

Tuesday August 27, 2019
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

The meeting is being broadcast and recorded by Medway Cable Access.

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates
Steve Bouley, Tetra Tech
Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:00 p.m.

PUBLIC COMMENTS:

There were no Public Comments.

INFORMAL PRE-APPLICATION DISCUSSION - 72 MAIN STREET:

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

- 72 Main Street Concept Plan dated June 17, 2019.
- ANR Plan from July 2015.
- Excerpts from the endorsed Tri Valley Commons site plan
- Excerpts from the Zoning Bylaw re: mixed use development in the Central Business District.

Greg and Gary Jennison of JE Properties were present to have an informal pre-application discussion about 72 Main Street. Attorney Steve Kenney was also present representing Charles River Bank, the property owner.

JE Properties is considering a possible apartment development on the back lot at Tri-Valley Commons (behind Direct Tire and Advance Auto). The ANR plan from 2015 shows this as Lot 3. The property is currently owned by Mecoba (Charles River Bank). The access to the site would be through the existing Direct Tire/Advance Auto Driveway. The applicant is proposing a four-story apartment building with 58 dwelling units, both one and two bedroom units. There would be a common area with amenities.

The Zoning Bylaw requires that a residential development in the CB district also include some ground floor retail/business space. The applicant has indicated that due to the nature of the back location, any business use on that parcel is not feasible. This would need to be rezoned in some fashion or a change in the bylaw could be considered.

The current situation is that Charles River Bank own Lots 2 and 3. Lot 2 would be for commercial use. The intent of this would be to have the commercial developed with the multifamily development. There was an interested party for Lot 2 (Urgent Care) but they are no longer involved. Consultant Carlucci informed the Board that the regulations do not stipulate that there should be joint ownership. One possibility would be to partner with the Bank or with JE Properties as a joint venture. The Board communicated that they would like to see a few three-bedroom units along with some affordable. Susy Affleck-Childs noted that at least 20% of the units would have to be affordable per the Town's affordable housing provisions of the Zoning Bylaw. The Board is not opposed to what is being proposed. Member Di Iulio is not comfortable with the 4 stories and would like to see it smaller. Consultant Carlucci responded that the proposed does meet the maximum height requirement. The prospect was made aware that they would like to see two parking spaces per dwelling unit. If this project advances, the Board recommends that Town Counsel be consulted.

WILLIAM WALLACE VILLAGE MULTIFAMILY SPECIAL PERMIT AND SITE PLAN - PUBLIC HEARING CONTINUATION:

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

- Public Hearing Continuation Notice dated July 29, 2019
- Email dated August 21, 2019 from Dan Merrikin requesting a continuation.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to continue the hearing for William Wallace Village Multifamily Special Permit and Site Plan Public Hearing Continuation to September 10, 2019 at 8:30 p.m.

STEPPINGSTONE DRIVE FIELD CHANGE – MILLSTONE ARCPUD:

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

- Email to Millstone developer Steve Venincasa
- Email from project engineer Rob Truax with drawing of proposed changes
- Emails dated 8-8-19 between project engineer Rob Truax and Medway Fire Department
- Original landscaping plan for Steppingstone Island from the endorsed 2014 plan set.

Rob Truax from GLM Engineering was present to explain the field change for Steppingstone Drive. Mr. Truax explained that the width of the road near units 26-31 needs to be 20 ft. per the Fire Chief and the Board. This will include an 18' wide roadway with a 1 ft. berm on each side. The plan is to remove the existing granite curb on the inside of the roadway adjacent to the landscaped island and to get the extra width from that area. This was reviewed by the Deputy Fire Chief Mike Fasolino. The Chief did a drive through with the fire truck. This has been approved by the Deputy Fire Chief. The applicant will finish the landscaping of the island in accordance with the original landscape plans. Due to this change there will be a relocation of the plantings. This will be noted on the final As-Built plan.

MEDWAY GREEN – REQUEST FOR BOND REDUCTION:

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

- Tetra Tech bond estimate dated 6-5-19.
- Tri-Partite Agreement with Wellesley Bank signed 6-11-19
- Memo to Jack Mee dated 6-13-19

- Decision modification to extend to Medway Green completion deadline to 12-21-19.
- Updated bond estimate from Tetra Tech dated 8-23-19.

Developer Mark Heavner was present. The applicant is requesting a bond reduction for the completed work at Medway Green. Mr. Heavner explained that all the exterior site work should be completed by the end of October 2019. The required completion date is December 21, 2019. There was discussion about having the Building Inspector hold the occupancy permits until the exterior work is completed. The applicant informed that Board that he has been trying for over 13 months to get the affordable unit sold. He did learn recently that the Department of Housing and Community Development has approved the marketing plan and regulatory agreement and the lottery process will begin soon. The Board communicated that this is not fair to the applicant and this process with the affordable units needs to run more smoothly. There was a suggestion to bring this situation to the SWAP meeting in September which has affordable housing as an agenda item.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to reduce the bond to \$47,250.00 for Medway Green.

PLAN REVIEW FEE ESTIMATE – MARZILLA LANDSCAPE SITE PLAN & GROUNDWATER SPECIAL PERMIT:

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

- Tetra Tech estimate dated August 21, 2019 for \$3,378.
- PGC Associates estimate dated August 21, 2019 for \$950

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the plan fee estimates for Marzilla Landscape Site Plan and Groundwater Special Permit as presented.

NEO ORGANICS LLC ADULT RECREATIONAL MARIJUANA SPECIAL PERMIT AND SITE PLAN – PUBLIC HEARING

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to open the public hearing for Neo Organics LLC.

The Chairman read a narrative about the rules and procedure for conducting the public hearing. (See Attached).

On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted unanimously to waive the reading of the public hearing notice.

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

- Public Hearing Notice dated August 9, 2019
- Building Photo from Assessor's records
- Recreational Marijuana Special Permit application & narrative
- Architectural Floor Plan

- Preliminary Odor Control Plan
- Preliminary Noise Control Plan
- Transportation Policy
- Straughan Forensic Review Letter dated August 21, 2019 re: preliminary odor control plan
- Noise Control Engineering review letter dated August 21, 2019 re: preliminary noise control plan
- Groundwater Protection Special Permit Application and narrative
- Site Plan application and narrative
- Site Plan dated August 6, 2019 by DGT Associates.
- Request for Waivers
- Tetra Tech review letter dated 8-22-19
- PGC review letter dated 8-20-19
- Review comments from Building Commissioner Jack Mee dated 8-16-19
- Host Community Agreement dated March 4, 2019 between Neo Cultivation MA LLC and NEO Manufacturing MA LLC and the Town of Medway

The applicant is NeoOrganics of Sudbury, MA. Present for the applicant was Adam Patti, Chad Blair and Jaime Lewis. Bert Corey and Joe Losanno of project engineer DGC Associates were also present. The applicant proposes to use the existing 29,718 sq. ft. industrial manufacturing building at 4 Marc Road for cultivation, manufacturing, processing and packaging of marijuana for adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities. The site is 6.68 acres and is currently owned by NEK, LLC. The site does have wetland resources in its northeast corner which are under the jurisdiction of the Conservation Commission. The applicant has indicated that they have filed a Notice of Intent with the Conservation Commission. It was explained that 24.4% of the site will be impervious surface which triggers the Groundwater Protection Special Permit. The plans include renovations to the interior building to accommodate the new use. There will be construction of a 3,000 sq. ft. outside concrete mechanical pad which will house some HVAC and odor control equipment and construction of a dumpster pad with associated fencing. The HVAC system noise plan will include a closed loop system with limited exhaust fitted with silencers. The fans will be fitted with silencing devices to prevent breakout noise.

The stormwater system will include the installation of a recharge/infiltration system and sub-surface stormwater treatment units. There will be one recharge infiltration system and three proprietary stormwater treatment units. There will also be installation of oil and debris traps in all existing catch basins on-site.

The applicant is seeking the following waivers from the Site Plan Rules and Regulations

- Section 204-4. B. Standards for Site Plan Preparation - Site Context Sheet (Board ok with waiving)
- Section 204-4. C.3 – Standards for Site Plan Preparation – Existing Landscape Inventory (Board wants larger trees inventoried)

- Section 204-4. D.7 – Standards for Site Plan Preparation – Completing a Landscape Architectural Plan
- Section 204-4. D.12 – Standards for Site Plan Preparation – Completing a Signage Plan. (Board fine with waiving)
- Section 204-4. D. 13 – Standards for Site Plan Preparation – Lighting Plan – (Board wants to see a plan showing no light spillage off the property).

Public Comments:

Resident John Lally, 35 Coffee Street:

Mr. Lally wanted to know if the 3,000 sq. ft. pad with HVAC equipment could be placed on the east side of the building instead of the west side. Mr. Lally's property is immediately to the west of the 4 Marc Road site.

Resident Edward Burns, 43 Coffee Street:

She is concerned that the current noise at the 2 Marc Road site (CommCan) is not resolved and this additional use will only make it worse.

On a motion made by Tom Gay, and seconded by Bob Tucker, the Board voted unanimously to continue the hearing to September 10, 2019 at 8:30 pm.

WINGATE FARM SUBDIVISION – Discussion on Next Steps

Property owner Karyl Spiller-Walsh was present.

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

- Email dated 6-20-19 from Karyl Spiller-Walsh re: next steps
- Chronology of Wingate Farm Subdivision
- Subdivision Modification Decision dated 4-28-2005
- Subdivision Covenant dated 10-30-2007
- Confidential email from Town Counsel dated 10-2-2017
- Tetra Tech inspection report & bond estimate dated 12-7-2017
- Chapter 81W language re: subdivision approval modification
- Tetra Tech review letter dated 3-23-18 re: compliance of the 2005 Wingate Farm Plan with the standards of the current Subdivision Rules and Regulations adopted in 2006.
- 1-22-19 email from Fire Chief Jeff Lynch

Karyl Spiller Walsh was present to discuss the options for the Wingate Farm Subdivision. Ms. Spiller Walsh indicated that she does not believe that this modification fits the current true definition of a modification. She indicated that personal hardships faced during the time when the project timeline ran out has prevented them from finishing the project. It is also her opinion that the pre-existing conditions on the site conditions are gone due to the subdivision infrastructure work which has been completed. The majority of the work on the plan has been completed. Steve Bouley did create a punch list of items in 2017 which need to be addressed.

The Board discussed the possible options to take regarding this subdivision.

1. The Board could rescind the subdivision approval due to the lack of performance to complete the subdivision by the original completion date. This would have the entire property going back to one lot. This is not a reasonable option since Ms. Spiller-Walsh would like to sell a portion to a developer who will complete the infrastructure work.
2. The second option would be to modify the subdivision decision dated 4-28-2005 to extend the time for completion to a date to be determined and include conditions for additional work to be completed, needed revisions to already completed work, and what to show on an as-built plan.
3. The third option would be to require a completely new filing for a new decision and plan with a fully updated subdivision plan to reflect both the actual as-built conditions and the changes to bring the subdivision up to current standards and/or waiver requests to seek relief from them.

The Board discussed the various options and is comfortable proceeding with option #2. A question was raised whether this would require a public hearing process. Susy Affleck-Childs will check on that.

NOTE - Bob Tucker left the meeting at 9:26 pm

SITE PLAN RULES AND REGULATIONS – PUBLIC HEARING CONTINUATION:

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

- Public Hearing Continuation notice filed 8-14-19
- Revised draft dated 8-23-19

On a motion made by Rich Di Iulio, and seconded by Tom Gay, the Board voted unanimously to open the continued public hearing for amendments to the Site Plan Rules and Regulations.

On a motion made by Rich Di Iulio, and seconded by Tom Gay, the Board voted unanimously to continue the public hearing for the Site Plan Rules and Regulations to later in the evening.

The members next moved to the following:

DISCUSSION OF ARTICLE IDEAS FOR FALL TOWN MEETING:

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

- Two-Family/Duplex definition revision
- Multi-Family Revisions
- PEDB as Special Permit authority for projects required to secure site plan approval
- Site Plan – What activities trigger various levels of site plan review?
- Noise and Construction Time – Updated 8-26-19
- Outdoor Storage – Updated 8-26-19

- Master List of Zoning Bylaw Amendment Ideas - Updated 8-22-1

Two Family House/Duplex:

The possible amendment would be to change the definition of two-family house/duplex in Section 2. There was a discussion about the difference between a two-family house versus a duplex. It was the consensus that the appearance of these is what separates them. A duplex has a distinct look, usually side by side. A two-family is up and down. Perhaps there should be separate definitions. The Board likes how the proposed duplexes for the Evergreen Village development were designed. The Board decided that this is not a priority for the Fall Town Meeting.

Ideas for Revisions for Multifamily Housing:

The suggestion for this section is to revise the definition of a multifamily dwelling/apartment house and development in Section 2 of the ZBL. Barbara Saint Andre proposing to revise the Table of Uses in Section 5.4. to reduce confusion.

Mr. Paul Yorkis was present and suggested the following:

- Add the word or “more” existing single family house to the definition of a multi-family development
- The density for Multi-Family Development shall not exceed 12 dwelling units. He feels this is not realistic on a one acre lot.

Section 5.6.4.E. Special Regulations as follows:

- 7. Historic Properties – Change the word “Dwelling” to “Building”.
- It was suggested by Barbara Saint Andre to include the words “preferably-preserved historically significant building”.
- The language that the Building Commissioner has to determine if a building is unused, uninhabited or abandoned, and open to the weather before it can be demolished needs to be reviewed with Building Commissioner Jack Mee.
- Add a two year look back after the date of demolition of a preferably preserved historically significant building was completed. This would disqualify a property from being considered for a multifamily special permit. The Board discussed and decided a 3 year look back would be preferred.

The Board next moved to discussing possible changes to the Site Plan section of the zoning bylaw regarding what activities trigger major, minor and administrative review.

3.5 Site Plan Review:

Administrative Site Plan Review:

- h. Removal of hedges, living shrubs, and trees greater than 4 inches in caliper. Mr. Yorkis feels this is unnecessarily burdensome to the property owner and feels this should not be an activity which triggers administrative site plan review.

Housekeeping revisions to Section 3.4 Special Permits:

- To amend the Zoning Bylaw, Section 3.4 Special Permits by adding a new Item H to indicate that when a project needs both a special permit and site plan review, the Board will be the special permit granting authority instead of the ZBA.

Outdoor Storage:

- This new section would provide regulations to address outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises. These activities are currently allowed by right in the B-I, East Industrial, West Industrial, and Energy Resource zoning districts as an accessory use. The current definition of outdoor storage does not address Conex type storage containers. There would also be the inclusion of a new definition for Cargo Storage Container. It was suggested that “Bulk Storage” not be allowed anywhere in Medway as a principal use. The Board is fine with these changes.

General Bylaw relating to Noise Regulations:

- This Bylaw is to see if the Town will vote to amend the General Bylaws by adding a new section on Noise Regulations. The Board has no issue being the entity sponsoring this article.

On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted unanimously to continue the Public Hearing for the Site Plan Rules and Regulations to September 10, 2019 at 9:15 pm.

CONSTRUCTION REPORTS:

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

- Medway Community Church Reports from: August 9, 2019, August 12, 2019, August 14, 2019
- Merrimack Building Supply Reports from: July 22, 2019, July 26, 2019, August 8, 2019, August 12, 2019
- Salmon Retirement Reports from: August 8, 2019, August 8, 2019

CORRESPONDENCE:

- Letter dated August 15, 2019 from Community Housing Coordinator Doug Havens about air conditioning in affordable housing units.

OTHER BUSINESS:

- Susy Affleck-Childs is working with a small business who is interested in opening a flower shop.
- The ribbon cutting to mark the completion of the Rt. 109 reconstruction project will take place on October 16, 2019.
- The lottery for Medway Green will be starting soon
- There is a meeting scheduled with the contractor for Applegate who is scheduled to start work next week.

NEXT PEDB MEETING:

- September 10, 2019

ADJOURN:

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting.

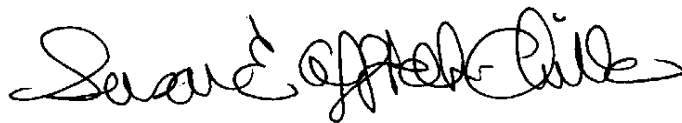
The meeting was adjourned at 11:0 pm.

Respectfully Submitted,

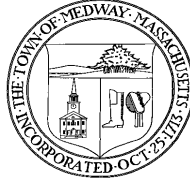


Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



August 27, 2019

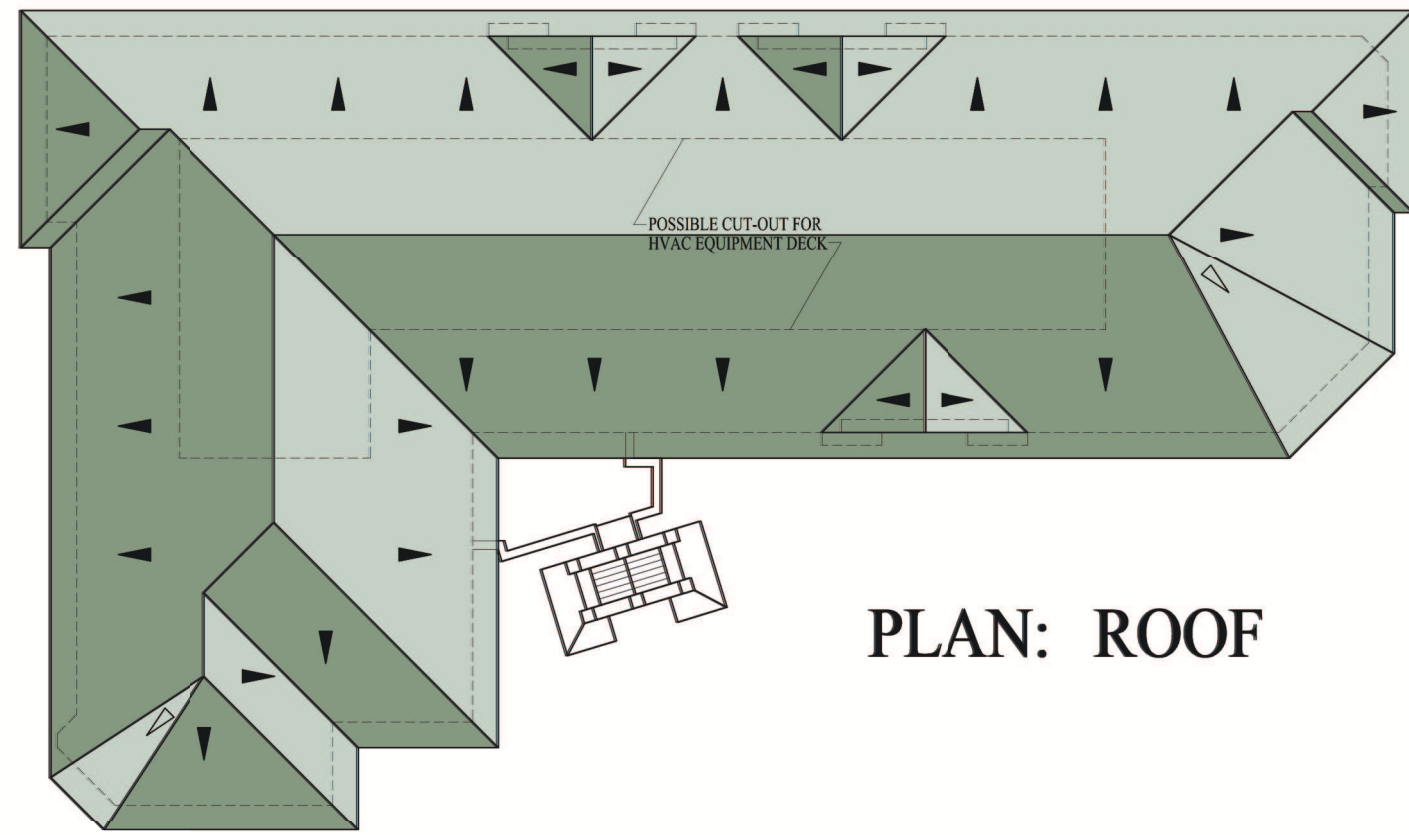
**Medway Planning & Economic Development Board
Meeting**

**Informal Discussion – Possible Multifamily
Housing Development for 72 Main Street
(Lot 3)**

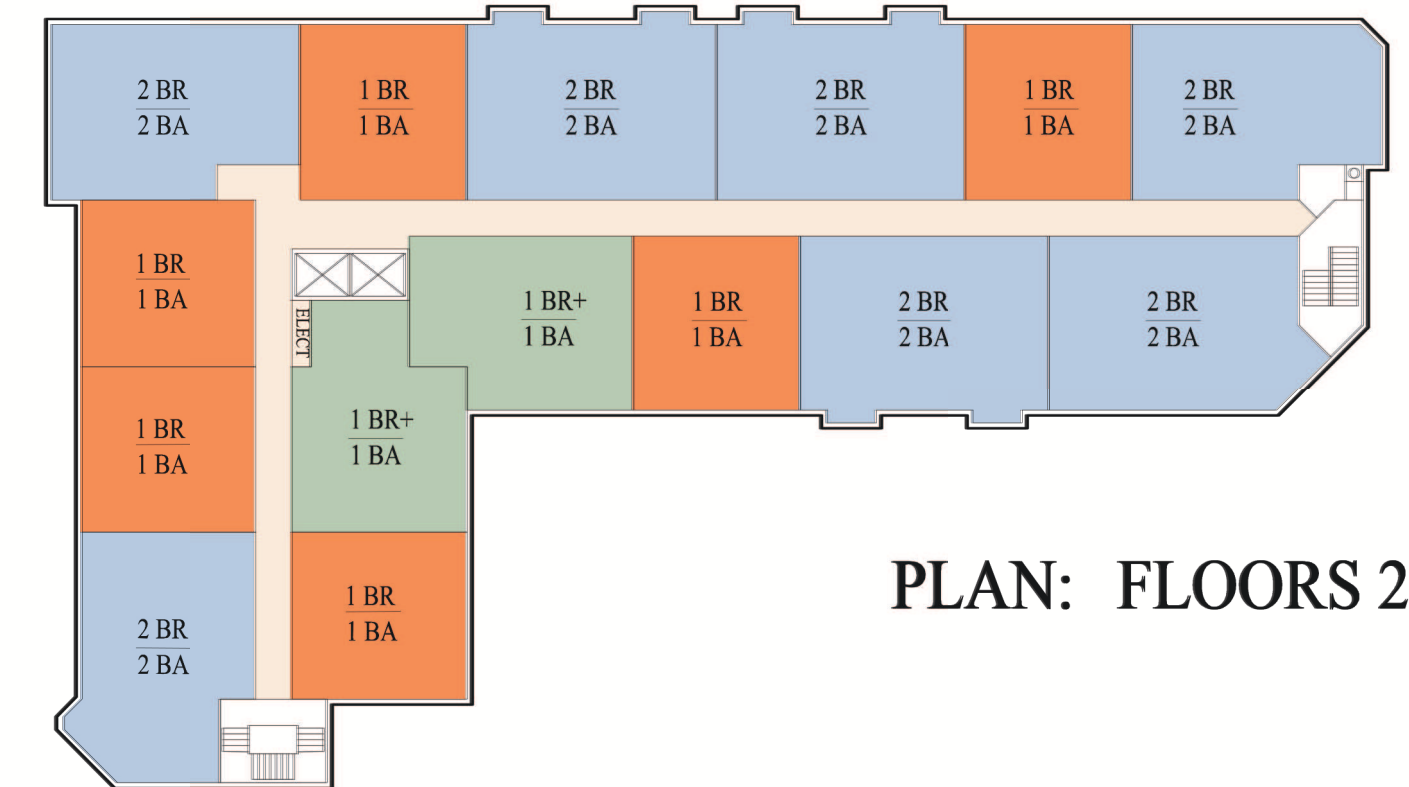
Greg Jennison of JE Properties has contacted the office about a possible apartment development on the back lot at Tri Valley Commons (behind Direct Tire and Advance Auto); this is shown as Lot 3 on the 2015 ANR plan. The property is owned by Mecoba (Charles River Bank). Access to the site would be via the existing Direct Tire/Advance Auto driveway. Greg and his colleagues have met with staff on 2 occasions. They would now like to have an informal discussion with you about their idea.

- 72 Main Street Concept Plan, dated June 17, 2019, last revised August 12, 2019 by VMY Architects for JE Properties of Boston, MA
- ANR Plan from July 2015 dividing the Tri Valley Commons property into 3 lots
- Excerpts from the endorsed Tri Valley Commons site plan
- Excerpts from the Zoning Bylaw re: mixed use development in the Central Business District

NOTE - The Zoning Bylaw requires that a residential development in the CB district also includes some ground floor retail/business space. Because of the nature of this back location, the proponents feel that any business use on that parcel is not feasible.



PLAN: ROOF

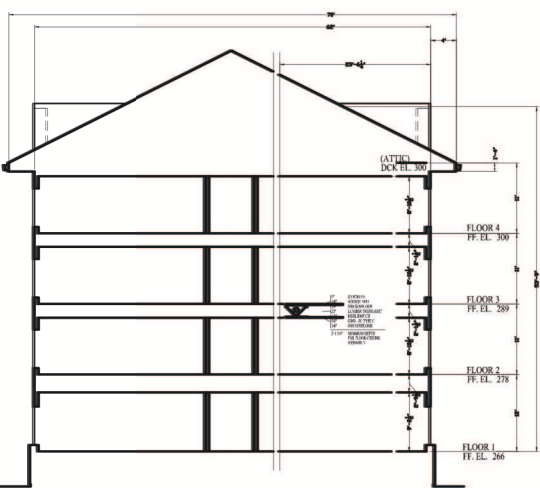


PLAN: FLOORS 2,3 & 4



PLAN: FLOOR 1

SCALE: 0 50 100 FT



BUILDING SECTION:



SITE PLAN

	1 BR 1 BA	1 BR+ 1 BA	2 BR 2 BA	TL
FLOOR 1	7	0	6	13
FLOOR 2	6	2	7	15
FLOOR 3	6	2	7	15
FLOOR 4	6	2	7	15
TOTAL	25	6	27	58
(%)	43%	10%	47%	100%



ELEVATION: NORTH



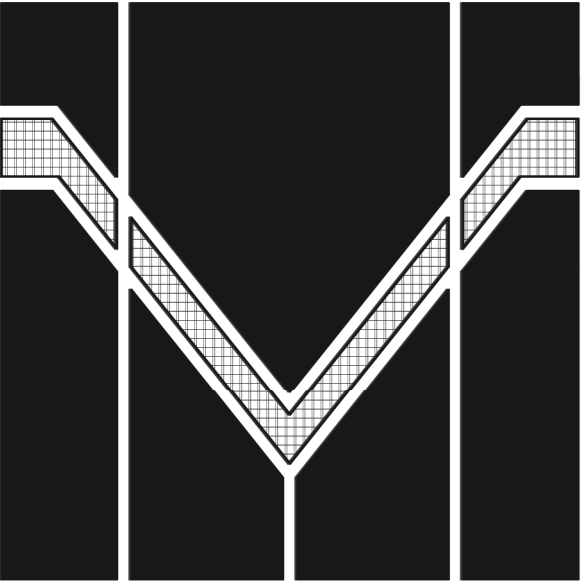
ELEVATION: WEST



SOUTH WEST



ELEVATION: EAST



Architect:
VMY Architects, LLC.
188 Needham Street
Newton, Massachusetts 02464-1560
617-597-1900 PH
617-597-1905 FX

Project:
72 MAIN STREET
(RTE 109)
Medway, Massachusetts

Developer:
JE Properties
150 Mount Vernon Street
Boston, Massachusetts

Date:
2019.06.17 CONCEPT ALTERNATIVES
Revisions:
2019.08.02 FD ACCOMMODATION
2019.08.05 4-STORY SCHEME
2019.08.12 LOT 2 ADDED

DRAWN :
CHECKED :
PROJECT MGR:
PROJECT NO. :

SCALE : AS NOTED
Drawing Title:

CONCEPT PLAN

Drawing No.
A0

APPROVAL UNDER SUBDIVISION
CONTROL LAW NOT REQUIRED
MEDWAY PLANNING BOARD

ardy Rod
 Mufflyn
 Rikman J. Ditzel
 Gmaka Jun

PLANNING BOARD ENDORSEMENT DOES NOT
CONSTITUTE A DETERMINATION OF COMPLIANCE
WITH THE MEDWAY ZONING BY-LAW.

1) PARCEL A AND PARCEL B TO BE COMBINED
TO CREATE LOT 3.

- ## LEGEND

OWNERS:
MECOBA PROPERTIES, INC.
70 MAIN STREET
MEDWAY, MASSACHUSETTS
BOOK 10850 PAGE 278

MEDWAY CO-OPERATIVE BANK
70 MAIN STREET
MEDWAY, MASSACHUSETTS
BOOK 13151 PAGE 403

PROPERTY ADDRESS:
70-72 MAIN STREET
MEDWAY, MASSACHUSETTS

Medway, Massachusetts

SCALE: 40 FEET TO AN INCH
DATE: JULY 24, 2015



LOT 3
(PARCEL A AND PARCEL B COMBINED)
AREA = 109,496 SF±
(88,547 SF CONTIGUOUS UPLAND)
LOT SHAPE FACTOR
787.18x787.18 / 35,462 = 17.47

LOT 2
AREA = 35,463 SF±
(34,965 SF CONTIGUOUS UPLAND)
LOT SHAPE FACTOR
787.18x787.18 / 35,462 = 17.47

LOT 1
AREA = 64,257 SF±
(64,257 SF CONTIGUOUS UPLAND)
LOT SHAPE FACTOR
1013.96x1013.96 / 64,257 = 16.0

LOT 2B
REMAINING LAND OF LOT 2A
PLAN BOOK 457 PLAN 418 OF 1998
AREA = 114,461 SF±
(109,084 SF CONTIGUOUS UPLAND)
LOT SHAPE FACTOR
1403.69x1403.69 / 114,461 = 17.21

EXISTING BUILDING

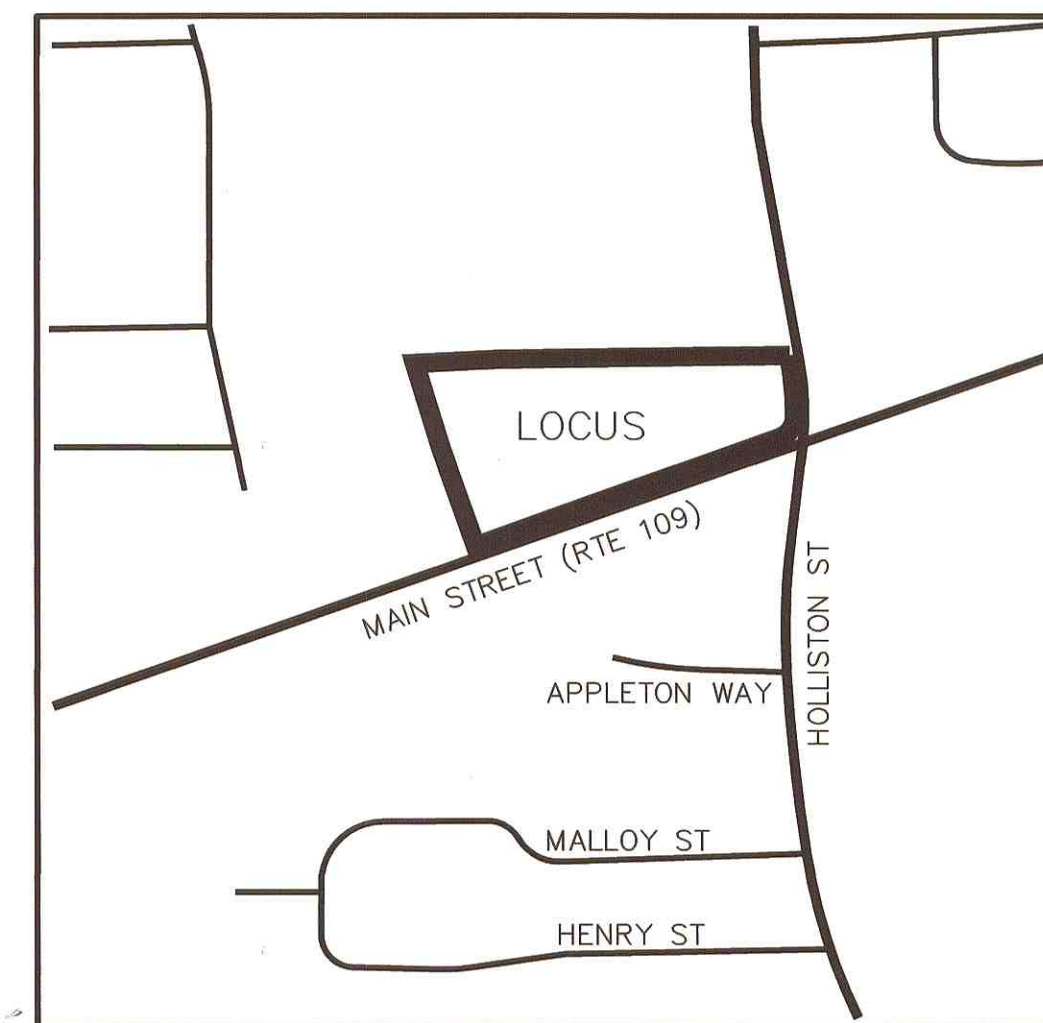
EDGE OF WETLANDS

MAIN STREET
(PUBLIC ~ 60 FT WIDE ~ ROUTE 109 ~ 1921 COUNTY LAYOUT)

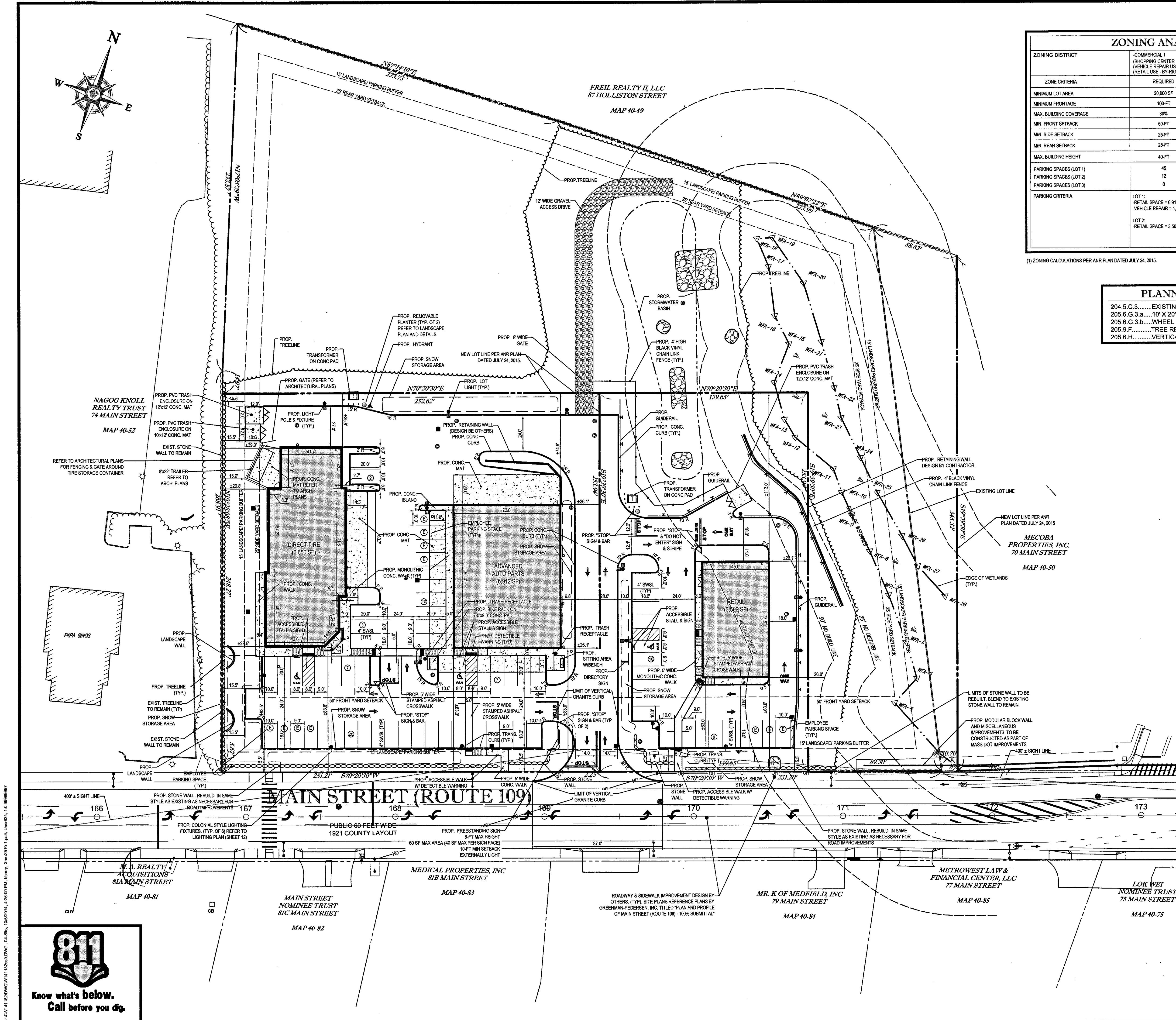
HOLLISTON STREET
(PUBLIC ~ 60 FT WIDE ~ COUNTY LAYOUT OF AUGUST 1921)

LOCUS

PLAN BOOK 457 PLAN 418 OF 1998



VICINITY MAP
1" = 500'



ZONING ANALYSIS TABLE (SEE NOTE 1)				
ZONING DISTRICT	REQUIRED	LOT 1	LOT 2	LOT 3
MINIMUM LOT AREA	20,000 SF	64,257 SF	35,463 SF	108,496 SF
MINIMUM FRONTAGE	100-FT	251.21-FT	139.65-FT	100.00-FT
MAX. BUILDING COVERAGE	30%	21.1%	9.9%	n/a
MIN. FRONT SETBACK	50-FT	±83.0-FT	±63.0-FT	n/a
MIN. SIDE SETBACK	25-FT	±26.1-FT	±26.0-FT	n/a
MIN. REAR SETBACK	25-FT	±35.8-FT	±113.0-FT	n/a
MAX. BUILDING HEIGHT	40-FT	< 40-FT	< 40-FT	n/a
PARKING SPACES (LOT 1)	45	40	-	-
PARKING SPACES (LOT 2)	12	-	19	-
PARKING SPACES (LOT 3)	0	-	-	0
PARKING CRITERIA	LOT 1: - RETAIL SPACE = 6,912 SF @ 1 SPACE/300 SF = 23.04 - VEHICLE REPAIR = 1,500 SF @ 8 BAYS @ 1 SPACE/800 SF AND 2 SPACE/BAY = 21 LOT 2: - RETAIL SPACE = 3,500 SF @ 1 SPACE/300 SF = 11.67			

(1) ZONING CALCULATIONS PER ANR PLAN DATED JULY 24, 2015.

PLANNING BOARD WAIVERS - APPROVED

204.5.C.3.....EXISTING LANDSCAPE INVENTORY
205.6.G.3.a.....10' X 20' PARKING STALLS DIMENSION REQUIREMENT
205.6.G.3.b.....WHEEL STOPS IN ALL PARKING STALLS BORDERING SIDEWALKS
205.9.F.....TREE REPLACEMENT REQUIREMENT
205.6.H.....VERTICAL GRANITE CURB

BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
SUSTAINABILITY
PERMITTING SERVICES
BATHS, MD
SOUTHERN MARYLAND
CENTRAL VIRGINIA
NEW YORK
PHILADELPHIA
SOUTHERN NJ
SOUTHEASTERN PA
RALEIGH, NC

REVISIONS			
REV	DATE	COMMENT	BY
1	04/27/15	PEER REVIEW COMMENTS	NEM
2	05/07/15	CON-COM SUBMITTAL	NEM
3	05/13/15	DRC COMMENTS	NEM
4	06/08/15	REV PER CON-COM & DRC COMMENTS	NEM
5	06/18/15	PLANNING BOARD ENDORSEMENT	EGD
6	07/10/15	PLAN MODIFICATIONS DIRECT TIRE TENANT	EGD
7	07/14/15	ADDED ANR PROPERTY LINES	EGD
8	08/05/15	PLANNING BOARD ENDORSEMENT	BPB
9	09/04/15		
10			
11			
12			
13			
14			
15			

PLAN ENDORSEMENT

PROJECT NO.: W141182
DRAWN BY: CTD/BPB
CHECKED BY: JAB/JAK
DATE: 10/20/15
SCALE: AS NOTED
CAD I.D.: W141182SSS

SITE DEVELOPMENT PLANS FOR THURKEN MEDWAY LLC

LOCATION OF SITE
72 MAIN STREET
MAP #40 LOT #051
TOWN OF MEDWAY
NORFOLK COUNTY
MASSACHUSETTS

APPROVED DATE: 8-11-15
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD
SIGNATURE DATE: 9-8-15
BEING A MAJORITY

LARGE ROCKS FOUND DURING CONSTRUCTION WILL BE USED AS LANDSCAPE FEATURES

THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY

REFER TO GENERAL NOTES SHEET FOR NOTES

BOHLER ENGINEERING

352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
Phone: (508) 480-9900
Fax: (508) 480-9000
www.BohlerEngineering.com

J.A. KUCICH

PROFESSIONAL ENGINEER
MASSACHUSETTS
LICENSE NO. 10000
COMMITTEE LICENSE NO. 10000

SHEET TITLE:

SITE PLAN

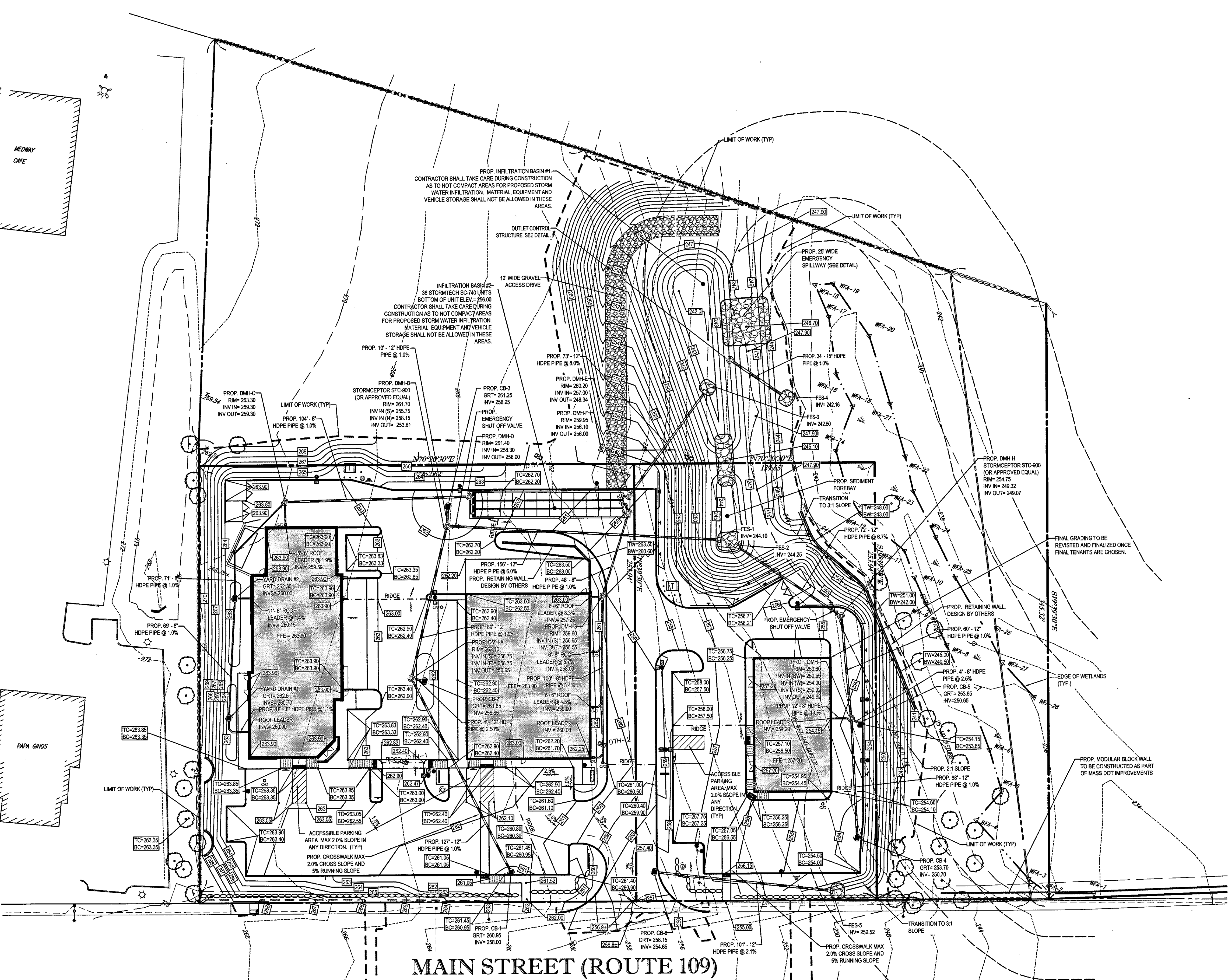
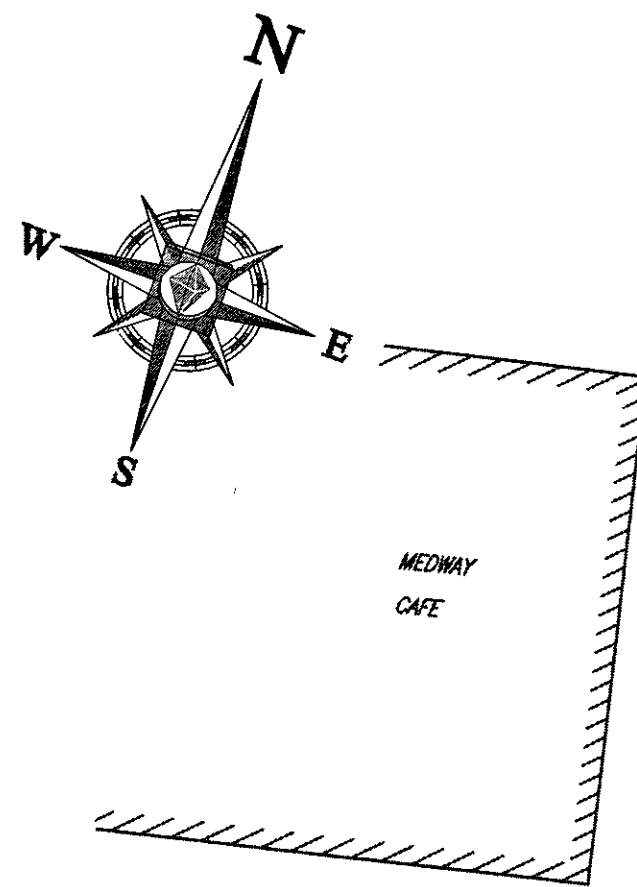
SHEET NUMBER:

4
OF 16

REV 9 - 09/04/2015

811

Know what's below.
Call before you dig.



