

Tuesday, August 24, 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	X	X	X	Remote Participation	X

PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PUBLIC COMMENTS:

- There were no public comments.

SCENIC ROAD WORK PERMIT PUBLIC HEARING: 18 WINTHROP STREET:

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

- Public Hearing Notice dated 8-2-21
- Scenic Road work permit application
- Proposed Driveway Opening Plan by Colonial Engineering revised 8-13-21
- Photos of location of proposed stone wall removal
- Email dated 8-17 and 8-18
- 8-22-21 email from Deputy Fire Chief Mike Fasolino

The Board was informed that John Solari wants to cut a 14' opening in the field stone wall on his property. Paul DeSimone of Colonial Engineering was present. Mr. Solari intends to divide his property in the future to create a new lot on which he and his wife will build a new home. This would require an ANR which is currently not in front of the Board. The 14' opening would be for a driveway to serve the new house. The 14' of removed stone wall would be redistributed by adding 7' of stone wall at each end of the existing stone wall.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted by Roll call to approve the scenic road permit for 18 Winthrop Street.

Roll Call:

Matt Hayes	aye
Jessica Chabot	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Rich Di Iulio	aye

CONSTRUCTION REPORTS:

Tetra Tech engineer Steve Bouley was present via Zoom.

William Wallace:

The paving at William Wallace will be done later in the week along with the electrical trenches.

Millstone Village:

There will be a meeting on August 25, 2021 in the field. The meeting will address the remaining punch items.

MEDWAY MILL – SITE PLAN ENDORSEMENT:

Present for the Zoom call was project engineer Amanda Cavaliere of Guerriere and Halnon and attorney Danielle Justo.

The Board was made aware that a revised site plan has been submitted for Medway Mill for endorsement. This plan has been reviewed by Tetra Tech per the conditions of the site plan decision. The Board was informed that the plan is almost complete but the bridge plan sheets need to be reviewed by the DRC as required by the site plan decision. The applicant will need an extension of the deadline for plan endorsement. The Conservation Commission will be voting on their decision and issuing Order of Conditions next week. The Board was made aware that the Town Clerk has issued a Certificate of No Appeal and the applicant has paid the construction inspection fee.

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted by Roll Call to extend the site plan endorsement to October 14, 2021.

Roll Call:

Matt Hayes	aye
Jessica Chabot	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Rich Di Iulio	aye

MASTER PLAN UPDATE:

The Board was informed that there was a Master Plan Committee meeting on August 23, 2021. The revised Existing Conditions report is forthcoming later this week; it will be provided to the PEDB. The Committee continues to work on the community engagement piece. The survey is due back on September 8, 2021. If anyone wants to hold a “Meeting In A Box”, this also needs to be completed by September 8, 2021. There will be a Community Forum held on Sunday, October 3, 2021 from 11:00 am to 3:00 pm. This will be held as an open house event with lots of activities for public and children.

ROCKY’S HARDWARE – ADMINISTRATIVE SITE PLAN AND OUTDOOR DISPLAY SPECIAL PERMIT PUBLIC HEARING CONTINUATION

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

- Public Hearing Continuation Notice to 8-24-21
- Revised Site Plan dated 8-17-21 from Howard Stein Hudson
- Document from Attorney Joel Quick with summary of plan changes
- Tetra Tech Review letter dated 8-18-21
- Special Permit decision criteria from Section 3.4 of the Zoning Bylaw
- Email dated 8-24-21 from Kelly Millette at the Medway DPW re: water use restrictions

Attorney Quick was present to provide an update relative to items addressed since the last meeting. The revised plan now shows the location for the Rocky's dumpster and its enclosure in the northeast corner of the Medway Place site. The applicant will be providing a graphic detail of the actual appearance.

The Board needs to decide about the special permit findings for the outdoor display for the garden center. At the last meeting, the Rocky's manager noted that Rocky's is using the sidewalk space in front of its store for outside display of goods and merchandise. It was noted that Rocky's ongoing use of the sidewalk for outdoor display will need an outdoor display special permit even if it maintains 6' clearance on the sidewalk.

The Board next discussed the special permit decision criteria and provided feedback so that Susy Affleck-Childs can draft the decision.

Member Di Iulio noted his continuing objection to this project as stated in previous meetings. He feels it should be part of the overall Medway Place site plan. Chairman Rodenhiser noted that he wants all the notes and information from this hearing to be entered into the record for the Medway Place site plan hearing.

Within the decision it was recommended to include a condition that deliveries will follow the one-way around the back of the site to access Rocky's. The applicant communicated that he has informed his vendors about this. The existing lighting will remain. The Board would like confirmation that this lighting complies with the photometric plan. There is a hazardous concern about the propane tank. There was discussion about signage. The Board wants to make sure that the extent of signage does not creep on site. There will be no vendor signs. The propane tank will have safety signage only.

