

Tuesday, August 10, 2021
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

ALSO PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PRESENT VIA ZOOM:

- Steve Bouley, Tetra Tech
- Gino Carlucci, PGC Associates

PUBLIC COMMENTS:

- There were no public comments.

**ROCKY’S HARDWARE PUBLIC HEARING CONTINUATION -
ADMINISTRATIVE SITE PLAN REVIEW AND OUTDOOR DISPLAY
SPECIAL PERMIT - 98 MAIN STREET:**

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

- Public Hearing continuation notice to 8-10-21
- Revised Garden Center Design plan dated 7-29-21
- Applicant’s responses to previous Town staff and consultant review comments
- Tetra Tech review letter dated 8-5-21 on revised plan

The Chairman opened the continued public hearing for Rocky’s Hardware Administrative Site Plan Review and Outdoor Display Special Permit for 98 Main Street.

Present for the applicant were attorney Joel Quick, Rocky’s Regional Manager Matt Kelly, and Rocky’s Store Manager Chris Rich.

A share screen of the revised site plan was provided.

The first area explained was the location for the unloading and loading areas of delivery trucks. This was shown on the plan at the rear of the building. The plan has been resized as requested at the last hearing. There will be a waiver to the scale requirement. The truck turning radius was added to the site plan. The turning area to the south was noted where the propane will be delivered. The plan shows a stop sign on the pavement to increase the safety along with striping.

There will be no bollards included in this area. All parties had a meeting with the Shell gas station folks to discuss parking. An agreement was reached that each parking spot will have a sign noting that parking is for Shell customers only.

The gate area was next shown. This area will have a newly stripped crosswalk. There will be bollards, fence and signage “no parking any time”. There is over 24 ft. of clearance from the bollards and the display area. The south side bollards are 7.5 ft. apart. The Board is concerned that a car could fit through those bollards. A photo of what is proposed was shown. This needs to be noted on the plan since it is not consistent with the photo. The applicant communicated that the bollards could be moved closer. There may be more bollards needed to protect the propane tanks. The applicant has reached out to the Fire Chief for comments and recommendations.

There was a comment about losing 10 parking spaces to gain driveway width in this area. The applicant noted that 3 of the parking spaces will be lost due to the propane tank so it will be 7 spots lost. Regarding the dumpsters on site, the applicant was informed that the dumpsters require an enclosure. This information has yet to be provided.

At the last meeting, the applicant communicated that all outside pallets would be removed by the beginning of the next week. That has not occurred. Also, the convex containers need to be removed from the site. A question was asked about the water spigot on site. The applicant was informed that this water from the town is to not be used for watering the plants and a well should be used for irrigation.

The plan needs to show the dimensions for the outdoor display area. There also needs to be a plan for the cables securing product on the sidewalk so the pedestrians do not trip. The applicant is working with the DPW to resolve the sewer issue. The applicant continues to work on signage which will include no parking along with safety related signage. There will be no advertising signage on the propane tanks. The tank will be a basic white. The applicant was informed that the sidewalk needs to be labeled on the new plan along with the location of the dumpsters. The bollards will be yellow. It was suggested the applicant provide a letter from the Fire Chief.

On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted to continue the hearing to August 24, 2021 at 7:15 pm. The motion was approved by a 3-1 vote with Rodenhiser, Chabot and Hayes in favor and Di Iulio opposed.