MAIN STREET (ROUTE 109)

PUBLIC 60 FEET WIDE 1921 COUNTY LAYOUT



Know what's below.
Call before you dig.

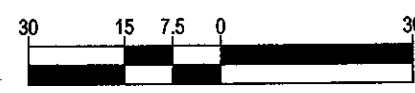
APPROVED DATE: 8-11-15
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD
Cody Wood *Richard Ditt*

SIGNATURE DATE: 9-8-15
BEING A MAJORITY

CONTRACTOR SHALL COORDINATE WITH THE MEDWAY DEPARTMENT OF PUBLIC WORKS PRIOR TO START OF WORK.

THIS PLAN TO BE UTILIZED FOR SITE GRADING PURPOSES ONLY

REFER TO GENERAL NOTES SHEET FOR GRADING & UTILITY NOTES



BOHLER ENGINEERING
SITE CIVIL AND CONSULTING ENGINEERING
SUSTAINABLE DESIGN PERMITTING SERVICES
• BALTIMORE, MD
• BOSTON, MA
• CHICAGO, IL
• CINCINNATI, OH
• CLEVELAND, OH
• DENVER, CO
• DALLAS, TX
• DAYTON, OH
• DECATUR, GA
• DULLES, VA
• HOUSTON, TX
• KANSAS CITY, MO
• LOS ANGELES, CA
• MEMPHIS, TN
• MIAMI, FL
• MINNEAPOLIS, MN
• NEW YORK, NY
• PHILADELPHIA, PA
• PORTLAND, ME
• RICHMOND, VA
• SAN ANTONIO, TX
• SEATTLE, WA
• SPOKANE, ID
• TAMPA, FL
• WASHINGTON, DC
• WICHITA, KS
• WILSON, NC

REVISIONS			
REV	DATE	COMMENT	BY
1	04/27/15	PEER REVIEW COMMENTS	NEW
2	05/07/15	CON-COM SUBMITTAL	NEW
3	05/13/15	DRC COMMENTS	NEW
4	06/09/15	REV PER CON-COM & DRC COMMENTS	NEW
5	06/16/15	PLANNING BOARD ENDORSEMENT	EGD
6	07/10/15	PLANNING BOARD ENDORSEMENT	EGD
7	07/14/15	PLAN MODIFICATIONS DIRECT TIRE TENANT	EGD
8	08/05/15	ADDED AIR	EGD
9	09/15/15	PLANNING BOARD ENDORSEMENT	BPB
10			
11			
12			
13			
14			
15			

PLAN ENDORSEMENT
PROJECT NO.: W141182
DRAWN BY: CTD/SPB
CHECKED BY: JAB/JAK
DATE: 1/9/2015
SCALE: AS NOTED
CAD ID: W141182SSR

PROJECT: SITE DEVELOPMENT PLANS FOR THURKEN MEDWAY LLC
LOCATION OF SITE
72 MAIN STREET
MAP #40 LOT #051
TOWN OF MEDWAY
NORFOLK COUNTY
MASSACHUSETTS

BOHLER ENGINEERING
352 TURNPIKE ROAD
SOUTH BOURN, MA 01772
Phone: (508) 480-9900
Fax: (508) 480-9080
www.BohlerEngineering.com



SHEET TITLE: GRADING & DRAINAGE PLAN
SHEET NUMBER: 6
OF 16
REV 9 - 09/14/2015

Definition of Mixed Use Development – A development project that combines retail/commercial, service, and/or office uses with residential in the same building or on the same site.

5.4.1 Special Permits in the Central Business District

In the Central Business district, the following provisions shall apply to uses allowed by special permit and are also available to applicants for uses permitted by right in order to propose a flexible site design.

A. Dimensional Requirements.

1. Minimum lot size: 10,000 sq. ft.
2. Minimum continuous frontage: 50 ft.
3. Minimum front-yard setback: Principle buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
4. Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 ft. of which the first 10 ft. nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.
5. Maximum building height: 60 ft.

B. Residential Uses in a Mixed Use Development.

1. Except for assisted living residence facilities, a building comprised of multi-family dwelling units only shall not be permitted.
2. In a three-story building, no more than 67 percent of the gross floor area shall be comprised of multi-family dwelling units. In a two-story building, no more than 50 percent of the gross floor area shall be comprised of multi-family dwelling units.
3. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
 - a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
 - b. The residential portion of the ground floor is set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
4. No more than 10 percent of the total number of a mixed-use development's residential dwelling units shall have more than two bedrooms.

C. A minimum of 15 percent of the site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site or, as appropriate and

practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

D. Special Permit Review Criteria:

1. Special permits granted under this Section 5.4.1 are not subject to the special permit criteria under Section 3.4.
2. Before granting a special permit for a special permit use or flexible site design of a permitted use in the Central Business district, the special permit granting authority shall find that all of the following criteria are met:
 - a. The proposed use represents the qualities of a traditional New England town center;
 - b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;
 - c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;
 - d. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided;
 - e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
 - f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
 - g. The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

E. Design Requirements. The Planning and Economic Development Board shall adopt Central Business District Special Permit rules and regulations to administer this Section 5.4.1, including submission requirements and procedures and Central Business District design guidelines. Such guidelines may include any or all of the following:

1. Façade design for buildings visible from public ways;
2. Vehicular or pedestrian connections to abutting commercial or residential areas;
3. Provision of pedestrian amenities; and
4. Sustainability, i.e., efficient resource use throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

(Amended 11-14-16 – Renamed Commercial I to Central Business)

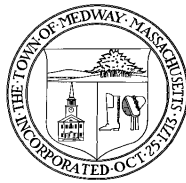


August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

**William Wallace Village Multifamily
Special Permit and Site Plan
Public Hearing Continuation**

- Public Hearing Continuation Notice dated July 29, 2019
- Email dated August 21, 2019 from project engineer Dan Merrikin, on behalf of the applicant, requesting a continuation of the public hearing to September 10th.



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Richard Di Iulio*

MEMORANDUM

July 29, 2019

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

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

RE: **Public Hearing Continuation: William Wallace Village Multifamily Development
(274-276 Village Street)**
CONTINUATION DATE: Tuesday, August 27, 2019 at 7:15 p.m.
LOCATION: Medway Town Hall – Sanford Hall, 155 Village Street

At its meeting on July 23, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the applications of DTRT, LLC of Medway, MA for a multifamily housing special permit and major site plan approval for William Wallace Village, a fourteen unit townhouse condominium community and associated site improvements at 274 & a portion of 276 Village Street, to the regular PEDB meeting to be held on Tuesday, August 27, 2019 at 7:15 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street. The meeting room is accessible via elevator to persons with physical disabilities.

The proposed development will include construction of seven, 2-unit, 2 story townhouse buildings; each building will have 3 bedrooms. Two affordable dwelling units will be included within the development. Access will be from Village Street. A total of 63 off-street parking spaces will be provided. Sub-surface stormwater management facilities will be installed on site as will landscaping, lighting, and an open space area with a bocce court. Connections will be made to the existing Town sewer and water services. The existing house on the premises will be demolished. The site plan entitled *William Wallace Village*, dated July 1, 2019 was prepared by Legacy Engineering LLC of Millis, MA.

The applications, site plan and associated documents for the proposed William Wallace Village townhouse development are on file with the Medway Town Clerk and at the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The materials have also 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/current-applications-pedb-0>.

If Town staff, boards and committees wish to provide comments on the proposed development and site plan, please do so by August 2nd so that I can share them with the project engineer will revise the plan before the hearing on August 27th.

Please contact me if you have any questions. Thanks.

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

Susan Affleck-Childs

From: Daniel Merrikin <dan@legacy-ce.com>
Sent: Wednesday, August 21, 2019 4:26 PM
To: Susan Affleck-Childs
Subject: Re: 8-27 William Wallace Village Public Hearing

Hi Susy,

We'd like to ask for a continuance without discussion to the next meeting. We are working on a revised layout but have too many things to do before Tuesday to put it out there yet.

Sound ok?

Dan

We've changed our name. As of January 1, 2019 Merrikin Engineering, LLP is now Legacy Engineering LLC.

Daniel J. Merrikin, P.E.
President



Legacy Engineering LLC
730 Main Street
Suite 2C
Millis, MA 02054

www.legacy-ce.com

dan@legacy-ce.com
508-376-8883(c)
508-868-8353(c)

On Wed, Aug 21, 2019 at 12:59 PM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi,

What do you have for me to provide to the Board for next Tuesday's hearing?

I need it tomorrow.

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

**Field Change – Steppingstone Drive at
Millstone ARCPUD**

- 6-19-19 email to Millstone developer Steve Venincasa directing him to increase width of Steppingstone to 20 feet.
- 8-2-19 email from project engineer Rob Truax with drawing of revised Steppingstone roadway layout
- 8-8-19 emails between project engineer Rob Truax and Medway Fire Department
- Original landscaping plan for Steppingstone island from the 2014 plan set

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Wednesday, June 19, 2019 1:21 PM
To: 'Steven Venincasa'; Steve Venincasa ; Leo DaSilva; Robert Truax
Cc: Andy Rodenhiser ; Jeff Lynch; Steve Bouley ; Jack Mee ; Barbara Saint Andre
Subject: Millstone ARCPUD - Steppingstone

Good afternoon,

At last night's PEDB meeting, chairman Andy Rodenhiser briefed the Board on the issue of the inadequate paved width of Steppingstone Drive as presently constructed. It is understood to be only 16' wide. This is not acceptable to Medway Fire Chief Jeff Lynch as it is not sufficient for emergency vehicles to access the residential properties on Steppingstone. The Board shares the Chief's concerns.

The Board views Steppingstone Drive as a roadway/street, not a driveway. The Board noted that the Millstone ARCPUD special permit decision indicates that roads are to be paved to 22' width; this was a waiver granted from the standard 26' width.

After considerable discussion, the Board voted as follows:

- Steppingstone Drive must be paved to a width of 20', the size agreeable to the Fire Chief;
- the additional paving must be durable but could be accomplished through the use of pervious pavers or cobbles (similar to what has been used on the landscaped cul-de-sac islands elsewhere in the development) so as to not increase stormwater runoff; and
- the turning radius at the top of Steppingstone Drive has to be acceptable to the Fire Department for suitable access and maneuvering.

At your earliest convenience, please prepare a drawing of the Steppingstone Drive area showing the revised paved width and the associated details for the cobbles and revised landscaping, for our review.

Please let us know if you have any questions.

Best regards,

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: Robert Truax <Robert.Truax@glmengineering.com>
Sent: Friday, August 02, 2019 2:01 PM
To: Susan Affleck-Childs
Cc: Andy Rodenhiser (andyrodenhiser@gmail.com); Brian Clarke (brian-clarke@live.com)
Subject: Millstone Fire Truck Turn
Attachments: 12878-062819-Fire-FIRE ACCESS.pdf

Hi Susie

I attached the sketch plan that was sent and reviewed by the fire department pertaining to Stepping Stone Drive at Millstone Village.

The sketch depicts a 20 wide overall width including the monolithic berm. The approved plan is 16' wide with a 1' cape cod berm on both sides which is a total of 18 feet.

The fire department has review and approved this layout.

I would like to request the Board to review this revision as a minor modification.

Please let me know if you have any questions.

Thank you.

Rob

Robert S. Truax

Principal

Email: Robert.truax@glmengineering.com

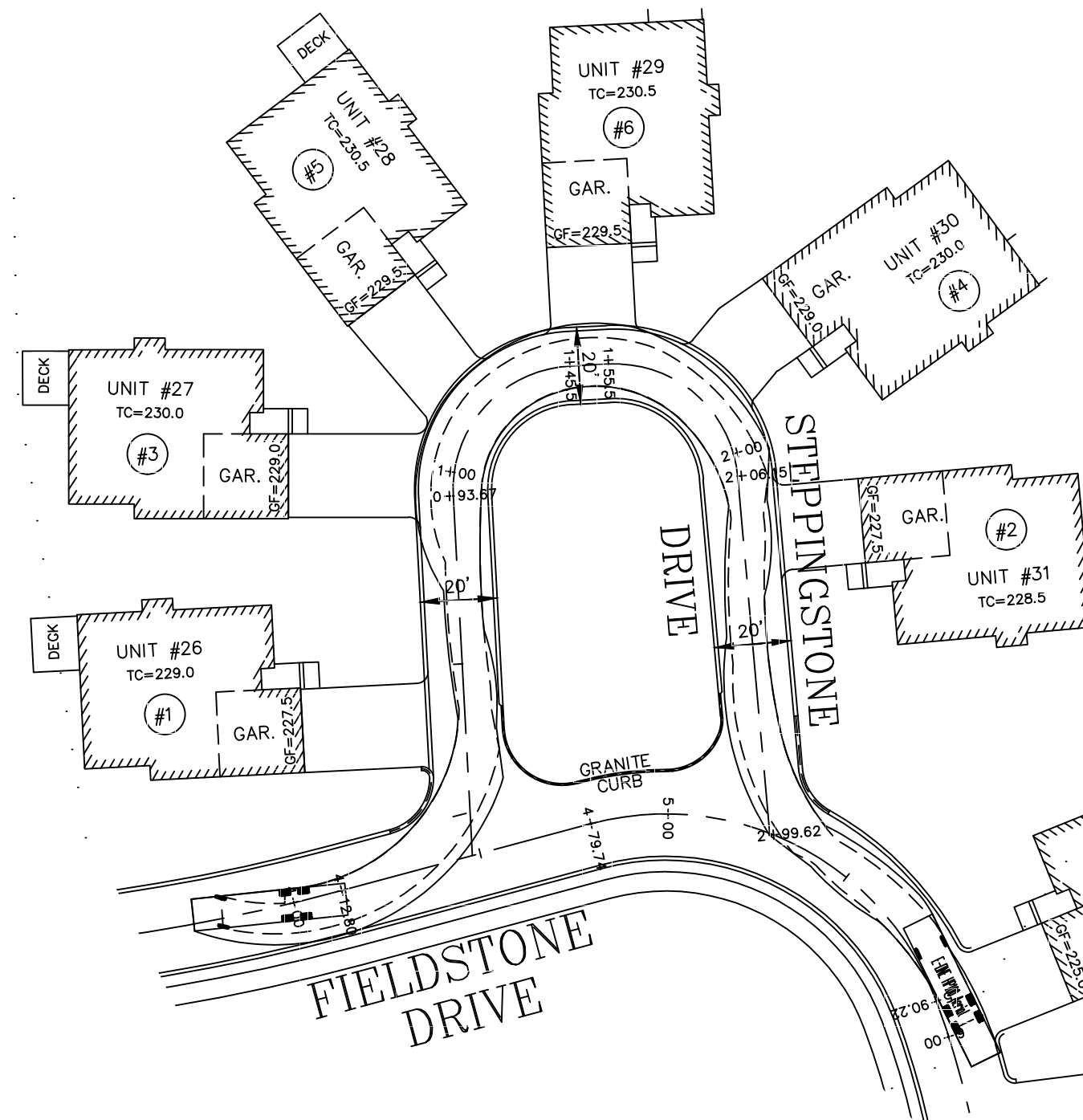
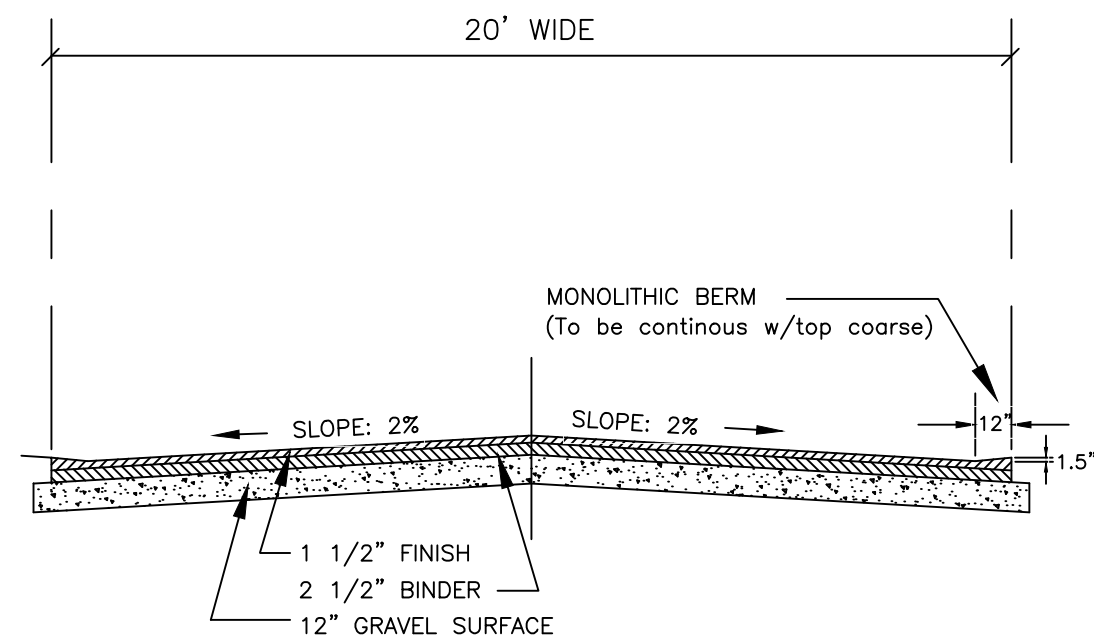


P 808-478-1100

F 808-428-7110

19 Exchange Street
Holliston, MA 01746

glmengineering.com



NO.	DATE	REVISIONS

GLM ENGINEERING
CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746

(508)429-1100 fax:(508)429-7160

PROPOSED 20' WIDE DRIVE
"STEPPINGSTONE DRIVE"
MEDWAY, MASSACHUSETTS
PREPARED FOR:
ELITE HOME BUILDERS LLC
P.O. BOX 1205
WAYLAND, MASSACHUSETTS

JOB No.	12878
DATE:	JUNE 28, 2019
SCALE:	1"=20'
SHEET No.	1 of 1

ORIGINAL LANDSCAPING PLAN for Steppingstone Island



PLANT LIST				
Key	Qty.	Common Name	Latin Name	Size
TREES				
WS	25	White Spruce	<i>Picea glauca</i>	6'-7' ht.
AP	30	Austrian Pine	<i>Pinus nigra austriaca</i>	6'-7' ht.
NS	26	Norway Spruce	<i>Picea Abies</i>	6'-7' ht.
CS	6	Colorado Spruce	<i>Picea pungens</i>	8'-10' ht.
RP	27	Red Pine	<i>Pinus resinosa</i>	6'-7' ht.
QR	17	Red Oak	<i>Quercus rubra</i>	2-1/2" caliper
HL	26	'Halka' Honey locust	<i>Gleditsia triacanthos inermis 'Halka'</i>	2-1/2" caliper
LT	6	American Sweetgum	<i>Liriodendron tulipifera</i>	3" caliper
BN	14	Heritage Birch	<i>Betula nigra 'Heritage'</i>	14' -16' clump
CP	21	Aristocrat Callery Pear	<i>Pyrus calleryana var Aristocrat</i>	3" caliper
RM	24	'October Glory' Red maple	<i>Acer rubrum 'October Glory'</i>	3" caliper
KT	19	Katsura tree	<i>Cercidiphyllum Japonicum</i>	3" caliper
PO	14	Pin Oak	<i>Quercus palustris</i>	3" caliper
TL	25	'Ivory Silk' tree lilac	<i>Syringa reticulata 'Ivory Silk'</i>	2" caliper
KC	23	Kwanzan Cherry	<i>Prunus serrulata 'Kwanzan'</i>	2" caliper
GL	25	Greenspire Linden	<i>Tilia cordata 'Greenspire'</i>	3" caliper
ZS	21	Zelkova 'Village Green'	<i>Zelkova serrata 'Village Green'</i>	3" caliper
KD	18	Kousa Dogwood	<i>Cornus Kousa</i>	2" caliper
AC	14	Alleghany shadbush	<i>Amelanchier laevis</i>	5'-6' clump
ZC	17	Zumi Crab	<i>Malus zumi calocarpa</i>	2" caliper
BP	5	Canoe birch	<i>Betula papyrifera</i>	14' -16' clump
SHRUBS				
RR	60	Rugosa Rose	<i>Rosa Rugosa</i>	#2 pot
RD	15	Red Twig Dogwood	<i>Cornus stolonifera 'Bailey'</i>	#2 pot
IH	60	'Ivory Halo' Dogwood	<i>Cornus alba 'Ivory Halo'</i>	#2 pot
AF	65	Arnold Dwarf Forsythia	<i>Forsythia 'Arnold Dwarf'</i>	#2 pot
BH	35	Dwarf bush honeysuckle	<i>Diervilla lonicera</i>	#5 pot
SW	80	Sweetfern	<i>Comptonia peregrina</i>	#2 Pot
NB	21	Northern Bayberry	<i>Myrica pensylvanica</i>	#2 pot
BA	15	Browsers Beauty Andromeda	<i>Pieris x 'Browsers Beauty'</i>	#2 pot
PN	50	Purple ninebark	<i>Physocarpus opulus 'Diablo'</i>	#2 pot
SI	35	Shamrock inkberry	<i>Ilex glabra 'Shamrock'</i>	#2 pot
AW	40	Spirea 'Anthony Waterer'	<i>Anthony Waterer Spirea</i>	#2 pot
PJ	15	PJM Rhododendron	<i>PJM Rhododendron</i>	#2 pot
CL	50	Common lilac	<i>Syringa vulgaris</i>	#2 pot
Perennials				
HD	200	Hyperion Daylily	<i>Hyperion Daylily</i>	2 qt. pot
SD	200	Stella D'Oro daylily	<i>Hemerocallis 'Stella D'Oror'</i>	2 qt. pot
BE	200	Black Eyed susan	<i>Rudbeckia fulgida 'Goldsturm'</i>	2 qt. pot
MG	50	Maiden grass 'Morning Light'	<i>'Morning Light' Miscanthus sinensis</i>	2 qt. pot
FG	100	Hameln Fountain Grass	<i>Pennisetum alopecuroides Hameln</i>	2 qt. pot
SM	50	Sedum x Matrona	<i>Sedum x Matrona</i>	2 qt. pot
PK	200	Peony 'Karl Rosenfeld'	<i>Paeonia 'Karl Rosenfeld'</i>	#3 pot
BB	100	Big Blue Lilyturf	<i>Liriope 'Big Blue'</i>	#1 pot



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

**Medway Green – Request for Bond
Reduction**

Developer Mark Heavner has requested a bond reduction for work completed at Medway Green.

- Current bond amount is \$105,125 approved 6-11-19. See Tetra Tech bond estimate dated 6-5-19 for scope.
- Tri-Partite Agreement with Wellesley Bank signed 6-11-19
- 6-13-19 memo to Building Commissioner Jack Mee authorizing him to issue three occupancy permits for Medway Green
- Decision modification to extend the Medway Green completion deadline to 12-21-19.
- Updated bond estimate from Tetra Tech dated 8-23-19 based on a 8-22-19 site visit. TT recommends a bond reduction to \$47,250.

I will prepare the paperwork for an amendment to the bond agreement and have that for you to sign Tuesday night.

Could someone go to the site before Tuesday night to do your own “inspection” to identify any other outstanding issues that need attention? Here is a link to the endorsed site plan (before the various field changes)!

https://www.townofmedway.org/sites/medwayma/files/uploads/endorsed_plan_medway_green_4-25-17.pdf

**TETRA TECH**

**Bond Estimate
Medway Greens
Medway, Massachusetts
June 5, 2019**

Marlborough Technology Park
100 Nickerson Road
Marlborough, MA 01752
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
Mobilization	1	LS	\$5,000.00	\$5,000
Rain Garden/Swale	1	LS	\$8,000.00	\$8,000
Sewer Cleanout	1	EA	\$200.00	\$200
Concrete Curb	0	FT	\$42.00	\$0
Dumpster Pad/Enclosure	0	LS	\$4,000.00	\$0
Point Curb	1	LS	\$500.00	\$500
Repair Asphalt (Mechanic Street)	0	LS	\$2,500.00	\$0
Top Course Paving	80	TON	\$120.00	\$9,600
Stop Signage and Markings	1	LS	\$1,200.00	\$1,200
Lighting	1	LS	\$25,000.00	\$25,000
Irrigation Well	0	LS	\$10,000.00	\$0
Replace ADA Ramp	0	LS	\$3,000.00	\$0
Slope Repair/Fence	0	LS	\$5,000.00	\$0
Landscaping	1	LS	\$23,000.00	\$23,000
6' Composite Fence	0	FT	\$50.00	\$0
Loam Borrow	0	CY	\$50.00	\$0
Seed	750	SY	\$2.00	\$1,500
Remove Erosion Controls	1	LS	\$500.00	\$500
As-Built Plans	1	LS	\$5,000.00	\$5,000
Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal				\$82,500
25% Contingency				\$20,625
Total				\$103,125

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 6/2018 - 6/2019. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

²Items highlighted in gray have changed since our previous inspection.

Performance Secured by Lender's Agreement
Planning & Economic Development Board – Town of Medway, MA

This Agreement is entered into this 11th day of June, 2019, among the Town of Medway, acting through its Planning & Economic Development Board, (hereinafter referred to as "the Board") with an address of 155 Village Street, Medway, MA 02053; Courtland Pines, LLC ("Permittee ") with an address of 838 Washington Street, Holliston, MA 01746; and Wellesley Bank ("Lender") with an address of 100 Worcester Street, Suite 300, Wellesley, MA 02481, to secure the completion of site improvements at 176-178 Main Street in Medway, MA as shown on an approved multifamily housing Special Permit Site Plan described below.

WHEREAS, on March 21, 2017, after a duly noticed public hearing, the Board granted a Multifamily Housing Special Permit and Site Plan Decision, attached hereto as Exhibit A, authorizing the development of an 8 unit, residential condominium at 176-178 Main Street, Medway, MA, recorded at the Norfolk County Registry of Deeds on May 11, 2017 in Book 35102, Page 391, as amended by Modification to Decision recorded at the Norfolk County Registry of Deeds on May 3, 2018 in Book 35959, Page 525 (hereinafter referred to as "the Special Permit"); and

WHEREAS, on April 25, 2017, the Board endorsed the *Medway Greens Multifamily Housing Special Permit Site Plan* dated December 18, 2016, last revised March 31, 2017 prepared by Ronald Tiberi, PE, 9 Massachusetts Avenue, Natick, MA 01760, showing the development of the above referenced subject property, as recorded in the Norfolk County Registry of Deeds on May 11, 2017 in Plan Book 658, Pages 10 - 27 (hereinafter referred to as "the Site Plan"); and

WHEREAS, the Permittee has obtained a first mortgage with the Lender dated May 3, 2018 and recorded in the Norfolk County Registry of Deeds, Book 35959, Page 135 covering the land shown on the Site Plan as security for the payment of a note in the principal sum of \$2,280,000.00; and

WHEREAS, the Special Permit includes General Condition K which provides that no occupancy permit shall be granted unless the project is fully and satisfactorily completed or a suitable form of performance security has been provided to ensure completion of the site improvements shown on the Site Plan; and

WHEREAS, Tetra Tech, the Town's Consulting Engineer, has conducted a site visit and prepared a surety estimate dated June 5, 2019 in the amount of \$103,125 for the remaining site improvement work, attached hereto as Exhibit B. Said estimate was approved by the Board on June 11, 2019.

NOW, THEREFORE, the parties agree as follows:

1. The Permittee and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$103,125, and have secured this obligation by the Lender retaining said sum of money

from said principal sum otherwise due the Permittee ("Retained Funds") to be used to secure the performance by the Permittee of all covenants, conditions, Agreements, terms and provisions contained in the Board's Special Permit; all conditions subsequent to the issuance of the Special Permit and endorsement of the Site Plan due to an amendment, modification or revision of the Site Plan; and all of the provisions set forth in this Agreement and any modifications thereto.

2. The Special Permit requires the Permittee to complete the construction of site improvements no later than two years from the date of the endorsement of the Site Plan. The Site Plan was endorsed on April 25, 2017 and the original required completion date was April 25, 2019. On February 13, 2018, the Board extended that completion deadline to December 21, 2019.

3. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Permittee, the interest in such Retained Funds by the Lender shall be released, and the Lender may disburse such Retained Funds to the Permittee only upon receipt by Lender of a written release from the Board. In the event the Permittee should fail to complete the specified site improvements as specified in the Special Permit and Site Plan and within the time herein specified, the Lender shall make available to the Board any undisbursed Retained Funds in accordance with applicable laws, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of the site improvements as specified in this Agreement. Failure by the Board to seize the undisbursed Retained Funds if available shall not be deemed a waiver of the right to do so. Any unused portion of the Retained Funds together with accrued interest, will be released by the Board and may be disbursed by the Lender upon completion of the work by the Town of Medway.

4. The Lender hereby agrees that none of the Retained Funds retained as security as specified herein shall be disbursed to the Permittee without the prior written release of said funds by the Board.

5. The Board, after notice to the Permittee and an opportunity for the Permittee to be heard, may rescind its approval of the Special Permit and Site Plan for breach of any provision of this Agreement or any amendments thereof.

6. The Board shall notify the Lender of any authorized reduction or release of the retained funds that secure this Agreement in full or in part. Upon receipt of a written notice of reduction or release, the Lender may disburse the Retained Funds, or portion thereof, to the Permittee.

7. The Permittee agrees and understands that the Board will not release this Agreement until the site improvements have been deemed by the Board to be constructed and installed in accordance with this Agreement, which shall include demonstration of adequate construction and installation for six months prior to said release. This Agreement does not expire until released in full by the Board.

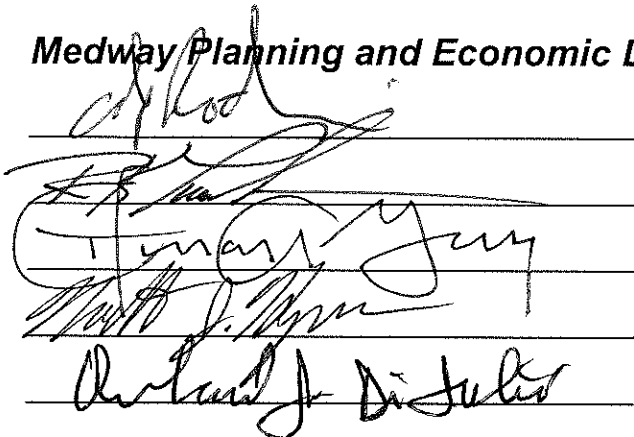
8. Failure to complete construction of the site improvements by the required completion date may result in rescission of approval of the Special Permit and Site Plan.

9. If a court of competent jurisdiction determines that any provision of this Agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

10. Any amendments or extensions of this Agreement shall be made in writing and upon agreement by all parties to this Agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 11 day of June, 2019.

Medway Planning and Economic Development Board

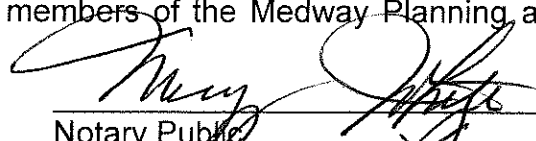


COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 11th day of June, 2019, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board: Andy Polyzou, Robert Tucker, Tom Gay, Matthew Hayes, Richard DiStasio

proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the persons whose names are signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as members of the Medway Planning and Economic Development Board.



Notary Public
My commission expires: 9/18/2020

Courtland Pines, LLC

By: [Signature]

Title/Position: MANAGER

Print name: Mark Heavner, Manager Courtland Pines, LLC.

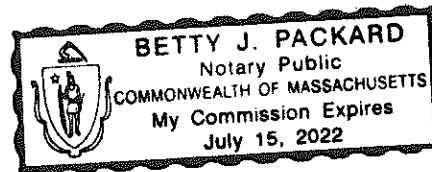
COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 11 day of June, 2019, before me, the undersigned notary public, personally appeared the above-named MARK HEAVNER, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as MANAGER of Millstone Builders, LLC.

[Signature]
Notary Public

My commission expires: 7-15-2022



Wellesley Bank

By: [Signature]

Title/Position: FVP Commercial Lender

Print name: Jon Barnes

COMMONWEALTH OF MASSACHUSETTS

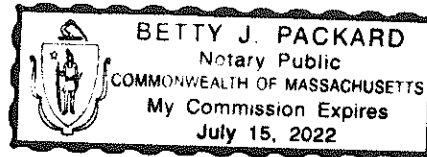
Norfolk, SS

On this 11 day of June, 2019, before me, the undersigned notary public, personally appeared the above-named Jon Barnes, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as First Vice President of Wellesley Bank.

[Signature]

Notary Public

My commission expires: 7-15-2022



Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, June 13, 2019 9:49 AM
To: Jack Mee
Cc: 'MARK HEAVNER'; 'Bruce D. Berns'
Subject: Medway Green - Occupancy Permits
Attachments: Medway Green Tri Partite Agreement - Signed 6-11-19 (with attachments).pdf

Hi Jack,

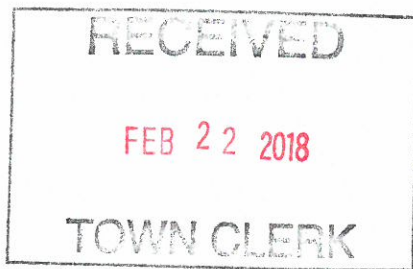
At its June 11, 2019 meeting, the Planning and Economic Development Board approved a tri-partite performance security agreement with Medway Green developer Mark Heavner and Wellesley Bank for \$103,125 for the multifamily development at the southwest corner of Main and Mechanic Streets. Attached is the executed agreement.

The Board also voted to authorize the Building Department to issue occupancy permits for 3 of the 8 dwelling units, including the "affordable" housing unit at 176-2 Main Street, at this time. Please do not authorize occupancy permits for anything beyond 3 without further authorization from the Board.

Please let me know if you have any questions.

Thanks.

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



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio*

February 20, 2018

MODIFICATION TO DECISION
Multifamily Housing Special Permit & Site Plan
176-178 Main Street
APPROVED – February 13, 2018

Name/Address of Owner/Applicant: 176 Main Street Realty Trust
57 Draper Road
Dover, MA 02030

Project Location: 176-178 Main Street
Assessor's Reference: 47-34 and 47-36
Zoning District: Village Residential and Multifamily Overlay District

Purpose: Amend the previously approved multifamily housing special permit/site plan decision for the Medway Green development to extend the deadline for project initiation from March 21, 2018 to September 21, 2018 and for project completion from March 21, 2019 to December 21, 2019.

Special Permit/Site Plan Decision Date: March 21, 2017

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") to modify the previously approved multifamily housing special permit/site plan decision dated March 21, 2017 regarding the Medway Green development for property located at 176-178 Main Street in Medway, MA.

BACKGROUND – The decision approved by the Board on March 21, 2017 authorized the construction of an 8 unit, townhouse condominium development at 176-178 Main Street at the northeast corner of Main and Mechanic Streets. The .66 acre site consists of one vacant parcel (178 Main Street) and a second parcel (176 Main Street) which has been used primarily for commercial purposes and which presently includes an unoccupied, 2,076 sq. ft. building.

The approved condominium development will include two, 4-unit, 2½ story townhouse buildings, each with a 2,880 sq. ft. footprint. Each townhouse dwelling unit will have three bedrooms. One affordable dwelling unit will be provided. One building with four townhouses

will front onto Main Street; the other building with four townhouses will front onto Mechanic Street. Primary access/egress to and from the site will be provided from Main Street with a secondary access from Mechanic Street. A total of 16 off-street parking spaces will be provided. The existing structure at 176 Main Street will be demolished. Stormwater management facilities will be installed on site as will landscaping, an open space area, and sidewalks along the Mechanic Street frontage.

DESCRIPTION OF PROPOSED MODIFICATION – The owner now seeks to modify the previously approved permit/decision by amending Condition L. Project Completion which pertains to the time schedule for project initiation and completion. The applicant has requested that the Board extend the deadline for project initiation to September 21, 2018 and for completion to December 21, 2019. The applicant has not been able to initiate construction according to the original schedule due to delays in obtaining construction financing. No changes to the plan are proposed.

DECISION OF THE BOARD – The Medway Planning and Economic Development Board, at a duly posted meeting held on February 13, 2018, on a motion made by Matthew Hayes and seconded by Tom Gay, voted four in favor and one opposed to extend the initiation and completion deadlines to September 21, 2018 and December 21, 2019 respectively.

Planning and Economic Development Board Member

VOTE

Andy Rodenhiser

No

Richard Di Iulio

Yes

Thomas Gay

Yes

Matthew Hayes

Yes

Robert Tucker

Yes

Attest: Susan E. Affleck-Childs
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

2-20-2018
Date

cc: John Kelly, 176 Main Street Realty Trust
Jack Mee, Building Commissioner

**TETRA TECH**

**Bond Estimate
Medway Greens
Medway, Massachusetts
August 23, 2019**

Marlborough Technology Park
100 Nickerson Road
Marlborough, MA 01752
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
Mobilization	1	LS	\$2,500.00	\$2,500
Rain Garden/Swale	0	LS	\$8,000.00	\$0
Sewer Cleanout	0	EA	\$200.00	\$0
Point Curb	1	LS	\$500.00	\$500
Top Course Paving	80	TON	\$120.00	\$9,600
Stop Signage and Markings	1	LS	\$1,200.00	\$1,200
Lighting	1	LS	\$16,000.00	\$16,000
Landscaping	0	LS	\$23,000.00	\$0
Seed	0	SY	\$2.00	\$0
Remove Erosion Controls	0	LS	\$500.00	\$0
As-Built Plans	1	LS	\$5,000.00	\$5,000
Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal				\$37,800
25% Contingency				\$9,450
Total				\$47,250

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 8/2018 - 8/2019. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

²Items highlighted in gray have changed since our previous inspection.



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

**Plan Review Fee Estimates – Marzilli
Landscape Site Plan & Groundwater
Special Permit**

- Tetra Tech estimate dated August 21, 2019 for \$3,378
- PGC Associates estimate dated August 21, 2019 for \$950

Total = \$4,328

NOTE – The public hearing on this project will begin at the September 10th PEDB meeting.



August 21, 2019

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

**Re: 21 Trotter Drive
Site Plan Review
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (PEDB) (the Client) for professional engineering services associated with the 21 Trotter Drive Site Plan Review in Medway, Massachusetts (the Project). The objective of our services is to review the site plan package and provide comments as they relate to latest Town of Medway Rules and Regulations Chapter 200 – Submission and Review of Site Plans (Site Plan Regulations) and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to the Town of Medway Zoning By-Laws which will be conducted by a separate consultant. Stormwater and Land Disturbance will be reviewed as part of the Notice of Intent Process with Medway Conservation Commission.

Scope of Services

The following specifically describes the Scope of Services to be completed:

Task 1 – Site Visit

- A. Perform one (1) site visits to review the site and its surroundings.
- Budget Assumption: 1 Visit
2 hours @ \$143/hr = \$286
Total = \$286

Task 2 – Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item C below.
- Budget Assumption: 1 hour @ \$143/hr = \$143
1 hour @ \$97/hr = \$97
Total = \$240
- B. Review the proposed Plans against the Town of Medway PEDB Site Plan Regulations and incorporate comments into review letter in Item C below.
- Budget Assumption: 2 hours @ \$143/hr = \$286
6 hours @ \$97/hr = \$582
Total = \$868
- C. Prepare a letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 1 hour @ \$143/hr = \$143
3 hours @ \$97/hr = \$291
Total = \$434

- D. Coordinate with applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans will require additional funds.

- Budget Assumption: 1 hour @ \$143/hr = \$143
4 hours @ \$97/hr = \$388
Total = \$531

Task 3 – Meeting Attendance

- A. Participate in two (2) hearings/meetings with the Town of Medway PEDB.

- Budget Assumption: 2 Meetings @ 3 hours per meeting = 6 Hours
6 hours @ \$143/hr = \$858
Total = \$858

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech's and existing Town of Medway contract rates. Direct expenses will be billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$286
Task 2	Design Review	\$2,073
Task 3	Meeting Attendance	\$858
Labor Subtotal		\$3,217
Expenses (5%)		\$161
Total		\$3,378

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the project's needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.

Very truly yours,



Steven M. Bouley, P.E.
Senior Project Engineer



Sean P. Reardon, P.E.
Vice President

Date Approved by Town of Medway PEDB _____

Certified by:

Susan E. Affleck-Childs
Medway PEDB Coordinator

Date

PGC ASSOCIATES, LLC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
gino@pgcassociates.com

August 22, 2019

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

RE: R.P. Marzilli Site Plan

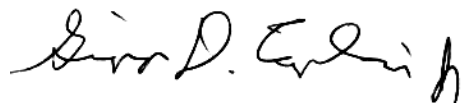
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed site plan submitted by owner/applicant. 21 Trotter Drive LLC of Medway. The proposed work is to construct a 7,944-square-foot addition and associated parking, drainage, landscaping, lighting, etc., including material and utility trailer storage bins and tractor-tractor parking spaces. The plan was prepared by Engineering Design Associates of Southborough and is dated April 8, 2019 with revision dates of July 25 and August 6, 2019.

<u>Task</u>	<u>Hours</u>
Technical Review and comment of initial submittal for compliance with zoning and site plan regulations	4.0
Attendance at Planning and Economic Development Board meetings/hearings	2.5
Review and comment on revised plans	1.5
Review and comment on draft decision	1.5
Total	9.0
Cost Estimate (@\$95)	\$950.00

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

**Neo Organics LLC (4 Marc Road)
Adult Recreational Marijuana Special
Permit, Groundwater Protection Special
Permit and Site Plan**

- Public Hearing Notice dated August 9, 2019
- Building Photo from Assessor's records
- Recreational Marijuana Special Permit application & narrative
- Architectural Floor Plan
- Preliminary Odor Control Plan
- Preliminary Noise Control Plan
- Transportation Policy
- Straughan Forensic review letter dated August 21, 2019 re: preliminary odor control plan
- Noise Control Engineering review letter dated August 21, 2019 re: preliminary noise control plan
- Groundwater Protection Special Permit application & narrative
- Site Plan application & narrative
- Site Plan dated August 6, 2019 by DGT Associates
- Requests for Waivers from *Site Plan Rules and Regulations*

- Tetra Tech Review Letter dated 8-21-19. NOTE – further communication forthcoming on TT's stormwater review for ConCom and for stormwater compliance with the Groundwater Protection District requirements
- PGC Review Letter dated 8-20-19
- Review comments from Building Commissioner Jack Mee dated August 16, 2019
- Host Community Agreement dated March 4, 2019 between Neo Organics and the Town of Medway



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio

August 9, 2019

NOTICE OF PUBLIC HEARING
4 Marc Road
Recreational Marijuana Establishment Special Permit, Groundwater Protection
Special Permit and Minor Site Plan Review

In accordance with the *Medway Zoning Bylaw*, Section 8.10 Recreational Marijuana, Section 3.5 Site Plan Review, and Section 5.6.3 Groundwater Protection District, 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 concurrent Public Hearings on Tuesday, August 27, 2019 at 7:45 p.m. in the Sanford Room at Medway Town Hall, 155 Village Street to consider the applications of Neo Organics LLC of Sudbury, MA for approval of a special permit to operate a recreational marijuana cultivation establishment at 4 Marc Road, a groundwater protection district special permit, and the associated minor site plan.***

The applicant proposes to use the existing 29,718 sq. ft. industrial manufacturing building at 4 Marc Road (Map 32, Parcel 026) for the cultivation, manufacturing, processing, and packaging of marijuana for adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities. A retail marijuana operation is NOT proposed for this property.

The 6.68 acre property, currently owned by NEK, LLC of Camas, WA, is located on the north side of the Marc Road cul-de-sac in the East Industrial Zoning District. The subject property is west and north of property owned by Ellen Realty Trust and south and east of property owned by John and Anne Lally. The property is located within the Town's Groundwater Protection District. The site includes wetland resources in its northeast corner which are under the jurisdiction of the Medway Conservation Commission with which the applicant has already filed a Notice of Intent. 24.4% of the site will be impervious surface, thus necessitating a Groundwater Protection District special permit.

The planned scope of work includes interior renovations to the existing building to accommodate the new use, construction of a 3,000 sq. ft. outside concrete mechanical pad to house some HVAC and odor control equipment, construction of a dumpster pad with associated fencing, installation of a series of stormwater management measures (recharge/infiltration system and sub-surface stormwater treatment units), maintenance excavation and clean-up of the existing manmade drainage ditch, and installation of associated erosion and sedimentation controls during construction. The planned work is shown on *Permit Site Plan for 4 Marc Road*, dated August 6, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA.

The planned marijuana establishment use requires the special use permit, the site's location at 4 Marc Road requires a groundwater protection district special permit, and the overall project requires minor site plan review and approval.

The applications, site plan, noise and odor mitigation plans, 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/current-development-applications>

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

Andy Rodenhiser, Chairman





**Planning & Economic Development Board
Town of Medway, MA**

MARIJUANA SPECIAL PERMIT APPLICATION

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to Section 8.9 or 8.10 of the *Medway Zoning Bylaw*.
The provisions of Section 3.5 Site Plan Review may also apply.

The Town's planning and engineering consultants will review the Application 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 public hearing.

You and/or your duly authorized Agent/Official 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 at hearings may result in a delay in the Board's review of the special permit application.