There was a letter received from the Town of Medway Water Department allowing the applicant to use the Town water for hand watering of the plants displayed outside but will be limited by the standard seasonal water restrictions. The applicant will also be required to be in compliance with all the Fire Code Regulations.

On a motion made by Bob Tucker, seconded by Matt Hayes, the Board voted by Roll call to continue the hearing to September 14, 2021 at 8:30 pm.

Roll Call:

Matt Hayes	aye
Jessica Chabot	aye
Bob Tucker	aye

Andy Rodenhiser aye
Rich Di Iulio nay

APPROVAL OF MINUTES:
AUGUST 10, 2021:

On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted by Roll call to approve the minutes from August 10, 2021 as amended.

Roll Call:

Matt Hayes aye
Jessica Chabot aye
Bob Tucker aye
Andy Rodenhiser aye
Rich Di Iulio aye

CHOATE TRAIL BOND ESTIMATE:

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

- Tetra Tech punch list dated 8-19-21
- Tetra Tech bond estimate dated 8-19-21 for \$294,588

The Board was made aware that the punch list was provided to developer Bob Pace. Consultant Steve Bouley performed a site inspection on site. There continues to be eight items which have not been completed. The street sign should note “Copper Drive”. The Board was made aware that there have been several downed trees on abutting properties from the site. This situation is being addressed through Conservation Commission. Consultant Bouley will follow-up with the Conservation Agent.

On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted by Roll Call to approve the bond amount for \$294,588.00.

Roll Call:

Matt Hayes aye
Jessica Chabot aye
Bob Tucker aye
Andy Rodenhiser aye
Rich Di Iulio aye

CORRESPONDENCE:

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

- Letter from Dan Merrikin dated 8-19-21.

The letter from August 19, 2021 was from Tom Steeves regarding the project known as the

Settlement. The applicant has requested a withdrawal of their application for site plan approval and a mixed-use special permit. The applicant would also like to have any remaining plan review funds refunded with any accrued interest earned.

On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted by Roll Call to release the remaining plan review funds in the amount of \$3,151.40 with any accrued interest earned and accept the withdrawal of application.

Roll Call:

Matt Hayes	aye
Jessica Chabot	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Rich Di Iulio	aye

OTHER BUSINESS:

- There will be two new applications: One is for a Preliminary Subdivision Plan off of Oak Street and the other application will be from the Town for site plan approval of a new water treatment facility and DPW Water Department office.
- The PEDB administrative assistant was recently named the Assistant Town Clerk. There will be a posting for a replacement in the CED Department.

PHYTOPIA PUBLIC HEARING CONTINUATION:

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

- Public Hearing Continuation Notice to 8-24-21
- Letter dated 8-18-21 from Attorney Ted Cannon
- Email dated 8-10-21 from Fire Chief Jeff Lynch

The Chairman opened the hearing.

Attorney Cannon was present along with Kevin Doherty of Knoll Environmental Engineering. Various members of the Phytopia team were also present via Zoom including architect Brian Anderson.

Attorney Cannon communicated that since the last meeting, the applicant has been working through the Groundwater permit. The Board was supplied with a list of solvents as requested at the last meeting. The corresponding safety data sheets were also provided. There was also a list of the procedures used with the solvents. A binder was provided with an index of the locations of the chemicals on the plan. Consultant Bouley is in the process of reviewing this document. There is a lack of details about the quantity of chemicals and how they are stored and used. A question was asked if there will be any generation of hazardous waste generation from site. There is a need for more detail. The size and quantity of containers is also a concern. To date, the Fire Department has not provided input. There was a question about who is approving the chemicals being used?

A question was asked what is fertigation? It was explained that this is a combination of fertilizer

and irrigation. There is a list of what is being used. The fertilizers are dry and will be mixed with water and put in barrels and distributed to the noted areas on the plan. The largest quantity of chemical stored is CO2. There is a 14-ton tank. This will have bollards around it. All chemicals are being stored inside except the CO2. Some of the chemicals require spill containment. There are the rules which need to be used to store this along with a plan to address any spilling. this is noted in the plan for spilling. There are about 100 gallons of ethanol on site. This will be a fully censored room with fire protection. There are no floor drains in the rooms. The plan is to contain and pump it out if there is a failure.

Consultant Bouley asked if there will be any excess from the watering of the plants which will hit the floor and need to be captured. The applicant communicated there is a pump irrigation system and the plants are fed through spaghetti type lines. This is dripped into the plants. The nitrates are considered hazardous waste and will need to be trucked off site by a third party vendor.

The Board has received an email from the Deputy Fire Chief about their satisfaction with the vehicle turning radius shown on the plan.