PUBLIC HEARING CONTINUATION - MEDWAY PLACE SHOPPING PLAZA SITE PLAN 98, 108, AND 114 MAIN STREET:

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

- Notice dated 7-28-21 to continue the public hearing to 8-20-21.
- Cover letter dated 7-14-21 from Attorney Gareth Orsmond
- Supplemental Site Plan narrative overview dated 7-14-21
- Revised landscape plan dated 7-13-21
- Revised temporary seating plan dated 7-13-21
- Tetra Tech review letter dated 7-21-21
- PGC review letter dated 7-22-21
- Mullins Rule certification for Matt Hayes for 7-27-21 PEDB meeting

The Chairman opened the continued public hearing for Medway Place Shopping Plaza. Chairman Rodenhiser asked if there needs to be a plan modification for the storage of the outside play toys at the day care facility in the space where Tumble Beans used to be located. The question is should this be part of the site plan. He feels it should be shown as an outside play area. Photos of this outdoor storage were provided. There is no allowance for outside storage in the central business district. The playground area needs to be shown as a use and there needs to be a look at its impact on the parking spaces and the trucking routes along with deliveries.

Attorney Gareth Orsmond was present via Zoom. The Board was informed that no additional information has been submitted since the last hearing. The applicant will be addressing the peer review comments after tonight's hearing.

It was noted that Matt Hayes has reviewed the video of the July 27th hearing and has submitted the Mullin's Rule Certification paperwork.

Consultant Carlucci provided an overview of his review comments.

Attorney Gareth Orsmond communicated that it is the intent of the applicant to have truck traffic be in a one-way pattern, coming traveling through the back of the site from west to east. There are 31 dumpsters on the site. Those will need to be noted on the plan.

It was noted that the standard site plan permit requires the work to be completed within 3 years.

The Board is in receipt of a list created by Susy Affleck-Childs about the various topic areas which need further discussion. **See attached.**

Cover Sheet:

The cover sheet should be provided

Electric Vehicle:

There will be 18 electric vehicle charging parking spots. The level of station has not been decided but the Board would like these to be Level 3 stations.

Erosion Control Plan:

There needs to be an erosion control plan put in place.

Fence:

The applicant will be installing a fence on the west side. This will be a separation fence. The applicant will be meeting with the DRC to look at the aesthetics of the fence. The Board prefers a split rail fence instead of a stockade. The Board's goal is to continue to maintain the pedestrian movement between Medway Place and Drybridge.

Landscaping:

The Board would like there to be a natural barrier with landscaping. The species would need to be noted on the plan. There are 75 trees required based on the bylaw and the applicant is providing 22. The applicant is asking a waiver from this since there is a shortfall of landscaping. The landscaping needs to be varied including low evergreen shrubs.

Maintenance Narrative:

The Board would like there to be a maintenance narrative for the maintenance. This could be a Condition of the decision.

Lighting:

The applicant will be replacing lighting. Some of the lighting will be relocated. This lighting needs to comply with the bylaw.

Master Signage Plan:

There will need to be a Master signage plan in place.

Extent of Paving:

The Board discussed at the last meeting the extent of the paving. There will need to be new paving. The plan showed the shaded gray area for the new paving. There is concern about the cracking of the seams where new paving meets the old. There needs to be a written plan for the paving and the phasing of this since it will not be happening at one time.

Plantings:

The Board does like the idea of the planters. There needs to be a written plan provided about the removal or storage of the planters during the winter months.

Rendering:

There have been no renderings of the site improvements. The Board is ok with no renderings.

Trash Containers:

The trash containers need to be noted on the plan along with the plan for screening.

Shed:

The plan shows a shed around the irrigation well equipment. This shed is unusually high. The Board would like the applicant to look at relocating or shortening this shed or devising another way to screen it.

Site Grading:

The site grading needs to be shown on the plan.

Mr. Orsmond communicated that they will be addressing the Tetra Tech items noted #27 through #31.

The decision deadline for this is September 30, 2021. Susy Affleck-Childs will start working on drafting a decision.

On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted unanimously To continue the hearing to September 14, 2021 at 8:00 pm.