August 6, 2019

APPLICANT INFORMATION

Applicant's Name: Neo Organics LLC
Mailing Address: 365 Boston Post Road, #184
Sudbury, MA 01776
Name of Primary Contact: Chad Blair
Telephone: Office: (617) 571-6068 Cell: (617) 571-6068
Email address: cblair@neoalts.com

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

PROJECT INFORMATION

Development Name: Neo Organics LLC
Project Address: 4 Marc Road, Medway, MA 02053
Plan Title: Neo Cultivation & Manufacturing
Plan Date: August 6, 2019
Plan prepared by:
Name: DGT Associates
Firm: DGT Associates

Type of Facility:

- ☐ Retail Registered Medical Marijuana Facility (*allowed only in the Business Industrial Zoning District*)
- ☐ Non-Retail Registered Medical Marijuana Facility (*allowed only in the East and West Industrial Zoning Districts*)
- ☒ Recreational (Adult Use) Marijuana Establishment (*allowed only in the East and West Industrial Zoning Districts*)

Type of Project:

- ☐ Construction of a New Building(s)
How many buildings? _____
Dimensions of New Building(s) _____
Gross Square Footage of New Building(s) _____
- ☒ Renovation of Existing Structure(s)
How many buildings? 1
Building Dimensions 147.53 ft x 201.44 ft
Gross Square Footage of Existing Structure(s) 29,718 +/- SF
- ☐ Construction of an addition to an Existing Structure
Addition Dimensions _____
Gross Square Footage of Addition _____
- ☐ Demolition of any structures on the site? If yes, please explain. _____

- ☐ Use of an existing building without renovation or site changes

How many parking spaces presently exist? 69

How many new parking spaces are proposed? 0

What is the existing amount of impervious surface (buildings and paved area) on the property?
68,012 +/- SF

How much additional impervious surface is planned? 3,000 SF

Please note that a Stormwater Management and Land Disturbance Permit pursuant to Medway General Bylaws Section 26 may also be needed depending on the scope of the proposed project and the amount of planned land disturbance.

PROPERTY INFORMATION

The subject property is shown on the plan as Medway Assessor's Map # 32, Parcel # 026

Total Acreage of Land Area: 6.68 +/-

General Description of Property: The site is located on the north side of the cul-de-sac at the end of Marc Road. The site is currently developed with a 29,718+/- square foot industrial manufacturing building, with associated driveway access, parking areas, landscape improvements, utilities, and some stormwater management features. A large portion of the site remains undeveloped containing wooded areas and wetland resource areas at the northeast portion of the site.

Current Use of Property: Industrial Manufacturing

Medway Zoning District Classification: I-1 w/ Underlying Zoning District EI and Groundwater Protection District

CONSULTANT INFORMATION

ENGINEER: DGT Associates

Mailing Address: 1071 Worcester Road
Framingham, MA 01701

Primary Contact: Bert E. Corey P.E.

Telephone: Office: (508) 879-0030 Cell: _____

Email address: bcorey@dgtassociates.com

Registered P.E. License #: 48423

SURVEYOR: DGT Associates

Mailing Address: 1071 Worcester Road
Framingham, MA 01701

Primary Contact: Peter A. Lothian, P.L.S.

Telephone: Office: (508) 879-0030 Cell: _____

Email Address: plothian@dgtassociates.com

Registered P.L.S. License #: 40978

ARCHITECT: Anderson Porter Design

Mailing Address: 875 Main Street
Cambridge, MA 02139

Primary Contact: Brain Anderson

Telephone: Office: (617) 354-2501 Cell: (617) 515-2648

Email address: brain@andersonporter.com

Registered Architect License #: 20234

LANDSCAPE ARCHITECT/DESIGNER: _____

Mailing Address: _____

Primary Contact: _____

Telephone: Office: _____ Cell: _____

Email address: _____

Registered Landscape Architect License #: _____

ATTORNEY: Prince Lobel
Mailing Address: One International Place, Suite 3700
Boston, Massachusetts 02110
Primary Contact: Dan Glissman
Telephone: Office: (617) 456-8181 Cell: (617) 456-8181
Email address: dglissman@princelobel.com

DESIGNATED REPRESENTATIVE INFORMATION (if applicable)

Name: DGT Associates
Address: 1071 Worcester Road
Framingham, MA 01701
Telephone: Office: (508) 879-0030 Cell: _____
Email address: mail@dgtassociates.com

SIGNATURES

The undersigned, being the Applicant for approval of a Marijuana Special Permit submits this application and Plan 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 and proposed development under consideration.


(If applicable, I hereby authorize _____ to serve as my Agent/Designated Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.)

I have reviewed Section 8.9 or 8.10 of the *Medway Zoning Bylaw* and understand and agree to the requirements and responsibilities specified therein.

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 review process.

I understand that pursuant to M.G.L. 53G, the Medway Planning and Economic Development Board may retain outside professional consultants to review this application and that I am responsible for the costs associated with such reviews.

I understand that the Planning and Economic Development Board, its agents, staff, consultants, and other Town staff and committees may request additional information which I am responsible for providing to assist them in reviewing the proposed development.

Signature of Property Owner

Signature of Applicant (if other than Property Owner)

Date
07/24/19
Date

Signature of Agent/Official Representative

Date

MARIJUANA SPECIAL PERMIT FEES

Application/Filing Fee - \$500

(Not required if also applying for site plan review)

Advance on Review Fee - \$500

Please submit 2 separate checks each made payable to: Town of Medway

MARIJUANA SPECIAL PERMIT APPLICATION CHECKLIST

To be Completed by Applicant

- ☒ Special Permit Application (2 signed originals) – one for Town Clerk and one for Planning and Economic Development Board
- ☒ Two (2) copies of a *Project Description* – one for the Town Clerk and one for the Planning and Economic Development Board. This description should provide a complete and thorough explanation of what is proposed and must address how the proposed project meets the requirements of Section 8.9 or 8.10 of the *Medway Zoning Bylaw*.
- ☒ Three (3) full size copies of a Site Plan prepared in accordance with Sections 204-4 and 204-5 of the *Medway Site Plan Rules and Regulations* – one for Town Clerk and two for Planning and Economic Development Board
- ☒ One (1) ledger size (11" x 17") copy of the Site Plan
- ☒ Electronic Version of the Site Plan and all associated application documents. Provide disk or flash drive or email the plan and documents to: planningboard@townofmedway.org.
- ☒ Certified Abutters List and mailing labels from the **Medway Assessor's** office for all property located within 300 feet of the subject property
- ☒ Request(s) for waivers from the *Site Plan Rules and Regulations*. Check with the Planning and Economic Development office for the proper form.
- ☐ One (1) copy of previous variance or special permit decisions for the subject property.
- ☒ Depending on the size and scope of the project, two (2) copies of a *Stormwater Drainage Calculations/Report* prepared in conformance with Section 204 – 3, 3) of the *Site Plan Rules and Regulations* or two (2) copies of a stormwater drainage analysis report. *Check with Planning and Economic Development office.*
- ☐ Depending on the size and scope of the project, two (2) copies of a traffic study or analysis. *Check with Planning and Economic Development office.*
- ☐ One (1) copy of all relevant approvals received to date from other Town boards/committees/departments
- ☒ Proof of present or pending ownership of all land within the development site.
- ☐ *Marijuana Special Permit Filing Fee* – Payable to Town of Medway. Not required if also applying for site plan review.
- ☐ *Advance of Special Permit Review Fee* – Payable to Town of Medway, Not required if also applying for site plan review.

Neo Organics LLC
4 Marc Road, Medway

Project Description – Marijuana Special Permit

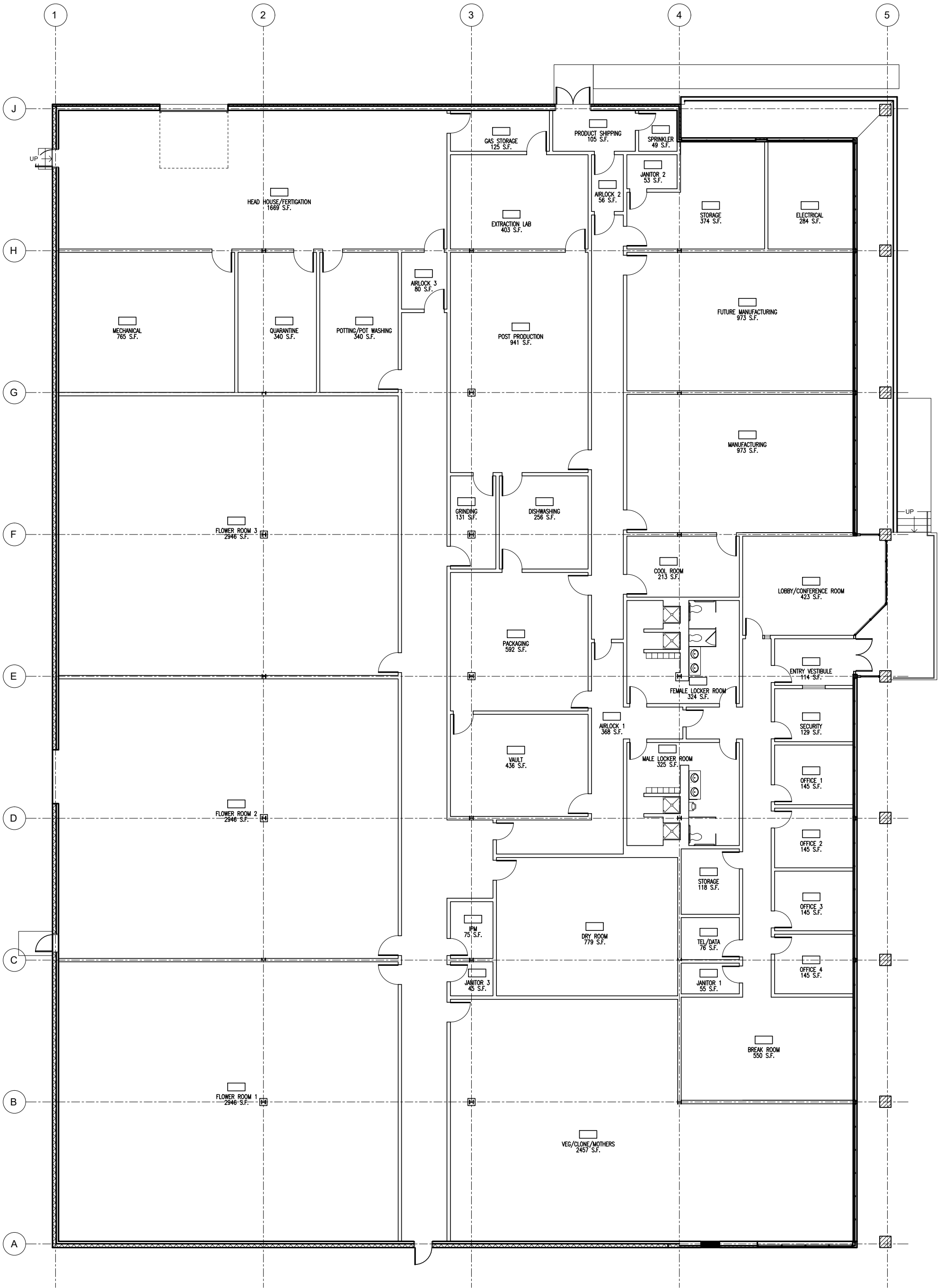
The proposed development of the Neo manufacturing facility and the and Neo Cultivation facility, (NEO) will meet the Special Permit Criteria with respect to the requirements of Section 3.4. of the Medway Zoning Bylaws as follows:

- The proposed location is fitted for the intended use, it is zoned East Industrial zoning district, this is permissible for the operation of a Marijuana Cultivator, and Marijuana Manufacturing by the granting of a Special Permit from the Planning Board pursuant Section 8.10 and 5.4 of the Town of Medway Zoning Bylaw
- The proposed facility will not create hazards to abutters, vehicles, pedestrians or the environment.
- The existing site, contains appropriate driveways, parking areas for operations
- The proposed use is compliant with the requirements of the Medway Zoning Bylaw for recreational marijuana establishments
- NEO will maintain the property, so it is consistent with the purposes of the Master Plan
- The proposed location and use are consistent with the requirements of the Zoning Bylaw and will not be detrimental to the public good

The proposed development of NEO also meets the Special Permit Criteria with respect to the requirements of Section 8.10 of the Medway Zoning Bylaws as follows:

- The front of the building is visible from the site frontage
- The use will be fully enclosed, not open to the public
- The facility is not located with 500 feet of public or private schools
- NEO will not have a drive thru onsite
- No processing or cultivating will be visible from outside the building
- No burning or consumption of any marijuana product on the site

See Attached Documents for further information.

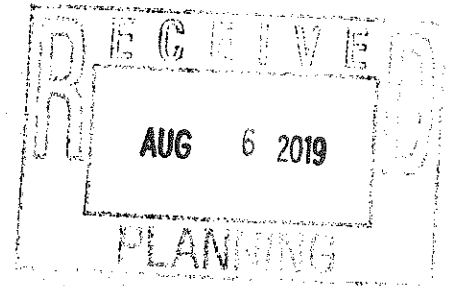


NEO Manufacturing LLC and NEO Cultivation LLC

4 Marc Road

Medway, Massachusetts

Odor Mitigation Plan



Specific odor-emitting activities:

- **Mother/ Clone Rooms:** These operations include the initial growing stage of new plant. The process emits plant terpenes into the atmosphere. Plants are moved from here to the Vegetative Rooms.
- **Vegetative Rooms:** These operations include the initial growing stage of new plant. The process emits plant terpenes into the atmosphere. Plants are moved from here to the Flower Rooms.
- **Flower Rooms:** At the time of harvest, the rooms will be emptied and thoroughly cleaned. The plants are physically moved to the Harvest Rooms in order to get product prepared for the drying and extraction processes.
- **Harvest Rooms:** During the harvest process, unusable parts of the plant are removed and placed in sealed containers. The usable parts of the plant are trimmed and prepared for drying or extraction and moved to Drying Rooms or Extraction Rooms.
- **Drying Rooms:** During the drying process moisture will be removed from the plants at which point plant terpene odors are released to the indoor environment.
- **Packaging Rooms:** this is the process of packaging the final product for sale at Dispensaries.

Odor Mitigation Best Practices

The following are the list of administrative controls and engineering controls that include, but not limited to:

- **Procedural activities:** Practicing extreme measures to isolate all odor emitting activities. These include, carbon filters installed in each room and isolating all odor producing activities in their own rooms that have heavy duty doors with door closers to ensure doors are always closed. In addition, we will install a state-of-the-art odor mitigation control systems. These procedures will be applied to the following odor-emitting areas of activity:
 - Mother/ Clone Rooms
 - Vegetative Room
 - Cultivation Rooms
 - Harvest Rooms
 - Drying Rooms
 - Package Rooms

Staff training procedures: NEO will have an extensive training program that include training specifically for odor mitigation. The importance of keeping doors shut, and changing carbon filters are among the Standard Operating Procedures that all employees must follow. NEO will conduct weekly staff meetings; at these meetings we discuss odor mitigation and discuss with all departments the importance of keeping up with the processes we have in place.

- **Monitoring and inspection:** Every odor emitting room will be continuously monitored with daily inspections for odor. If a high volume of odor is detected by an employee, they will directly inform the Facility Operator. If a filter needs to be changed it will be done so at this time. If doors are not closing by themselves, doors will be fixed as soon as the problem is detected. NEO will have a 2-month (or equivalent of 2 change outs per unit) supply of Carbon

Filters on site that will be re-ordered by the Facility Operator to keep aligned with the facility maintenance program.

Engineering Controls:

- **Drawings and Report:** The engineering odor control system will be designed by a Professional Engineer license in the State of Massachusetts.
- **Technical System Design and Equipment Installation:** HVAC system odor control plan: Closed Loop System with limited exhaust.
- **Odor Control** –The ions produced Ionization Air units, breaks down gases with electron-volt potential numbers below 12 to harmless compounds prevalent in the atmosphere such as oxygen, nitrogen, water vapor and carbon dioxide. The resultant compounds are a function of the entering contaminants into the plasma field. In this case the odors generated by the marijuana breaks down to carbon dioxide and nitrogen, and water vapor, thus eliminating the odor.
- **Reduction in Airborne Particles** –The positive and negative ions are drawn to airborne particles by their electrical charge. Once the ions attach to the particle, the particle grows larger by attracting nearby particles of the opposite polarity, thereby increasing the filtration effectiveness.
- **Odor Control** – The Active Carbon Filters absorb its molecular weight of contaminants it comes in contact with. Adsorption is a distinct process where organic compounds in the air react chemically with the activated carbon, which causes them to stick to the filter. The more porous the activated carbon is, the more contaminants it will capture. These filters are most notably used to remove terpene compounds in MIW facility, air handling systems.

Odor Mitigation System design

- **General:** All the HVAC systems installed at this facility will be considered “closed-loop” systems. Other than ventilation air, all the of the HVAC equipment will recirculate 100% of the supply being distributed to the various applications areas throughout the facility. Ionization and active carbon filtering will be installed to mitigate odors within the facility.
- **Office and Support Spaces:** Ventilation air will be provided as required for listed occupancy. The units will utilize polar Ionization units for odor and bacterial mitigation as well as active carbon filters installed in the return air.
- **Mother/ Clone Rooms:** Each mother/ clone rooms will have supplemental environmental control units installed to accommodate the cooling and dehumidification, monitoring and control for each room.
- **Vegetative Rooms:** Each vegetative room will have supplemental environmental control units installed to accommodate the cooling and dehumidification, monitoring and control for each room. Ventilation air will be provided as required for listed occupancy.
- **Cultivation Rooms:** Each cultivation room will have supplemental environmental control units installed to accommodate the cooling and dehumidification, monitoring and control for each room. Ventilation air will be provided as required for listed occupancy.

- **Drying Rooms:** Provide nominally sized vertical high-efficiency split- system AC units and dehumidification units with outdoor remote condensing unit(s). Ventilation air will be provided as required for listed occupancy.
- **Trimming Rooms:** Each vegetative room will have supplemental environmental control units installed to accommodate the cooling and dehumidification, monitoring and control for each room. Ventilation air will be provided as required for listed occupancy

Building Exhaust Systems:

- **Toilet Exhaust Fans:** The toilet exhaust fans will have active carbon rolled filter material installed on the fan inlets. The filters will be roll- type material secured to the fan inlet. Where possible pleated carbon filter and filter box will be installed on the fan inlet.
- **Cultivation Ventilation Fans:** The grow room ventilation fans will have active carbon rolled filter material installed on the fan inlets. The filters will be roll-type material secured to the fan inlet. Where possible pleated carbon filter and filter box will be installed on the fan inlet.
- **Service Sink Exhaust Fans:** The service sink exhaust fans will have active carbon rolled filter material installed on the fan inlets. The filters will be roll-type material secured to the fan inlet. Where possible pleated carbon filter and filter box will be installed on the fan inlet.
- **Misc. Exhaust Fans:** Other misc. exhaust fans will have active carbon rolled filter material installed on the fan inlets. The filters will be roll- type material secured to the fan inlet. Where possible pleated carbon filter and filter box will be installed on the fan inlet.

Note: The Extraction Process and Manufacturing Process are not considered to be an odor generating process all material is sealed prior to entering the room.

Extraction Rooms and Manufacturing rooms will also have installed Can-Light active carbon filters to operate as "scrubbers" the room. The Rooms Can-Light fans will have quantities sufficient to provide a minimum of 4 air-changes per hour.

Operational processes:

- **Mother Clone Rooms:** The existing air conditioning fan operates 24 hours per day. Bi-polar ionization units will be interlocked with the supply fan. The air conditioning units will also have active carbon filters installed on the return air section to each fan.
- **Vegetative Rooms:** The existing air conditioning fan operates 24 hours per day. Bi-polar ionization units will be interlocked with the supply fan. The air conditioning units will also have active carbon filters installed on the return air section to each fan.
- **Cultivation Rooms:** The existing air conditioning fan operates 24 hours per day. The Bi- polar ionization units will be interlocked with the supply fan. The air conditioning units will also have active carbon filters installed on the return air section to each fan.

- **Drying Room:** The supplemental air conditioning unit fan operates 24 hours per day. The Bi-polar ionization units are interlocked with the supply fan. The Can-light fans will operate 24 hours per day.
- **Trimming Rooms:** The existing air conditioning fan operates 24 hours per day. The Bi-polar ionization units will be interlocked with the supply fan. The air conditioning units will also have active carbon filters installed on the return air section to each fan.
- **Packaging Rooms:** The existing air conditioning fan operates 24 hours per day. The Bi-polar ionization units will be interlocked with the supply fan. The air conditioning units will also have active carbon filters installed on the return air section to each fan.

Product Testing and Performance Evaluation (Post Install)

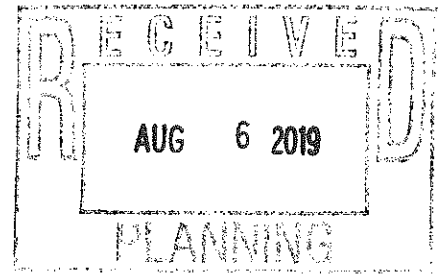
- **Odor panel tests post installation:** During this phase and once first grow rooms come online Odor panel tests will be performed. Wind data and inputs for dispersion model validation will be recorded. Manufacturer and vendor onsite support will be provided during Odor panel tests. This compiled data will be reentered into dispersion model to validate original design criteria and document performance based upon Odor panel test.
- **Note:** This data will be shared with local and state officials to help develop best Practices for Odor Control and document ongoing compliance with Ordinance

NEO Manufacturing LLC and NEO Cultivation LLC

4 Marc Road

Medway, Massachusetts

Noise Mitigation Plan



Noise Mitigation Plan:

This document serves to outline the process that will be used to study the existing site and produce background information to be used to provide design guidance to meet State and Local requirements

- **Specific noise-emitting processes:**
 - **Cogen Equipment:** These operations include generation of electrical power which includes heating and cooling from reciprocating engines.
 - **Vegetative Rooms:** These operations include Exhaust fans and HVAC equipment.
 - **Flower Rooms:** These operations include Exhaust fans and HVAC equipment.
 - **Harvest Rooms:** These operations include Exhaust fans and HVAC equipment.
 - **Drying Rooms:** These operations include Exhaust fans and HVAC equipment.
 - **Trim Rooms:** These operations include Exhaust fans and HVAC equipment.
 - **Packaging Rooms:** These operations include Exhaust fans and HVAC equipment.

Noise Mitigation Best Practice:

- **Staff training procedures:** NEO has an extensive training program that includes training specifically for noise control and maintenance and operation of equipment. Operating Procedures that all employees must follow. NEO will conduct weekly staff meetings at these meetings we discuss noise and maintenance of equipment.
- **Monitoring and inspection:** Every noise emitting room will be continuously monitored with daily inspections for noise breakout.

Engineering Controls:

The engineering noise control devices will be designed by a Professional Engineer licensed in the State of Massachusetts. An affidavit of compliance will be provided with DEP air permit.

HVAC system noise control plan:

Closed Loop System: with limited exhaust fitted with silencers.

- **Exhaust Fans:** fans will be fitted with silencing devices to prevent breakout noise.
- **Cogen Equipment:** Industrial grade Silencers will be installed on exhaust equipment and engines.

Environmental Noise Modeling:

Acoustical consultant of Massachusetts will be working with NEO to predict noise impacts from major mechanical equipment associated with the new facility. The acoustical consultant will develop an overall sound study plan for the project and submit final version to Medway.

Noise Modeling:

Environmental noise from the proposed facility will be modeled using a computerized implementation of environmental noise propagation algorithms. The potential noise impacts will be assessed at the facility property line and at the residences beyond.

Source Strength:

The major noise sources will be modeled using vendor provided sound power level data in octave bands based on equipment type. This modeling analysis will be conducted to represent a worst- case scenario when all equipment operates simultaneously at full load.

Design Criteria:

Acoustical consultant will review the local and state regulation to identify an applicable design criteria against which environmental noise impacts should be compared.

Based on applicable state, local, and project-specific noise requirements and results of the baseline sound survey, recommend reasonable noise criteria for locations near the proposed project site.

Summarize the results of our baseline sound survey and present the findings and recommendations of our analysis in a concise draft report. Conduct a Best Available Noise Control Technology (BANCT) analysis and include the BANCT findings in this report.

Mitigation of Impacts:

The results from the assessment will be compared against applicable design criteria for the site and operations. Depending on the outcome of this work, mitigate solutions

may be necessary to reduce noise levels to acceptable levels. Solutions that will be investigated would include:

- Noise barriers
- Cladding treatments
- HVAC silencers

Post Construction Testing and Validation:

Post construction testing will be done to validate installation meets the noise guidance on noise performance of the facility. This post-construction test phases of the HVAC systems includes:

- Prepare and submit for review and approval a draft noise test plan review.
- Mobilize and conduct the noise testing according to the test plan.

Summarize the pertinent aspects and results of the test in a letter report, which would be intended for submission to Medway and MassDEP

TRANSPORTATION OF MARIJUANA:

NEO has developed procedures for the transportation of marijuana such that there are measures in place to ensure the integrity and the security of all registered agents and marijuana products before, during and after transportation to other registered Marijuana Establishments.

General Transportation Procedure Guidelines

NEO will only registered agents to transport marijuana products to other registered marijuana establishments. NEO also plans to act as a contracted existing licensee for other registered marijuana establishment licensees to transport, temporarily store, sell and distribute marijuana product to other registered Marijuana Establishments. NEO will never transport marijuana products directly to consumers.

Prior to each instance of transfer, the company will require all agents at the originating marijuana establishment and all agents at the receiving registered marijuana establishment to verify each item on the manifest. This practice ensures that all marijuana products included in the shipment are properly linked to the seed to sale tracking program and have been noted in both METRC and Cannabis 365. NEO will also track any seeds and clones that are included in the manifest in the same way.

If upon arrival to the destination Marijuana Establishment, a product is found to be undeliverable for the reason that it is damaged, expired, the package has been tampered with, or any other valid reason that the destination establishment feels that the product is inadequate, than the product shall be refused and transported back to the originating establishment and the incident will be noted in logs and in the database upon arrival back to the originating establishment within 8 hours.

Per CFR935 500.105(13)(a)(6) and to ensure the prevention of diversion of any registered agents as well as to ensure the safety of both the community and the cannabis products, all transport routes will require at least two registered agents to be present. When the delivery or transport is being executed, it will be required that there will always be at least one registered agent physically with in the transport vehicle at all times. It is a company policy to never leave marijuana products unattended in the transport vehicle. This includes any unauthorized stops, and or any diversions from the manifested route. Once the marijuana products have been removed from the lockable containers with in the transport vehicle, this policy is no longer needing to be enforced; if there are no marijuana products contained within the transport vehicle, the two person minimum driver requirement is void.

It is company policy that prior to leaving the marijuana establishment when transporting marijuana products that the company will weigh, inventory and account for all marijuana products to be transported on video with all information able to be captured by still frame. This will take place in a limited access area. Likewise, when receiving any product in a transport shipment as a destination marijuana establishment, it will be company procedure to re-weigh, re-inventory and re-account for all marijuana products transported, using the manifest from the originating marijuana establishment to verify. This will be done on video and in a limited access area of the facility.

To ensure the safety of both the transport drivers and agents as well as the marijuana products within the transport vehicle, it will be company policy to never adopt a transportation schedule

that will allow for or invite predatory practices. As such, delivery routes schedules and frequencies will be randomized. For regulation, transport vehicles will never utilize a route that requires them to leave the Commonwealth.

Before loading food that requires temperature control for safety, the loader must verify, considering, as appropriate, specifications provided by the shipper in accordance with proper temperatures for food storage during shipment and that each mechanically refrigerated cold storage compartment or container is adequately prepared for the transportation of such food, including that it has been properly pre-cooled, if necessary, and meets other sanitary conditions for food transportation.

It is NEO's policy to document and report all accidents, suspected diversions or discrepancies, or other reportable incidents to the Commission and law enforcement authorities within 24 hours of discovery. NEO will equip all delivery vehicles with secure, lockable and tamper evident delivery containers will be used during transport and outer packaging will not make apparent the contents. NEO's Marijuana Transporters will use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

August 21, 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

Re: NEO Organics – 4 Marc Road Cultivation Facility, Review of Odor Mitigation Plan

Dear Ms. Affleck - Childs:

This letter documents the findings from my review of the 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, TF-2, 7-29-2019, 1 page
- NEO Manufacturing LLC, Odor Mitigation Plan, received by Planning 8-06-2019, 5 pages

I offer the following comments from my review of the documents:

General Comments:

1. The Plan is incomplete. It is lacking key information and sufficient detail to allow for a thorough evaluation of whether or not odors will be sufficiently controlled, abated, and mitigated.
2. The Plan was not prepared by a certified professional. In the Town of Medway Zoning Bylaw, June 4, 2019, Section 8.10 Recreational Marijuana, paragraph J, 5., I, it requires "A comprehensive odor control, abatement and mitigation plan prepared by a certified environmental engineer or certificated environmental professional with demonstrated experience in the area of marijuana odor mitigation."

Specific odor-emitting activities

3. The following rooms are not listed, and they are likely to have odor-emitting activities: The Extraction Lab, Grinding, Manufacturing, and Post Production. These areas are also missing from the other sections of the Plan.
4. The phases, timing, and duration of major odor-emitting events such as harvesting and exhaust purge are not mentioned.

Odor Mitigation Best Practices

5. Staff training procedures: Staff Training should include an overview of all odor mitigation systems – not just closing doors and changing carbon filters, and also ensuring that all systems are operating.

6. There is no mention of a recordkeeping system. This should describe the records that will be maintained (e.g., records of purchases of replacement carbon filters, performed maintenance tracking, documentation and notification of malfunctions, scheduled and performed staff training sessions, and monitoring of administrative and engineering controls). Any examples of facility recordkeeping forms should be included.

Engineering Controls:

7. There is no description of a Maintenance plan. This should describe the maintenance activities that will be performed and the frequency with which such activities will be performed. The activities should serve to maintain the odor mitigation systems and optimize performance.
8. Manufacturer's literature on ionization units and carbon filters has not been submitted.
9. Odor Control: The initials MIW are not defined.

Odor Mitigation System design:

10. 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 have been sealed to prevent exfiltration through the room envelope.
11. There is no mention of a 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.

Building Exhaust Systems:

12. Under "Note," it states "The Extraction Process and Manufacturing Process are not considered to be an odor generating process all material is sealed prior to entering the room." This is not typical of common extraction and manufacturing rooms, which normally have a strong odor. Submit manufacturer's literature on equipment showing that odor producing material will be sealed the entire time it is in the room.

Operational processes:

13. For each room type, submit design criteria for Bi-polar ionization units and carbon filters (e.g., desired air changes per hour required to treat odors from specific areas, odor capture mechanisms, air flow rates, etc.).

If you have any questions or comments, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Bruce Straughan". The signature is written in a cursive style with a large, stylized "B" and "S".

Bruce Straughan, PE
Straughan Forensic, LLC

Susan Affleck-Childs

From: Ron Dempsey <ron@noise-control.com>
Sent: Wednesday, August 21, 2019 4:00 PM
To: Susan Affleck-Childs
Subject: RE: Medway - Marijuana facility #2 - 4 Marc Road

Hello Susan,

Here are my comments on the documents that you sent me:

Noise Mitigation Plan

- The plan is very generalized at the moment, it includes all the correct features, but some clarifications could be provided.
- The acoustical consultant is not identified, but does specify that all noise control measures will be designed by a licensed PE. NCE was contacted by NEO about serving as their consultant, but we have declining due to our connection with the Town of Medway.
- Cogen Equipment is assumed to be installed with "industrial grade" silencers. This grade is likely too low if the equipment is to be operating full time, however it is assumed that this will be identified in the noise predictions.
- Noise modeling and source strength sections are in line with general best practices, but will need to be fleshed out in the eventual reports
- The plan identifies four documents that will be produced that the Town of Medway should want to see:
 - o Sound Study Plan, prepared by their consultant to flesh out all the details from this document
 - o Design Report, including baseline noise measurements and predicted operational noise levels
 - o Noise Test Plan, identifying noise measurement methods for determining compliance (may be included in the Sound Study Plan)
 - o Operational Test Report, presenting the results of operational testing at the facility to determine compliance
- The plan is generalized in that it mentions a review of state and local noise limits, with the development of an applicable criteria. This does not specifically say they will meet the noise limits and this should be stated clearly as I expect the Town will expect them to meet the Town noise limits.
- The mitigation section is reasonable for the generalized plan, however the 2 Marc Rd facility required treatments above those listed for consideration
- The post construction testing section does not include any procedures for identification and remediation of any measured noise excesses. This should be included to ensure that if there are noise issues, NEO will work to fix them.

Site Plan

- Mechanical Pad is located on the side of the building closest to the Lally's at 35 Coffee St. They will likely see the most impact due to noise.

Ron Dempsey
Noise Control Engineering, LLC
978-584-3025 (direct line)
www.noise-control.com

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, August 8, 2019 11:33 AM
To: Ron Dempsey <ron@noise-control.com>
Subject: Medway - Marijuana facility #2 - 4 Marc Road

Ron,

The Medway Planning and Economic Development Board has received a special use permit zoning application to use an existing 29,000+ sq. ft., industrial building at 4 Marc Road for the cultivation and processing of marijuana for adult recreational use. They will be undertaking a comprehensive retrofit of the building to accommodate the new use. As a required part of the application, a noise mitigation plan has been provided. See attached. I have also attached the site plan, floor plan, and project description. YES . . . this site is immediately to the west of the 2 Marc Road project with which you are already familiar!!

The Medway *Zoning Bylaw* requires the submittal of *"a comprehensive noise mitigation plan prepared by a qualified acoustical consultation (whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience)*. I do not know who prepared the submitted noise plan as attached. I have asked the applicant for that information.

Would you prepare a fee estimate to review this document and provide your written comments and recommendations? Please be advised that we will probably also need you to review a revised plan if the Planning and Economic Development Board determines that the initial plan is incomplete or insufficient, based on your feedback, of course! Would you be able to put together a fee estimate/proposal and email it to me by Monday? I have a Board meeting Tuesday night and the Board needs to approve the fees for all outside consultants.

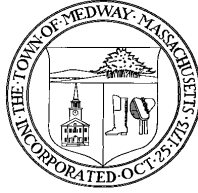
The public hearing on this project will begin August 27th. I hope you can provide your review comments to me by August 21?

Please let me know if there is any additional information you need.

Best regards,

Susy

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



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

Application for Approval of Special Permit

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Zoning Bylaw.

The Town's Planning and Engineering Consultants will 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.

August 8, 20 19

APPLICANT INFORMATION

Applicant's Name: Neo Organics LLC

Mailing Address: 365 Boston Post Road, # 184

Sudbury, MA 01776

Name of Primary Contact: Chad Blair

Telephone:

Office: (617) 571-6068 Cell: (617) 571-6068

Email address: cblair@neoalt.com

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

PROPERTY INFORMATION

Location Address: 4 Marc Road, Medway, MA 02053

The land shown on the plan is shown on Medway Assessor's Map # 32 as Parcel # 026

Size of Development Parcel(s): 6.68 +/- Acres

Development Name: Neo Cultivation & Manufacturing

General Description of Property: The site is located on the north side of the cul-de-sac at the end of Marc Road. The site is currently developed with a 29,718+/- square foot industrial manufacturing building, with associated driveway access, parking areas, landscape improvements, utilities, and some stormwater management features. A large portion of the site remains undeveloped containing wooded areas and wetland resource areas at the northeast portion of the site.

Medway Zoning District Classification: I-1 w/ Underlying Zoning District EI and
Groundwater Protection District

TYPE OF SPECIAL PERMIT

Check all that apply.

- ☐ Infill Dwelling Unit (Section 8.1)
- ☐ Registered Medical Marijuana Facility (Section 8.9)
- ☐ Recreational Marijuana Establishment (Section 8.10)
- ☐ 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
- ☐ Assisted living residence facility
- ☐ Multifamily units in combination with a commercial use in the Central Business District (Section 5.4.1)
- ☒ Other special permit uses, normally reviewed by the Zoning Board of Appeals, such as a Groundwater Protection District Special Permit, which also require site plan review (Section 3.5.3.A. 5. a.)

NOTE – There are separate application forms for the following special permits: Open Space Residential Development (OSRD), Adult Retirement Community Planned Unit Development (ARCPUD), Multifamily Dwellings and Developments, and Adaptive Use Overlay District (AUOD). Please do not use this form.

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: NEK, LLC

Mailing Address: 20533 SE Evergreen Highway
Camas, WA 02053

Primary Contact: Jordan Naydeuov

Telephone:
Office: _____ Cell: _____

Email address: _____

OFFICIAL REPRESENTATIVE INFORMATION

Name: DGT Associates

Address: 1071 Worcester Road
Framingham, MA 01701

Telephone:
Office: (508) 879-0030 Cell: _____

Email address: mail@dgtassociates.com

Relationship to Applicant: Engineer & Surveyor of Record

Medway Planning and Economic Development Board
Special Permit Application

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 _____ to serve as my Agent/Official 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	_____ Date
_____ Signature of Applicant (if other than Property Owner)	<u>8/8/19</u> Date
_____ Signature of Agent/Official Representative	_____ Date

SPECIAL PERMIT APPLICATION/FILING FEES

There is no separate special permit application fee when the project also requires site plan review.

SPECIAL PERMIT APPLICATION CHECKLIST

It is understood that the applicant shall also file a corresponding application for Site Plan Review and Approval with all required submittals.

- X Submit a detailed narrative on how the proposed development 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.

Updated 4-23-19

Neo Organics LLC
4 Marc Road, Medway

**Project Description – Special Permit:
Groundwater Protection District**

This narrative has been prepared in conjunction with the requirements set forth in Section 3.4 (Special Permit) and 5.6.3 (Groundwater Protection District) of the Town of Medway Zoning Bylaw. More detailed information with regards to the proposed development is included in the attached Site Plans and Stormwater Management Design and Runoff Calculation Report.

Applicability per Section 5.6.3.C & 5.6.3.E.3.e. of the Town of Medway Zoning Bylaw

A portion of the site at the northeast and east of the site is located within the Groundwater Protection District (this district coincides with the portion of the lot located within a Zone II Wellhead Protection Area, which is a Critical Area per the Massachusetts Stormwater Regulations). Also, the existing site contains 68,012± square feet (23.3%) of impervious surface and the proposed site contains 71,012± (24.4%) square feet of impervious surface. Therefore, because a portion of the site is located within the Groundwater Protection District and more than fifteen percent (15%) is covered by impervious surface, a Special Permit is required for the proposed development.

Proposed Site Development

The proposed project includes the change of use from industrial / manufacturing to a recreational marijuana cultivation and manufacturing use. This use is allowed by special permit under section 8.10 of the Bylaw in the East Industrial (EI) overlying zoning district, which is where the parcel is located (note: a special permit for this use has been filed as part of the full application package.)

The proposed site work for the project includes the following:

- Interior renovations to the existing industrial building.
- Construction of a 3,000 square foot concrete mechanical pad to house the odor pollution control equipment, some HVAC equipment, and other mechanical equipment.
- Construction of a concrete dumpster pad with associated fencing.
- Construction of several stormwater Best Management Practices (BMPs) including a one (1) recharge (infiltration) system and three (3) proprietary stormwater treatment units (CDS Technologies – referred to as Water Quality Units (WQU) in this report). The BMP treatment trains are designed to provide water quality improvements and to provide groundwater recharge.
- Installation of oil and debris traps in all existing catch basins on-site.
- The performance of maintenance excavation in the existing manmade drainage ditch (approximately 160 linear feet), to promote drainage flow, as well as the performance of general clean up in and around the drainage ditch to restore a more natural and clean landscape in the area of proposed work. This work is to include the installation of a rip-rap plunge pool at the existing outfall from the existing site drainage infrastructure to the drainage ditch.
- Installation of construction period erosion and sedimentation controls.

All proposed work will in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District. The proposed stormwater management system, for the new construction portion of the development, has been designed to provide water quality and recharge volumes which exceed the design criteria outlined in the Massachusetts Stormwater Handbook for new construction within a Zone II. Also, as mentioned above, modifications to the existing drainage network and on-site drainage ditch have also been incorporated into the overall development plan in an effort to improve the existing site condition.

A Long Term Pollution Prevention Plan and Stormwater Operation and Maintenance Plan have been prepared, and are included in the Stormwater Management Design and Runoff Calculation Report (Appendices 2 & 5 respectively). These documents are intended to help the site contractor during the construction phase of the project, and property owner / manager after the construction is completed, with the maintenance of the site, as well as with its drainage network.

An Erosion and Sediment Control Plan with notes and details has also been prepared and is included in the Site Plan Set to help minimize erosion and the disturbance of soils.

Minimal vegetation and topographic modifications are proposed as part of the development.



Planning & Economic Development Board - Town of Medway, MA
SITE PLAN REVIEW

Application for Minor Site Plan Approval

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the *Medway Zoning Bylaw* and the Board's *Rules and Regulations for the Submission and Review of Site Plans*

The Town's Planning and Engineering Consultants will review the Application and the proposed Site Plan 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 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 at hearings may result in a delay in the Board's review of the site plan.

August 6, 2019

APPLICANT INFORMATION

Applicant's Name: Neo Organics LLC

Mailing Address: 365 Boston Post Road, #184
Sudbury, MA 01776

Name of Primary Contact: Chad Blair

Telephone: Office: (617) 571-6068 Cell: (617) 571-6068

Email address: cblair@neoalts.com

☐

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

MINOR SITE PLAN INFORMATION

Development Name: Neo Organics LLC

Plan Title: Neo Cultivation & Manufacturing

Plan Date: August 6, 2019

Prepared by:
Name: DGT Associates
Firm: DGT Associates
Phone #: (508) 879-0030
Email: mail@dgtassociates.com

PROPERTY INFORMATIONLocation Address: 4 Marc Road, Medway, MA 02053The land shown on the plan is shown on Medway Assessor's Map # 32 as Parcel # 026Total Acreage of Land Area: 6.68 +/-

General Description of Property: The site is located on the north side of the cul-de-sac at the end of Marc Road. The site is currently developed with a 29,718+/- square foot industrial manufacturing building, with associated driveway access, parking areas, landscape improvements, utilities, and some stormwater management features. A large portion of the site remains undeveloped containing wooded areas and wetland resource areas at the northeast portion of the site.

Medway Zoning District Classification: I-1 w/ Underlying Zoning District EI and Groundwater Protection DistrictCurrent Use of Property: Industrial ManufacturingLength of Existing Frontage: 194.6On what street? Marc Road

Setbacks for Existing Structure (if applicable)

Front: 91.5 ftSide: 117.1 ftBack: 276.7 ftSide: 219.3 ft

Scenic Road

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

☐ Yes ☒ No If yes, please name street: _____

Historic District

Is any portion of this property located within a Medway National Register Historic District?

☐ Yes - Rabbit Hill☐ Yes - Medway Village

Wetlands

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

Groundwater Protection

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

Flood Plain

Is any portion of the property within a Designated Flood Plain? ☐ Yes ☒ No**PROPOSED DEVELOPMENT PROJECT INFORMATION**Development Name: Neo Organics LLC

Minor Site Plan Review applies to the following. Please check all that apply.

- ☐ a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building use which is not subject to Major Site Plan Review but which involves one or more of the following:
- ☐ i. the addition of 1,000 to 2,4999 sq. ft. of gross floor area; or
- ☐ ii. the addition of ten or more but less than twenty new parking spaces

- ☐ b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of ten or more but less than twenty new parking spaces
- ☐ c. The redesign of the layout/configuration of an existing parking area of twenty to thirty-nine parking spaces
- ☐ d. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, § 3 only to the extent allowed by law.
- ☐ e. Removal, disturbance, and/or alteration of 10,000 to 19,999 square feet of impervious surface.

SPECIAL PERMIT - Will this project also require a variance or special permit from the *Zoning Board of Appeals*?

☐ Yes ☒ No

Explanation: _____

SPECIAL PERMIT - Will this project also require a special permit from the *Planning and Economic Development Board*?

☒ Yes ☐ No

Explanation: Marijuana Special Permit Required

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: NEK, LLC

Mailing Address: 20533 SE Evergreen Highway
Camas, WA 02053

Primary Contact: Jordan Naydeuov

Telephone:
Office: _____ Cell: _____

Email address: _____

The owner's title to the land that is the subject matter of this application is derived under deed from: C.S. Manufacturing, Inc. to NEK, LLC
dated 14 December 2004 and recorded in Norfolk County Registry of Deeds,
Book 21910 Page 102 or Land Court Certificate of Title Number _____,
Land Court Case Number _____, registered in the Norfolk County Land Registry District
Volume _____, Page _____.

CONSULTANT INFORMATION

ENGINEER: DGT Associates

Mailing Address: 1071 Worcester Road
Framingham, MA 01701

Primary Contact: Bert E. Corey, P.E.

Telephone:
Office: (508) 879-0030 Cell: _____

Email address: bcorey@dgtassociates.com

Registered P.E. License #: 48423

SURVEYOR: DGT Associates

Mailing Address: 1071 Worcester Road
Framingham, MA 01701

Primary Contact: Peter A. Lothian, P.L.S.

Telephone: (508) 879-0030

Office: Cell: _____

Email Address: plotthian@dgtassociates.com

Registered P.L.S. License #: 40978

ARCHITECT: Anderson Porter Design

Mailing Address: 875 Main Street
Cambridge, MA 02139

Primary Contact: Brian Anderson

Telephone: (617) 354-2501

Office: Cell: (617) 515-2648

Email address: brain@andersonporter.com

Registered Architect License #: 20234

LANDSCAPE ARCHITECT/DESIGNER: _____

Mailing Address: _____

Primary Contact: _____

Telephone: _____

Office: Cell: _____

Email address: _____

Registered Landscape Architect License #: _____

ATTORNEY: Prince Lobel

Mailing Address: One International Place, Suite 3700
Boston, Massachusetts 02110

Primary Contact: Dan Glissman

Telephone: (617) 456-8181

Office: Cell: (617) 456-8181

Email address: dglissman@princelobel.com

DESIGNATED REPRESENTATIVE INFORMATION

Name: DGT Associates
Address: 1071 Worcester Road
Framingham, MA 01701
Telephone: _____
Office: (508) 879-0030 Cell: _____
Email address: mail@dgtassociates.com

SIGNATURES

The undersigned, being the Applicant for approval of a Minor Site Plan Project, herewith submits this application and Site Plan 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 and proposed development under consideration.

If applicable, I hereby authorize _____ to serve as my 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.

I understand that pursuant to MGL 53G, the Medway Planning and Economic Development Board may retain outside professional consultants to review this application and that I am responsible for the costs associated with such reviews.

I understand that the Planning and Economic Development Board, its agents, staff, consultants, and other Town staff and committees may request additional information which I am responsible for providing to assist them in reviewing the proposed development.

