behind the fence in this location. Steve Bouley agreed with this also. This is a public safety issue. **I met with John on-site and agree that shortening the fence by the four feet will help with sight distance pulling out of the new parking area and should have no impact on screening of the project for the abutters. The Applicant may also need to do some clearing of existing vegetation along the driveway as well as remove the proposed red maple in that west island but we will see how it looks once everything grows in.**

3) We are requesting we substitute 5" standing granite as opposed to 6" standing granite curbs. The product is difficult to find, 5" will be sufficient, it's what the TOWN OF MEDWAY USED on RT 109. Steve Bouley reviewed my inquiry and states he has no problem with the substitution. **We have no issue with the change in curb, it serves the same purpose and is available.**

A speedy response would be much appreciated.

Very truly yours.

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