There was discussion about separating the issuance of the various site plan and special permits (marijuana uses, groundwater protection, and reduced parking). The Board is not opposed to this but there needs to more information regarding stormwater which will be determined at the next Conservation Commission meeting. Consultant Bouley communicated that the stormwater could change depending on the parking.

It was recommended that the applicant prepare a substantive site plan revision to address all the comments and discussion received to date. The applicant will provide this after the next meeting with the Conservation Commission.

Continuation Hearing:

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted by Roll Call to approve the continue hearing until September 28, 2021 at 7:45 pm.

Roll Call:

Matt Hayes	aye
Jessica Chabot	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Rich Di Iulio	aye

Extension site plan decision deadline:

On a motion made by Rich Di Iulio, seconded by Jessica Chabot, the Board voted by Roll Call to approve the extension of the Board's deadline to act on the site plan application to October 30, 2021 per the verbal request of Attorney Cannon.

Roll Call:

Matt Hayes	aye
Jessica Chabot	aye
Bob Tucker	aye

Andy Rodenhiser aye
Rich Di Iulio aye

The Board is in receipt of the Mullin Rule Certification form from Member Tucker for the August 10, 2021 hearing.

WILLIAM WALLACE VILLAGE BOND ESTIMATE AND FIELD CHANGE:

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

- Tetra Tech punch list dated 8-19-21
- Tetra Tech bond estimate dated 8-19-21

The applicant representative, Dan Merrikin was present by zoom.

The Board was informed that the applicant does not want any action on the bond release.

The developer would like to adjust the floor plan for one of the duplex buildings. This was shown on a share screen. Consultant Bouley sees no issue with the field change. There is no change to the façade. The footprint will have no impact on the setback.

On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted by Roll Call to accept the field change for William Wallace as presented.

Roll Call:

Jessica Chabot aye
Andy Rodenhiser aye
Bob Tucker aye
Matt Hayes aye
Rich Di Iulio aye

BESS (Battery Energy Storage System Request for Proposal:

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

- Revised BESS RFP
- Email dated 8-21-21 from Charlie Myers with review comments
- Email dated 8-23-21 from Paul Yorkis with review comments

The Board was aware that there is a revised draft of the RFP. This was provided to Charlie Myers, Paul Yorkis, Michael Fahey and Larry Ellsworth for comments.

The goal is to take all the comments and finalize the document and present to the Board of Selectmen.

Present on the Zoom call were Larry Ellsworth and Charlie Myers.

Mr. Ellsworth provided the following comments:

- Reprioritizing the content. Prepare a report that identifies the operation, safety, security, and technology issues related to BESS.
- Prepare a report of findings and recommendations specific to drafting appropriate town zoning regulations for BESS.
- Provide technical assistance and education to town officials through virtual educational briefings for the Board and community.
- Assist in evaluating the locations of BESS.

Member Tucker left meeting at 9:00 pm.

DISCUSSION ON NOISE STANDARDS:

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

- Noise Modeling report dated August 16, 2021 prepared by Acentech
- Updated alternative noise modeling report prepared by Acentech dated 8-24-21.

Attending the meeting via Zoom were:

- Dan Merrikin, Legacy Engineering
- Jeff Komrower, Noise Control Engineering
- Andy Carballeira, Acentech
- Ellen Rosenfeld
- John Lally

Member Tom Gay communicated to the Board that the efforts to date have been collaborative among the Consultants and staff. There continues to be discussion to further refine the numbers.

Acentech noise consultant Andy Carballeira joined the meeting by Zoom. A share screen was provided. There was a summary of the memo which was written on August 24, 2021. The Board has not been able to review this letter. It was explained that there was a meeting with the team, Town of Medway staff, and the Town's peer reviewer. The goal was to investigate the degree to which the existing Medway bylaw noise limits (which apply at the source property line) might be increased and still result in acceptable levels at noise sensitive receivers. It became clear that the question has too many variables to be amenable to a solution that includes regulation of sound levels at a source property line. There were three case studies which were highlighted. The sound limits apply to the broadband (A and C weighted) sound pressure levels. The limits apply to sound levels in multiple frequency bands. The current Medway bylaw is an example of an absolute limit expressed in multiple frequency bands. The sound should not exceed the existing ambient level by more than a specified amount. The typical sound level limit at industrial land uses is between 60 and 80 dBA. In most cases, the A weighted sound level is regulated, as opposed to the fractional-band level that is currently described in the Medway Bylaw. There was a computer model of night time sound levels to create three case studies. The models were run to demonstrate the highest sound level that could be realized at each facility's industrial property line while still resulting in a sound level of 32dBA or below at all residential receptors. In cases such as Coffee Street, 32 dBA may be appropriate nighttime sound level which in other cases such as Main Street, the goal may be too conservative.