Signature of Property Owner

Date

07/24/19

Signature of Applicant (if other than Property Owner)

Date

Signature of Agent/Official Representative

Date

MINOR SITE PLAN FEES**Application/Filing Fee**

\$350 plus \$.25/sq. ft. of gross floor area

(Gross floor area includes the existing building and proposed addition if any, and/or any proposed new building)

Advance on Plan Review Fee

\$500 deposit.

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

MINOR SITE PLAN **APPLICATION CHECKLIST**

- ☒ Minor Site Plan Application (2 signed originals – one for Town Clerk and one for Planning and Economic Development Board)
- ☒ Three (3) full size (24" x 36") copies of the Site Plan prepared in accordance with Sections 204-4 and 204-5 of the *Medway Site Plan Rules and Regulations* – one for the Town Clerk and two for the Planning and Economic Development Board.
- ☒ One (1) ledger size (11" x 17") copy of the Site Plan for the Planning and Economic Development Board
- ☒ Electronic version of the Site Plan and ALL associated application documents. Provide disk or flash drive or email.
- ☒ Certified Abutters List and labels from the Medway Assessor's office – for 300 feet around the subject property
- ☒ One (1) copy of a *Project Description* as described in Section 204 - 3, 6) of the *Medway Site Plan Rules and Regulations*. This description should also include a narrative on how the proposed project meets the requirements of the *Medway Zoning Bylaw* for parking (Section 7.1.1) and outdoor lighting (Section 7.1.2)
- ☒ Request for Waivers from the *Medway Site Plan Rules and Regulations*. Use Form Q.
- ☒ Two (2) copies of a *Stormwater Drainage Evaluation*
- ☐ Two (2) copies of a traffic study, depending on the size and scope of the proposed development project.
- ☐ One (1) copy of all relevant approvals received to date from other Town boards/committees/departments
- ☒ Proof of present or pending ownership of all land within the proposed development site.
- ☒ Minor Site Plan Filing Fee – Payable to Town of Medway
- ☒ Advance of Plan Review Fee – Payable to Town of Medway

Neo Organics LLC
4 Marc Road, Medway

Project Description - Minor Site Plan Review

This narrative has been prepared in conjunction with the requirements set forth in Section 204-3.6 of the Rules & Regulation for Submission and Review of Site Plans, and contains a brief description of the existing site and the proposed development at #4 Marc Road in Medway, MA. More detailed information with regards to the proposed development is included in the attached Site Plans and Stormwater Management Design and Runoff Calculation Report, and more detailed information with regards to the marijuana cultivation and manufacturing operations are included in the attached Marijuana Special Permit Application with supporting documents.

Existing Site Description

The parcel is known as Parcel ID: 32-026 in the assessor's records and is located in the I-1 zoning district within the East Industrial Underlying Zoning District. A portion of the site at the northeast and east of the site is located within the Groundwater Protection District. This district coincides with the portion of the lot located within a Zone II Wellhead Protection Area, which is a Critical Area per the Massachusetts Stormwater Regulations.

The existing site is bounded by Marc Road to the south as well as an undeveloped industrial zoned lot, an unpaved 30 foot wide private way with undeveloped agricultural / residential zoned lots to the west, undeveloped agricultural / residential zoned lots containing wetlands and a vernal pool to the north, and another industrial use building to the east.

The site is located on the north side of the cul-de-sac at the end of Marc Road. The site is currently developed with a 29,718± square foot industrial manufacturing building, with associated driveway access, parking areas, landscape improvements, utilities, and some stormwater management features. A large portion of the site remains undeveloped containing wooded areas and wetland resource areas at the northeast portion of the site. The total area of the site is 290,884± square feet (6.68± acres). Currently the existing site contains 68,012 square feet of impervious surface (23.4%).

The property lies in zone "x-unshaded" (areas determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map number 25021C0142E Dated July 17, 2012. So the land is not within an "Area Subject to Flooding" under the Wetland Protection Act.

Proposed Site Work

The proposed site work for the project includes the following:

- Interior renovations to the existing industrial building.
- Construction of a 3,000 square foot concrete mechanical pad to house the odor pollution control equipment, as well as some HVAC equipment.
- Construction of a concrete dumpster pad with associated fencing.

- Construction of several stormwater Best Management Practices (BMPs) including a one (1) recharge (infiltration) system and three (3) proprietary stormwater treatment units (CDS Technologies – referred to as Water Quality Units (WQU) in this report). The BMP treatment trains are designed to provide water quality improvements and to provide groundwater recharge.
- Installation of oil and debris traps in all existing catch basins on-site.
- The performance of maintenance excavation in the existing manmade drainage ditch (approximately 160 linear feet), to promote drainage flow, as well as the performance of general clean up in and around the drainage ditch to restore a more natural and clean landscape in the area of proposed work. This work is to include the installation of a rip-rap plunge pool at the existing outfall from the existing site drainage infrastructure to the drainage ditch.
- Installation of construction period erosion and sedimentation controls.

The proposed construction is estimated to begin in November of 2019 and continue until August of 2020. The estimated cost of the interior modifications is \$ 5,600,000 and the estimated cost of the exterior site work is \$ 400,000 (this cost includes the maintenance and cleanup of the existing drainage ditch).

NEO Organics Business Operations Information

NEO Organics LLC is a marijuana cultivation and manufacturing company who intends to supply recreational marijuana dispensaries with marijuana products (i.e. oils and edibles). The company is expecting to operate between the hours of 7:00 A.M. to 7:00 P.M. with a maximum of twenty-five (25) employees. For more detailed information with regards to NEO Organics' business model and operations please refer to the attached information in the Marijuana Special Permit package.

PERMIT SITE PLAN

4 MARC ROAD MEDWAY, MASSACHUSETTS 02053 for NEO ORGANICS LLC

GENERAL NOTES

- ELEVATIONS SHOWN HEREON REFER TO NAVD 1988, DETERMINED BY GPS OBSERVATIONS USING GEOID 12B.
- TOPOGRAPHIC FEATURES, SITE DETAILS AND SIGNIFICANT IMPROVEMENTS DEPICTED HEREON, WERE OBTAINED FROM AERIAL MAPPING BY BLUESKY AND FIELD SURVEYS CONDUCTED BY DGT ASSOCIATES ON 4/9/19, 6/24/19 AND 7/2/19.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND RELATIVE ELEVATION OF BENCH MARKS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. ANY DISCREPANCY SHALL BE REPORTED TO THE ENGINEER.
- ALL SITE CONSTRUCTION SHALL COMPLY WITH THE MEDWAY DEPARTMENT OF PUBLIC WORKS.
- IN CASES WHERE LEDGE, BURIED FOUNDATIONS OR BOULDERS ARE PRESENT, DGT ASSOCIATES SHALL NOT BE RESPONSIBLE FOR THE AMOUNT OF ROCK OR CONCRETE ENCOUNTERED.
- DGT ASSOCIATES SHALL BE NOTIFIED OF ANY SIGNIFICANT DIFFERENCES IN THE EXISTING CONDITIONS OR UTILITIES THAT MAY AFFECT THE CONSTRUCTION SHOWN ON THIS PLAN FOR ANY NECESSARY PLAN REVISIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR AND/OR REPLACEMENT OF ANY EXISTING FEATURES DAMAGED DURING CONSTRUCTION THAT ARE NOT INTENDED FOR DEMOLITION AND/OR REMOVAL HEREON.
- SAFETY MEASURES, CONSTRUCTION METHODS AND CONTROL OF WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

GRADING AND UTILITY PLAN NOTES

- LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY. ALL UTILITIES, OBSTRUCTIONS AND/OR SYSTEMS MAY NOT BE SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR FOR LOCATING AND PROTECTING ALL EXISTING UNDERGROUND UTILITIES AND/OR SYSTEMS WHETHER OR NOT SHOWN HEREON.
- UNLESS OTHERWISE SHOWN HEREON, ALL NEW UTILITIES SHALL BE UNDERGROUND.
- RIM ELEVATIONS SHOWN HEREON FOR NEW STRUCTURES ARE PROVIDED TO ASSIST THE CONTRACTOR WITH MATERIAL TAKEOFFS. FINAL RIM ELEVATIONS SHALL MATCH PAVEMENT, GRADING, LANDSCAPING, UNLESS SPECIFICALLY INDICATED OTHERWISE.
- WHERE CONNECTIONS AND STRUCTURES ARE TO BE INSTALLED AT EXISTING UTILITIES, THE CONTRACTOR SHALL CONFIRM THE LOCATION AND ELEVATION PRIOR TO INSTALLATION AND SHALL REPORT ANY SIGNIFICANT DISCREPANCY FROM THE PLAN INFORMATION TO THE ENGINEER.
- WHERE NEW PAVING MEETING EXISTING PAVING, MEET LINE AND GRADE OF EXISTING WITH NEW PAVING.
- AT LOCATIONS WHERE EXISTING PAVEMENT ABUTS NEW CONSTRUCTION, THE EDGE OF THE EXISTING PAVEMENT SHALL BE SAWCUT TO A CLEAN AND SMOOTH EDGE.
- PERIMETER EROSION CONTROLS SHOWN HEREON SHALL BE INSTALLED PRIOR TO ANY EARTH DISTURBANCE AND SHALL SERVE AS A LIMIT OF WORK, UNLESS OTHERWISE SHOWN.
- THE CONTRACTOR SHALL PROVIDE DUST CONTROL FOR CONSTRUCTION OPERATIONS AS APPROVED BY THE ENGINEER.
- ALL POINTS OF CONSTRUCTION EGRESS OR INGRESS SHALL BE MAINTAINED TO PREVENT THE TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC ROADS.

REGULATORY NOTES

- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATION OF VISIBLE STRUCTURES AND COMPILING INFORMATION FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENT AGENCIES. THE LOCATION SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE. BEFORE ANY CONSTRUCTION, DEMOLITION OR SITE WORK, THE LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR BY CONTACTING "DIG-SAFE" AT 811.
- THE CONTRACTOR SHALL MAKE HIMSELF AWARE OF ALL CONSTRUCTION REQUIREMENTS, CONDITIONS AND LIMITATIONS IMPOSED BY PERMITS AND APPROVALS ISSUED BY REGULATORY AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY WORK. CONTRACTOR SHALL COORDINATE AND OBTAIN ALL CONSTRUCTION PERMITS REQUIRED BY REGULATORY AUTHORITIES.
- ALL WORK OUTSIDE OF THE BUILDING THAT IS LESS THAN 10 FEET FROM THE INSIDE FACE OF THE BUILDING FOUNDATIONS SHALL CONFORM WITH THE UNIFORM STATE PLUMBING CODE OF MASSACHUSETTS, 248 CMR 2.00.
- CONSTRUCTION ACTIVITIES SHALL CONFORM TO THE RULES AND REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).

PLAN INTENT

- THE INTENT OF THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION PURPOSES.

ZONING

INDUSTRIAL - 1 (I-1)
UNDERLYING ZONING DISTRICT EAST
INDUSTRIAL (EI) & GROUNDWATER
PROTECTION DISTRICT

RECORD OWNER

NEK, LLC

REFERENCES

MEDWAY ASSESSOR'S PARCEL: 32-026
NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 21910 PAGE 102

APPLICANT

NEO ORGANICS LLC
365 BOSTON POST ROAD, #184
SUDBURY, MA 01776

DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROVIDED
LOT AREA:	20,000 SF	290,884± SF	290,884± SF
LOT FRONTAGE:	100 FT	194.6 FT	194.6 FT
FRONT YARD SETBACK:	30 FT	91.5 FT	91.5 FT
SIDE YARD SETBACK:	20 FT	117.1 FT	117.1 FT
REAR YARD SETBACK:	30 FT	276.7 FT	276.7 FT
BUILDING HEIGHT:	60 FT	15.9 FT	15.9 FT
MAXIMUM IMPERVIOUS COVERAGE:	80 %	23.4 %	24.4 %
MINIMUM OPEN SPACE:	20 %	76.6 %	75.6 %

SITE DATA

	PRE-DEVELOPMENT	POST-DEVELOPMENT
BUILDING AREA	29,718 SF (10.2 %)	29,718 SF (10.2 %)
PAVEMENT & SIDEWALKS	38,294 SF (13.2 %)	41,294 SF (14.2 %)
TOTAL IMPERVIOUS	68,012 SF (23.4 %)	71,012 SF (24.4 %)
OPEN SPACE & LANDSCAPED AREA	222,872 SF (76.6 %)	219,872 SF (75.6 %)

PARKING DATA

REQUIRED:		EXISTING:
1 SPACE / 2 EMPLOYEES	13	PARKING SPACES = 69 SPACES
1 SPACE / 1,000 SF OF BUILDING	30	
TOTAL REQUIRED	43	

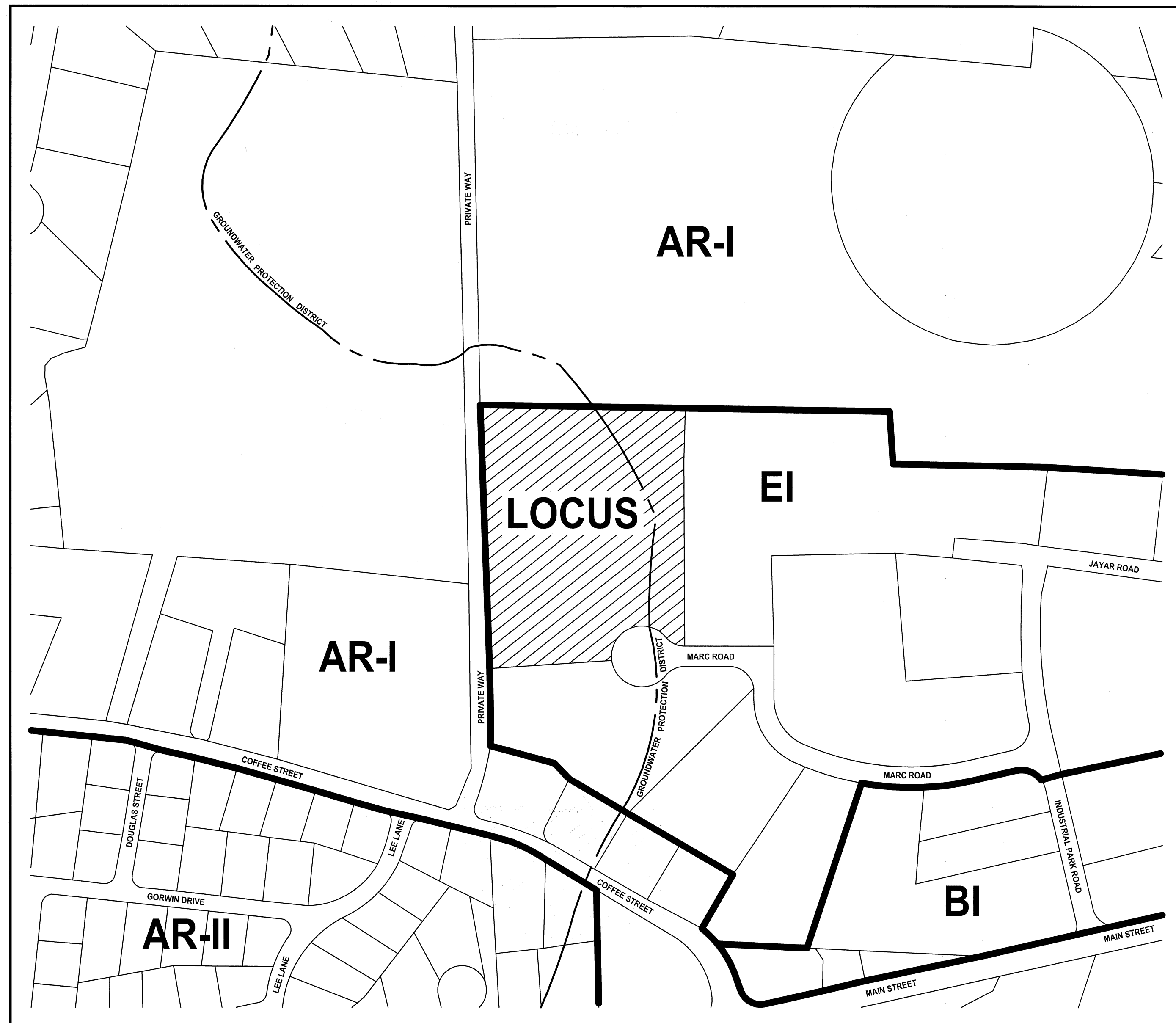
SHEET INDEX

C-1	TITLE SHEET
C-2	EXISTING CONDITIONS PLAN
C-3	PROPOSED CONDITIONS PLAN
C-4	EROSION AND SEDIMENT CONTROL PLAN
C-5	EROSION AND SEDIMENT CONTROL NOTES AND DETAILS
C-6	SITE DETAILS #1

REQUESTED WAIVERS

THE FOLLOW WAIVERS FROM THE TOWN OF MEDWAY PLANNING BOARD RULES AND REGULATIONS ARE REQUESTED:

- CHAPTER 200, ARTICLE IV, SECTION 204-4.B (SITE CONTEXT SHEET)
- CHAPTER 200, ARTICLE IV, SECTION 204-4.C.3 (EXISTING LANDSCAPE INVENTORY)
- CHAPTER 200, ARTICLE IV, SECTION 204-4.D.7 (LANDSCAPE ARCHITECTURAL PLAN)
- CHAPTER 200, ARTICLE IV, SECTION 204-4.D.12 (SIGNAGE PLAN)
- CHAPTER 200, ARTICLE IV, SECTION 204-4.D.13 (LIGHTING PLAN)



LOCUS MAP

1" = 200'



Framingham
Boston • Worcester

1071 Worcester Road
Framingham, MA 01701
508-879-0030

www.DGTassociates.com

APPLICANT

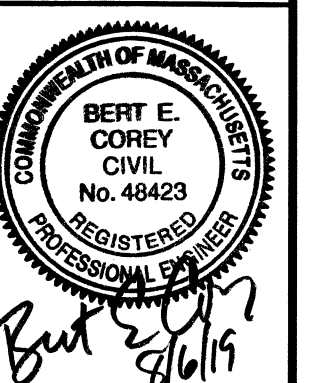
NEO ORGANICS LLC
365 BOSTON POST ROAD, #184
SUDBURY, MA 01776

MINOR SITE PLAN REVIEW/SPECIAL PERMIT
MEDWAY PLANNING AND ECONOMIC
DEVELOPMENT BOARD:

DATE SIGNED:

ISSUED FOR:

MINOR SITE PLAN &
MARIJUANA SPECIAL PERMIT



NO.	APP	DATE	DESCRIPTION
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DATE: AUGUST 6, 2019

SCALE: AS NOTED

DRAFTED: TMM/JAL	CHECKED: JAL	APPROVED: BEC
---------------------	-----------------	------------------

PROJECT TITLE:

NEO CULTIVATION &
MANUFACTURING

4 MARC ROAD
MEDWAY, MASSACHUSETTS 02053

SHEET TITLE:

TITLE SHEET

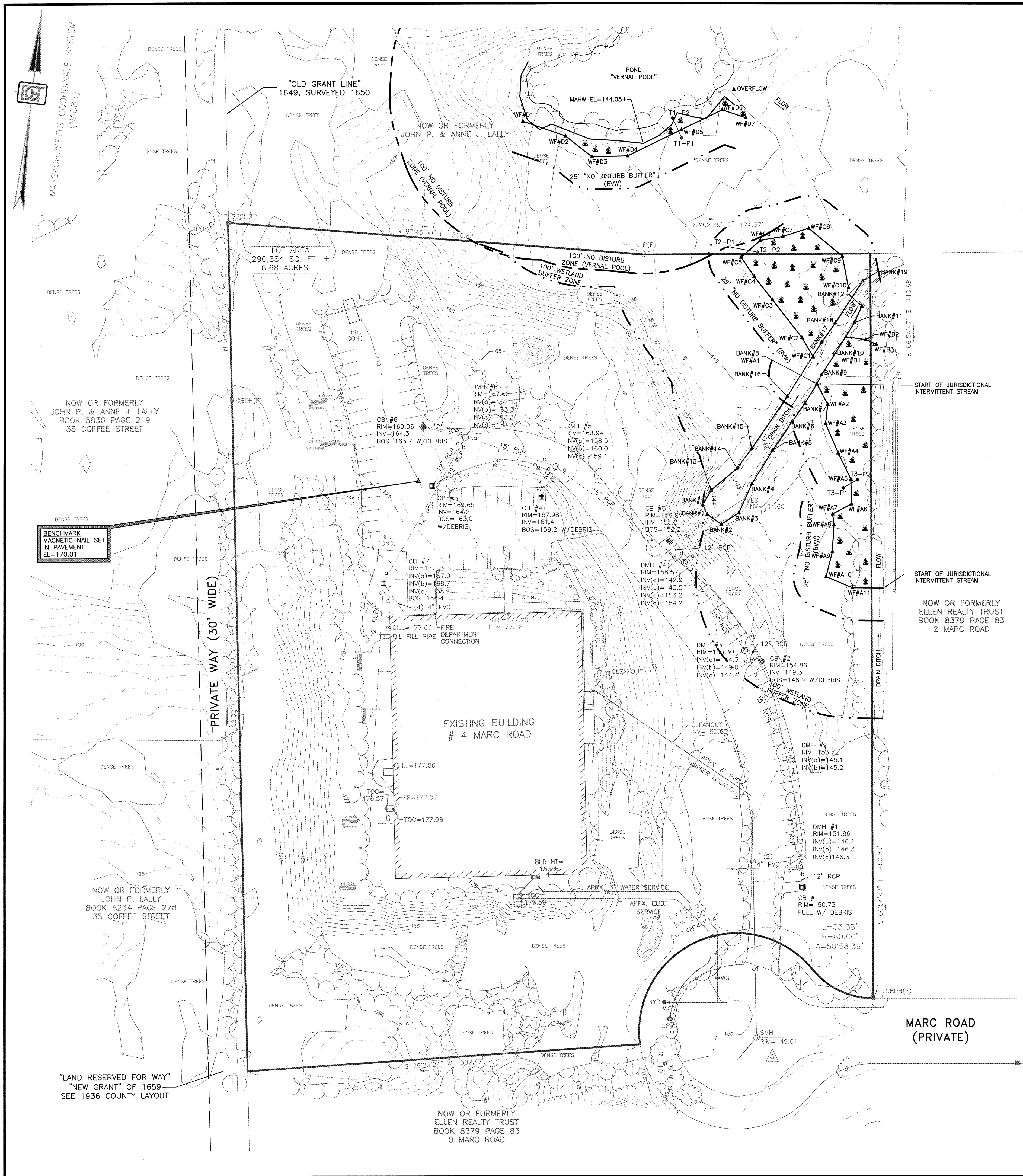
SHEET:
1 OF 6

PROJECT NO.:
25457

C-1

© 2019 BY DGT ASSOCIATES

C:\Carson\Jobs\25457\Correspondence\To Client\2019-08-06 (To Medway)\25457-Site Plan.dwg



NOTES

1. RECORD OWNER IS NEK LLC. SEE DEED BOOK 21910 PAGE 102.
2. ELEVATIONS REFER TO NAVD 1988, DETERMINED BY GPS OBSERVATIONS USING GEOID 12B.
3. SEE MEDWAY ASSESSOR'S PARCEL 32-026.
4. THIS PARCEL FALLS WITHIN ZONING DISTRICT I-1.
5. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT ASSESSORS RECORDS.
6. SEE NORFOLK COUNTY REGISTRY OF DEEDS FOR RECORD DOCUMENTS.
7. TOPOGRAPHIC FEATURES, SITE DETAILS AND SIGNIFICANT IMPROVEMENTS DEPICTED HEREON, WERE OBTAINED FROM AERIAL MAPPING BY BLUESKY AND FIELD SURVEYS CONDUCTED BY DGT ASSOCIATES ON 4/9, 6/24 AND 7/2/2019.
8. THIS TOPOGRAPHIC SURVEY BY DGT ASSOCIATES WAS PREPARED TO MEET NATIONAL MAP ACCURACY STANDARDS AT A SCALE OF 1"=40' HORIZONTALLY AND A 1 FOOT CONTOUR INTERVAL VERTICALLY. ANY REPRODUCTIONS OR RESCALING MAY AFFECT THE MAP ACCURACY.
9. WETLAND FLAGGING WAS CONDUCTED ON 6/27/2019 BY DGT ASSOCIATES.
10. THIS PARCEL LIES IN ZONE "X-UNSHADED" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0142E DATED JULY 17, 2012.
11. AREAS OUTLINED IN RED AND LABELED "DENSE TREES" WERE OBLISCURED AND CONTAIN NO TOPOGRAPHIC INFORMATION.
11. LEGAL STATUS OF EASEMENTS, WAYS, AND RESTRICTIONS NOT DETERMINED BY THIS SURVEY.
12. LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATION OF VISIBLE STRUCTURES AND COMPILING INFORMATION FROM UTILITY RECORDS. THE LOCATION SHOWN SHALL BE CONSIDERED APPROXIMATE. BEFORE ANY CONSTRUCTION, THE LOCATION OF UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR IN ACCORDANCE WITH CH. 82, SEC. 40 AS AMENDED. ALL UTILITY COMPANIES AND APPLICABLE GOVERNMENT AGENCIES MUST BE CONTACTED CONTACT "DIG-SAFE" AT 1-888-344-7233.

LEGEND

BANK#3	▲	RIVER BANK FLAG
BIT.	◆	BITUMINOUS CONCRETE
B.M.	◆	BENCH MARK
CB	○	CATCH BASIN
CO	○	CLEAN OUT
CONC.	⊙	CONCRETE
DMH	⊙	DRAIN MANHOLE
EM	⊙	ELECTRIC METER
EOP	⊙	EDGE OF PAVEMENT
FF=	◆	FINISHED FLOOR ELEVATION
HYD	◆	HYDRANT
INV=	◆	INVERT ELEVATION OF PIPE
LS	◆	LANDSCAPED AREAS
MAHW#3	▲	MEAN ANNUAL HIGH WATER FLAG
N/F	◆	NOW OR FORMERLY
POST	○	POST
ROCK OR BOULDER	○	
SHRUB	○	SHRUB
SIGN POST	○	SIGN POST
SILL=522.33	◆	SILL ELEVATION
SMH	⊙	SEWER MANHOLE
+125.33	◆	SPOT ELEVATION, HARD SURFACE
+125.3	◆	SPOT ELEVATION, SOFT GROUND
T3-P3	◆	WETLAND TRANSECT BORING
TOC=125.33	◆	TOP OF CONCRETE ELEVATION
TRANS	⊙	TRANSFORMER
UP	○	UTILITY POLE
W	○	WITH
WF#A2	▲	WETLAND FLAG
WG	◆	WATER GATE
WM	⊙	WATER METER

BOUNDARY MONUMENTS OR MARKERS

(F)	■	FOUND
CBDH	■	CONCRETE BOUND WITH DRILL HOLE
IP	○	IRON PIPE
SBDH	■	STONE BOUND WITH DRILL HOLE

APPLICANT

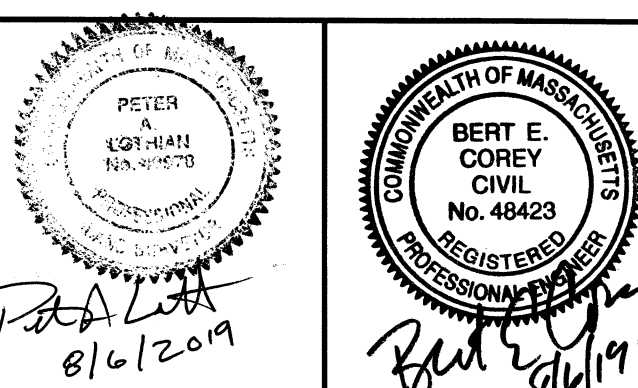
NEO ORGANICS LLC
365 BOSTON POST ROAD, #184
SUDBURY, MA 01776

MINOR SITE PLAN REVIEW/SPECIAL PERMIT
MEDWAY PLANNING AND ECONOMIC
DEVELOPMENT BOARD:

DATE SIGNED:

ISSUED FOR:

**MINOR SITE PLAN &
MARIJUANA SPECIAL PERMIT**



NO.	APP	DATE	DESCRIPTION

DATE: **AUGUST 6, 2019**

SCALE: **1" = 40'**

DRAFTED:	CHECKED:	APPROVED:
TMM/JAL	JAL	BEC

PROJECT TITLE:


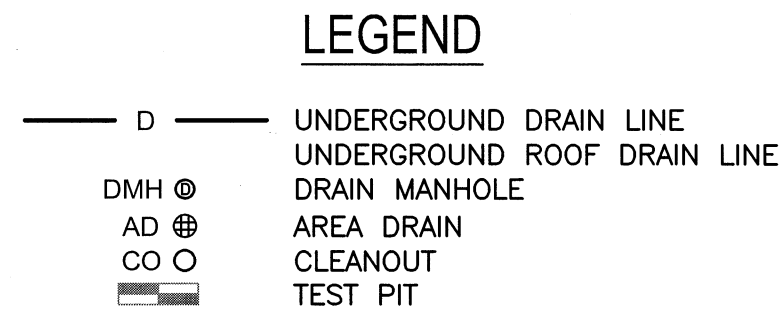
**NEO CULTIVATION &
MANUFACTURING**

4 MARC ROAD
MEDWAY, MASSACHUSETTS 02053

SHEET TITLE:

**EXISTING
CONDITIONS PLAN**

SHEET: 2 OF 6	C-2
PROJECT NO.: 25457	



DGT Associates
Surveying &
Engineering

Framingham
Boston • Worcester

1071 Worcester Road
Framingham, MA 01701
508-879-0030

www.DGTassociates.com

APPLICANT

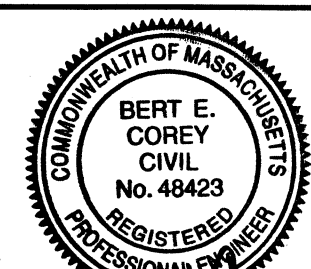
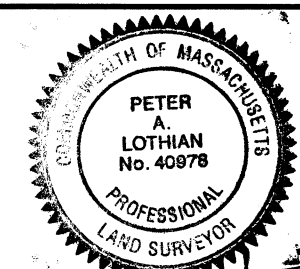
NEO ORGANICS LLC
365 BOSTON POST ROAD, #184
SUDBURY, MA 01776

MINOR SITE PLAN REVIEW/SPECIAL PERMIT
MEDWAY PLANNING AND ECONOMIC
DEVELOPMENT BOARD:

DATE SIGNED:

ISSUED FOR:

MINOR SITE PLAN & MARIJUANA SPECIAL PERMIT



Pat A. Little
8/6/2019

8/6/19

NO.	APP	DATE	DESCRIPTION
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DATE: **AUGUST 6, 2019**

SCALE: 1" = 40'

DRAFTED: TMM/JAL	CHECKED: JAL	APPROVED: BEC
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PROJECT TITLE:

NEO CULTIVATION & MANUFACTURING

4 MARC ROAD
MEDWAY, MASSACHUSETTS 02053

SHEET TITLE:

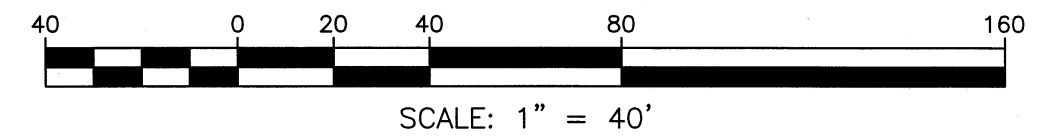
PROPOSED SITE PLAN

SHEET:
3 OF 6

PROJECT NO.:
25457

C-3

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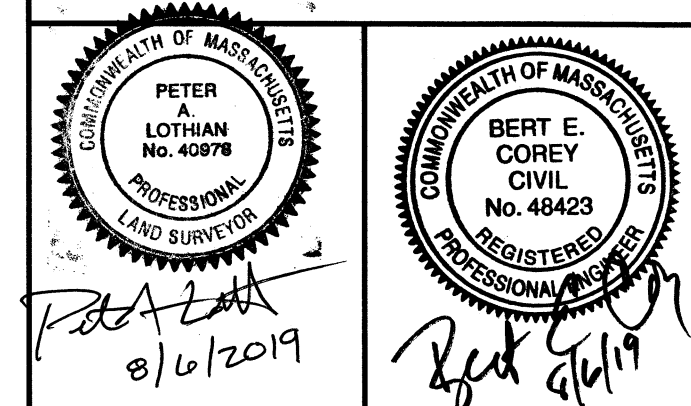


APPLICANT
NEO ORGANICS LLC
365 BOSTON POST ROAD, #184
SUDBURY, MA 01776

MINOR SITE PLAN REVIEW/SPECIAL PERMIT
MEDWAY PLANNING AND ECONOMIC
DEVELOPMENT BOARD:

DATE SIGNED:

ISSUED FOR:
**MINOR SITE PLAN &
MARIJUANA SPECIAL PERMIT**



NO.	APP	DATE	DESCRIPTION
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DATE: **AUGUST 6, 2019**

SCALE: **1" = 40'**

DRAFTED:	CHECKED:	APPROVED:
TMM/JAL	JAL	BEC

PROJECT TITLE:

**NEO CULTIVATION &
MANUFACTURING**

4 MARC ROAD
MEDWAY, MASSACHUSETTS 02053

SHEET TITLE:

**EROSION AND
SEDIMENT CONTROL
PLAN**

SHEET: 4 OF 6	C-4
PROJECT NO.: 25457	

EROSION AND SEDIMENT CONTROL
NOTES AND PERFORMANCE STANDARDS

1. CONSTRUCTION PERIOD EROSION AND SEDIMENT CONTROL

1.1 THE PURPOSE OF THE CONSTRUCTION PERIOD EROSION AND SEDIMENT CONTROL PLAN IS TO MINIMIZE THE INTRODUCTION OF SEDIMENTS INTO THE TOWN'S DRAINAGE SYSTEM, PUBLIC RIGHT OF WAYS, ADJUTING PROPERTIES, AND TO POST-DEVELOPMENT STORMWATER BMP'S RESULTING FROM THE LAND DISTURBANCE ACTIVITIES DURING CONSTRUCTION.

1.2 THE EROSION AND SEDIMENT CONTROL NOTES AND PERFORMANCE STANDARDS LISTED ON THIS SHEET SHALL BE SHALL BE IMPLEMENTED.

1.3 INSPECTIONS SHALL BE CONDUCTED BY THE GENERAL CONTRACTOR ON A BI-WEEKLY BASIS (EVERY TWO WEEKS), OR FOLLOWING SIGNIFICANT STORM EVENTS (RAINFALL OF 0.5" OR MORE) THAT CAN AFFECT THE SEDIMENT AND EROSION CONTROL PRACTICES IMPLEMENTED AT THE SITE. THE PURPOSE OF THE INSPECTIONS ARE TO EVALUATE THE EFFECTIVENESS ON THE CONTROLS AND ANY REQUIRED MAINTENANCE ACTIVITIES. IF AN EROSION/SEDIMENTATION CONTROL MEASURE IS FOUND TO BE INADEQUATE FOR PROPERLY CONTROLLING SEDIMENT, AN ADEQUATE MEASURE SHALL BE DESIGNED AND IMPLEMENTED. A COPY OF THE WRITTEN INSPECTION SHALL BE KEPT ON FILE AT THE CONSTRUCTION SITE.

1.4 DURING CONSTRUCTION, EXISTING AND PROPOSED STORMWATER MANAGEMENT STRUCTURES SHALL BE PROTECTED FROM SEDIMENT. ALL PROPOSED NEW STORMWATER MANAGEMENT STRUCTURES THAT INFILTRATE RUNOFF ARE PARTICULARLY SENSITIVE TO DAMAGE BY SEDIMENT. INFILTRATION TECHNOLOGIES ARE NOT DESIGNED TO HANDLE THE HIGH CONCENTRATIONS OF SEDIMENTS TYPICALLY FOUND IN CONSTRUCTION RUNOFF, AND MUST BE PROTECTED FROM CONSTRUCTION RELATED SEDIMENT LOADING. SITE RUNOFF FROM UNSTABILIZED AREAS SHALL NOT BE DISCHARGED INTO THE PROPOSED INFILTRATION SYSTEM UNTIL THE TRIBUTARY DRAINAGE AREA IS STABLE OR THE RUNOFF IS TREATED TO BE ESSENTIALLY FREE FROM SEDIMENT TO THE SATISFACTION OF THE ENGINEER. THE CONTRACTOR SHALL PROVIDE TEMPORARY BY-PASS SYSTEMS AS NECESSARY TO PREVENT CONSTRUCTION SITE RUNOFF FROM ENTERING THE INFILTRATION SYSTEM. THE INFILTRATION SYSTEM SHALL REMAIN OFF-LINE AND PROTECTED.

2. GENERAL PERFORMANCE STANDARDS

2.1 THE CONTRACTOR SHALL INSTALL, ROUTINELY INSPECT AND MAINTAIN ALL SEDIMENT AND EROSION CONTROLS SUCH THAT THEY ARE IN PROPER WORKING ORDER AT ALL TIMES DURING THE CONSTRUCTION PROJECT UNTIL SUCH TIME AS ALL AREAS OF THE SITE TRIBUTARY TO THOSE EROSION CONTROLS ARE IN A PERMANENTLY STABILIZED CONDITION.

2.2 THE CONTRACTOR SHALL MANAGE THE SITE SUCH THAT EROSION AND SEDIMENT FROM RUNOFF AND WIND BLOWN DUST ARE CONTROLLED AND MINIMIZED AT ALL TIMES. THE EROSION CONTROLS SHOWN ON THIS PLAN INCLUDE THE INITIAL SETUP OF EROSION CONTROLS AND BASIC INFORMATION. TO MEET THE REQUIREMENT OF BEST MANAGEMENT PRACTICES, THE CONTRACTOR MUST MANAGE THE SITE PROPERLY WHICH MAY INCLUDE, BUT NOT BE LIMITED TO: MINIMIZING AREAS OF EXPOSED SOILS; INSTALLING TEMPORARY COVER; MAKE NECESSARY ADJUSTMENTS TO THE EROSION CONTROL INSTALLATIONS TO IMPROVE FUNCTION; PROVIDE TEMPORARY SEDIMENT BASINS; INSTALL ADDITIONAL EROSION CONTROL WHERE NECESSARY.

2.3 THE EROSION CONTROL WORK SHOWN ON THIS PLAN ARE ALSO SUBJECT TO PERMITS AND APPROVALS BY THE MEDWAY CONSERVATION COMMISSION UNDER THE WETLANDS PROTECTION ACT AND MAY ALSO BE SUBJECT TO OTHER STATE AND LOCAL APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE CONDITIONS AND REQUIREMENTS OF THOSE PERMITS.

2.3 DESIGN, INSTALLATION AND MAINTENANCE OF SEDIMENT AND EROSION CONTROLS SHALL BE IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES FOLLOWING THE GUIDELINES INCLUDED IN THE FOLLOWING:

- STORMWATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES, DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" U.S. ENVIRONMENTAL PROTECTION AGENCY, OCTOBER 1992.
- "MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS, A GUIDE FOR PLANNERS, DESIGNERS AND MUNICIPAL OFFICIALS", MASS. EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS, MAY 2003.
- U.S.D.A. NATURAL RESOURCES AND CONSERVATION SERVICES (NRCS) GUIDELINES.

3. FEDERAL NPDES PHASE II COMPLIANCE

3.1 THIS PROJECT IS NOT SUBJECT TO THE FEDERAL CLEAN WATER ACT REQUIREMENTS FOR CONSTRUCTION SITES ADMINISTERED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA).

4. PERIMETER EROSION CONTROL BARRIER AND LIMIT OF WORK

4.1 PRIOR TO ANY DISTURBANCE OR ALTERATIONS OF ANY AREA ON THE SITE, AN EROSION CONTROL BARRIER SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THE PLAN.

4.2 INSTALL THE STRAW WATTLE ON THE INSIDE OF THE SILT FENCE AS SHOWN. IN THOSE AREAS WHERE THE TOPOGRAPHY INDICATES THAT STORMWATER RUNOFF WILL BE CONCENTRATED (AT LOW POINTS), ADDITIONAL STRAW WATTLES OR STRAW BALES AS NECESSARY SHALL BE STAKED ON THE UPGRADIENT SIDE OF THE SILT FENCE FOR ADDED FILTRATION AND PROTECTION. THE REQUIRED LOCATIONS FOR THE ADDED BARRIER INSTALLATION WILL BE SELECTED BY THE ENGINEER AND / OR THE AUTHORIZED INSPECTOR UPON COMPLETION OF THE PERIMETER EROSION CONTROL INSTALLATION (SEE DETAIL).

4.3 ONCE INSTALLED, THE EROSION CONTROL BARRIER SHALL BE MAINTAINED IN PLACE UNTIL ALL AREAS UPGRADIENT FROM THE BARRIERS HAVE BEEN PERMANENTLY STABILIZED.

4.4 ALL DISTURBED AREAS NOT OTHERWISE DEVELOPED OR WHERE SPECIAL STABILIZATION MEASURES OR LANDSCAPE PLANTINGS ARE PROPOSED SHALL BE LOAMED AND SEEDED OR SODDED. SIX INCHES OF LOAM TOPSOIL (MIN. COMPACTED DEPTH) SHALL BE APPLIED UNLESS, OTHERWISE SPECIFIED. (SEE LANDSCAPE PLAN AND OTHER PLANS AS APPLICABLE).

5.0 CONSTRUCTION ENTRANCE

5.1 THE CONTRACTOR SHALL SWEEP THE ADJACENT ROADWAYS WHEN MUD, DUST, DIRT, DEBRIS, ETC. HAS SHOWN SIGNS OF BUILDUP ON THE ROADWAYS EXITING THE SITE. THE CONTRACTOR SHALL PAY PARTICULAR ATTENTION TO THIS MATTER AND IMMEDIATE ATTENTION IS ALWAYS REQUIRED.

6.0 DEWATERING OF EXCAVATIONS

6.1 DISCHARGE FROM DEWATERING PUMPS OR TEMPORARY TRENCH OR EXCAVATION DRAINS SHALL NOT BE DISCHARGED DIRECTLY TO THE ON-SITE DRAINAGE SYSTEM, OR WETLAND RESOURCE AREAS. DISCHARGES SHALL BE DIRECTED TO A TREATMENT SYSTEM CONSISTING OF A SEDIMENT BASIN, STRAW BALE SEDIMENT BASIN, FILTER BAG SYSTEM OR OTHER APPROVED METHOD TO FILTER THE DISCHARGE WATER AND PREVENT EROSION.

6.2 THE PUMP DISCHARGE SYSTEMS MUST BE GREATER THAN 100 FEET FROM WETLAND RESOURCES UNLESS APPROVED BY THE MEDWAY CONSERVATION COMMISSION AND IN ACCORDANCE WITH OTHER APPLICABLE LAWS AND REGULATIONS.

6.3 ALL DEWATERING DRAINAGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES MUST FIRST OBTAIN A DEWATERING DRAINAGE PERMIT, IF REQUIRED. SUCH DISCHARGES SHALL COMPLY WITH THE TOWN OF MEDWAY REQUIREMENTS, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, MASSACHUSETTS DEP AND OTHER APPROPRIATE AGENCIES. UNDER NO CIRCUMSTANCE SHALL DEWATERING DRAINAGE BE DISCHARGED INTO A SANITARY SEWER.

7.0 SOIL STOCKPILES

7.1 STOCKPILES OF SOIL MATERIALS SHALL BE PLACED WITHIN AREAS THAT ARE PROTECTED BY PERIMETER EROSION CONTROLS, OR SHALL BE SURROUNDED BY PROPER SILT FENCING, FIBER LOGS, OR STAKED STRAW BALES.

7.2 STOCKPILES THAT ARE TO BE IN PLACE FOR EXTENDED PERIODS OF TIME (MORE THAN 30 DAYS) SHALL BE COVERED OR OTHERWISE TEMPORARILY STABILIZED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES.