PUBLIC HEARING CONTINUATION PHYTOPIA – 6 INDUSTRIAL PARK ROAD:

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

- Public Hearing Continuation notice dated 8-10-21
- Groundwater protection district special permit application
- Groundwater protection district language from Medway Zoning Bylaw Section 5.6.3
- Groundwater protection district special permit memorandum dated 8-5-21 from applicant's attorney Ted Cannon
- Tetra Tech review letter for Conservation Commission dated 6-9-21 on stormwater and contamination.
- Environmental spill status report from applicant's consultant Knoll Environmental dated 5-10-21.
- Mullin Rule certification form Member Matt Hayes for the 7-27-21 hearing
- Email dated 8-4-21 from Fire Chief Lynch
- Emails between Susy Affleck-Childs and Attorney Ted Cannon re: sidewalk requirements along property frontage

The Chairman opened the continued public hearing.

Attorney Ted Cannon and project engineer Chris Sparages were present to discuss Groundwater and Security.

The Phytopia security team was present at the meeting – Former Norfolk County Sheriff Jerry McDermott and Retired State Police Major Pat Russolillo. The Board was made aware that any information regarding security will not be shared during an open public session. There was a meeting with Deputy Fire Chief Mike Fasolino, Police Chief Tingley and Police Lieutenant William Kingsbury and the Phytopia Security Team. The email dated August 4, 2021 from Jeff Lynch indicated that the Town is comfortable with Phytopia's present security plans for the facility. There will be continued work with the Fire Department and Police Department throughout the process to address any issues. There will be three companies used to participate in the security on site. There will be security lighting on site. The Board informed the applicant that there is a lighting bylaw which needs to be followed.

Director of Environmental Services, hydro geochemist, Kevin Doherty of Knoll Environmental was present to speak about the hydrogeological subsurface and soil gas investigations and remedial efforts performed at 6 Industrial Park Road to date to address contaminants in groundwater and soil gas associated with a release of tetrachloromethane from the former General Display business operations at the site. The property is in a zone II drinking supply area which includes one of the Town of Medway's water supply wells which is located north and up gradient and side gradient of the PCE plume. The results of the ground water sampling revealed non-detect for PCE and its biodegradation derivatives. The soil gas results revealed the highest concentration of PCE in and around the building locations which housed the former Wire Department and Sheet Metal & Paint Department, coincident with a high concentration in the groundwater beneath the concrete slab. The depth to the groundwater in the unconfined aquifer varies from 4 to 6 feet below land surface. There will be ground water monitoring of water quality parameters of temperature, dissolved oxygen and ORP to evaluate the chemistry of groundwater.

Conservation Agent Bridget Graziano was present via Zoom. She is concerned that the stormwater items still need to be addressed. The applicant will need to meet the DEP thresholds. The Conservation Commission is reviewing the reports and there is a concern that the infiltration field is not in the contaminated area. The chemical noted in the report does not break down and is toxic. The Conservation Commission is working with the DEP and is aware of the monitoring. The Phase 2 report does not have to be filed with the DEP until 2022. The applicant needs to show they can do the construction without impacting the groundwater.

A suggestion was made to move roof run off to an area further away from the contaminated area. The applicant indicated it will not be a metal roof. The applicant noted that the groundwater model will show exactly what will happen on site. The timing of groundwater modeling data will be done next week. The clean-up of the site could take 5 years.

Susy Affleck-Childs noted that the various permits (site plan, marijuana use special permits, and groundwater special permit) could be separated out for the Board's action. It was recommended to hold off on the groundwater permit until all the information is provided.

There were suggestions that the applicant investigate capturing the roof run off for use as gray water. The applicant should also explore any opportunities for a green roof on part of the building. This would involve vegetative matter on the roof. There should also be considered internal gray water system and also a future planning to reuse water for such things as toilets.

Consultant Bouley explained that it might be found that it is not viable to recharge stormwater on site. There needs to be a solution for this, and the applicant will need to address this. It is the intent of the applicant to address the stormwater regulations with the assistance of the DPW. The applicant informed the Board that they will be continuing the hearing with the Conservation Commission to finish the stormwater modeling.