There were several cases presented in the presentation - Case 1a and 1b for CommCan; Cases 2a and 2b for Phytopia Phase 1; Case 3 – Future Rosenfeld development on Marc Road; and Case 4 – Sum of all the facilities. These cases show equal A-weighted sound pressure level, ranging from 20 to 50 dBA in 2dBA increments. The levels have been calculated on a grid for reference. The chart shows that the sound levels outside of the contour are estimated below 32 dBA. The findings of the Cases were shown. The results of those case studies presented show there is a challenge of regulating commercial and industrial source property line sound levels. It is not possible to define a reasonable single source property line limit which will result in acceptable residential sound levels in all instances. There are such a large number of variables which include distance that a facility installs noise-producing equipment from their property line, distance between noise facilities and noise sensitive receptors, and presence of buildings and other structures that screen, reflect, and absorb sound in specific directions.

There were a few potential changes offered. One of the recommendations would include to revise the bylaw to include a 65 dBA day/night limit at industrial receiver property lines and a 60 dBA limit at commercial receiver property lines. Regulate only the A-weighted sound level without regulation of octave band levels in these cases. All new applicants would need to perform an existing conditions sound study to determine the existing ambient background sound level at all noise receptors. The town and consultant can then develop consensus on an allowable margin. The last recommendation would also be to revise the residential requirements of the Medway bylaw to prevent tonal sound.

Consultant Komrower commented that Option 3 re tonal sounds is a totally new additional requirement which would provide a more protective environment for any area. This is not addressed in the current bylaw. This would be in addition to within the current bylaws. Option 1 or 2 would be relative to residential or maybe a criterion which exists in the Town of Medway bylaw. It was noted that this was all identified at the receptor. There could be a revising of the residential and commercial receptor requirements to prohibit the tone.

Ellen Rosenfeld asked if there were any commercial industrial lines in this industrial park. Dan Merrikin indicated yes.

Resident John Lally asked how much louder is 65 dBA than 27 dBA? He would not be able to in favor of 65 dBA. This is a risk to residents. He also communicated that there is a difference between the predicted and actual numbers measured. The 47 dBA at Marc Road in the Case A was measured, but it was predicted at 39 dBA. This is a concern.

Consultant Komrower responded that if the noise gets louder from a facility over time and affects the neighbors, a complaint could be filed, looked into and it would be determined if there is an offender. A consultant could be brought in to evaluate and determine the offender. The study was done to not give actual levels, but it was a simulation. There will still be octave band protectives at the residential areas. It was communicated that in a rural area 28 to 30 dBA is reasonable. 32 dBA is not unreasonable for areas in Medway. The Board needs to decide if they want to have an absolute or relative criteria.

Member Gay communicated that the funding of this report was done by Ellen Rosenfeld, owner of CommCan at 2 Marc Road. It appears that the struggle is the 65 dBA number.

Resident, Lee Knowlton 14 Green Valley Road offered some comments. He noted that the noise issues from 2018 to 2019 have been substantially improved for the CommCan facility. You cannot tell the facility is there. He is concerned that the proposed new language would not prevent what happened in 2018. The information presented is not perfect data. The existing regulation is 47 dBA and to have it be 65 dBA is a concern. Do the proposed rules protect from what happened in 2018-2019?

Consultant Komrower responded that the placement of the equipment on site would effect numbers measured at the nearest residential line. The numbers at 2 Marc Rd in 2018 are below 65 dBA at all locations. The north property line was measured at 49 dBA. There was a concern that the numbers were recalculated incorrectly. The memo said numbers should be 5 decibels lower. The proposed numbers would be acceptable at site based on industrial to industrial. Also, the allowable margin is challenging to measure and determine unless a good survey is done at the ambient levels. The numbers at Henry Street were baseline numbers being 38.9 decibels and Mr. Knowlton's home was 40.7 dba. This is only 2 decibels but could cause discomfort due to the character of noise. The new option 3 would not have protected him. The pure tone is important. The numbers need to be further reviewed.

Dan Merrikin communicated that the 32dBA level as the threshold to meet is at the least restrictive limit. This should be the requirement for a new facility.

Consultant Carballeira noted that they can use the narrow band analysis which provides more analysis in determining the numbers.

The Board concluded the discussion noting that there continues to be work needed on the numbers. It was recommended to look at a hybrid model.

It was discussed having an overall sound study of the town. The Consultant indicated that the scope of this would need to be defined.

The Board would like the consultant Komrower to begin drafting the framework of an article for town meeting. They will continue to do research to determine numbers. The Board wants to make sure there is no increase at the residential property lines.

FUTURE MEETING:

- September 14, 2021

ADJOURN:

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

Roll Call:

Jessica Chabot	aye
Andy Rodenhiser	aye
Rich Di Iulio	aye
Matt Hayes	aye

The meeting was adjourned at 10:38 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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