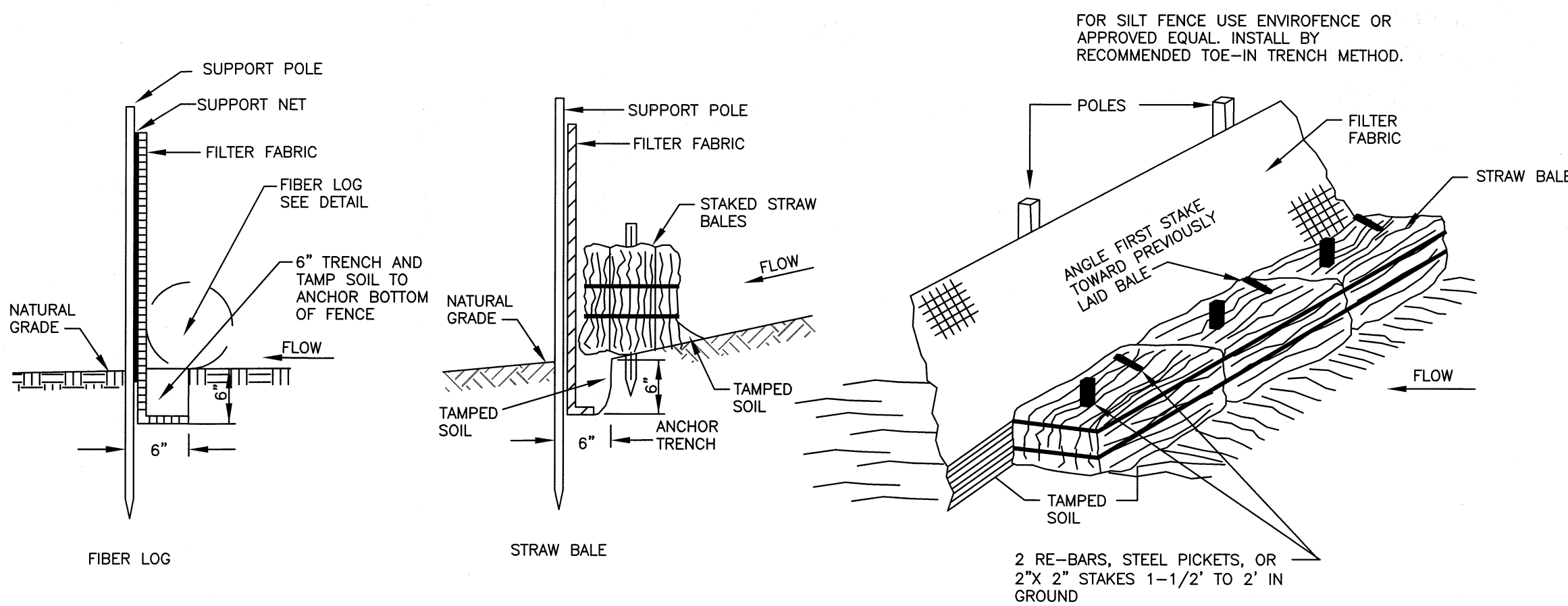
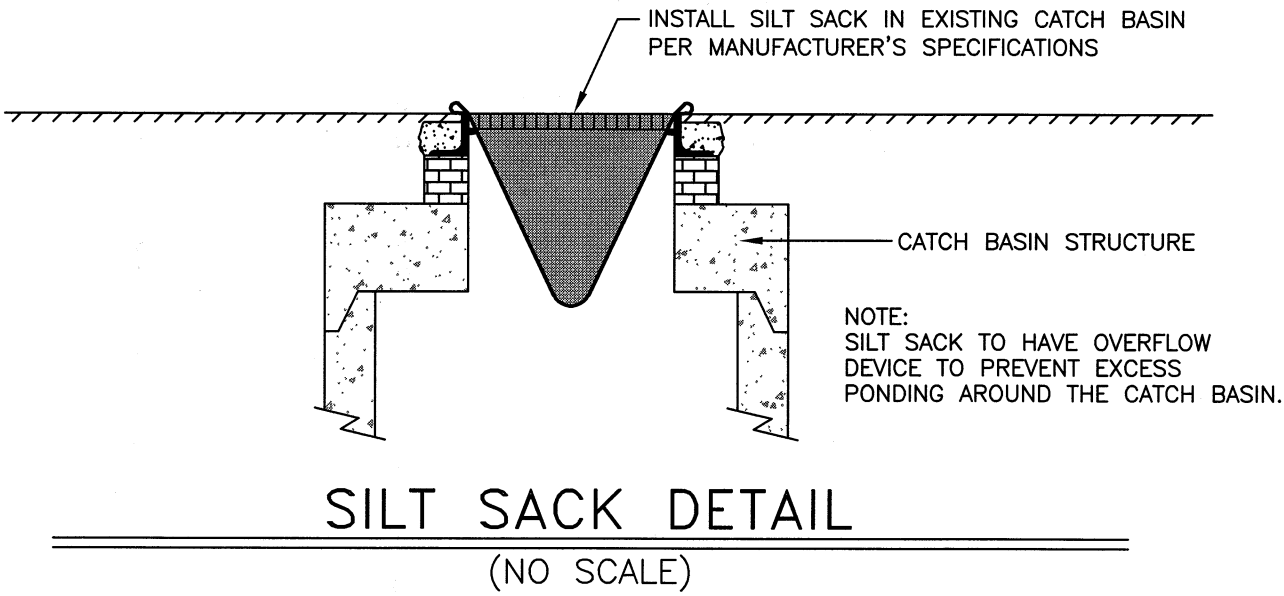
8.0 CATCH BASIN INLET PROTECTION

8.1 CATCH BASINS WITHIN THE WORK AREA OR THAT WILL RECEIVE RUNOFF FROM THE WORK AREA SHALL BE PROTECTED WITH A SILT SACK AND OR OTHER APPROVED INSTALLATION TO MINIMIZE THE SEDIMENT LOAD TO THE BASIN.

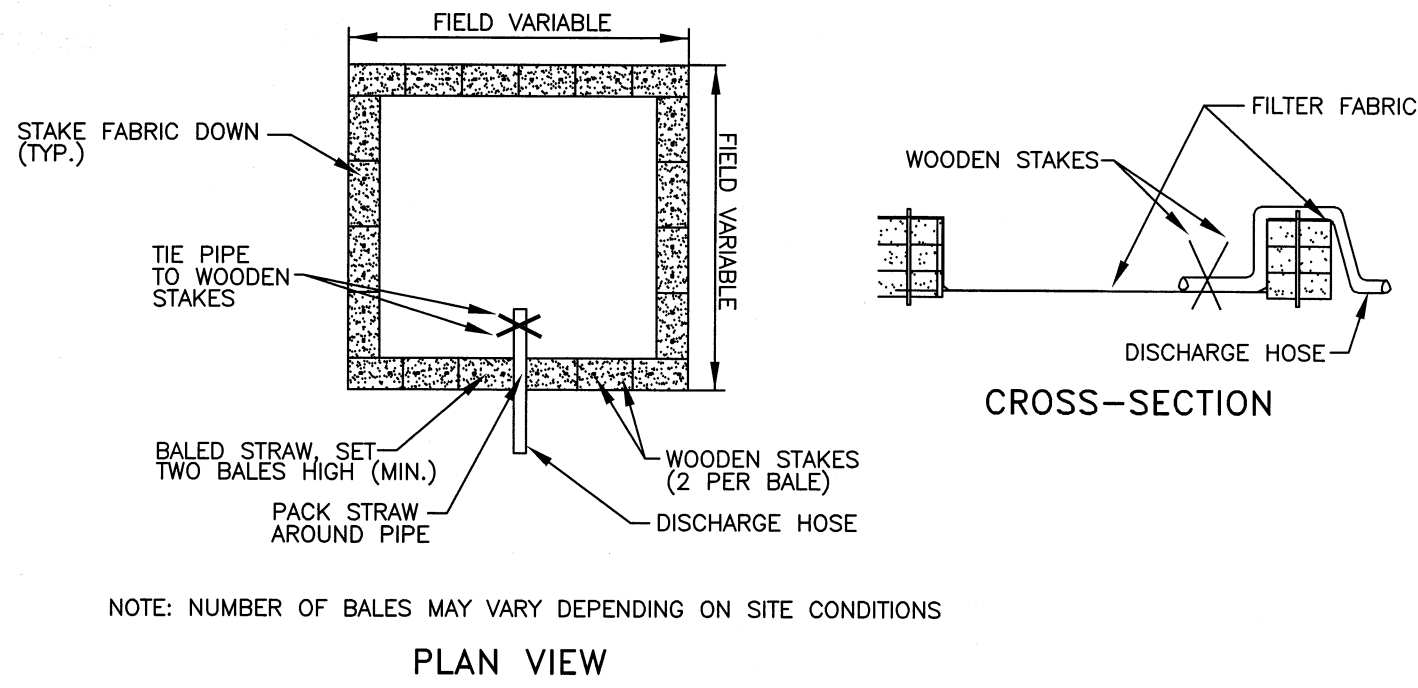
9.0 DUST CONTROL

9.1 THE CONTRACTOR SHALL TAKE APPROPRIATE MEASURES DURING SITE WORK TO MINIMIZE WIND BLOWN DUST FROM EXPOSED SOIL SURFACES. MEASURES INCLUDE BUT ARE NOT LIMITED TO:

- SPRINKLING WATER ON EXPOSED SURFACES
- APPLICATION OF TEMPORARY COVER SUCH AS HYDRO MULCH AND TACIFIER, STRAW MATTING, JUTE NETTING ETC.

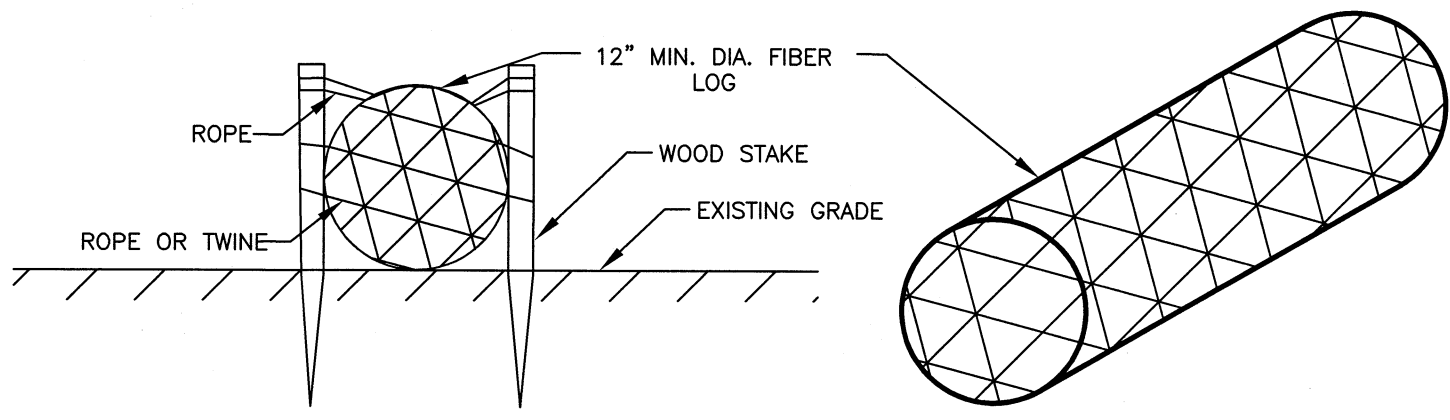


PERIMETER EROSION CONTROLS
STAKED STRAW BALE/FIBER LOG AND SILT FENCE
SEDIMENT BARRIER DETAIL
(NO SCALE)



DEWATERING OF EXCAVATIONS NOTES:
1. DISCHARGE FROM DEWATERING PUMPS OR TEMPORARY TRENCH OR EXCAVATION DRAINS SHALL NOT DISCHARGE DIRECTLY TO WETLANDS OR STORM DRAIN SYSTEMS. THE DISCHARGES SHALL BE DIRECTED INTO A CONSTRUCTED SEDIMENT BASIN OR A STRAW BALE SETTLING BASIN, STILLING BASIN, FILTER BAG, FRAC TANK OR SIMILAR DEVICE.

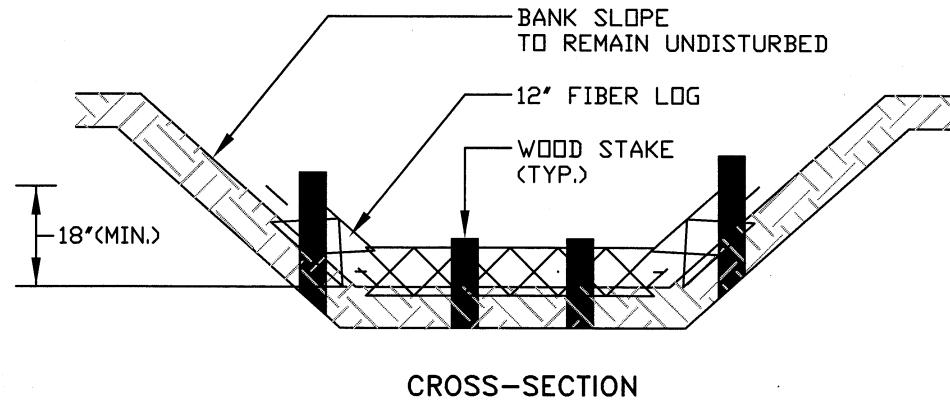
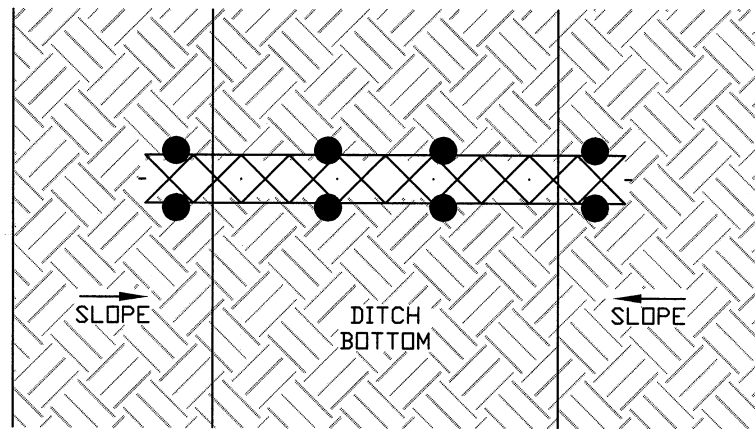
STRAW BALE SETTLING BASIN DETAIL
(NO SCALE)



INSTALLATION NOTES FOR FIBER LOGS:

1. LAY THE FIBER LOG AT THE UPHILL BASE OF THE SILT FENCE.
2. INSTALL APPROXIMATELY 4-6 WOOD STAKES THROUGH THE TWINE/NETTING ALONG THE FIBER LOG AS NEEDED TO HOLD THE LOG IN PLACE.
3. DRIVE THE STAKE INTO THE GROUND DEEP ENOUGH TO HOLD THE LOG.

FIBER LOG DETAIL
(NO SCALE)



NOTES:

- 1) WORK TO BE PERFORMED IN DRY SEASON.
- 2) EROSION AND SEDIMENT CONTROLS TO BE IN PLACE PRIOR TO DISTURBANCE.

DRAINAGE DITCH FIBER LOG DETAIL
(NO SCALE)

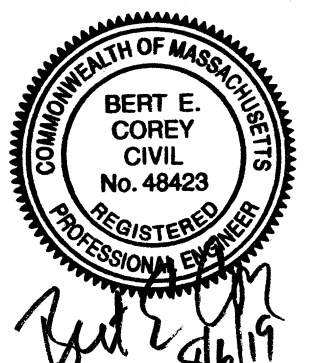
APPLICANT
NEO ORGANICS LLC
365 BOSTON POST ROAD, #184
SUDBURY, MA 01776

MINOR SITE PLAN REVIEW/SPECIAL PERMIT
MEDWAY PLANNING AND ECONOMIC
DEVELOPMENT BOARD:

DATE SIGNED:

ISSUED FOR:

MINOR SITE PLAN &
MARIJUANA SPECIAL PERMIT



NO. APP DATE DESCRIPTION

DATE: AUGUST 6, 2019

SCALE: AS NOTED

DRAFTED: TMM/JAL CHECKED: JAL APPROVED: BEC

PROJECT TITLE:

NEO CULTIVATION &
MANUFACTURING

4 MARC ROAD
MEDWAY, MASSACHUSETTS 02053

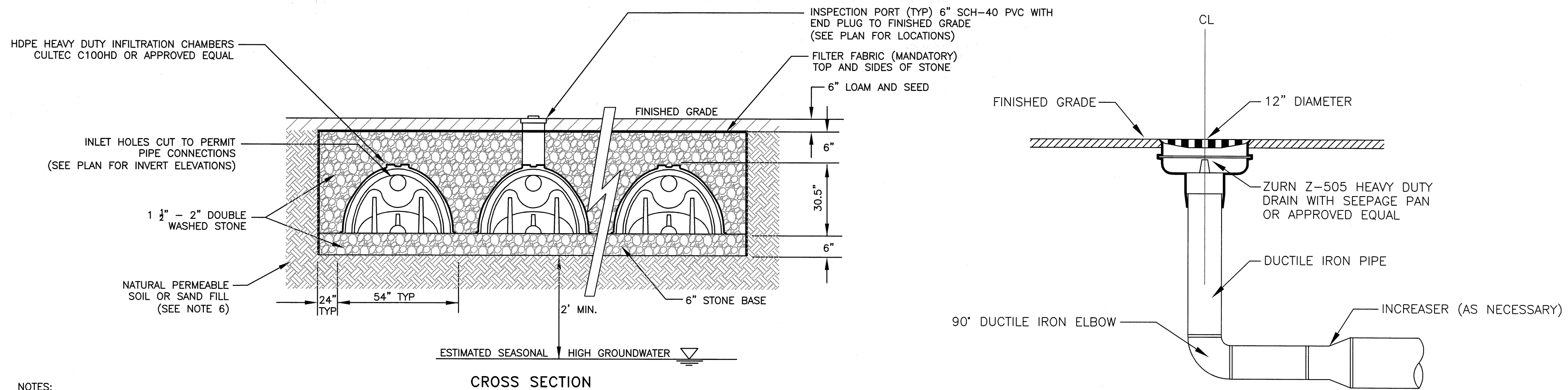
SHEET TITLE:

EROSION AND
SEDIMENT CONTROL
NOTES AND DETAILS

SHEET:
5 OF 6

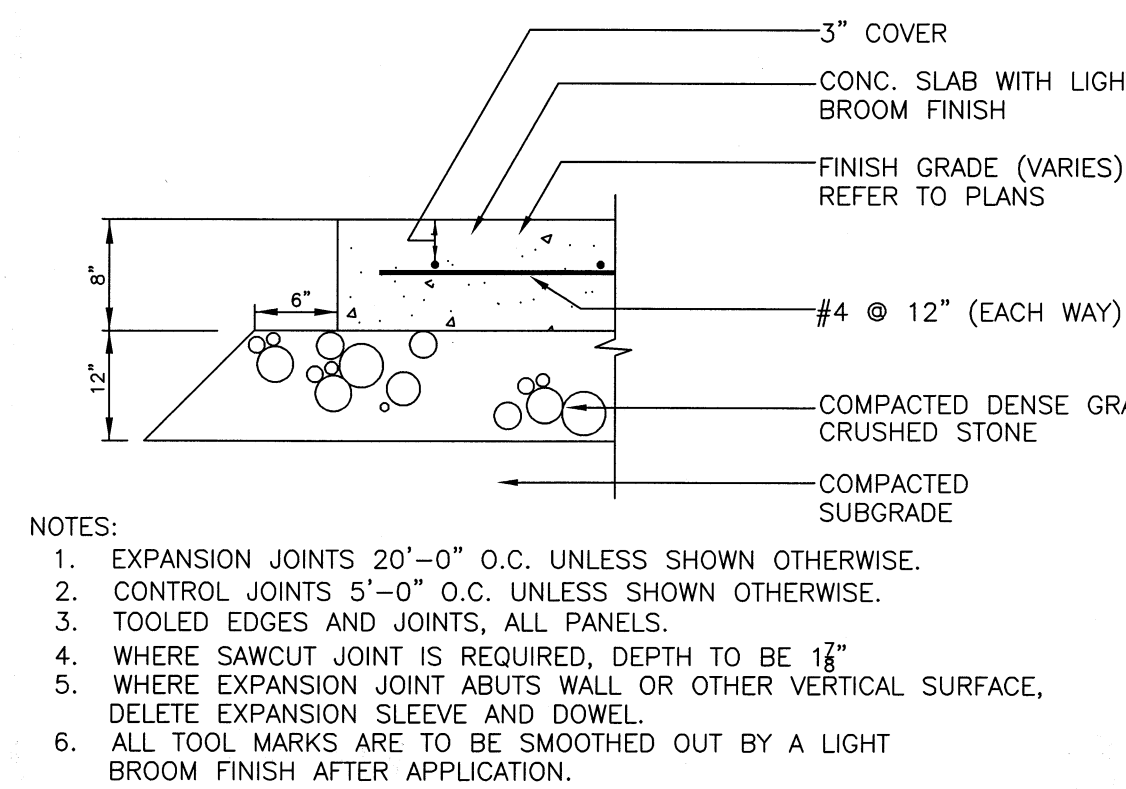
PROJECT NO.:
25457

C-5



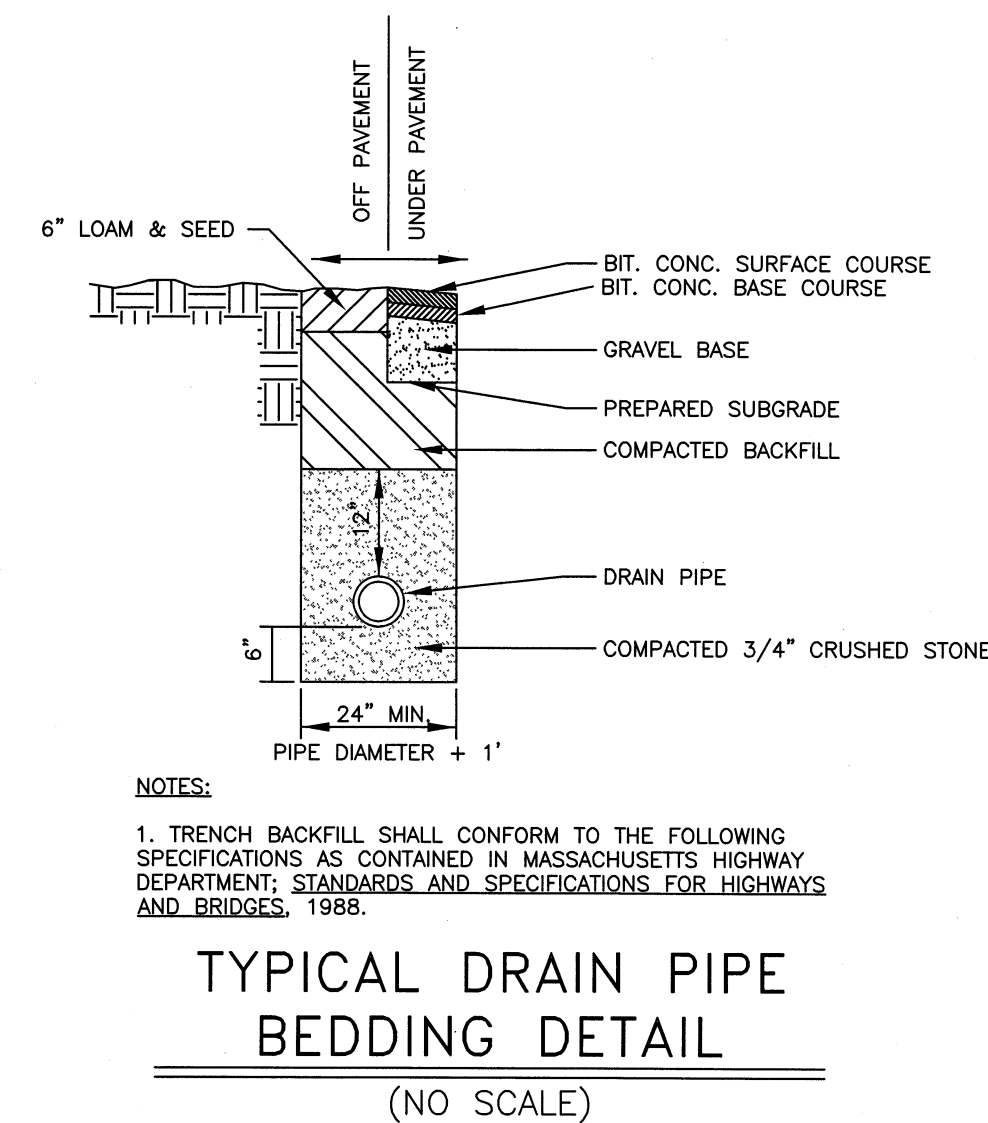
RECHARGER #1 DETAIL

(NO SCALE)



WATER QUALITY UNIT #1 & #3 DETAIL

(NO SCALE)



Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	NEO Cultivation & Manufacturing
Property Location:	4 Marc Road
Type of Project/Permit:	Minor Site Plan & Marijuana Special Permit
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 204-4.B Standards for Site Plan Preparation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Site Context Sheet
What aspect of the Regulation do you propose be waived?	Creating a site plan sheet exclusively for this information.
What do you propose instead?	Providing the information required throughout the site plan set
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	DGT Associates believes that adequate information and detail is shown throughout the Site Plan. All information required on the Site Context Plan is provided throughout the Site Plan.
What is the estimated value/cost savings to the applicant if the waiver is granted?	The time and cost associated with creating / drafting this plan sheet.
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?	The approval of this waiver would result in the same development plan without a Site Context Plan.
What is the impact on the development if this waiver is denied?	Denial of this waiver would result in lost development time and cost, which would negatively impact the applicant.
What are the design alternatives to granting this waiver?	None.
Why is granting this waiver in the Town's best interest?	Granting this waiver will allow the applicant to begin construction in a timely manner, allowing the work within the wetland to be completed before the next high groundwater season (March-April).
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Granting this waiver will likely not result in a cost savings or cost avoidance to the Town.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	DGT Associates
Date:	August 6, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	NEO Cultivation & Manufacturing
Property Location:	4 Marc Road
Type of Project/Permit:	Minor Site Plan & Marijuana Special Permit
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 204-4.C.3 Standards for Site Plan Preparation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	An Existing Landscape Inventory shall be prepared by a Professional Landscape Architect lincensed 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.
What aspect of the Regulation do you propose be waived?	Completing an Existing Landscape Inventory
What do you propose instead?	No tree removal is proposed as part of this project.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The existing site is a large (6.68+/- acres) parcel which is mostly wooded in nature. The time and costs associated with completing this task would be excessive for the proposed scope of work.
What is the estimated value/cost savings to the applicant if the waiver is granted?	The time and cost associated with hiring a Professional Landscape Architect, measuring and locating all existing vegetation, and creating / drafting this plan sheet. (approximately \$ 10,000)
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?	The approval of this waiver would result in the same development plan with an Existing Landscape Inventory.
What is the impact on the development if this waiver is denied?	Denial of this waiver would result in lost development time and cost, which would negatively impact the applicant.
What are the design alternatives to granting this waiver?	None.
Why is granting this waiver in the Town's best interest?	Granting this waiver will allow the applicant to begin construction in a timely manner, allowing the work within the wetland to be completed before the next high groundwater season (March-April).
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Granting this waiver will likely not result in a cost savings or cost avoidance to the Town.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	DGT Associates
Date:	August 6, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	NEO Cultivation & Manufacturing
Property Location:	4 Marc Road
Type of Project/Permit:	Minor Site Plan & Marijuana Special Permit
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 204-4.D.7 Standards for Site Plan Preparation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Landscape Architectural Plan
What aspect of the Regulation do you propose be waived?	Completing a Landscape Architectural Plan
What do you propose instead?	Maintain existing vegetation and cleanup vegetation along the existing drainage ditch.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The existing site is a large (6.68+/- acres) parcel which is mostly wooded in nature. All existing vegetation is to remain. No access to the public will be allowed at the site.
What is the estimated value/cost savings to the applicant if the waiver is granted?	The time and cost associated with hiring a Professional Landscape Architect, measuring and locating all existing vegetation, and creating / drafting this plan sheet. (approximately \$ 10,000)
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?	The approval of this waiver would result in the same development plan without a Landscape Architectural Plan.
What is the impact on the development if this waiver is denied?	Denial of this waiver would result in lost development time and cost, which would negatively impact the applicant.
What are the design alternatives to granting this waiver?	None.
Why is granting this waiver in the Town's best interest?	Granting this waiver will allow the applicant to begin construction in a timely manner, allowing the work within the wetland to be completed before the next high groundwater season (March-April).
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Granting this waiver will likely not result in a cost savings or cost avoidance to the Town.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	DGT Associates
Date:	August 6, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	NEO Cultivation & Manufacturing
Property Location:	4 Marc Road
Type of Project/Permit:	Minor Site Plan & Marijuana Special Permit
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 204-4.D.12 Standards for Site Plan Preparation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Signage Plan
What aspect of the Regulation do you propose be waived?	Completing a Signage Plan
What do you propose instead?	Replace the lettering on the existing free standing sign to display address only. there will be no signage on the existing building for security purposes.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	No signs of any significance are proposed for this development.
What is the estimated value/cost savings to the applicant if the waiver is granted?	The time and cost associated creating / drafting this plan sheet.
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?	The approval of this waiver would result in the same development plan without a Signage Plan.
What is the impact on the development if this waiver is denied?	Denial of this waiver would result in lost development time and cost, which would negatively impact the applicant.
What are the design alternatives to granting this waiver?	None.
Why is granting this waiver in the Town's best interest?	Granting this waiver will allow the applicant to begin construction in a timely manner, allowing the work within the wetland to be completed before the next high groundwater season (March-April).
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Granting this waiver will likely not result in a cost savings or cost avoidance to the Town.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	DGT Associates
Date:	August 6, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
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Project Name:	NEO Cultivation & Manufacturing
Property Location:	4 Marc Road
Type of Project/Permit:	Minor Site Plan & Marijuana Special Permit
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 204-4.D.13 Standards for Site Plan Preparation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Lighting Plan
What aspect of the Regulation do you propose be waived?	Completing a Lighting Plan
What do you propose instead?	There is no existing site lighting (light poles) and no light poles are proposed. Building lights will be added for security purposes and to meet building codes.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	No lights of any significance are proposed for this development.
What is the estimated value/cost savings to the applicant if the waiver is granted?	The time and cost associated creating / drafting this plan sheet.
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?	The approval of this waiver would result in the same development plan without a Lighting Plan.
What is the impact on the development if this waiver is denied?	Denial of this waiver would result in lost development time and cost, which would negatively impact the applicant.
What are the design alternatives to granting this waiver?	None.
Why is granting this waiver in the Town's best interest?	Granting this waiver will allow the applicant to begin construction in a timely manner, allowing the work within the wetland to be completed before the next high groundwater season (March-April).
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Granting this waiver will likely not result in a cost savings or cost avoidance to the Town.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	N/A
Waiver Request Prepared By:	DGT Associates
Date:	August 6, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.



August 21, 2019

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

**Re: NEO Organics Cultivation and Manufacturing
Marijuana Special Permit Site Plan Review
4 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 4 Marc Road in Medway, MA. Proposed Project includes construction of a 3,000 square foot concrete mechanical pad for odor control and HVAC equipment, a dumpster pad with associated fencing, and drainage infrastructure; maintenance and improvements to existing drainage infrastructure; and interior renovations to the existing industrial building for marijuana cultivation and manufacturing.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Permit Site Plan, 4 Marc Road, Medway, Massachusetts 02053 for NEO Organics LLC", dated August 6, 2019, prepared by DGT Associates (DGT).
- A stormwater report (Report) titled "Stormwater Management Design and Runoff Calculations Report for 4 Marc Road, Medway, Massachusetts 02053", dated July 25, 2019, prepared by DGT.
- Architectural Plan showing proposed floor layout.
- A Marijuana Special Permit Application, dated August 6, 2019, prepared by DGT.
- An Application for Minor Site Plan Approval, dated August 6, 2019, prepared by LEL.
- An Application Package for Minor Site Plan Review, dated August 6, 2019, prepared by LEL.
- A Host Community Agreement between NEO Cultivation MA LLC, NEO Manufacturing MA LLC, and the Town of Medway, dated March 4, 2019.

The Plans and accompanying materials were reviewed for conformance with Chapter 200 of the Town of Medway PEDB Rules and Regulations (Regulations) and good engineering practice. Review of the project for zoning, stormwater and wetland related issues was not completed as these reviews are conducted by separate consultants/town agencies.

SITE PLAN REVIEW

1. The applicant has not supplied a written Development Impact Assessment (DIA). The DIA includes a Traffic Impact Assessment, an Environmental Impact Assessment, a Community Impact Assessment, and a Parking Impact Assessment. However, we anticipate a waiver request for this item due to the minor exterior work proposed for the Project. (Ch. 200 §204-3.A.7)
2. A Site Context Sheet has not been provided in the Plans. A waiver has been requested from this Regulation. (Ch. 200 §204-4.B)

3. The applicant has not supplied an Existing Landscape Inventory. A waiver has been requested from this Regulation. (Ch. 200 §204-5.C.3)
4. Setback lines have not been included on the Plans. (Ch. 200 §204-5.D.1)
5. A Landscape Architectural Plan has not been provided. A waiver has been requested from this Regulation. (Ch. 200 §204-5.D.7)
6. A Signage Plan has not been provided in the submission. A waiver has been requested from this Regulation. (Ch. 200 §204-5.D.12)
7. A Lighting/Photometric Plan has not been provided in the submission. A waiver has been requested from this Regulation. (Ch. 200 §204-5.D.13)
8. The Applicant has not provided horizontal sight distances at the intersection of the project's proposed driveway and Marc Road. (Ch. 200 §204-5.D.14)
9. We recommend the Applicant to include the required and provided amount of accessible parking in the "Parking Data" table. (Ch. 200 §204-5.D.15)
10. The Applicant shall provide information quantifying noise and odors from proposed operations. We anticipate this item will be reviewed in detail by the PEDB's noise and odor peer review consultants. (Ch. 200 §204-5.D.17)

GENERAL COMMENTS

11. Detail of proposed fencing to screen trash receptacles has not been provided on the Plans.

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 him/her 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.
Senior Project Engineer



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

P:\21583\143-21583-19016 (4 MARC RD MEDWAY)\DOCS\MARC ROAD-PEDBREV(2019-08-21).DOCX

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
gino@pgcassociates.com

August 20, 2019

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

RE: 4 MARC ROAD RECREATIONAL MARIJUANA SPECIAL PERMIT

Dear Mr. Rodenhiser:

I have reviewed the proposed applications for a special permit for a recreational marijuana cultivation facility. The owner/applicant is NEO Organics LLC of Sudbury.

The proposal is to convert an existing building to use it for cultivation and processing of recreational marijuana. The existing building has 29,718 square feet on a lot of 6.68 acres. The plan was prepared by DGT Associates of Framingham, and is dated August 6, 2019.

The property is located at 4 Marc Road in the East Industrial zoning district, and is partially within the Groundwater Protection District.

I have comments as follows:

ZONING

Use

1. The proposed facility to cultivate, manufacture, and process recreational marijuana qualifies as a Recreational Marijuana Establishment (RME) under Section 8.10 of the Zoning Bylaw.
2. The property is located within the East Industrial district, which is an eligible location for an RME.

General Requirements and Conditions

3. The application meets the general requirements for an RME specified in Section 8.10 E, including being contained within a proper building without residential uses or doctor's offices; is located more than 500 feet from a school; smoking, burning or consumption of marijuana products is not allowed and no drive-through service is provided.

Signage

4. The applicant states that "No signage of any significance" is proposed. I assume that at least a sign with the address and name of the company will be at the entrance driveway (there is an existing such sign). No sign is shown on the plan.

Contact Information

5. Contact information for purposes of the special permit process has been provided. It needs to be confirmed if the contact information during operations is the same.

Prohibition Against Nuisances

6. Section 8.10 H prohibits the creation of nuisances including but not limited to fumes, odors, vapors, and offensive noises. A 3000-square foot concrete pad for odor control and HVAC equipment is proposed. Those facilities are being reviewed by appropriate consultants in those fields as to adequacy.

Openness of Premises

7. The existing building is set back off the street, is surrounded by woods and the entrance is on the side of the building facing away from the street (so that the entrance is not visible from the street). This needs further explanation.

Special Permit Requirements

8. Section 8.10 J. 5. c. requires copies of all required licenses and permits for the RME to the applicant by the Commonwealth of Massachusetts to be included with the application. I did not see evidence of these.
9. Other required information including parties in interest, transportation and delivery policies, and site plan were submitted. It is not clear whether a list of owners has been submitted.
10. Transportation and delivery security measures were submitted but it's not clear that building security measures have been submitted.
11. Odor and noise mitigation plans have been submitted.

Other

12. Except as noted above, the application complies with the procedures and conditions required in Section 8.10.
13. The PEDB shall specify hours of operations and any other conditions, limitations and safeguards that may be necessary or appropriate.
14. The applicant is required to file an annual report of its operations with the PEDB and other appropriate Town officials.
15. The special permit is not transferable to other owners.
16. All material, plants equipment and paraphernalia shall be removed within 6 months of ceasing operations or surrendering its state licenses.

17. A host community agreement is a requirement of the special permit, and a copy of an executed agreement has been submitted.

Section 3.4 Special Permit Criteria

18. The special permit criteria are addressed as follows:

- a. The proposed site is an appropriate location for the proposed use. - *Allowed by zoning*
- b. Adequate and appropriate facilities will be provided for the operation of the proposed use. -- *Appears to comply subject to security measures.*
- c. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. - *Appears to comply*
- d. The proposed use will not cause undue traffic congestion or conflicts in the immediate area. - *No significant traffic increase over existing use.*
- e. 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. - *A lighting plan is required and noise and odor control measures are being evaluated.*
- f. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district. - *An existing industrial use exists at the site within an industrial district so the character will not change.*
- g. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw. - *Zoning specifically allows the proposed use within this district.*
- h. The proposed use is consistent with the goals of the Medway Master Plan. - *The proposed use continues industrial use of an existing industrial building.*
- i. The proposed use will not be detrimental to the public good. - *Subject to complying with the above criteria, the proposed use will not be detrimental to the public good.*

Section 5.6.3 Groundwater Protection District

19. The building and most of the driveway and other on-site features are outside the Groundwater Protection District. The improvements being made to the stormwater management system will result in a reduction in the impacts on the district. However, while the district boundary is shown on the cover sheet, it is not shown on the sheets showing proposed site changes. The boundary should be added to those sheets to better evaluate potential impacts.
20. In particular, a snow storage area is shown on the east side of the entrance driveway. The Groundwater Protection District prohibits disposal of snow from outside the district if it contains

deicing chemicals. It is not clear if the snow storage area crosses the boundary line, but such storage should be avoided even if it is outside, but right against, that boundary.


21. Stormwater management activities proposed within the district are allowed, and, as noted above, are designed to improve the existing treatment of runoff into and within the district. However, a special permit is needed for changes in “water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements.”

General Comments

22. Site changes are minimal. Access and parking is not changing, and the existing parking exceeds the requirement.
23. Landscaping is minimal and the plans do not indicate any changes. Required security measures may preclude many landscape features as the entrance is already not visible from the street.
24. Security lighting is being added. A waiver is requested to not provide a lighting plan. This waiver has generally not been granted in the past so a photometric plan should be provided.
25. A waiver is also requested for a signage plan. Additional signage, for example on the building, (other than any signage required for security and emergency purposes), is not required. However, if existing signage is to remain or any new signage is to be added, it should be clarified.
26. Other waiver requests involving a landscape inventory and landscape plan by a registered landscape architect, and for providing a site context sheet appear reasonable.
27. Impervious surface is being increased by 3000 square feet for the purpose of providing a base for HVAC and odor mitigation equipment. The site remains below the maximum impervious cover area, and the location abutting the building screened by a wooded area is the most appropriate location on the site.

If there are any questions about these comments, please call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", with a stylized flourish at the end.

Gino D. Carlucci, Jr.



**TOWN OF MEDWAY
BUILDING DEPARTMENT
155 VILLAGE STREET
MEDWAY MASSACHUSETTS
PHONE 508-533-3253
FAX-508-321-4983**

Jack Mee
Building Commissioner &
Zoning Enforcement
jmee@townofmedway.org

Rindo Barese
Building Inspector
rbarese@townofmedway.org

August 16, 2019

Susy Affleck-Childs
Planning & Economic Development
Town of Medway

RE: 4 MARC ROAD APPLICATION

Dear Susy,

On Thursday August 15, 2019 Erika Robertson (Compliance Officer) and I walked the property at 4 Marc Road as required ZBL 3.5.4.F.

During this site visit we noticed 2 areas of concern;

- An area in the parking lot with many containers of some type of fluids including containers labeled as Flammable liquids.
- The existing Handicap ramp with a very high slope.

We have contacted the Fire Department in regards to the fluids and they have had them properly removed from the property.

The Handicap ramp will need to be addressed as part of any new approvals.

Sincerely,

Jack Mee









NEO Alternatives

Host Community Agreement

Marijuana Cultivation & Processing Facility

Medway, Massachusetts

This Host Community Agreement is entered into this 24th day of March, 2019 (the "**Agreement**") by and between NEO Cultivation MA LLC and NEO Manufacturing MA LLC, both with a principal office address of 4 Marc Road, Medway (together the "**OPERATOR**") and the Town of Medway, a Massachusetts municipal corporation with a principal address of 155 Village Street, Medway, Massachusetts 02053 ("**TOWN**").

WHEREAS, OPERATOR intends to locate either or both of the following: (a) a Registered Marijuana Dispensary cultivation and processing facility ("**RMD**"), which shall be construed to include a Medical Marijuana Treatment Center operated by the Operator at the PROPERTY and the terms of the Agreement 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 G.L. c. 94I the Cannabis Control Commission ("**CCC**") or any other state entity; and/or (b) a Marijuana Cultivator and Marijuana Product Manufacturer, as those terms are defined in G.L. c.94G, §1 and 935 CMR 500.00 (together, the Marijuana Cultivator and Marijuana Product Manufacturer are referred to herein as the "**MARIJUANA ESTABLISHMENT**"), at 4 Marc Road, Medway (the "**PROPERTY**"); and

WHEREAS, the obligations of OPERATOR and the TOWN recited herein are specifically contingent upon OPERATOR obtaining: (a) either (i) a Final Certificate of Registration for operation of a RMD in the TOWN from the CCC, or (ii) a Final License from the CCC to operate a MARIJUANA ESTABLISHMENT in the Town; and (b) zoning and building department approvals for construction and operation of a RMD and/or a MARIJUANA ESTABLISHMENT from the TOWN; and

WHEREAS, OPERATOR has obtained a letter of non-opposition from the TOWN for the siting and operation of a RMD and/or MARIJUANA ESTABLISHMENT in the TOWN; and

WHEREAS, the TOWN does not oppose the siting and operation of the facility at 4 Marc Road for cultivation and manufacturing of marijuana and marijuana infused products to be distributed to retail sales facilities outside and beyond the Town of Medway, and TOWN and OPERATOR both agree and stipulate that this Agreement shall also apply to the operation of a MARIJUANA ESTABLISHMENT (but not a marijuana retailer as defined in G.L. c.94G, §1); and

WHEREAS, OPERATOR intends to provide certain benefits to the TOWN in the event that OPERATOR obtains a Final Certificate of Registration or equivalent license to operate a RMD and/or a Final License for the operation of a MARIJUANA ESTABLISHMENT from the CCC 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 RMD or marijuana establishments; and

WHEREAS, OPERATOR and the TOWN agree that benefits provided by the OPERATOR to the Town herein represent a full commitment to the Community and further agree that this Agreement is executed pursuant to M.G.L. c. 94G, §3(d).

NOW, THEREFORE, in consideration of the above, OPERATOR offers the TOWN and the TOWN accepts this Host Community Agreement in accordance with G.L. c.94G, §3(d):

1. In the event that OPERATOR obtains a Final Certificate of Registration from CCC for the operation of a RMD cultivation and processing facility in the TOWN and/or a Final License for the operation of a MARIJUANA ESTABLISHMENT 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 and/or a MARIJUANA ESTABLISHMENT in the TOWN or in any other manner commences growing operations on the PROPERTY, then OPERATOR desires to and agrees to provide the TOWN with the following:
 - a. The OPERATOR shall pay to the Town of Medway an annual amount of three percent (3%) of product sales revenue grown, produced, processed, and/or manufactured at the RMD and MARIJUANA ESTABLISHMENT to and by any retail dispensing location, provided that in no case shall this amount be less than an annual sum of two hundred and ninety thousand dollars (\$290,000), paid annually on each August 1 commencing on August 1, 2020, however the fifth-year payment shall be due on May 1, 2024. Said payments are anticipated by the TOWN to be allocated for the purpose of reimbursing the Town for the costs and expenses generally implicated as a result of the location in the Town of a RMD or MARIJUANA ESTABLISHMENT, or both. Notwithstanding anything herein to the contrary, pursuant to G.L. c. 94G, Section 3, in no event shall payments to the TOWN amount to more than three percent (3%) of the OPERATOR's gross sales of the MARIJUANA ESTABLISHMENT.
2. To satisfy the conditions of this paragraph relative to the three percent (3%) calculations, annually on or before April 15th, the OPERATOR shall provide the Town with certified financial statements detailing receipts for the prior calendar year. Notwithstanding the provisions of Paragraph 1, at all times during the term of this Agreement, real property, owned or operated by OPERATOR shall be treated as taxable, and all applicable real estate and personal property and excise taxes for that property shall be paid either directly by OPERATOR or by its landlord. OPERATOR shall not challenge the taxability of such property and shall not submit an application for any statutory exemption from such taxes, except to ensure that the property is assessed at the fair cash value of such property as described in G.L. c.59 §38.
3. Notwithstanding Paragraph 2 above: (a) if real and/or personal property owned or operated by OPERATOR is determined to be exempt for taxation or partially exempt, or (b) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at the fair cash value of such property as described in G.L. c.59 §38, then OPERATOR shall pay to the TOWN an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no abatement or exemption. The payment described in this Paragraph 3 shall be in addition to the payments made by OPERATOR under Paragraphs 1 and 2 of this Agreement.
4. In the event that OPERATOR becomes eligible for status as a charitable organization and a related decrease or elimination of real property taxes, and tax revenue from OPERATOR's RMD or MARIJUANA ESTABLISHMENT located in the TOWN is reduced or eliminated, OPERATOR will continue to make a payment to the Town equivalent to the value of the

assessed, fair cash value tax payment that would otherwise be due if the PROPERTY were taxable.

5. OPERATOR shall endeavor to hire local, qualified employees to the extent permissible by law and with the demands of OPERATOR's business, but this does not prevent Operator from hiring the most qualified candidates. OPERATOR shall also endeavor in a good faith, legal and non-discriminatory manner to use local vendors and suppliers where possible.
6. OPERATOR shall coordinate with the Medway Police Department in the development and implementation of required security measures pursuant to 935 CMR 500.110 and 935 CMR 501.110, or any other applicable law or regulation, including in determining the placement of exterior security cameras. OPERATOR shall 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.
7. It shall be the responsibility of the OPERATOR, as a condition in the special permit process and herein, to provide the TOWN with an annual sum of twenty-five thousand dollars (\$25,000), payable annually on August 1 commencing August 1, 2020, with the fifth-year payment due May 1, 2024, to be used by the TOWN for repairs and maintenance to streets and sidewalks in Medway.
8. The purpose of this Agreement is to assist the TOWN in addressing any public health, safety and other effects or impacts the RMD and Marijuana Establishment may have on the TOWN. The OPERATOR, at its sole cost and expense, shall be responsible for addressing any sound and/or odor complaints that may arise from time to time during operations of the facilities on the PROPERTY.
9. The obligations of OPERATOR and the TOWN recited herein are contingent upon the issuance of a RMD Final Certificate of Registration and/or a Marijuana Establishment Final License, however characterized, as one or both may be required by the CCC, to operate such facility in the TOWN, and OPERATOR conducting operations in TOWN.
10. This Agreement shall terminate at the time that any of the following occurs: (a) the TOWN notifies OPERATOR of the TOWN's termination of this Agreement for cause (as defined below); or (b) OPERATOR ceases to operate a RMD and MARIJUANA ESTABLISHMENT in the TOWN. The term "cause" for purposes of this agreement shall include, but not be limited to: failure to make the payments required by paragraphs 1 and 7, failure to work cooperatively with the TOWN to address public safety issues or resident complaints, failure to meet any requirements of the special permit, or OPERATOR violation of any laws of the Commonwealth with respect to the operation of a RMD and/or MARIJUANA ESTABLISHMENT, with any such violation remaining uncured for sixty (60) days after receipt of written notice of such violation; provided however that such cure period shall be automatically extended if OPERATOR is using reasonable efforts in good faith to cure said default.
11. 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; provided however such consent shall not be required in the event such transfer or assignment is between the OPERATOR and another entity which is authorized by the CCC or other authorizing entity to operate the RMD or MARIJUANA ESTABLISHMENT for the cultivation and production of marijuana, or if such assignment or transfer is the result of a merger or consolidation with the OPERATOR.