The Board reviewed several emails between Susy Affleck-Childs and Attorney Cannon regarding sidewalk construction at Phytopia. It was explained and referenced the language in the site plan section of the Zoning Bylaw which pertains to sidewalks: Section 3.5.4.1.3. "Unless the Board determines that adequate means of pedestrian travel is already provided to the site, sidewalks shall be provided along the entire frontage of the subject property along existing public ways, including the frontage of any lots held in common ownership with the parcels within five years prior to the submission of the application for site plan review... In the instances where the Board determines the sidewalk construction is not feasible or practical, the applicant will fund sidewalk construction elsewhere in the community or payment in lieu of made to the town."

Tetra Tech would do an estimate for the sidewalk work. The Board discussed that they do not want a sidewalk to nowhere but also would like to have a payment in lieu. The estimated length of sidewalk would be 950 linear feet of frontage. Attorney Cannon explained that he believes his client will invest in the community based on the contributions for the environmental clean-up of the site and also the improvements to the stormwater management system. NO decision was reached on how to proceed.

The hearing will be continued to a date after the applicant's meeting with the Conservation Commission.

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted unanimously to continue the hearing to August 24, 2021 8:00 pm.
(Rich Di Iulio abstained)**

THE SETTLEMENT – PUBLIC HEARING CONTINUATION

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

- Hearing continuation notice filed 8-10-21
- Email dated 8-4-21 from Dan Merrikin requesting continuation hearing to 8-24-21

On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted unanimously to continue the hearing to September 14, 2021 at 7:00 pm.

CONSTRUCTION REPORTS:

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

- TT report #15 for Choate Trail Subdivision (7-26-21)
- TT report #16 for Choate Trail Subdivision (7-27-21)
- TT report #17 for William Wallace Village (7-27-21)
- Monthly report from project engineer Rob Tiberi for Evergreen Village (8-2-21)
- 2-month report from Connorstone Engineering for Choate Trail Subdivision (8-9-21)

William Wallace:

The bond estimate for William Wallace is being created. This will be in front of the Board at the August 24th meeting.

Millstone Village:

The representative from Millstone Village will be addressing the punch list items.

BATTERY ENERGY STORAGE SYSTEM STUDY:

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

- Quote/proposal from selected consultant - Beacon Integrated Solutions (Beth Greenblatt) for \$30,150.
- 8-4-21 memo from Barbara Saint Andre to Medway Select Board recommending contract approval
- Email dated 8-2-21 from resident Brian Adams
- Two emails dated 8-6-21 from resident Charlie Myers

The Board was informed that at the August 9, 2021 Select Board meeting, it was voted to reject all quotes, and therefore not to approve any contract under the BESS RFQ that was issued. The Board has been asked to refine the scope of services. The Board was supplied with the one other quote. There is a concern that the original deadline to complete the study by October 15th will not be met. Resident Paul Yorkis spoke via Zoom and communicated that he would be happy to review any scope of services. Resident Larry Ellsworth communicated that he looks forward to

corresponding about the scope. There should be an added description of services provided to include subordinate consultants ex. electrical engineering, etc. The goal is to find subject matter experts for noise, fire, zoning.

ZBA PETITIONS:

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

- 4 Hawthorne Street for a yard variance for a pool – The Board will not provide comments.
- 4 Williams Street for a kennel license for 4 dogs – The Board will not provide comments.
- 25 Winthrop Street for appeal of Building Commissioner's Cease and Desist Order – The Board supports the determination of the Building Commissioner.

On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted unanimously to support the determination of the Building Inspector.

Due to the late hour, the Planning Board decided to hold another meeting on Tuesday, August 17, 2021, to finish the remainder of the agenda.

FUTURE MEETING:

- August 24, 2021

ADJOURN:

On a motion made by Jessica Chabot, seconded by Rich Di Iulio, the Board voted to adjourn the meeting.

The meeting was adjourned at 10:55 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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