12. OPERATOR shall comply with all laws, rules, regulations and orders applicable to the work on the RMD and the MARIJUANA ESTABLISHMENT pursuant to this Agreement, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary state and local licenses, permits, and approvals required for the performance of such work.
13. Should TOWN enter into an agreement with any other RMD or MARIJUANA ESTABLISHMENT after the date of this Host Community Agreement for siting in TOWN at material terms more favorable to that RMD or MARIJUANA ESTABLISHMENT than the terms of this Agreement are to OPERATOR, specifically requiring cash payments or gifts that are less on an annual basis than those in Paragraph 1 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.
14. The OPERATOR shall indemnify, defend, and hold the TOWN harmless from and against any and all claims, demands, liabilities, actions, causes of action, defenses, proceedings and/or costs and expenses, including reasonable attorney's fees, brought against the TOWN, its agents, departments, officials, employees, insurers and/or successors, by any third party arising from or relating to the development of the PROPERTY and/or RMD and/or MARIJUANA ESTABLISHMENT.
15. 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.
16. 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.
17. 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.

18. This Agreement shall take effect on the date set forth above, and shall be applicable for as long as the OPERATOR operates the MARIJUANA ESTABLISHMENT in the TOWN, with the exception of any payments made by the OPERATOR hereunder. This payment provisions contained herein shall be applicable for a period of five (5) years and shall automatically be reopened for good faith negotiations on January 1, 2023 to discuss successor payment terms. The Parties agree that if they are unable to reach an agreement on successor payment terms, the terms of this Agreement shall be extended for a period of two (2) additional years and that the parties shall during that two year period negotiate successor payment terms for a term of five (5) years.
19. In the event that the OPERATOR shall increase the size of the RMD or MARIJUANA ESTABLISHMENT, including building footprint, at any time following the date of this Agreement, then the OPERATOR agrees to provide to the TOWN an annual sum of money equal to one-dollar (\$1) per square foot of increased space, with said amount to be available for use by the TOWN for municipal purposes related to impacts created by the RMD or MARIJUANA ESTABLISHMENT, with said amount due on February 1 in the year following issuance of a building permit for said space increase. This amount shall be in addition to any other amounts stipulated herein, including other payments or taxes owed, and shall be paid annually on February 1st following the initial payment.
20. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

[SIGNATURES TO FOLLOW]

Agreed to by NEO Cultivation MA LLC and NEO Manufacturing MA LLC and the Town of Medway,
Massachusetts as of the 26th day of February, 2019.

FOR THE TOWN OF MEDWAY,
BOARD OF SELECTMEN:

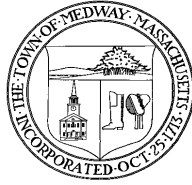


Dennis P. Crowley, Chair

FOR OPERATOR



By: Adam S. Patti
Its: Manager



August 27, 2019
Medway Planning & Economic Development Board
Meeting

Wingate Farm Subdivision

- Email dated 6-20-19 from Karyl Spiller-Walsh re: next steps
- Chronology of Wingate Farm
- Subdivision Modification Decision dated 4-28-2005
- Endorsed MODIFIED subdivision plan dated 11-8-2005
- Subdivision Covenant dated 10-30-2007
- CONFIDENTIAL email from Town Counsel dated 10-2-2017
- Tetra Tech inspection report & bond estimate dated 12-7-2017
- Chapter 81W language re: subdivision approval modification
- Tetra Tech review letter dated 3-23-18 re: compliance of the 2005 Wingate Farm plan with the standards of the current *Subdivision Rules and Regulations* adopted in 2006.
- 1-22-19 email from Fire Chief Jeff Lynch re: roadway width and paving materials

POSSIBLE OPTIONS for next steps:

1. Rescind the subdivision approval due to lack of performance by the completion date. This would mean the land would go back to being one lot.
2. Modify the subdivision decision dated 4-28-2005 to extend the time for completion to ??? AND include conditions for additional work to be completed, needed revisions to already completed work, and what to show on an as-built plan.
3. Require a completely new filing for a new decision and plan with a fully updated subdivision plan to reflect both the actual as-built conditions and the changes needed to bring the subdivision up to current subdivision standards and/or waiver requests to seek relief from them.

Susan Affleck-Childs

From: Karyl Walsh <wingatefarm@hotmail.com>
Sent: Thursday, June 20, 2019 12:31 PM
To: Susan Affleck-Childs
Subject: Wingate Farm Plan

Hi Susy thanks for taking time to speak with me the other day. As you requested I just wanted to follow up with the ideas we spoke about to finish up the Wingate Farm subdivision.

- As we talked about, revisiting the plan as a modification does not seem like the right fit as no major changes are being sought, and it does not fit into the true definition of a modification.
- We request that the board grant an extension of sorts, perhaps creating a type of renewal/extension for the project as approved. Personal hardships we faced during the time when the project timeline ran out, unfortunately prevented us from finishing the project or requesting an extension at that time.
- The application fee structure similar to a modification does seem reasonable to finish up the project, however re-engineering the already completed project was not doable to the several firms we have contacted. Pre-existing conditions are gone.
- The approved plan was constructed to at least 90% during the allowed time frame prior to the deadline, and the work as completed was checked by VHB. Their construction reports were made to the Town of Medway throughout the process.

We feel that an extension/renewal approach is a good one that will allow us and the Town to move on and get this project "off the books". We respectfully request that the Town staff and board consider this as a good solution. Thanks very much for your hard work and consideration throughout this application over the years, we appreciate it.

Sincerely, Gene & Karyl Walsh

Wingate Farm Subdivision Chronology

Original Wingate Farm Definitive Subdivision Plan

Certificate of Action (5-23-2000)

Plan Date (11-20-1997, last revised 5-25-2000) – Prepared by Consolidated Design Group

Plan endorsed (8-22-2000)

Plan recorded (11-16-2002 in Plan Book 501, pages 653 – 661)

Plan Modification

Certificate of Action (4-28-2005; recorded 11-9-2007, Book 25288, pages 100 – 123).
Project to be completed within 3 years of plan endorsement date

Plan date (8-20-2004, last revised 9-16-2005)

Plan endorsed (11-8-2005)

Plan recorded (10-11-2007 in Plan Book 574, Page 64) – Sheet #3

Plan recorded (11-9-2007 in Plan book 575, Page 78) – Sheet #1

Covenant (10-20-2007; recorded 11-9-2007, Book 25288, pages 94-99)

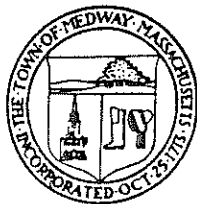
Project Completion Deadlines

Modified Plan Endorsement Date (11-8-2005) plus 3 years per decision → 11-8-2008 deadline

MA Permit Extension Act extended completion date by 4 years

11-8-2008 completion deadline plus 4 years → 11-8-2012 deadline for completion

Updated 12-6-17/sac



*Wingate Farm
Definitive Plan
Modification*

TOWN OF MEDWAY

APR 29 2005

TOWN CLERK

TOWN OF MEDWAY

Planning Board

155 Village Street
Medway, Massachusetts 02053

Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander

April 28, 2005

CERTIFICATE OF ACTION **WINGATE FARM DEFINITIVE SUBDIVISION PLAN - MODIFICATION** *(Approved with Waivers and Conditions)*

- I. APPLICANT:** Eugene and Karyl Walsh
Medway, MA
- II. LOCATION:** The 5-acre parcel is located at 168 Holliston Street in the ARI zoning district.
- III. PROJECT HISTORY:** On May 23, 2000, the Medway Planning Board approved with waivers and conditions, the original Wingate Farm Definitive Subdivision Plan. It was endorsed on August 22, 2000. That plan provided for the subdivision of an approximately 5 acre parcel into 4 lots to be serviced by a 530 foot, single-access public road with a 60' cul-de-sac radius, 22' paved width within a 45' right of way, with a 5.5' sidewalk on one side of Wingate Farm Road. The plan, originally dated November 20, 1997 and last revised May 25, 2000, was prepared by DeSimone Survey Service, Inc. of Medway, MA.
- IV. DISCLOSURE:** Karyl Walsh is a member of the Medway Planning Board. During the Planning Board's review of this application, she recused herself, as a Planning Board member, from the public hearings and Board deliberations on this project. Eugene Walsh and their daughter Rachel Walsh represented the application and plan before the Planning Board. On occasion, Ms. Walsh would answer questions regarding the proposed modification.
- V. DESCRIPTION OF PROPOSED MODIFICATION:** The proposed modification to the Wingate Farm Definitive Subdivision Plan includes changes in the design and construction of the subdivision's roadway and drainage system. The road is to become an 18-foot T-Base fabricated permanent private way without curbing or sidewalks. The detention pond design has been modified to include a more naturalized shape. No change is proposed in the number or configuration of the previously approved lots. However, the Applicant plans to construct a 12,000 sq. foot horseback-riding arena on Lot #3 instead of using that lot for a single family home.

VI. PROCEDURAL SUMMARY: With respect to the proposed modification to the *Wingate Farm Definitive Subdivision Plan*, the Planning Board hereby certifies that:

- A. on August 27, 2004, it received an application from Eugene and Karyl Walsh of Medway, MA to modify the previously approved, endorsed and recorded Wingate Farm Definitive Subdivision Plan;
- B. the proposed modification to the Wingate Farm Definitive Subdivision Plan, originally dated August 20, 2004 and last revised April 22, 2005, and the drainage study dated September 1, 2004 were prepared by the Consolidated Design Group of Hudson, MA;
- C. on September 15, 2004, the Planning Board submitted a copy of the proposed modification to the Wingate Farm Definitive Subdivision Plan to the Medway Board of Health, which has not provided a written report on the plan. This is deemed as approval as more than forty-five (45) days have elapsed since the date the plan was distributed to the Board of Health;
- D. on September 15, 2004, the Planning Board circulated a copy of the proposed plan modification to the Board of Selectmen, Board of Assessors, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Police Department, Tree Warden and the Water/Sewer Department and requested their review and comments;
- E. on October 12, 2004, the Planning Board commenced a public hearing on this plan. The public hearing was duly noticed in the *Milford Daily News* on September 27 and October 4, 2004. Abutter notice was sent by certified mail on September 24, 2004. The Planning Board continued the public hearing to October 26, November 23, and December 14, 2004, and to January 11, February 8 & 22, March 22, April 12 and 26, 2005 when it was closed at the applicant's request;
- F. on November 23, 2004, the Planning Board approved the Applicant's request to extend the deadline for Planning Board action from November 25, 2004 to January 14, 2005. On October 26, 2004, the deadline was further extended to January 15, 2005. On January 11, 2005, the deadline was extended to February 28, 2005. On February 22, 2005, the deadline was extended to April 30, 2005. In each case, the Applicant requested the deadline extension.

VII. PUBLIC HEARING SUMMARY: The Planning Board conducted the public hearing over the course of ten (10) meetings during which the application and all related materials were presented and reviewed. Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Planning Board and is available for public review.

Modification to Wingate Farm Definitive Subdivision Plan – Consolidated Design Group.

Original Date – August 20, 2004
Revised – November 8, 2004
Revised – December 28, 2004
Revised – February 7, 2005
Revised – March 7, 2005
Revised – March 30, 2005
Revised – April 22, 2005

Wingate Farm Drainage Study – Prepared by Consolidated Design Group

Original Date - April 2, 2004

Revised – October 6, 2004

Revised – November 10, 2004

Revised - January 3, 2005

Operation and Maintenance Plan – Stormwater Management Facilities – Wingate Farm

Original Date – October 6, 2004

Revised - November 10, 2004

Revised – January 3, 2005

Revised – February 8, 2005

Citizen Comment Letters – None

Citizen/Resident Testimony – None

Medway Departmental/Board Review Comments

Fire Chief Wayne Vinton – February 20, 2005 memo

Fire Chief Wayne Vinton – March 7, 2005 memo

Fire Chief Wayne Vinton – April 12, 2005 memo

Fire Chief Wayne Vinton – April 25, 2005 memo

Police Safety Officer Jeffrey Watson – March 22, 2005 memo

Engineering Review Letters – VHB, Inc.

Mark Louro, P.E. – September 30, 2004 re: 8-20-04 plans & 4-2-04 drainage study

Mark Louro, P.E. – November 19, 2004 re: 11-8-04 revised plans

Mark Louro, P.E. – January 19, 2005 re: 12-28-04 revised plans

Mark Louro, P.E. – February 17, 2005 re: 2-7-05 revised plans

Mark Louro, P.E. – March 17, 2005 re: 3-7-05 revised plans

Mark Louro, P.E. – April 10, 2005 re: 3-30-05 revised plans

Plan Review Letters – PGC Associates

Gino Carlucci, Jr. October 12, 2004 re: August 20, 2004 plans

Gino Carlucci, Jr. April 25, 2005

Notes of VHB meetings with Applicant - None

Supplemental Applicant Submittals

Letter from Steve Poole, Consolidated Design Group – November 22, 2004 requesting a series of waivers from the *Subdivision Rules and Regulations*

Letter from the Walsh family – November 23, 2004 in support of waiver requests

Letter from the Walsh family – April 26, 2005 re: sidewalk construction waiver

Information from Aggregate Industries – March 22, 2005 re: T-Base product

Other Information

ZBA Opinion – October 20, 2004 re: Applicant's request for special permit and variance

Responses to VHB Engineering Review Letters

Steve Poole, Consolidated Design Group, Inc. - February 14, 2005 letter in response to VHB's plan review letter of January 19, 2005

Steve Poole, Consolidated Design Group, Inc. - April 1, 2005 letter in response to VHB's plan review letter of March 17, 2005.

Steve Poole, Consolidated Design Group, Inc. - April 22, 2005 letter in response to VHB's plan review letter of April 10, 2005.

VIII. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS

– The proposed modification to the Wingate Farm Definitive Subdivision Plan necessitates waivers from the following sections of the *Medway Planning Board Subdivision Rules and Regulations*, as revised October 1999 and further amended in April 2000.

Section 4.1.2 – “Unless otherwise specified, all work and materials used in the work to be done shall conform with the Commonwealth of Massachusetts, 1988 edition and of the Massachusetts Highway Department Standard Specifications for Highway and Bridges, hereinafter referred to as the Standard Specifications, as amended and included hereinafter.”

Description – The roadway authorized in 2000 by the original subdivision plan was intended to be a public way. With this plan modification, the Applicant requests permanent private way designation for Wingate Farm Road. The applicant seeks private way status because they plan to construct the roadway using considerably reduced roadway standards in an effort to develop a rural, agricultural enclave vs. a typical suburban subdivision. Private way status requires the property owner, not the Town, to maintain the road, drainage system and all related infrastructure.

Finding re: Waiver from Section 4.1.2: At a duly called and properly posted meeting held on January 11, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.1.2. of the *Subdivision Rules and Regulations* pertaining to conformance with the Mass Highway Department Standard Specifications.

The Planning Board finds that permanent private way designation is appropriate for Wingate Farm Road considering its intended use as access for a 4-lot rural residential horse farm compound. This subdivision is an expansion of an existing farm use. At this time, only two of the lots are planned for residential development; one lot will be used for the owner's existing residence and another lot will be available for new residential construction. A third lot will be used for the existing paddock/outdoor riding ring area, although it may be used in the future for residential development. The fourth lot will be used for the proposed indoor riding arena facility with 8 horse stalls. The Applicant understands that they, not the Town of Medway, are responsible for all roadway and infrastructure maintenance and that future street acceptance by the Town will not occur. Such shall be specified in a required *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* to be recorded and referenced in all property deeds for the subdivision's 4 lots. The Planning Board finds that private way status is not detrimental to the Town of Medway as a private way reduces the financial burden on the Town for routine maintenance and long-term upkeep. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.1.2 - At a duly called and properly posted meeting held on January 11, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.1.2. of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.1.2 was approved.

Section 4.1.8 - Requires that " at the time the street or portion thereof is ready for acceptance and to facilitate acceptance by the Town of Medway, the applicant shall have prepared and certified by a Registered Land Surveyor a "Plan of Acceptance"

Description – With a private way, the Town does not accept the road, thus eliminating the need for an official "Street Acceptance Plan." Instead, the Applicant will provide an "As-Built Plan" which will certify that the construction work was done in accordance with the approved modified definitive subdivision plan.

Finding re: Waiver from Section 4.1.8 – At a duly called and properly posted meeting held on January 11, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.1.8 of the Subdivision Rules and Regulations pertaining to the preparation of a Street Acceptance Plan..

The Planning Board finds that its allowance of a private way makes a Street Acceptance plan unnecessary. An As-Built Plan prepared pursuant to the Rules and Regulations is sufficient. As the Town will not be accepting Wingate Farm Road as a public way, there is no need to prepare the legal street acceptance plan. Instead, the applicant will provide an as-built plan to certify to the Planning Board that the subdivision infrastructure (roadway, drainage system, etc.) was constructed in accordance with the approved modified definitive subdivision plan. (Finding approved by a vote of 4 in favor – 0 opposed.)

Action on Waiver Request re: Section 4.1.8 - At a duly called and properly posted meeting held on January 11, 2005, a motion was made by Alan DeToma and seconded by Eric Alexander to approve the Applicant's request for a waiver from Section 4.1.8. of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.1.8 was approved.

Section 4.2 - DESIGN AND CONSTRUCTION STANDARDS – Streets and Roadways
To waive all construction standards for a typical roadway and allow the proposed way to be constructed as shown on the drawing included in the approved modified definitive subdivision plan.

Section 4.2.2.2 – Alignment - The minimum horizontal centerline radii of a minor street shall be one-hundred fifty feet (150').

Description – The plan modification shows one horizontal curve with a 141' radius. Use of this radius at this particular curve is to maximize preservation of existing mature trees on the parcel.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.2.2 of the *Subdivision Rules and Regulations* pertaining to roadway alignment.

The Planning Board finds that the preservation of existing trees is in the best interest of the Town. The Applicant has adjusted the plan to align the radii elsewhere on the site to comply. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.2.2 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.2.2 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.2.2 was approved

Section 4.2.3.1 – Width - *The minimum width of any minor or secondary street right-of-way, including dead-end streets, will be fifty feet (50'), except for streets in non-residential zoned areas where the minimum right-of-way will be sixty feet".*

Description – The roadway created by the original definitive subdivision plan in 2000 was approved with a 45' right of way. The Applicant seeks to maintain the same forty-five foot (45') right-of-way and eliminate the unusual bulge in the ROW at the Holliston Street entrance to the subdivision.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.3.1 of the *Subdivision Rules and Regulations* pertaining to width of the street right-of-way.

The Planning Board finds that a 45' right of way for Wingate Farm Road is sufficient for the scale of the neighborhood and suitable for the road's use as a private way providing access only to the existing house at 168 Holliston Street and the 3 new lots. There appears to be no possibility for further roadway extension and consequently, the volume of expected use would be low. The 45' right of way provides for the same site distance as was previously approved in 2000. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.3.1 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Alan DeToma and seconded by Eric Alexander to approve the Applicant's request for a waiver from Section 4.2.3.1 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.3.1 was approved.

4.2.4.3 - Grade – *"... At the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling (fixed slope) area of at least one hundred feet (100') with a maximum grade of one percent (1%) ..."*

Description – The Applicant proposes a vertical curve on Wingate Farm Road that transitions from 2% to 4% within the first 100 feet of Holliston Street.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.4.3 of the *Subdivision Rules and Regulations* pertaining to the grade of the fixed slope area.

The Planning Board finds that this change conforms more closely to the existing grade and allows for a flatter grade along the remainder of the roadway length. The 2% grade slightly reduces the sight lines along Holliston Street. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.4.3 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Alan DeToma and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.4.3 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.4.3 was approved.

4.2.6.7 – “Roadway Construction - Pavement Width - “... The minimum width of a minor street and dead end street shall be twenty-six feet (26').”

Description – The previously approved definitive subdivision plan was authorized for a 22-foot wide asphalt paved roadway. The Applicant now proposes an 18-foot T-Base fabricated roadway with a 4-foot grass swale on each side of the roadway.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.6.7 of the *Subdivision Rules and Regulations* pertaining to pavement width.

The Planning Board finds that the reduced roadway width from the standard 26 feet to 18 feet is adequate to serve the riding arena, stable and single family homes and will provide for acceptable emergency vehicle access when needed. A 4-foot grass swale on each side of the roadway provides for an additional eight (8) feet of width in emergency situations. The reduced width is reasonable considering the expected low volume of use. Fire Chief Wayne Vinton has determined that the roadway plan meets all requirements for emergency vehicle access. With the reduced roadway width, the development will appear to be more farm related as compared to a typical subdivision. The reduced width allows the roadway to be somewhat flexible in its alignment to minimize tree loss during construction and maintain the rural character of the area. The equestrian compound would help to preserve Medway's agricultural tradition. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.6.7 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.6.7 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.6.7 was approved.

4.2.6.8 – “Roadway Construction - Paving Material - “ Pavement for roadways in subdivisions shall be Class I bituminous Concrete Pavement Type I-I.”

Description – The Applicant wishes to use T-Base, a recycled asphalt material for the roadway construction in lieu of bituminous concrete pavement.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.2.6.8 of the *Subdivision Rules and Regulations* pertaining to pavement construction materials.

- A. The Planning Board finds that this surface is suitable to the subdivision’s planned horse related environment. The T-Base material will provide a surface that is compatible with the riding of horses. It is very similar in appearance to a typical farm road, which is the atmosphere the applicant seeks to achieve. *(Finding approved by a vote of 4 in favor – 0 opposed.)*
- B. The Planning Board finds that the information and testimonial provided by the Applicant regarding the T-Base material, its use and maintenance is inconclusive given the potential long-term use of the roadway for a 4 lot residential subdivision. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.2.6.8 - At a duly called and properly posted meeting held on April 26, 2005, *a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant’s request for a waiver from Section 4.2.6.8 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper).* The waiver request re: Section 4.2.6.8 was approved.

SECTION 4.2.7 – CURBS and BERMS – *“Vertical granite curbing shall be installed at intersection roundings, cul-de-sac entrances, catch basins (including transitions) and curb/driveway openings. The curb shall be installed with concrete block on both sides. Bituminous concrete Cape Cod style berms of six inches (6”) in height having a four inch (4”) reveal and twelve inches (12”) in width shall be provided along each side of the roadway where vertical granite curbing is not required.”*

Description - The original subdivision approved in 2000 authorized the use of Cape Cod berm curbing. The applicant now seeks approval of a roadway design with no curbing along the edge of the roadway.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.2.7 of the *Subdivision Rules and Regulations* pertaining to curbs and berms.

The Planning Board finds that with proper maintenance of the roadway and drainage systems, the absence of curbing is not detrimental to the subdivision’s stormwater management design. With the

use of grass swales and T-Base as the roadway materials, curbing is not needed. The alternative use of swales will channel the water to the catch basins. The sides of the swales will be bermed to prevent water from overtopping the swales. *(Finding approved by a vote of 3 in favor – 1 opposed (Hooper).)*

Action on Waiver Request re: Section 4.2.7 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.2.7 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.7 was approved.

4.2.8 – "CURB CUTS – " Driveways shall be at least ten (10) feet wide and have a vertical granite curb return at the roadway of three feet (3') in radius. The maximum residential curb cut shall be 20 feet, measured at the gutter line from start of radius to end of radius and commercial curb cut 32 ft."

Description – The Applicant requests a waiver from all requirements regarding the construction of driveway curb cuts for each lot.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.8 of the Subdivision Rules and Regulations pertaining to curb cuts.

The Planning Board finds that granite curb returns at the driveways are unnecessary as the roadway is to be constructed without curbing. The roadway is continuous through the riding arena/stable area. The driveways serving each lot conform to the 20' width requirement. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.2.8 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Matthew Hayes and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.2.8 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.8 was approved.

4.2.9.1 – "SIDEWALKS - Sidewalks shall be constructed within the subdivision, and shall have pedestrian ramps to conform to the latest regulations of the Americans with Disabilities Act and State Building Code. "

4.2.9.2 – "SIDEWALKS - The sidewalks shall extend the full length of the street and around the entire perimeter of the cul-de-sac, with curb cuts at both sides of the cul-de-sac entry, and shall be five feet – six inches (5'6") on one side along a minor street. They shall also be provided along any Town street for the entire length of frontage of the applicant on said street including any lots separated from the subdivision within five (5) years prior to the submission of the Subdivision Plan.

Description – The original definitive subdivision plan was approved with a waiver to provide a 5.5 foot sidewalk on only one side of Wingate Farm Road. The Applicant now seeks a waiver from all sidewalk requirements.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.9.1 and 4.2.9.2 of the *Subdivision Rules and Regulations* pertaining to sidewalks.

The Planning Board finds that minimal expected use of Wingate Farm Road by vehicular traffic and with only one additional residence proposed for construction at this time, the need for sidewalks is reduced. Given the alignment and cross section of the proposed roadway, sidewalk construction on Wingate Farm Road is not feasible. Wingate Farm Road will adequately serve pedestrian and horse traffic. This shared use of roads by vehicles, horses and pedestrians is typical in a rural area. Sidewalk construction along the parcel's frontage on the east side of Holliston Street is not feasible at this time. In lieu of the required sidewalk construction, the Applicant will provide a payment to the Town of Medway of \$5,500 in lieu of sidewalk construction along the 550 foot length of Wingate Farm Road. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.2.9.1 and 4.2.9.2 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant's request for a waiver from Sections 4.2.9.1 and 4.2.9.2 of the *Subdivision Rules and Regulations*, conditioned on a \$5,500 payment in lieu of sidewalk construction. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.9.1 and 4.2.9.2 was approved.

Section 4.9.1 – "STREET LIGHTS - High efficiency street lights shall conform to the type and style in general use in the Town of Medway . . ."

Description - The Applicant requests a waiver from all street light regulations and proposes use of residential style post lights on each lot.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.9.1 of the *Subdivision Rules and Regulations* pertaining to street lights.

The Planning Board finds that street lighting in conformance with the *Rules and Regulations* is not necessary due to the low volume of residential use during the evening and the primarily daytime use of the riding arena. The applicant proposes use of residential style post lights on each lot. This will be included in the *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.9.1 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.9.1 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.9.1 was approved.

Section 4.11.1 – “Street Trees – *Deciduous street trees shall be planted on each side of each street in the subdivision, except in those locations where the Board has approved certain trees to be retained which are healthy and are of adequate size and species. Such trees shall be located outside of the right-of-way at approximately sixty foot (60') intervals. Trees shall be at least twelve feet (12') in height, two inches (2") in caliper measured four feet (4') above the approved grade.”*

Description - The Applicant requests a waiver from all street planting requirements as the parcel is heavily wooded.

Findings – At a duly called and properly posted meeting held on April 28, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.11.1 of the *Subdivision Rules and Regulations* pertaining to street trees.

The Planning Board finds that street tree planting in conformance with the *Rules and Regulations* is not necessary due to the existing highly wooded nature of the lot. The applicant has made a concerted effort to preserve trees wherever possible on the site. The plan includes extensive landscaping around the detention pond on Lot #4. To protect the existing wooded areas, a 30’ selective cutting zone will be added to the perimeter of Lots 2, 3 and 4 and shown on the plan. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.11.1 - At a duly called and properly posted meeting held on April 28, 2005, *a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant’s request for a waiver from Section 4.11.1 of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed.* The waiver Request re: Section 4.11.1 was approved.

IX. GENERAL FINDINGS & MITIGATION PLAN

Compared to the original Wingate Farm Definitive Subdivision Plan approved in 2000, the proposed modified subdivision plan has less impact on the parcel and surrounding properties. The revised subdivision design reflects the rural, agricultural character that the Applicant seeks to achieve and which the Town of Medway wishes to encourage. With substantial tree preservation, there is less clearing and less visual impact on abutting neighbors. The redesign of the stormwater detention pond results in a more naturalized appearance that complements the site’s topography. The pond will also provide an attractive wetland area and enhance the natural beauty of the highly wooded land. The use of lower impact construction standards for the road and stormwater infrastructure in creating this residential/equestrian compound will help preserve and enhance an existing horse farming area, maintain rural character, and promote stormwater infiltration. The status of Wingate Farm Road as a private way reduces the financial burden on the Town of Medway for maintenance and upkeep. The Applicant’s intended use of two lots for horse farming activities instead of for single-family house development, lessens the immediate fiscal burden on the Town.

Mitigation Plan

1. In lieu of constructing a sidewalk on Wingate Farm Road, the Applicant shall provide \$5,500 to the Town of Medway for sidewalk construction in the community.
2. The Applicant shall fund the preparation of a professional independent review/analysis of the roadway construction and drainage system maintenance one year after completion as determined by the Town's Consulting Engineer.

At a duly called and properly posted meeting held on April 28, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the above described General Findings and Mitigation Plan regarding the proposed modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004, and last revised April 22, 2005. The motion was approved by a vote of 4 in favor and 0 opposed.

X. DECISION – At a duly called and properly posted meeting of the Medway Planning Board held on April 28, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the proposed modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004 and last revised April 22, 2005 with Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations: 4.1.2, 4.1.8, 4.2.2.2, 4.2.3.1, 4.2.4.3, 4.2.6.7, 4.2.6.8, 4.2.7, 4.2.8, 4.2.9.1, 4.2.9.2, 4.9.1, and 4.11.1. The motion was approved by a vote of 3 in favor (Alexander, DeToma, & Hayes) and 1 opposed (Hooper). The modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004 and last revised April 22, 2005 is hereby approved.

XI. CONDITIONS

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 4 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install municipal services as shown on the definitive subdivision plan, to the satisfaction of the Planning Board within three (3) years of the date of endorsement of the plan.
3. Plan Revisions - Prior to endorsement, ALL plan sheets shall be revised to include the following references:
 - a. *Modification to Wingate Farm – Private Way Definitive Subdivision Plan*
 - b. Present and future owners are subject to the *Declaration of Protective Covenants & Restrictions Governing Wingate Farm*, to be recorded with the definitive subdivision plan.
 - c. Plan Book, Page and Date of recording of the original Wingate Farm Definitive Subdivision Plan at the Norfolk County Registry of Deeds

The plan shall be also revised to address all Conditions as specified in this Certificate and in the following documents attached hereto and made a part hereof:

- d. VHB's letter dated April 10, 2005;
- e. Memorandum dated March 22, 2005 from Safety Officer Jeffrey Watson regarding required signage.

The Applicant shall provide such revised plan to the Planning Board and the Town's Consulting Engineer for review and approval. All comments and conditions must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning Board before the Board will endorse the plans.

- 4. *Selective Cutting Zone* – The plan shall be revised to show a thirty-foot (30') Selective Cutting Zone on the perimeter of lots 2, 3 and 4. In the Selective Cutting Zone, no disturbance shall occur other than for the installation of the approved drainage system and underground utilities. In addition, living and growing vegetation shall be retained and may not be removed except for the installation of the approved drainage system and underground utilities. Dead or damaged vegetation may be removed from the Selective Cutting Zone.
- 5. *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* - Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* (which shall apply to all present and future owners of the property included on this subdivision plan) to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, such *Declaration* shall:
 - a. include a requirement for the installation of light posts on each lot and may include other requirements as deemed appropriate by the Applicant;
 - b. state that the Applicant shall retain ownership of Wingate Farm Road and shall be responsible for the upkeep and maintenance of the roadway and stormwater management system;
 - c. state that upon conveyance by the Applicant of Lot 1, the ownership and responsibility for the maintenance of Wingate Farm Road and the stormwater management system shall be transferred to a Wingate Farm Homeowners Association to consist of the owners of Lots 1, 2, 3 and 4. The lot owners' rights to enforce maintenance under Chapter 84, Section 12 of MGL shall not be abrogated;
 - d. include the minimum maintenance responsibilities as specified in the Operations and Maintenance Plan for the roadway and stormwater management system as indicated on Sheet 8 of 8.
- 6. *Status and Ownership of Wingate Farm Road* – It is understood that Wingate Farm Road shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept Wingate Farm Road as constructed pursuant to this modified definitive subdivision plan. It is further understood that the applicant, Eugene and Karyl Walsh, shall have exclusive ownership of the 45' right-of-way of Wingate Farm Road in its entirety. The road shall be established as a separate parcel. The deed for the road shall clearly state that adjacent property to the south of 168 Holliston Street shall not have any use or frontage rights to Wingate Farm Road unless a new definitive subdivision plan is submitted to the Planning Board for approval under the Subdivision Control Law.

7. *Lot Deeds* – Prior to endorsement, the Applicant shall provide copies of the proposed lots deeds to the Planning Board for its review, comment, amendment and approval. The deeds shall indicate the Applicant's initial ownership of the roadway and all easements shown on the subdivision plan. The deeds conveying lots 2, 3 and 4 shall be clear that the owners have the right to use and pass on Wingate Farm Road, but do not have any ownership interest in or maintenance responsibility for the road or the stormwater management system. However, the deeds shall specify that a Homeowners Association is to be created to own and maintain the road and drainage system upon conveyance of Lot 1. Each deed shall refer to and be accompanied by a Lot Plan to be recorded with each deed. The Lot Plan shall depict all easements and the Selective Cutting zone. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall refer to the *Declaration of Protective Covenants and Restrictions Governing Wingate Farm*.
8. *Easements* – Prior to endorsement, the Applicant shall provide the Planning Board with a copy of the document pertaining to each easement shown on the definitive subdivision plan.
9. *Maintenance of Roadway and Stormwater Management System* – The use of T-Base product for the roadway surface and the absence of any curbing on the roadway necessitate more frequent maintenance and upkeep of the road and stormwater management system. The Applicant's compliance with the Operations and Maintenance Plan shall be monitored during construction observation/inspections by the Town's Consulting Engineer.

The Applicant shall contract for a professional, independent review/analysis of the roadway construction and drainage system to be conducted after one year of use (*as determined by the Town's Consulting Engineer*) to demonstrate to the Town the merits and pitfalls of the alternative construction method. The cost for such study shall not exceed \$1,200. The Applicant will deposit the funds to an escrow account established with the Town of Medway prior to the Board's approval of any Release of Covenant for building permit purposes.

The Applicant shall provide for snow plowing, sanding and full maintenance of Wingate Farm Road and all related stormwater management infrastructure throughout the entire construction process and in perpetuity thereafter until Lot 1 is conveyed, at which time a Homeowner's Association shall be established and become responsible. The rights of lot owners to enforce maintenance under Chapter 84, Section 12 shall not be abrogated

10. *Lot Development* – Prior to the issuance of any building permits for lots 2, 3 and 4, all subdivision construction work as specified in the plan shall be completed, or the Applicant shall provide sufficient security to ensure its completion in the form of a deposit of money in a bank account with the Town of Medway. The amount of said deposit shall be established by the Planning Board and shall be based on an estimate provided by the Town's Consulting Engineer of the amount that would be required for the Town of Medway to complete the work if the Applicant failed to do so.
11. *Sidewalk Construction* – In lieu of constructing approximately 550 feet of sidewalk along Wingate Farm Road, the Applicant shall contribute to the Town of Medway, within one year of the date of plan endorsement, an amount equal to \$5,500 as estimated by VHB, Inc., the Town's Consulting Engineer, based on the most recent average statewide price published by the Massachusetts Highway Department for sidewalk construction, said funds to be used by the Town of Medway for sidewalk construction in the community.

12. *T-Base Specifications* – Prior to plan endorsement, the plan shall be revised to include a detailed T-Base specification as provided by the manufacturer.

General Conditions

13. *Expiration of Appeal Period* - Prior to endorsement, the Planning Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
14. *Payment of Balance of Fees* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision.
15. *Establishment of Security Account* - Prior to endorsement, the Applicant shall establish a passbook savings account (*with the Town of Medway*) at an area financial institution into which the Applicant shall place a deposit of money and shall provide the Medway Treasurer with a signed withdrawal slip from said account. The passbook and withdrawal slip shall be retained by the Medway Treasurer.
16. The Applicant shall specifically reserve to itself/himself/herself ownership of the fee in Wingate Farm Road and all easements shown on the definitive subdivision plan in any deeds or other conveyances or transfers pertaining to Lots 2, 3 and 4. At such time as Lot 1 is conveyed, the fee in Wingate Farm Road and all easement shall then be conveyed to a Wingate Farm Home Owners Association.
17. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of municipal services as specified in the approved definitive subdivision plan. Reference to the *Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all municipal services shall be installed to the satisfaction of the Planning Board within three (3) years of the date of plan endorsement.
18. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Planning Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Subdivision Plan that may be required under the "*Order of Conditions*" shall be presented to the Planning Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Planning Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Planning Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning Board endorses the plan modification.

Additionally, upon issuance of any "*Order of Conditions*" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

19. *Construction Observation* - The Applicant agrees to construction observation inspections by the Town's Consulting Engineer and shall pay construction observation fees to the Town of Medway for such inspections. The amount shall be determined by the Planning Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Planning Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory to the Planning Board.
20. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the easements, the *Subdivision Covenant, and Declaration of Protective Covenants and Restrictions Governing Wingate Farm* with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred. The Planning Board shall not authorize any Lot Releases to allow the issuance of building permits until the Applicant has provided proof or verification of recording with the Norfolk County Registry of Deeds.
21. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (archinfoshape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
22. *Security Payments* - Prior to the Planning Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established passbook account in an amount equal to 100% of the bond amount approved by the Medway Planning Board to cover the cost of all uncompleted construction improvements and infrastructure maintenance.
23. *Proof of Taxes Paid* - Prior to the Planning Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current to that date for all property included in this subdivision.
24. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (archinfoshape file -

.shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

41. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

This decision is subject to appeal in accordance with M.G.L. ch. 41, section 81BB within 20 days after his decision is filed with the Town Clerk.

###

MEDWAY PLANNING BOARD

Approved April 28, 2005

AYE

Matthew J. Hayes
Matthew J. Hayes

Alan DeToma
Alan DeToma

Eric Alexander
Eric Alexander

NAY:

Daniel J. Hooper, Chairman
Daniel J. Hooper, Chairman

Date Signed:

4/28/2005

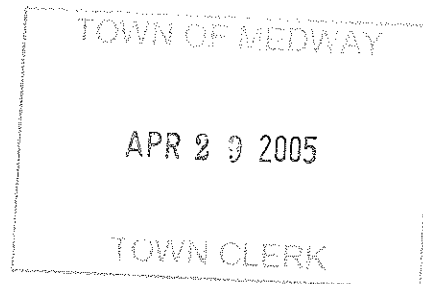
Attest:

Susan E. Affleck-Childs
Susan E. Affleck-Childs, Planning Board Assistant

4-28-05

Date

Date Filed with the Town Clerk:



Certified Mail Copy to: Eugene and Karyl Walsh
168 Holliston Street

Date: 4-29-05

Certified Mail #: 7004 1350 0004 9766 0040

Copies To: Greg Balukonis, Town Administrator
Susan Bouchard, Disability Commission
David D'Amico, Public Services
Ron Dolloff, Tree Warden
Bill Fisher, Board of Health
Mark Flaherty, Water/Sewer Board
Britt Hall, Assessors
Gary Jacob, Design Review Committee
Al Pater, Treasurer/Collector
Robert Speroni, Inspector of Buildings/Zoning Enforcement Officer
David Travalini, Conservation Commission
Wayne Vinton, Fire Chief
Jeffrey Watson, Police Safety Officer
Gino Carlucci, PGC Associates
Mark Louro, VHB Engineering
Steve Poole, Consolidated Design Group

SUBDIVISION MODIFICATION PLAN WINGATE FARM A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN

FOR REGISTRY USE ONLY

LIST OF WAIVERS

- SECTION 3.3.2.16- TO ALLOW THE USE OF THE 1929 NGVD DATUM IN LIEU OF THE NAVD 88 DATUM AS THE 1929 DATUM WAS USED PREVIOUSLY.
- SECTION 4.1.2- TO ALLOW FOR A MODIFICATION OF THE STANDARD ROADWAY CROSS-SECTION & MASS. HIGHWAY STANDARDS, AS ON THE APPROVED DRAWINGS, AND TO ALLOW FOR A PRIVATE WAY DESIGNATION OF THE MINOR ROADWAY.
- SECTION 4.1.8- TO ALLOW FOR AN AS-BUILT PLAN IN LIEU OF A STREET ACCEPTANCE PLAN AND ALLOW FOR THE ROADWAY TO BE MAINTAINED AS A PRIVATE WAY BY THE ABUTTERS.
- SECTION 4.2- TO WAIVE ALL CONSTRUCTION STANDARDS FOR A TYPICAL ROADWAY AND ALLOW THE PROPOSED WAY TO BE CONSTRUCTED AS SHOWN ON THE APPROVED DRAWING. SPECIFIC EXCLUSIONS ARE:
- 4.2.2.2-ELIMINATE THE MINIMUM CENTERLINE RADIUS OF THE ROADWAY AND ALLOW THE ROAD LAYOUT AS SHOWN.
 - 4.2.3.1-REDUCE THE ROADWAY RIGHT OF WAY FROM FIFTY (50) FEET TO FORTY FIVE (45) FEET THROUGHOUT THE ROADWAY.
 - 4.2.4.3-ELIMINATE THE REQUIREMENT FOR A SEPARATE LEVELING AREA AND ALLOW IT TO BE INCORPORATED IN THE VERTICAL CURVE.
 - 4.2.6.7-REDUCE THE ROADWAY WIDTH FROM 26'-0" TO 18'-0" WITH TWO (2) 4'-0" GRASS SWALES.
 - 4.2.6.8-ALLOW THE USE OF A RECYCLED ASPHALT MATERIAL FOR THE ROADWAY SURFACE IN LIEU OF FULL BITUMINOUS PAVEMENT.
 - 4.2.7 - ELIMINATE THE REQUIREMENT FOR CURBING ALONG THE EDGE OF THE ROAD.
 - 4.2.8 - ELIMINATE THE CURB CUT REQUIREMENTS.
 - 4.2.9.1 & 2 - ELIMINATE THE REQUIREMENT FOR SIDEWALKS.
- SECTION 4.9.1 - TO ALLOW FOR NO STREET LIGHTING.
- SECTION 4.11.1 - WAIVE THE REQUIREMENT FOR STREET TREES AS THE SITE HAS MANY MATURE TREES THAT WILL REMAIN AFTER CONSTRUCTION.

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN BOOK 17,559 / PAGE 147 AND PLAN NO. 653 OF 2002 RECORDED IN PLAN BOOK 501 APPROVAL DATED 5/23/2000.

INDEX TO DRAWINGS:

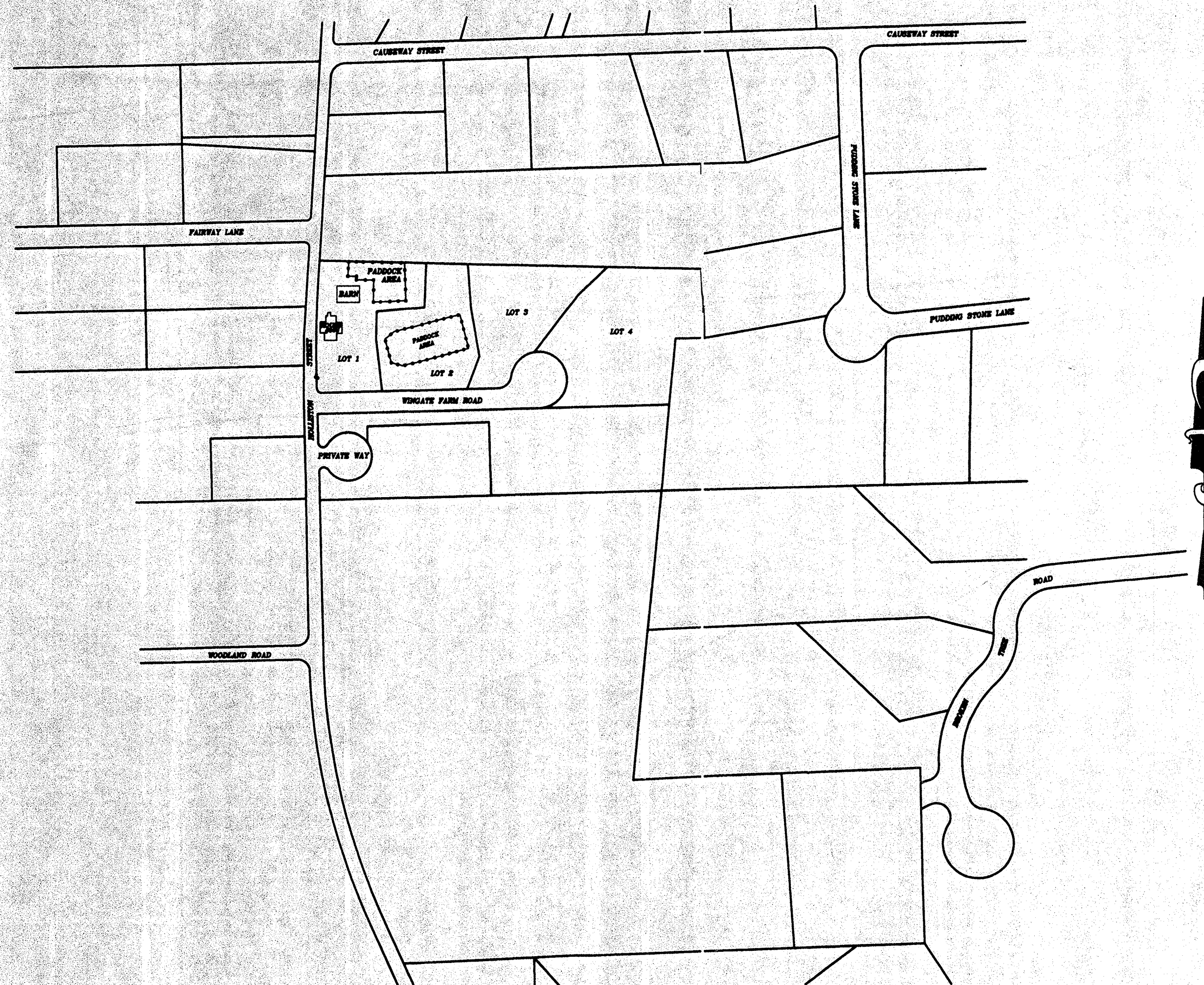
- SHEET 1 OF 8 - COVER SHEET
- SHEET 2 OF 8 - EXISTING CONDITIONS PLAN
- SHEET 3 OF 8 - PROPERTY PLAN
- SHEET 4 OF 8 - TOPOGRAPHIC PLAN
- SHEET 5 OF 8 - ROAD PROFILE
- SHEET 6 OF 8 - CONSTRUCTION DETAILS
- SHEET 7 OF 8 - CONSTRUCTION DETAILS
- SHEET 8 OF 8 - CONSTRUCTION DETAILS

LOCATED IN
MEDWAY, MASSACHUSETTS

OWNERS: EUGENE AND KARYL WALSH
168 HOLLISTON STREET MEDWAY, MA
(508)-533-8440

PREPARED BY:
CONSOLIDATED DESIGN GROUP, INC.
21 MAIN STREET SUITE 9 HUDSON, MA
(978) 562-5581

AUGUST 20, 2004
REVISED: NOVEMBER 8, 2004
DECEMBER 28, 2004
FEBRUARY 7, 2005
MARCH 7, 2005
MARCH 30, 2005
APRIL 22, 2005
SEPTEMBER 16, 2005



LOCUS MAP
1" = 200'

APPROVED BY:
MEDWAY PLANNING BOARD

[Signature]
[Signature]
[Signature]

APPROVAL DATE:

APRIL 28, 2005

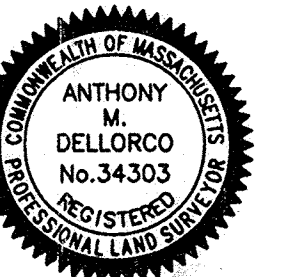
ENDORSEMENT DATE:

APR 28 '05

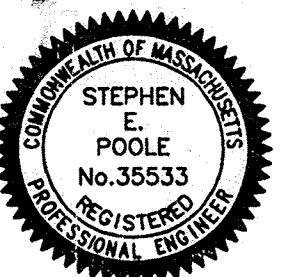
NOTE: I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

[Signature]
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



[Signature]
STEPHEN E. POOLE ~ P.E.



I, TOWN CLERK OF THE TOWN OF MEDWAY, RECEIVED AND RECORDED, FROM THE PLANNING BOARD, APPROVAL OF THIS PLAN ON _____ AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT EXECUTED BY EUGENE AND KARYL WALSH DATED _____ AND TO BE RECORDED HERewith.

ZONING REFERENCE

ASSESSORS MAP 7-4, PARCELS 7-31
7/31-2, 7/31-3, 7/31-2B
ZONING DISTRICT: AR-1

ZONING DISTRICT - MINIMUM REQUIREMENTS

MINIMUM AREA REQUIREMENT-44,000 S.F.
MINIMUM FRONTAGE REQUIREMENT-180 FEET
MINIMUM FRONT YARD SETBACK-35 FEET
MINIMUM SIDE YARD SETBACK-15 FEET
MINIMUM REAR YARD SETBACK-15 FEET
STREET DESIGNATION-MINOR

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.
[Signature]
[Signature]

APPROVAL DATE:
APRIL 28, 2005

ENDORSEMENT DATE:
Nov 9 05

RESERVED FOR REGISTRY USE

N/F MCKENSIE

N/F LOBISSER

N/F RHODES

N/F DOWDEL

N/F PIANTEDOSI

N/F MANSKE

FAIRWAY LANE
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

N/F GUILMARTIN

N/F MCNULTY

N/F MASSE

N/F CHOATE

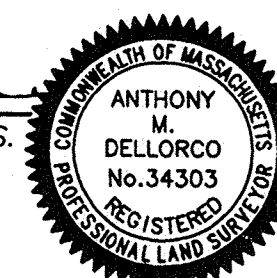
N/F DEGEORGE

N/F ANDERSON
LOT AREA = 162,455.5 SqFt±

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____
AND TO BE RECORDED HERewith.

NOTE: 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.

[Signature]
ANTHONY M. DELLORCO ~ P.L.S.
DATE: 9-30-05



OWNER/ APPLICANT

EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

ZONING
AR-1

LOT REQUIREMENTS
AREA=44,000 S.F.
FRONTAGE=180'
FRONT SETBACK=35'
SIDE SETBACK=15'
REAR SETBACK=15'
SHAPE FACTOR=22.0

EXISTING CONDITIONS PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN

MEDWAY, MASS.

SCALE: 1"= 40' DATE: AUGUST 20, 2004

*PREPARED BY:
Consolidated Design Group Inc.

CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

SHEET NO. 2 OF 8

I TOWN CLERK OF THE TOWN OF MEDWAY
RECEIVED AND RECORDED FROM THE PLANNING
BOARD APPROVAL OF THIS PLAN AND NO APPEAL
HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT
AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

NO.	DATE	DESCRIPTION	BY
6.	9-16-05	TOWN COMMENTS	SEP
5.	4-22-05	TOWN COMMENTS	SEP
4.	3-7-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-08-04	TOWN COMMENTS	SEP

N/F MCKENSIE

N/F MANSKE

FAIRWAY LANE
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

N/F LOBISSER

N/F RHODES

N/F DOWDEL

N/F PIANTEDOSI

N/F ANDERSON

N/F GUILMARTIN

N/F MCNULTY

N/F MASSE

N/F CHOATE

N/F DEGEORGE

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.

[Signature]
[Signature]
[Signature]

APPROVAL DATE:

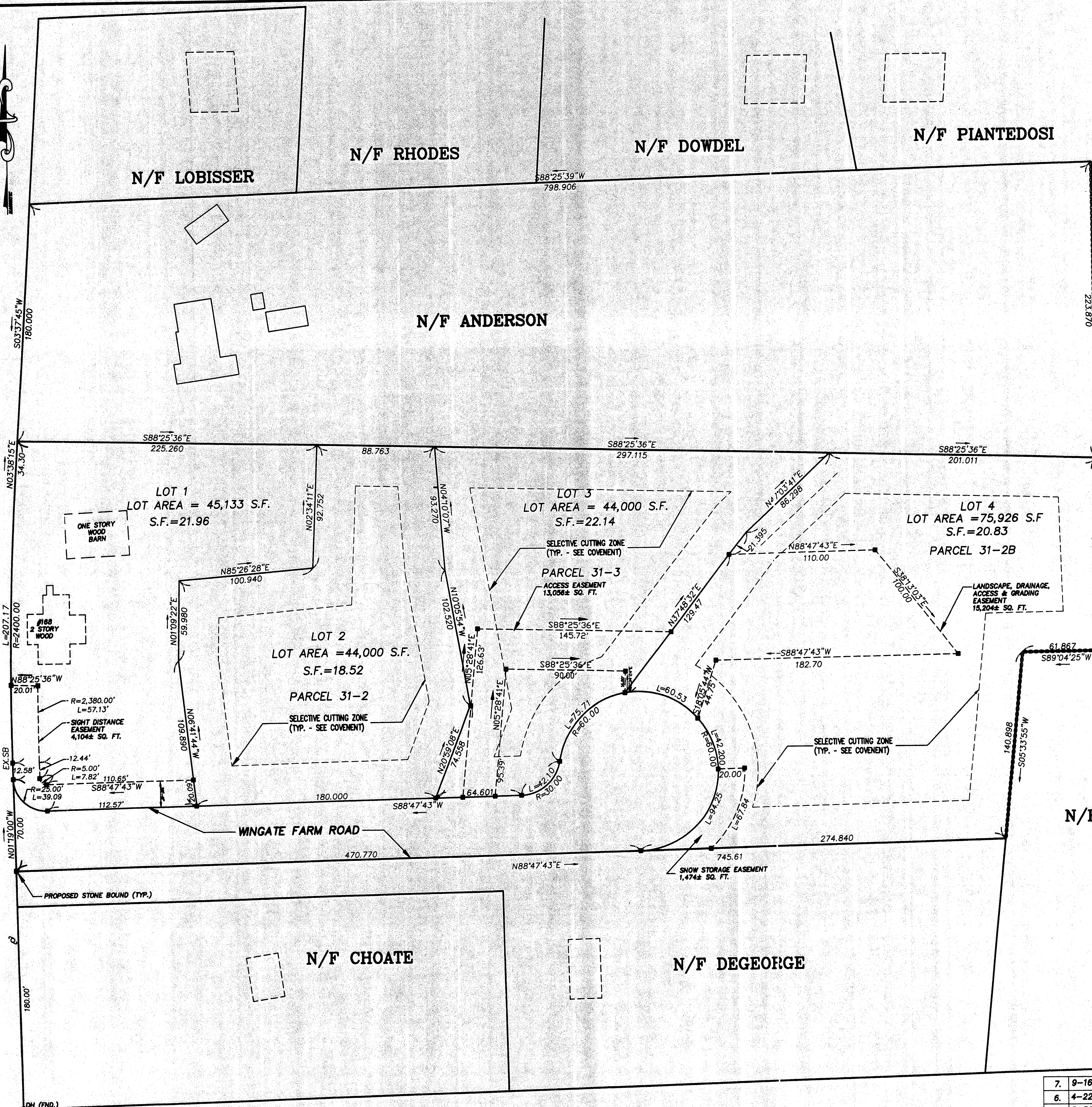
APRIL 28, 2005

ENDORSEMENT DATE:

Nov 8 '05

RESERVED FOR REGISTRY USE

HOLLISTON STREET
(COUNTY LAYOUT - 1962)
60' WIDE



PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____
AND TO BE RECORDED HEREWITH.

NOTE: 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.

Anthony M. Dellorco
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



ZONING DISTRICT
AR-1

LOT REQUIREMENTS
AREA=44,000 S.F.
FRONTAGE=180'
FRONT SETBACK=35'
SIDE SETBACK=15'
REAR SETBACK=15'
SHAPE FACTOR=22.0

PROPERTY PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN

MEDWAY, MA

SCALE: 1"= 40' DATE: AUGUST 20, 2004

PREPARED BY:
Consolidated Design Group Inc.

CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

SHEET NO. 3 OF 8

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED
SUBDIVISION RECORDED IN THE NORFOLK COUNTY REGISTRY
OF DEEDS IN BOOK 17,559 / PAGE 147 AND PLAN NO. 653
OF 2002 RECORDED IN PLAN BOOK 501 APPROVAL DATED 5/23/2000.

NO.	DATE	DESCRIPTION	BY
7.	9-16-05	TOWN COMMENTS	SEP
6.	4-22-05	TOWN COMMENTS	SEP
5.	3-30-05	ADDED BOUNDS AND EASEMENT	SEP
4.	3-7-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-08-04	REVISED RIGHT OF WAY	SEP

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.
[Signature]
[Signature]
[Signature]

APPROVAL DATE:
APRIL 28, 2005

ENDORSEMENT DATE:
Nov 8 '05

RESERVED FOR REGISTRY USE

ZONING DISTRICT
AR-1

LOT REQUIREMENTS
AREA=44,000 S.F.
FRONTAGE=180'
FRONT SETBACK=35'
SIDE SETBACK=15'
REAR SETBACK=15'
SHAPE FACTOR=22.0

N/F GUILMARTIN

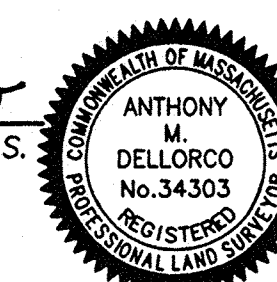
N/F MCNULTY

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____
AND TO BE RECORDED HEREWITH.

NOTE: 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.

Anthony M. Dellorco
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



TOPOGRAPHIC PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN
MEDWAY, MASS.

SCALE: 1"= 40' DATE: AUGUST 20, 2004

PREPARED BY:
Consolidated Design Group Inc.
CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
8.	9-16-05	TOWN COMMENTS	SEP
7.	4-22-05	TOWN COMMENTS	SEP
6.	3-30-05	TOWN COMMENTS	SEP
5.	3-7-05	TOWN COMMENTS	SEP
4.	2-7-05	TOWN COMMENTS	SEP
3.	12-28-04	TOWN COMMENTS	SEP
2.	12-3-04	REVISED SITE GRADING	SEP
1.	11-08-04	REVISED RIGHT OF WAY	SEP
NO.	DATE	DESCRIPTION	BY

SHEET NO. 4 OF 8

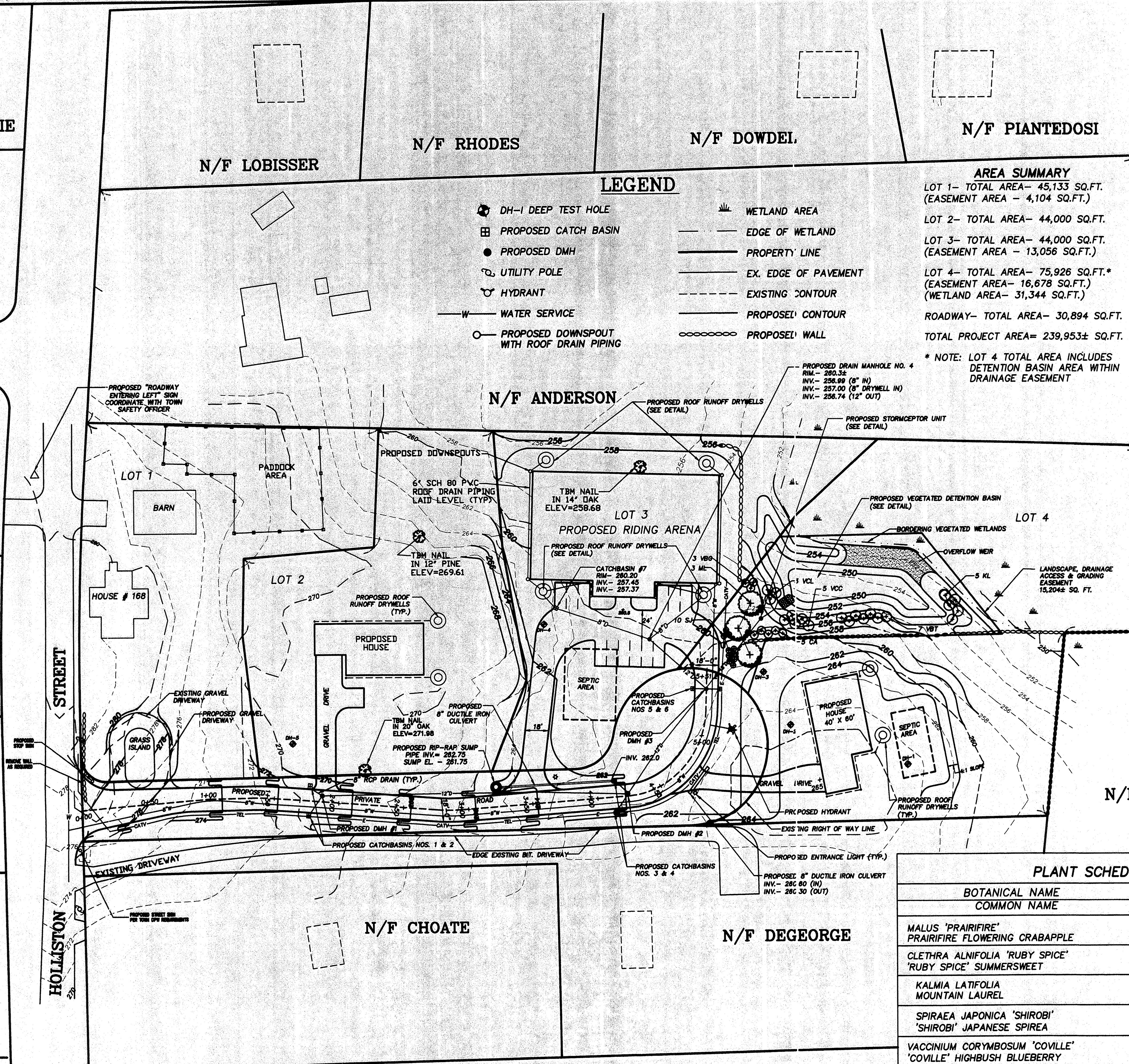
AREA SUMMARY

LOT 1- TOTAL AREA- 45,133 SQ.FT.
(EASEMENT AREA - 4,104 SQ.FT.)
LOT 2- TOTAL AREA- 44,000 SQ.FT.
LOT 3- TOTAL AREA- 44,000 SQ.FT.
(EASEMENT AREA - 13,056 SQ.FT.)
LOT 4- TOTAL AREA- 75,926 SQ.FT.*
(EASEMENT AREA- 16,678 SQ.FT.)
(WETLAND AREA- 31,344 SQ.FT.)
ROADWAY- TOTAL AREA- 30,894 SQ.FT.
TOTAL PROJECT AREA= 239,953± SQ.FT.

* NOTE: LOT 4 TOTAL AREA INCLUDES
DETENTION BASIN AREA WITHIN
DRAINAGE EASEMENT

LEGEND

- DH-1 DEEP TEST HOLE
- PROPOSED CATCH BASIN
- PROPOSED DMH
- UTILITY POLE
- HYDRANT
- WATER SERVICE
- PROPOSED DOWNSPOUT
WITH ROOF DRAIN PIPING
- WETLAND AREA
- EDGE OF WETLAND
- PROPERTY LINE
- EX. EDGE OF PAVEMENT
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED WALL



PLANT SCHEDULE

BOTANICAL NAME COMMON NAME	SYM.	SIZE	QUAN.
MALUS 'PRAIRIFIRE' PRAIRIFIRE FLOWERING CRABAPPLE	ML	1½-2" CAL	3
CLETHRA ALNIFOLIA 'RUBY SPICE' 'RUBY SPICE' SUMMERSWEET	CA	#2 POT	5
KALMIA LATIFOLIA MOUNTAIN LAUREL	KL	2-2½' B&B	5
SPIRAEA JAPONICA 'SHIROBI' 'SHIROBI' JAPANESE SPIREA	SJ	#3 POT	10
VACCINIUM CORYMBOSUM 'COVILLE' 'COVILLE' Highbush BLUEBERRY	VCC	#3 POT	5
VACCINIUM CORYMBOSUM 'LATE BLUE' 'LATE BLUE' Highbush BLUEBERRY	VCL	#3 POT	3
VIBURNUM CARLESII KOREANSPICE VIBURNUM	VBC	18-24" B&B	3
VIRBURNUM TRILOBUM (AMERICANUM) WENTWORTH 'WENTWORTH' AMERICAN CRANBERRY BUSH	VBT	2-3' B&B	7

I, TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED AND RECORDED, FROM THE PLANNING
BOARD, APPROVAL OF THIS PLAN _____ ON _____
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)
DAYS NEXT AFTER RECEIPT AND RECORDING.

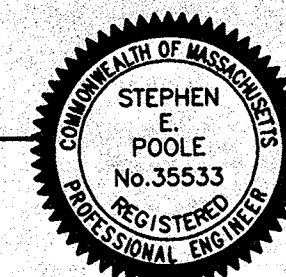
TOWN CLERK

DATE

OWNER/ APPLICANT
EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

NOTE: OWNER TO PROVIDE EIGHT (8)
STREET TREES TO BE SITED IN
FIELD WITH PLANNING BOARD AGENT,
TREES TO BE RED OAK, NORWAY
MAPLE OR SUGAR MAPLE WITH A
MINIMUM TWO (2) INCH CALIPER.

Stephen E. Poole
STEPHEN E. POOLE ~ P.E.
DATE: 9-30-05



MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW, REQUIRED.

[Signature]
[Signature]
[Signature]

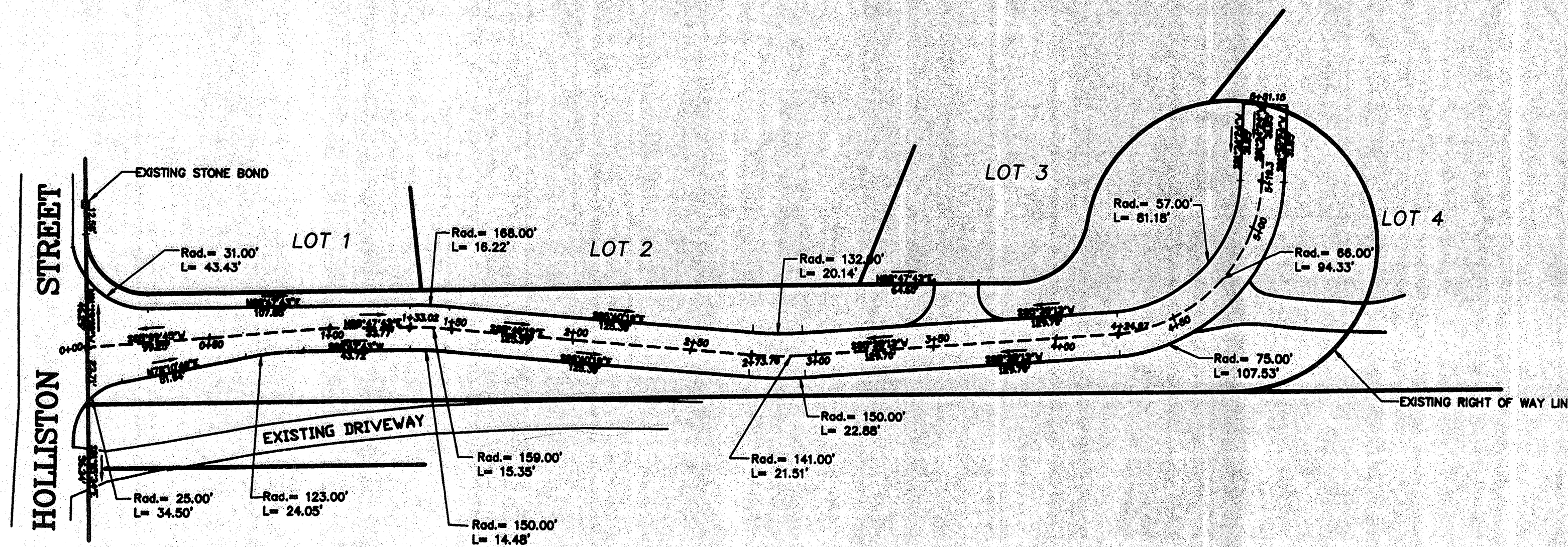
APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

NOV 8 2005

RESERVED FOR REGISTRY USE



WINGATE ROAD LAYOUT

SCALE 1"=40'

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____,
AND TO BE RECORDED HERewith.

NOTE: 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.

[Signature]
ANTHONY J. DELLORCO ~ P.L.S.

DATE: 9-30-05



[Signature]
STEPHEN E. POOLE ~ P.E.

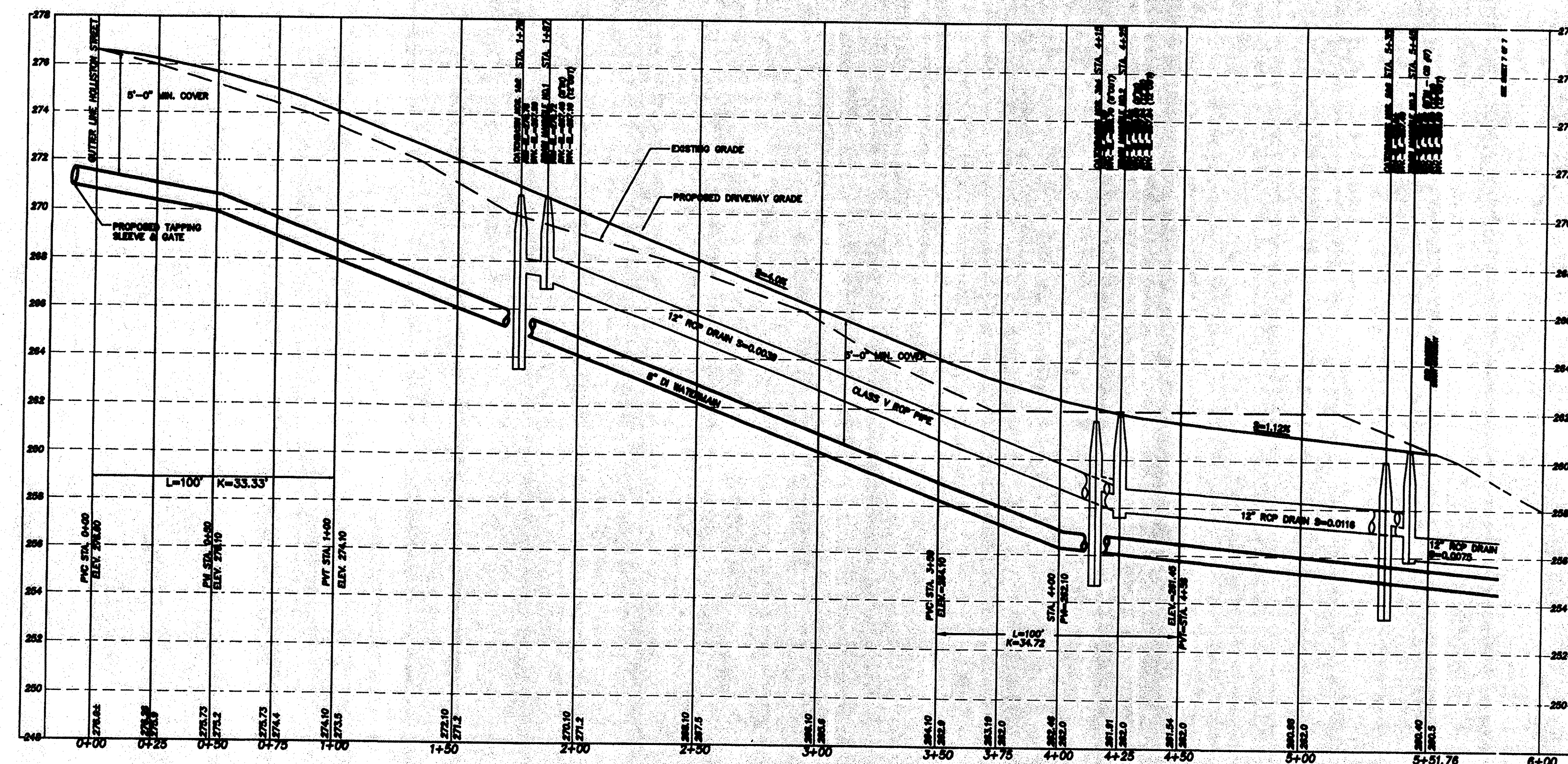
DATE: 9-30-05



I, TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED AND RECORDED, FROM THE PLANNING
BOARD, APPROVAL OF THIS PLAN ON _____
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE



ROADWAY PROFILE PLAN

SCALE: HORIZ. 1"=40'
VERT. 1"=4'

OWNER/ APPLICANT
EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

NO.	DATE	DESCRIPTION	BY
7.	9-16-05	TOWN COMMENTS	SEP
6.	4-22-05	TOWN COMMENTS	SEP
5.	3-30-05	REVISED PROFILE & LAYOUT	SEP
4.	3-1-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-8-04	REVISED GRADING	SEP

ROADWAY PROFILE PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN

MEDWAY, MASS.

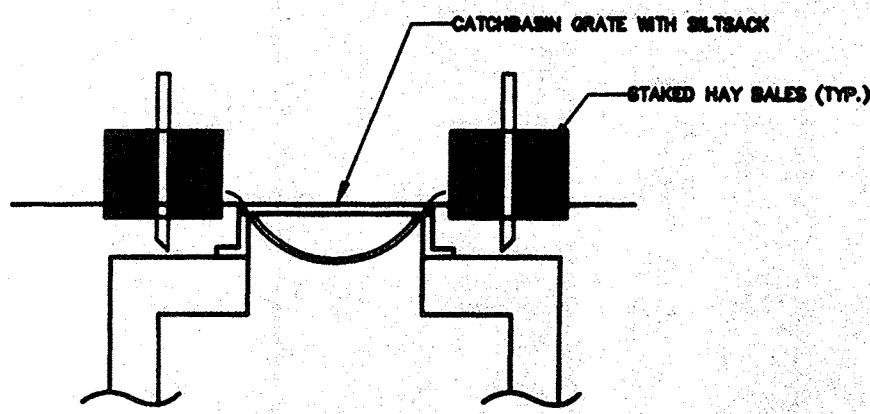
SCALE: AS NOTED DATE: AUGUST 20, 2004

PREPARED BY:
Consolidated Design Group Inc.

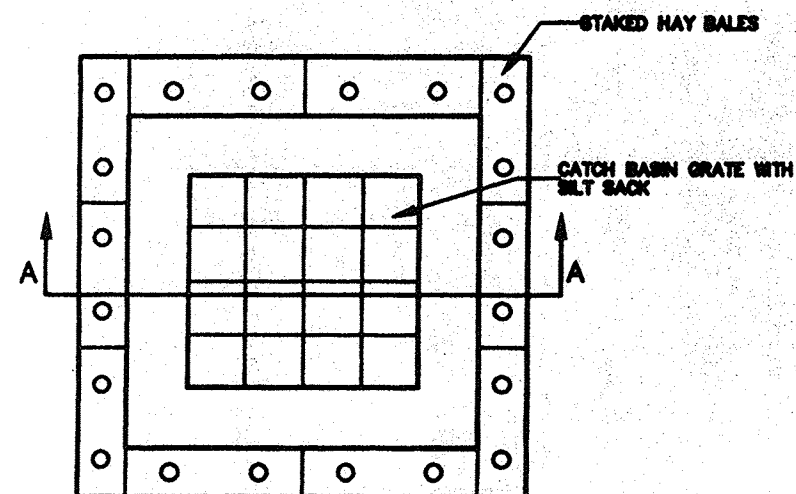
CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

SHEET NO. 5 OF 8

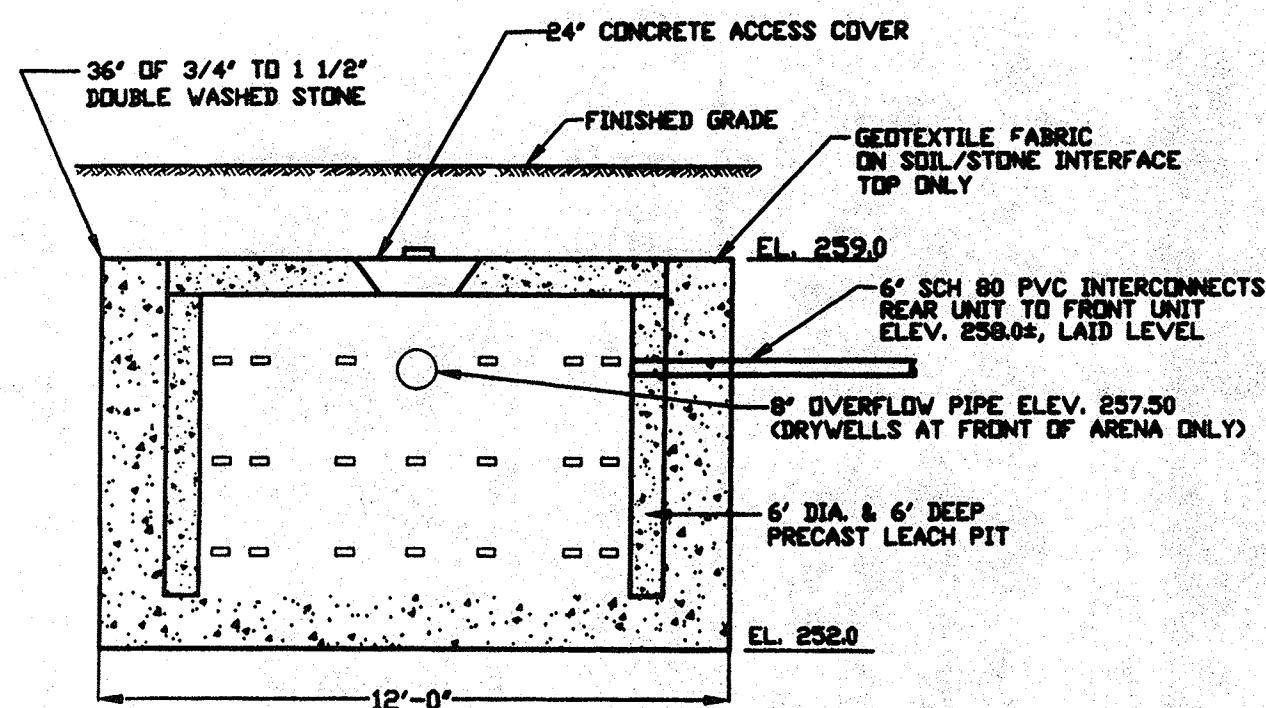




SECTION A-A

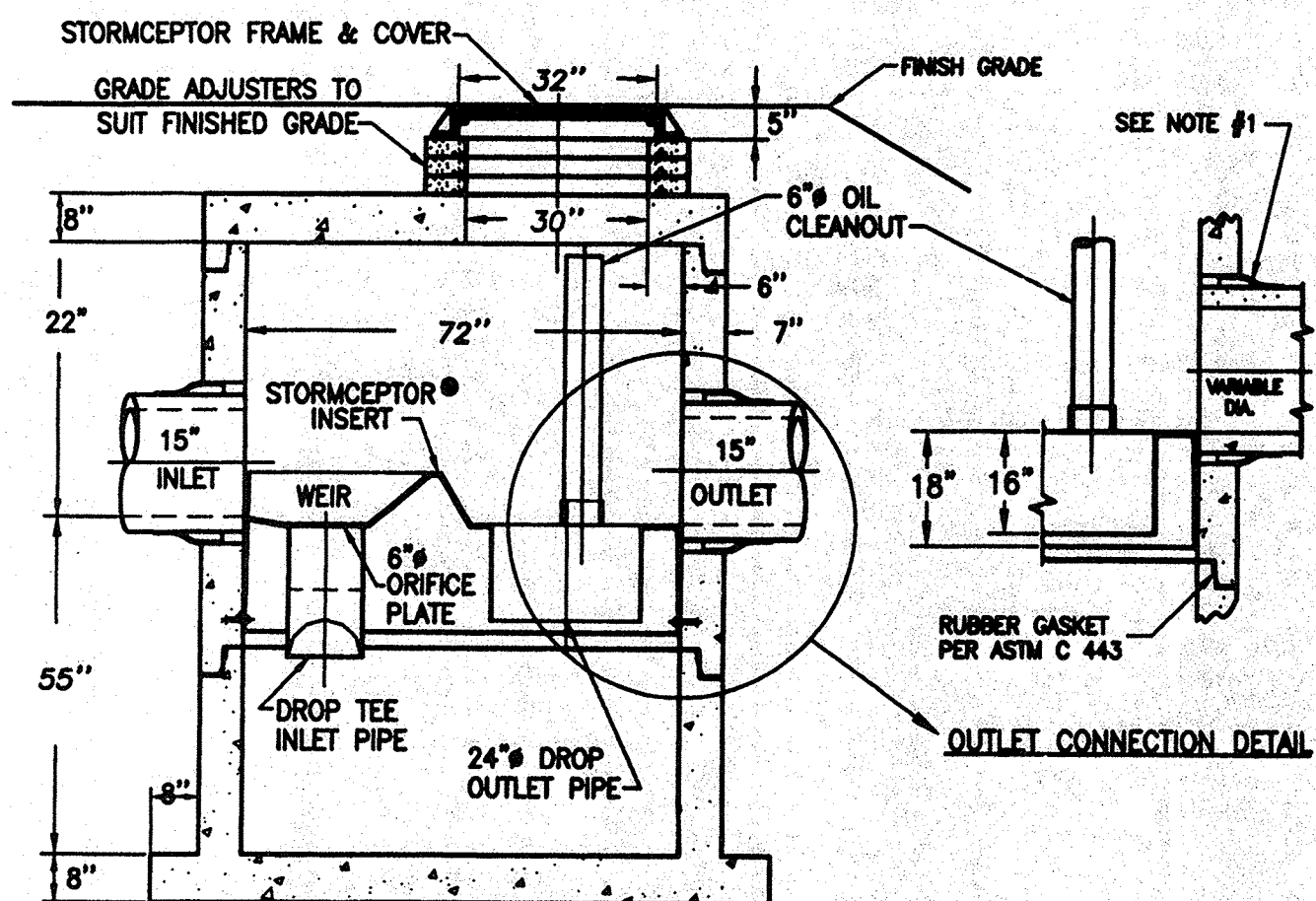


TEMPORARY EROSION CONTROL AT CATCHBASINS
NTS



ROOF RUNOFF DRYWELL
NTS

NOTE: EXCAVATE 12'-0" X 12'-0" HOLE TO ELEV. 252.0±
SCARIFY BOTTOM & PLACE 1'-0" OF STONE PRIOR
TO PLACING PRECAST LEACH PIT.



STORMCEPTOR DETAIL
MODEL-STC900

- NOTE:
1. THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
 2. THE COVER SHOULD BE POSITIONED OVER THE OUTLET DROP PIPE AND THE OIL CLEANOUT PIPE.

STORMWATER MANAGEMENT REPORT
WINGATE FARMS
168 HOLLISTON STREET
MEDWAY, MASSACHUSETTS

INSPECTION REPORT

Inspection Firm: _____ Date: _____

Inspector Name: _____ Components Inspected: _____

Signature: _____

SYSTEM MAINTENANCE

Maintenance Firm: _____ Date: _____

Catchbasins Cleaned: Yes _____ No _____ Comments: _____

Drain Manholes Cleaned: Yes _____ No _____ Comments: _____

Drainlines Inspected: Yes _____ No _____ Comments: _____

Stormceptor Cleaned: Yes _____ No _____ Comments: _____

Leach Pits Cleaned: Yes _____ No _____ Comments: _____

Roadway Cleaned: Yes _____ No _____ Comments: _____

Leach Pits Cleaned: Yes _____ No _____ Comments: _____

Roadway Cleaned: Yes _____ No _____ Comments: _____

Estimate of Material Removed: _____

Other Comments: _____

Signature: _____

OPERATION & MAINTENANCE PLAN
STORMWATER MANAGEMENT FACILITIES
168 HOLLISTON STREET
MEDWAY, MASSACHUSETTS

The proposed project includes stormwater runoff controls associated with a proposed two family house and commercial use building that will require continued maintenance by the property owner. The major components associated with maintenance needs are the stormceptor unit, the infiltration system and the leach pit. These will need to be cleaned periodically as noted below. Cleaning of these structures shall be done by the property owner via a specialty contractor with hydraulic cleaning ability. In addition to the facilities noted below, the property owner should maintain any roof gutters/drains on a regular basis to prevent clogging and carry over of debris into the parking lot / drainage system. The following outlines the major maintenance issues associated with the project:

Catchbasin Cleaning:

The catchbasins should be cleaned with a hydraulic vacuum system twice per year to remove accumulated solids and debris. At the same time, the drain manholes and drainlines should be opened, inspected and cleaned if needed. Assuming the catchbasins, drain manholes and the drainlines are maintained and cleaning is in accordance with normal standards, the solids removal efficiency should be as required to prevent carry over of solids to the stormceptor and wet detention basin.

Sediment Trap (Stormceptor):

Maintenance of this system is subject to on-site evaluation and catchbasin type maintenance. Initially, this system should be inspected on a monthly / storm event schedule to note any solids carry over. After the first year of operation, the system should receive quarterly inspections. It is recommended that the stormceptor tank should be cleaned at least twice yearly (Spring & Fall) in conjunction with cleaning of the catchbasins. Assuming that the catchbasins are cleaned as noted, the sediment load to the stormceptor should be minimal. The methodology for inspection should be as per typical catchbasin maintenance and cleaning should consist of hydraulic vacuuming to ensure maximum sediment removal and accurate measurement of solids removed. Oil / Grease removal from the system should be minimal and should also be done in conjunction with solids removal.

Wet Detention Basin:

The stormwater detention basin should be inspected over the first year of operation on a quarterly basis to determine the level of required maintenance. This inspection should be performed by the Owner's Engineer and a report issued to the Town as to any cleaning / maintenance needs of that system. At the same time, the inspection of the other structures should determine any flushing / cleaning needs. This review should also include a review of system maintenance records. As a preliminary schedule, the bottom area should be cleaned once a year to remove accumulated sediments in the sump, or when they reach three (3) inches in depth.

Leach Pits:

The proposed leaching pits are intended to collect roof runoff to provide storage and infiltration for this runoff. As part of this process, some sand and debris will also be collected in this basin. This should be removed periodically, during spring and fall cleanup to maximize infiltration and storage capabilities. The debris / sand can be removed by hand or by means of hydraulic vacuuming by a contractor, at the Owner's option. After cleanup, a clean layer of 3/4" choke stone should be placed on the bottom of the pits to prevent scouring of the bottom and to trap debris above the soil infiltration surface.

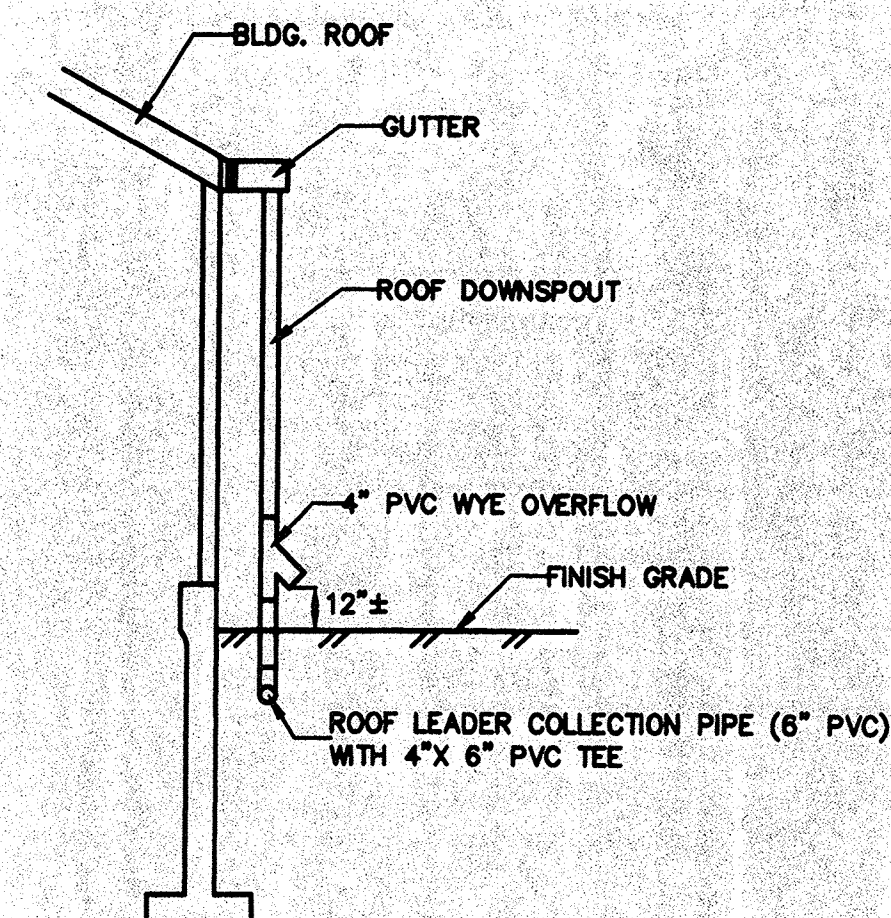
Roadway Maintenance:

As the proposed roadway surface is not paved, there will be maintenance required to ensure that the drainage system is not impacted. Primarily, this will require re-grading and compaction of the roadway to prevent ponding, ruts or eroded surfaces. Initially, this is recommended to be done once per year in the spring, after snow melt. The frequency of this work can be increased or decreased based on actual need and experience with the roadway. Interim work between re-grading may include filling, rolling and compaction of depressions to prevent excessive silty runoff.

In addition to the road surface, the grass areas will need to be mowed at least monthly. When cutting the grass, mowers should be set to leave at least 2" of grass in the areas to reduce water velocity and increase settling of solids. Any solids accumulation will have to be rolled and removed manually to maintain effective use of the swales. Swales should be inspected after all heavy rainfalls to determine the need for this work.

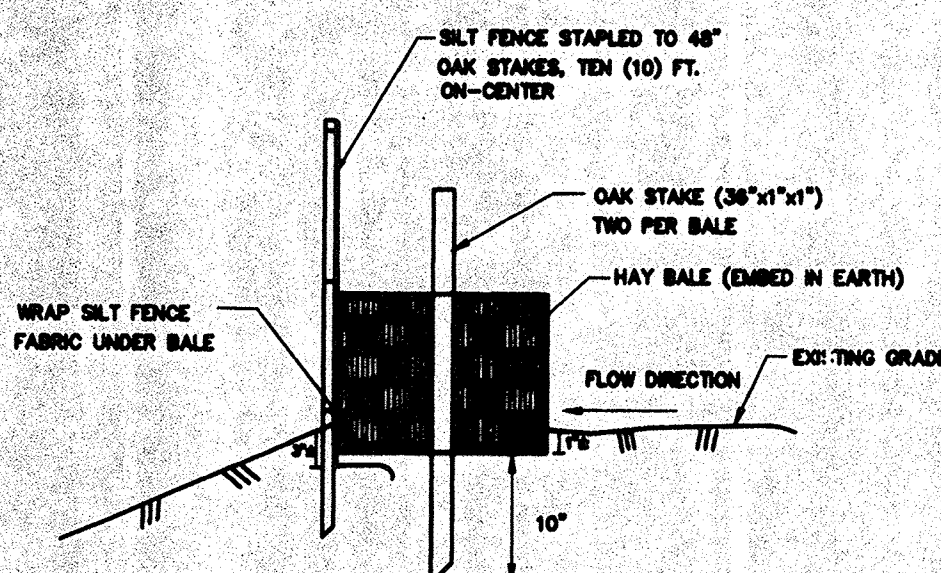
Maintenance Responsibilities:

The maintenance of the Drainage System is the responsibility of the Owners (Homeowner Association). The actual work should be subcontracted to a company that specializes in the cleaning of storm drainage facilities. Inspections should be performed by independent individual such as the design engineer or other experienced individual in the field.

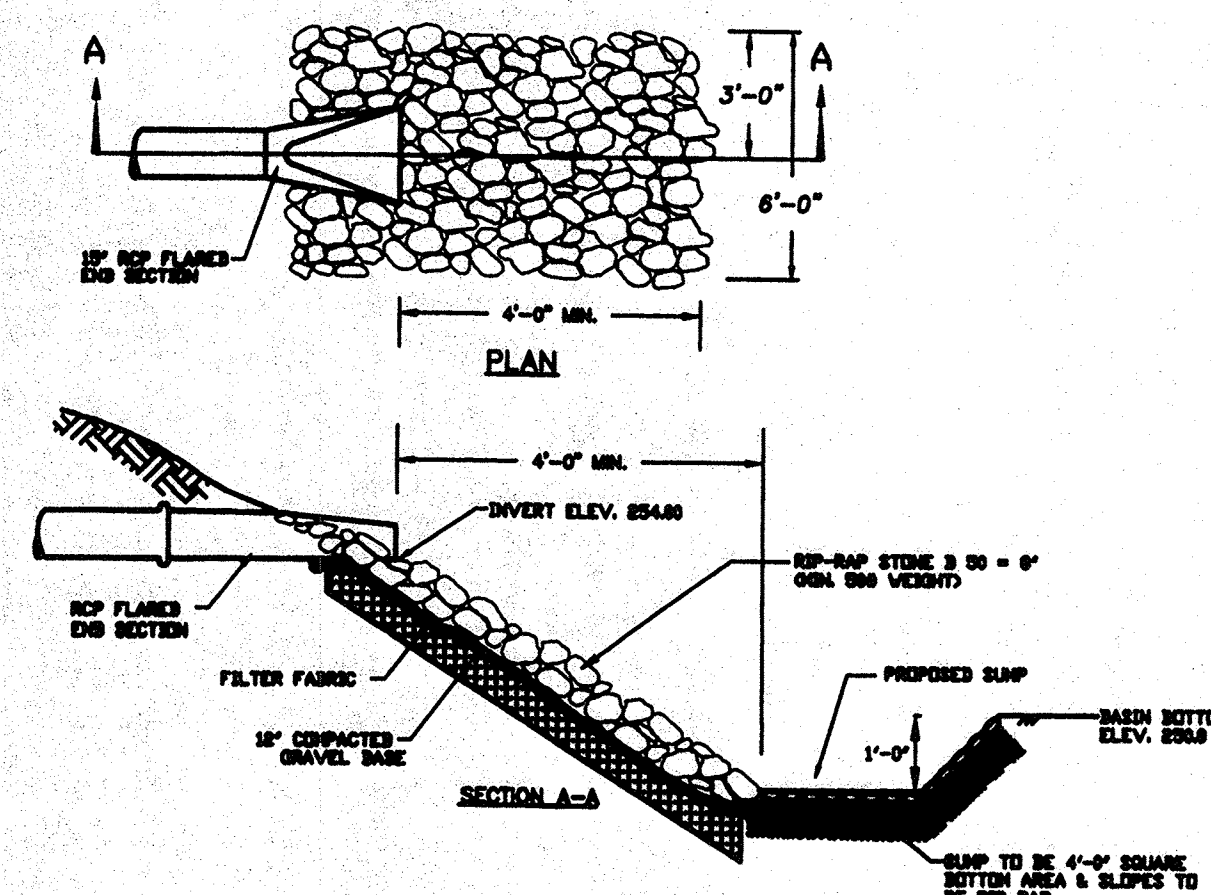


DOWNSPOUT DETAIL

NOTE: ROOF LEADER OVERFLOW TO BE PROVIDED FOR RESIDENTIAL HOUSES ONLY. COLLECTION PIPE (6" PVC) WITH 4"X 6" PVC TEE AT EACH DOWNSPOUT TO BE PROVIDED TO DIRECT FLOW TO DRYWELLS.



HAYBALE/SILT FENCE DETAIL



FLARED END OUTLET
NTS

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.

Stephen E. Poole
Eugene and Karyl Walsh

APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

NOV 8, 2005

FOR REGISTRY USE ONLY

I, TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED AND RECORDED, FROM THE PLANNING
BOARD, APPROVAL OF THIS PLAN ON _____
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)
DAYS NEXT AFTER RECEIPT AND RECORDING.

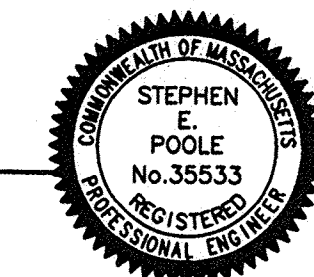
TOWN CLERK

DATE

NOTE: 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.

Stephen E. Poole
STEPHEN E. POOLE ~ P.E.

DATE: 9-30-05



PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____,
AND TO BE RECORDED HEREWITH.

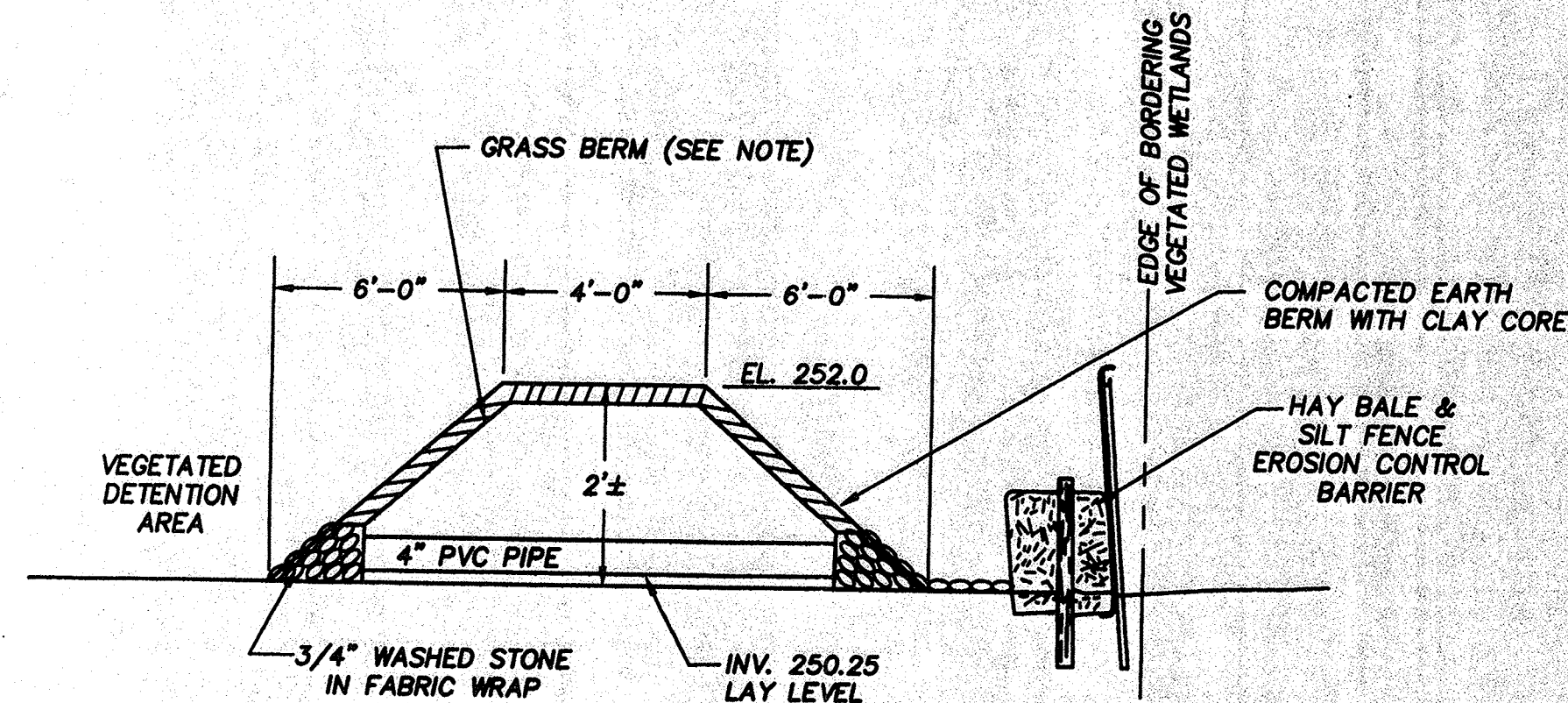
OWNER/ APPLICANT
EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

CONSTRUCTION DETAILS
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN
MEDWAY, MASS.

SCALE: AS NOTED DATE: MARCH 7, 2005

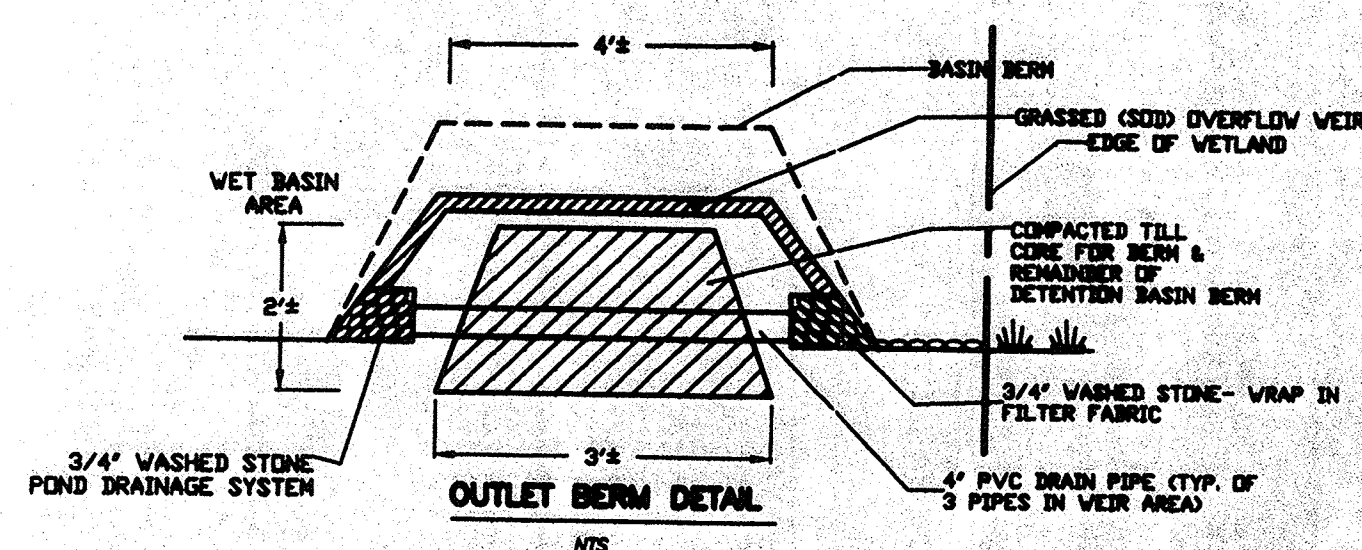
PREPARED BY:
Consolidated Design Group, Inc.
CIVIL ENGINEERS
21 MAIN STREET HUDSON, MA 01749
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
3.	9-16-05	TOWN COMMENTS	SEP
2.	4-22-05	REVISED NOTES	SEP
1.	3-30-05	ADDED NOTES	SEP
NO.	DATE	DESCRIPTION	BY
JOB NO. WINGATE/DWG/DETAIL #7			
			SHEET NO. 7 OF 8



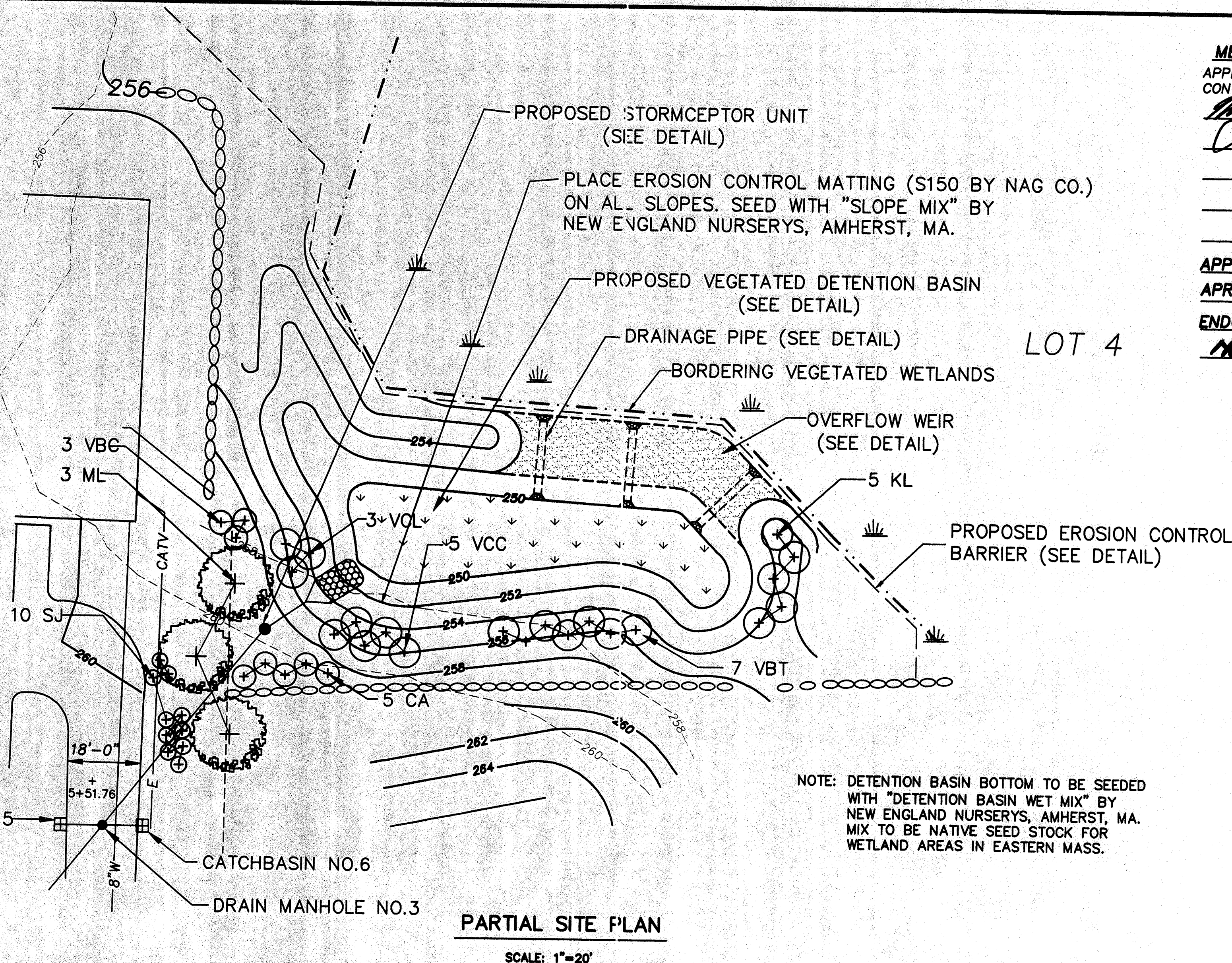
OVERFLOW WEIR DETAIL

NOTE: CONTRACTOR TO GRADE BERM 2" BELOW GRADE AND PLACE SOD OVER ALL SIDES.



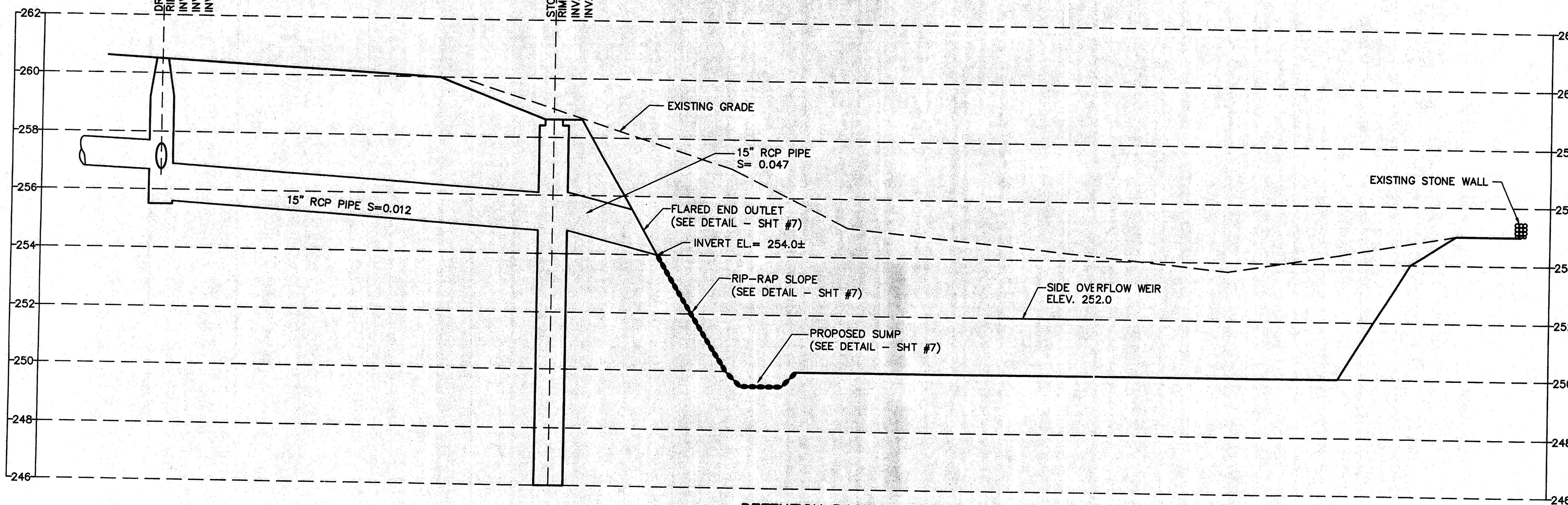
OUTLET BERM DETAIL

CATCHBASIN NO.5
RIM-EL. 256.81
INV.-EL. 254.80 (12" IN)
INV.-EL. 254.70 (12" OUT)



PARTIAL SITE PLAN

SCALE: 1"=20'



DETENTION BASIN SECTION

SCALE: HOR 1"=10'
VERT 1"=2'

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.

APPROVAL DATE:
APRIL 28, 2005

ENDORSEMENT DATE:
MAY 8, 2005

FOR REGISTRY USE ONLY

I, TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED AND RECORDED, FROM THE PLANNING
BOARD, APPROVAL OF THIS PLAN ON
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED
AND TO BE RECORDED HERewith.

NOTE: 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.

STEPHEN E. POOLE ~ P.E.

DATE: 9-30-05

OWNER/ APPLICANT

EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

CONSTRUCTION DETAILS
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN
MEDWAY, MASS.

SCALE: AS NOTED DATE: AUGUST 20, 2004

PREPARED BY:
Consolidated Design Group, Inc.
CIVIL ENGINEERS
21 MAIN STREET HUDSON, MA 01749
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
6.	9-16-05	TOWN COMMENTS	SEP
5.	4-22-05	TOWN COMMENTS	SEP
4.	3-30-05	TOWN COMMENTS	SEP
3.	3-7-05	TOWN COMMENTS	SEP
2.	2-7-05	TOWN COMMENTS	SEP
1.	12-28-04	TOWN COMMENTS	SEP
NO.	DATE	DESCRIPTION	BY
JOB NO. WINGATE/DWG/DETAIL #7			SHEET NO. 8 OF 8

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Subdivision Covenant

N O T N O T

Planning Board – Town of Medway, MA

O F F I C I A L

O F F I C I A L

C O P Y

C O P Y

October 30, 2007

This Covenant is entered into this 30th day of October, 2007, by and between the Town of Medway, a Massachusetts municipal corporation, acting through its Planning Board, with an address of 155 Village Street, Medway, MA 02053, (*hereinafter referred to as the "Planning Board"*) and Eugene V. Walsh and Karyl L. Walsh, Trustees of Wingate Farm Realty Trust [u/d/t dated September 29, 2007 and recorded with Norfolk County Registry of Deeds, herewith, in Book _____, Page _____] (*record owner of the parcel of land shown on an approved definitive subdivision plan and including an equitable owner or purchaser on a purchase and sales agreement for the entire parcel or portion of the parcel of land shown on the approved subdivision plan*), with an address of 168 Holliston Street, Medway, Norfolk County, Massachusetts (*hereinafter referred to as the "owner"*).

PREAMBLE

WHEREAS, on April 28, 2005, based on the owner's application dated August 22, 2004, and after a duly noticed public hearing(s), the Planning Board approved a modification to a previously approved definitive subdivision plan showing four (4) house lots, which is entitled "Property Plan – Modification To Wingate Farm – A Private Way Definitive Subdivision Plan in Medway, Massachusetts", prepared by Consolidated Design Group, Inc., dated August 20, 2004, as revised through September 16, 2005, (*hereinafter, the "Plan"*), to be recorded at the Norfolk County Registry of Deeds; Sheet No. 3 of 8 recorded in Plan Book 574, Page 64; Sheet Nos. 1, 2 & 4-8 being recorded herewith.

WHEREAS, the approved definitive subdivision plan shows the division of a parcel of land located at 168 Holliston Street, Medway, Norfolk County, Massachusetts, (*hereinafter referred to as the "subdivision"*) and further described in a deed or deeds dated May 21, 1976 and recorded at the Norfolk County Registry of Deeds in Book 5225, Page 673.

WHEREAS M.G.L., ch. 41, section 81U requires the Planning Board to secure the construction of ways and the installation of municipal services in an approved subdivision before endorsing its approval on the approved definitive subdivision plan;

WHEREAS, the owner has decided to secure all/a portion (described as Wingate Farm Road) of the construction of ways and installation of municipal services in the subdivision by means of a Covenant;

WHEREAS, the Planning Board has determined that the form of Covenant is sufficient to secure the construction of ways and installation of municipal services in the subdivision;

WHEREAS, the owner's construction of ways and installation of municipal services within the subdivision are subject to the requirements of M.G.L., ch. 41, sections 81K – 81GG (*the Subdivision Control Law*); the Planning Board's *Subdivision Rules and Regulations* applicable to this subdivision, the application submitted for approval of this subdivision, the Certificate of Action and all conditions of approval of this subdivision as set forth in the Appendix attached to and made an enforceable part of this Covenant; the recommendations, if any, of the Board of Health, the approved definitive subdivision plan, all conditions subsequent to approval of this subdivision due to any amendment, modification, or rescission of the approval of the definitive subdivision plan, all of the provisions set forth in this Covenant and any amendments thereto; and the following additional documents; Declaration of Protective Covenants and Restrictions Governing Wingate Farm (*hereinafter referred to as "approval instruments"*);

SEE PLAN FILED IN
PLAN BOOK 575 PAGE 78-84

NOW, THEREFORE, for and in consideration of the mutual promises set forth below, and for good and valuable consideration, the parties agree as follows:

~~SECTION 1. INCORPORATION OF PREAMBLE~~

~~The Preamble shall be incorporated into and become an enforceable part of this Covenant.~~

SECTION 2. EFFECTIVE DATE

This Covenant shall be effective upon its execution, subject to endorsement of approval of the definitive subdivision plan by the Planning Board and the recording or registering of the plan and this Covenant by the Owner.

SECTION 3. RUNS WITH THE LAND

This Covenant shall run with the land (being Lots 2, 3 & 4 of the Plan) and shall be binding on all subsequent parties who have any title, interest, or rights in and to the parcel of land subdivided, or a portion thereof. This Covenant shall operate as a restriction upon the land until release.

SECTION 4. OBLIGATIONS, DUTIES AND RIGHTS OF THE PLANNING BOARD

A. Upon construction of a portion of the ways and installation of a portion of the municipal services in accordance with the approval instruments, the Planning Board may release the Owner from this Covenant as to those lots that are adequately serviced by the ways and municipal services so constructed, so long as the construction of ways and municipal services are, in the opinion of the Planning Board, sufficiently secured by another method of performance guarantee as provided in M.G.L., ch. 41, section 81U. A *Certificate of Partial Release* shall be executed by a majority of the members of the Planning Board and shall be recorded or registered at the Norfolk County Registry of Deeds by the Owner.

B. Upon completion of ways and installation of municipal services in accordance with the approved instruments, the Planning Board shall release the owner from this Covenant and shall issue a *Certificate of Completion and Release* that shall be executed by a majority of the members of the Planning Board and shall be recorded or registered at the Norfolk County Registry of Deeds by the Owner.

C. The Planning Board may rescind approval of the definitive subdivision plan for breach of any provision of this Covenant or any amendments thereto. Said rescission shall be in accordance with M.G.L., ch. 41, section 81W.

SECTION 5. OBLIGATIONS, DUTIES AND RIGHTS OF THE OWNER

A. The Owner shall not convey or transfer title to any lot within this subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this subdivision in accordance with the approval instruments, unless and until the Owner provides the Planning Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.

B. The Owner shall not build upon any lot within this subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this subdivision in accordance with the approval instruments, unless and until the owner provides the Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.

C. The Owner shall complete construction of the ways and installation of the municipal services for this subdivision no later than three (3) years from this date.

D. The Owner agrees and understands that failure to complete construction of the ways and installation of the municipal services by the agreed-upon date shall result in automatic rescission of approval of the definitive subdivision plan by the Planning Board. The Planning Board shall forthwith carry out the rescission as provided in M.G.L., ch. 41, section 81W.

E. The Owner agrees and understands that the Planning Board will not release this Covenant in full, unless another method of security is provided, or until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with the approval instruments, which shall include demonstration of adequate construction and installation for six (6) months prior to said release.

F. No provision of this Covenant shall prevent the Owner from varying the method of securing the construction of ways and the installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods as provided in M.G.L., ch. 41, sections 81U, as long as the Planning Board deems the method or methods chosen for securing the construction of ways and the installation of municipal services as sufficient.

G. The Owner shall at all times provide the Board *forthwith (no more than 14 days after transfer of title)* with the name of the current owner or owners of this subdivision or portions thereof and the address of such owner or owners, except that lots released from the provisions of this Covenant are exempt. The Owner agrees and understands that failure to comply with this provision could result in rescission of approval of the definitive subdivision plan.

H. The Owner shall record or register the approved and endorsed definitive subdivision plan; this Covenant, upon its execution; and any certificates of release of this covenant, or portions thereof, at the Norfolk County Registry of Deeds and forthwith provide the Planning Board with written evidence thereof. The Owner further agrees to pay the costs of such recordings.

SECTION 6. MORTGAGEES AND SUCCEEDING OWNERS

Nothing in this Covenant shall preclude the Owner from mortgaging the entire parcel of land, or a portion thereof, which constitutes this subdivision. If the mortgagee acquires title to the entire parcel of land, or a portion thereof, shown on the approved definitive subdivision plan, through foreclosure or by other means, such as accepting a deed in lieu of foreclosure, then the mortgagee and any succeeding owner of the land transferred by the mortgagee may sell any lot, subject to that portion of this Covenant which provides that no lot shall be built upon until the ways are constructed and the municipal services are installed to serve such lot. Said mortgagee and any succeeding Owner shall be subject to all other applicable provisions of this Covenant and any amendments thereto.

SECTION 7. CONVEYANCE OF LAND OR LOTS SUBJECT TO COVENANT

Nothing in this Covenant shall preclude the owner from conveying by a single deed, the entire parcel of land shown on the approved definitive subdivision plan, or all lots not previously released from the terms of this Covenant by the Board, so long as the deed provides that the land conveyed is subject to this Covenant, and any amendments thereto, with proper reference to the book and page where this covenant, and any amendments thereto are recorded or registered at the Norfolk County Registry of Deeds. A deed of any part of the subdivision in violation of this Covenant, or any amendments thereto, shall be voidable by the grantee prior to the release of this Covenant no later than three (3) years from the date of such deed.

SECTION 8. BINDING EFFECT

This Covenant, and any amendments thereto, shall be binding on the Owner, the Owner's agents and representatives, and any successors to the Owner's life interest, and rights in the parcel of land constituting this subdivision, including executors, administrators, devisees, heirs, successors and assigns of the owner.

C O P Y

SECTION 9. USE OF TERMINOLOGY

Use of the term "Owner" in this Covenant is for convenience only and should not be considered as a limitation on those parties who may be subject to and bound by the provisions of this Covenant and any amendments thereon. Use of the term "Planning Board or Board" in this Covenant is for convenience only and may include agents or representatives of the Planning Board.

SECTION 10. APPOINTMENT OF AN AGENT

If someone other than the Owner will represent the Owner, the Owner must designate such representative below.

Name of representative: Daniel P. Dacey, Esquire

Address of representative: 18 Tremont Street, Suite 900, Boston, MA 02108

Telephone #: Days 617-742-1822 Evenings: 617-742-1822

Relationship of representative to Owner: legal counsel

In executing this Covenant, I hereby authorize the person or persons named above to represent my interest before the Planning Board with respect to the subdivision that is the subject of this Covenant.

SECTION 11. AMENDMENTS

This Covenant may be amended, in writing, by agreement of all of the parties to this Covenant.

SECTION 12. GOVERNING LAW

This Covenant, and any amendments thereto, shall be governed by the laws of the Commonwealth of Massachusetts.

SECTION 13. SEVERABILITY

If a court of competent jurisdiction determines that any provision of this Covenant is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, I, the Owner, hereby certify under the pains and penalties of perjury that the information contained in this Covenant is true and complete; and we, the parties to this Covenant, set our hands and seals to this Covenant on the date(s) written below.

We, the Owner and his/her spouse, as far as necessary, hereby release all rights of dower, curtesy, or homestead, or any other interests that we may have in the parcel of land that constitutes the subdivision.

OWNER

Eugene V. Walsh, Trustee as aforesaid

Karyl L. Walsh, Trustee as aforesaid

NOT

OFFICIAL
OFFICIAL
COPYNOV.
October 5, 2007

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

NOV.
October 5, 2007

On this 5th day of October, 2007, before me, the undersigned notary public, personally appeared Eugene V. Walsh and Karyl L. Walsh, Trustees as aforesaid, Owner, or persons duly authorized to execute his Covenant on behalf of the Owner, proved to me through satisfactory evidence of identification, which were Massachusetts Driver's Licenses, to be the people whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily and for its stated purpose.



Daniel P. Dacey
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 4, 2014

Daniel P. Dacey
Notary Public

My commission expires: April 4, 2014

PLANNING BOARD

[Signature]
Planning Board Member

10/31/07
Date

[Signature]
Witness

[Signature]
Planning Board Member

10/30/07
Date

[Signature]
Witness

[Signature]
Planning Board Member

10/30/07
Date

[Signature]
Witness

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Planning Board Member

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Date

[Signature]
Witness

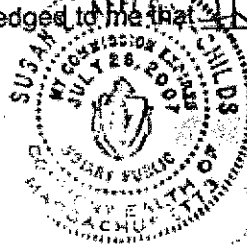
COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

October 30, 2007

On this 30th day of October, 2007, before me, the undersigned notary public, personally appeared the above named Andy Rodenhiser, John C. Schroeder and Robert K. Tucker

proved to me through satisfactory evidence of identification, which was Massachusetts Driver's Licenses to be the person(s) whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily and for its stated purpose.



Susan E. Applebeck-Chiles
Notary Public
My commission expires: August 21, 2014

APPENDIX
(Certificate of Action of the Definitive Subdivision Plan)

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

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

Susan Affleck-Childs

From: Barbara J. Saint Andre <BSaintAndre@k-plaw.com>
Sent: Monday, October 02, 2017 12:11 PM
To: Susan Affleck-Childs
Cc: Michael Boynton; Andy Rodenhiser ; Stephanie Mercandetti
Subject: RE: Request for Town Counsel's help with the Wingate Farm subdivision

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE

Susy, you have requested advice with respect to the Wingate Subdivision, which was approved in 2000 and contains four lots and a road. One of the lots contains a pre-existing single family home. In 2005 the Planning Board approved a modification of the subdivision that included, among other things, that the subdivision would be a private way subdivision, and that the road and municipal services be installed within three years of plan endorsement. I am informed that the plan was endorsed November 8, 2005. The Permit Extension Act extended the time period for completion another four years, so that the deadline for completion of the road and municipal services under the Subdivision approval was November 8, 2012, but this was extended by the covenant.

Although some work has been done in the subdivision, the road and municipal services have not been completed. An inspection by the Town's consulting engineer concludes that the cost for completion is approximately \$59,000. There is an existing covenant on the three vacant lots in the subdivision, and I am informed that no other surety is presently held by the Town. The Planning Board decision does not provide for automatic rescission of the subdivision approval if not completed on time.

The covenant, recorded at book 25288 page 94, provides that the Planning Board may rescind approval of the subdivision for any breach of the covenant. It further provides that the installation of ways and municipal services must be completed within three years of the date of the covenant. The date of the covenant is November 5, 2007. In my opinion, this means that the time for completion was extended by the covenant to November 5, 2014. The covenant further provides that failure to complete the installation of ways and municipal services will result in automatic rescission of approval of the subdivision by the Planning Board, and that the Planning Board shall forthwith carry out the rescission as provided in G.L. c. 41, §81W. The covenant also has a provision allowing for amendment of the covenant.

In my opinion, one option would be to rescind the subdivision approval pursuant to G.L. c. 41, §81W due to the failure to complete it in a timely fashion. As you know, no rescission shall affect the lots in the subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the plan. Although the covenant provides that failure to complete in a timely fashion will result in automatic rescission, it also states that the Planning Board will forthwith carry out the rescission. The courts have ruled in a number of cases that a condition in a covenant providing for automatic rescission is a valid provision. E.g. Costanza & Bertolino, Inc. v. Planning Board of North Reading, 360 Mass. 677 (1971). In this case, the language of the covenant seems to contemplate that the Planning Board will take affirmative action to carry out the automatic rescission. Accordingly, in my opinion, one option is to go forward with the automatic rescission. Another option would be to modify the approval by modifying the condition requiring that the road and municipal services be completed in three years and grant additional time for completion. See my email of September 13, 2012 for details on the §81W process.

You have asked the procedure if the owner wants to sell off the three vacant lots. If the subdivision is rescinded, of course, then the three lots are no longer in existence. If the lots are still in existence, pursuant to G.L. c. 41, §81U, one of the means of surety is:

By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; ...and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the planning board.

This provision is also set forth in the covenant. Only the three vacant lots are subject to the covenant, and therefore in my opinion, the three vacant lots constitute "all lots not previously released by the planning board." If the subdivision is not rescinded, the three lots in my opinion can be conveyed but will still be subject to the covenant. Any further release of a lot to allow sale or building of a home would require either that the way and municipal services to the lot be completed, or that alternative surety be provided.

With respect to unpaid taxes, in my opinion, the approval of a modification or of a new subdivision, or approval of building permits, is subject to Section XVI of the General Bylaws.

If you have further questions in this regard, do not hesitate to contact me.

Barbara J. Saint Andre, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

bsaintandre@k-plaw.com

www.k-plaw.com

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From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]

Sent: Monday, September 18, 2017 8:28 AM

To: Barbara J. Saint Andre <BSaintAndre@k-plaw.com>

Cc: Michael Boynton <mboynton@townofmedway.org>; Andy Rodenhiser <andy@rodenhiser.com>; Stephanie Mercandetti <smercandetti@townofmedway.org>

Subject: FW: Request for Town Counsel's help with the Wingate Farm subdivision

Good morning,

Michael has approved my request to ask for your assistance with the Wingate Farm Subdivision. See lengthy note below and attachments.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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From: Susan Affleck-Childs
Sent: Friday, September 15, 2017 1:27 PM
To: Michael Boynton
Cc: Stephanie Mercandetti; Andy Rodenhiser
Subject: Request for Town Counsel's help with the Wingate Farm subdivision

Hi Michael,

The PEDB would like to seek legal guidance from Town Counsel pertaining to the Wingate Farm subdivision. See description below that I would like to send to Barbara.

The PEDB has been contacted by the owners of the unfinished Wingate Farm subdivision. This is a small, 4 lot, subdivision off of the east side of Holliston Street. Former PB member Karyl Spiller-Walsh and her husband, Gene Walsh, are the owners. One of the 4 lots includes the house in which Karyl and Gene have resided for many years - 168 Holliston Street. The other lots are known as 1, 3 and 5 Wingate Farm Road.

The subdivision was originally permitted in 2000 with a definitive subdivision plan. That plan was modified in 2005 to become a private roadway development with a low impact stormwater design. See attached subdivision decisions from 2000 and 2005. The modified plan was endorsed in 2005. Selected sheets of that modified plan and the subdivision covenant were recorded at Norfolk County Registry of Deeds in October and November of 2007. I do not believe the Covenant included an expiration date. The Covenant covered only the Wingate Farm Road lots and not the 168 Holliston Street lot.

The 2000 plan and its modification in 2005 were reviewed in the context of the Medway's Subdivision Rules and Regulations from 2000.

We have a copy of the endorsed 2000 plan. However, it is too large to send you via regular email. I can upload it to DROPBOX and send you an email with a link to it.

Unfortunately, we not have a copy of the endorsed 2005 modified plan despite our best efforts to locate it.

I have attached some notes I prepared in November 2016 with a chronology of the Wingate Farm plan and recording information.

We have a series of Wingate Farm subdivision construction inspection reports by VHB from December 2006. However, the infrastructure work was never completed. The owner never requested lot releases nor was the Covenant ever renewed or replaced by a bond.

The 2005 modified Certificate of Action does specify a 3 year date after plan endorsement for the subdivision to be completed. See below. With the additional 4 years provided by the Massachusetts Permit Extension Act, the completion date for the project was November 2012.

2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install municipal services as shown on the definitive subdivision plan, to the satisfaction of the Planning Board within three (3) years of the date of endorsement of the plan.

We are not sure if the owners now want to finish the development themselves or y sell the subdivision as is, minus their home at 168 Holliston Street. The owners are being represented by Paul Yorkis.

ALSO, the owners are delinquent in the taxes owed the Town for 1, 3 and 5 Wingate Farm Road . . about \$42,000 going back to 2009.

The Board asked Tetra Tech to complete an inspection report/punch list/bond estimate (\$59,094). That report, dated 9-6-2017, is attached.

So . . . at this point, we are trying to get a handle on next steps. Certainly the 2005 subdivision plan has expired. A key question is whether the PEDB has to require the owners to go through the subdivision plan process again. The Board adopted new Subdivision Rules and Regulations in April 2005.

Can the Board even entertain a new subdivision application if they owe taxes?

If they wanted to sell off the 3 house lots, we would need them to provide \$59,094 in performance security before we could release those lots, correct?

My head is spinning!!

Your guidance is most welcome.

Thanks.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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To: Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

Cc:

From: Steven M. Bouley, P.E. – Tetra Tech
Frank Guthman III – Tetra Tech



Date: October 20, 2017 (Revised December 7, 2017)

Subject: Wingate Farms Punch List

On August 25, 2017 and October 19, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a punch list inspection of the Wingate Farms private subdivision in Medway, MA. The site was inspected and a punch list and bond estimate generated of outstanding items which have not yet been completed by the Applicant. This punch list shall supersede previous punch lists conducted for the site.

TT 12/7/17 Update

On December 7, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) met with the property owners/applicants regarding outstanding items remaining on previous punch lists. This punch list shall supersede previous punch lists conducted for the site. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Subdivision Modification Plan, Wingate Farm, A Private Way Definitive Subdivision Plan", dated August 20, 2004, revised September 16, 2005, prepared by Consolidated Design Group, Inc. (CDG)
- A Certificate of Action titled "Certificate of Action, Wingate Farm Definitive Subdivision Plan – Modification" dated April 28, 2005, PEDB endorsement on April 28, 2005.
- VHB Inspection Reports dated December 12, 2006, December 15, 2006, December 19, 2006 and December 27, 2006.

Punch List

1. The existing roadway gravel requires replacement. We recommend removing four inches (or as necessary to remove all organic matter) of material over the entire square footage of the roadway and replacing with clean gravel material as specified in the Plans. Final depth of "T-Base" recycled asphalt material shall be 10" as shown on the Plans. (See Photo 1-4)
 - **TT 12/7/17 Update:** TT and the applicant agreed that removal of approximately 2" of existing material will be necessary to remove all organic matter and groundcover root systems.

2. The applicant has not installed the detention basin overflow weir. Additionally, the basin and outlet pipe rip-rap is overgrown and requires maintenance. (See Photo 5-7)
 - TT 12/7/17 Update: TT misread the approved plan, existing overflow weir meets the approved plan. The applicant has planted trees on the overflow weir but it does not appear they will affect the performance of the basin. This item has been addressed to our satisfaction.
3. The applicant has not installed proposed basin landscaping. (See Photo 5)
 - TT 12/7/17 Update: Although trees have been planted throughout the basin area, landscaping as shown on the approved plan has not been planted.
4. The applicant has not installed proposed swale along each side of the proposed roadway. (See Photo 8)
 - TT 12/7/17 Update: This item remains outstanding
5. It is unclear if proposed "Rip-Rap Sump" and appurtenant 8" ductile iron pipe has been installed.
 - TT 12/7/17 Update: This item remains outstanding
6. The existing drainage system requires cleaning prior to release.
 - TT 12/7/17 Update: This item remains outstanding
7. We recommend the applicant resurvey the roadway layout prior to construction to determine proposed limits of work. It appears a tree and possible boulders remain within the layout at approximate STA 5+50. Additionally, survey will be required for final as-built of the property.
 - TT 12/7/17 Update: This item remains outstanding
8. It is unclear if proposed Elec/Tel/Cable service has been installed.
 - TT 12/7/17 Update: TT has confirmed that elec/tel/cable has not been installed. This item has been added to the bond estimate.
9. The applicant has not installed the proposed street sign and stop sign. (See Photo 9)
 - TT 12/7/17 Update: This item remains outstanding
10. The applicant has not installed proposed intersection warning signage on Holliston Street and it does not appear a sufficient sight line exists for vehicles exiting the proposed driveway taking a left onto Holliston Street. A crest in Holliston Street exists approximately 200 feet north of the site driveway limiting sight lines. (See Photo 10-12)
 - TT 12/7/17 Update: This item remains outstanding

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\CONSTRUCTION\PUNCH LIST\MEMO_WINGATE FARMS PUNCH LIST_2017-12-07.DOC

Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



**TETRA TECH**

**Bond Estimate
Wingate Farms
Medway, Massachusetts
December 7, 2017**

Marlborough Technology Park
100 Nickerson Road
Marlborough, MA 01752
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
Remove Existing Gravel (2")	61	CY	\$35.00	\$2,135
Additional Clearing & Grubbing	0.10	AC	\$20,000.00	\$2,000
Roadway Gravel (Reclaimed Asphalt)	1,555	SY	\$6.00	\$9,330
Fine Grading & Compacting	1,104	SY	\$4.00	\$4,416
Maintenance - Detention Basin	1	LS	\$1,000.00	\$1,000
Landscaping - Detention Basin	1	LS	\$3,000.00	\$3,000
Earthwork - Swales	82	CY	\$28.00	\$2,296
Loam Borrow - Swales	98	CY	\$48.00	\$4,704
Seeding - Swales	491	SY	\$2.00	\$982
Rip-Rap Sump	1	LS	\$500.00	\$500
8" Ductile Iron Culverts	100	FT	\$60.00	\$6,000
Clean Drainage System	1	LS	\$2,500.00	\$2,500
Elec/Tel/Data Ductbank	1	LS	\$16,500.00	\$16,500
Traffic Signage	3	EA	\$200.00	\$600
Bounds-Stone	6	EA	\$450.00	\$2,700
Bounds-Iron Rod	23	EA	\$100.00	\$2,300
SWPPP/Stormwater Inspections	1	LS	\$1,500.00	\$1,500
As-Built Plans	552	LF	\$5.00	\$2,760
Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal				\$68,223
25% Contingency				\$17,056
Total				\$85,279

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website and have been updated since our previous bond estimate submission. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 12/2016 - 12/2017. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 81W** MODIFICATION, AMENDMENT OR RESCISSION OF APPROVAL OF PLAN; CONDITIONS

Section 81W. A planning board, on its own motion or on the petition of any person interested, shall have power to modify, amend or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan. All of the provisions of the subdivision control law relating to the submission and approval of a plan of a subdivision shall, so far as apt, be applicable to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this section.

No modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval

of the plan, or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon; provided, however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission when there has been a sale to a single grantee of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the planning board.

So far as unregistered land is affected, no modification, amendment or rescission of the approval of a plan nor change in a plan under this section shall take effect until (1) the plan as originally approved, or a copy thereof, and a certified copy of the vote of the planning board making such modification, amendment, rescission or change, and any additional plan referred to in such vote, have been recorded, (2) an endorsement has been made on the plan originally approved as recorded referring to such vote and where it is recorded, and (3) such vote is indexed in the grantor index under the names of the owners of record of the land affected. So far as registered land is affected, no modification, amendment or rescission of the approval of a plan nor change in a plan under this section shall take effect, until such modification, amendment or change has been verified by the land court pursuant to chapter one hundred and eighty-five, and in case of rescission, or modification, amendment or change not so verified, until ordered by the court pursuant to section one hundred and fourteen of said chapter one hundred and eighty-five.



March 23, 2018

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

**Re: Wingate Farm
Private Way Definitive Subdivision Review
168 Holliston Street
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 (Board). The proposed Project is a four-lot private subdivision on approximately 5.5 acres in Medway, MA. Proposed Project includes maintaining existing house (168 Holliston Street), constructing additional houses on lots generated by the subdivision as well as appurtenant private roadway, utilities, and drain infrastructure.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Subdivision Modification Plan, Wingate Farm, A Private Way Definitive Subdivision Plan", dated August 20, 2004, revised September 16, 2005, prepared by Consolidated Design Group, Inc. (CDG).
- A stormwater management report (Stormwater Report) titled "Drainage Summary, Wingate Farms, 168 Holliston Street, Medway, Massachusetts" dated October 6, 2004, revised February 8, 2005, prepared by CDG.
- A Certificate of Action titled "Wingate Farm Definitive Subdivision Plan – Modification" dated April 28, 2005.
- Daily Construction Reports, various dates, prepared by VHB.

The Plans, Stormwater Report and accompanying materials were reviewed for conformance with Chapter 100 of the Town of Medway PEDB Rules and Regulations (Regulations), MA DEP Stormwater Management Standards (Stormwater Standards), additional applicable town standards and good engineering practice. Review of the project for zoning and wetland related issues was not completed as these reviews are conducted by separate consultants/town agencies.

The following items were found to be inconsistent with current Town of Medway PEDB Definitive Subdivision Review Regulations (Chapter 100). Reference to applicable regulation requirement is given in parentheses following each comment.

- 1) Existing and proposed watershed maps have not been provided in the Stormwater Report. (Ch. 100 §5.5.9.b)
- 2) A map of proposed drainage areas tributary to catch basins has not been included in the Stormwater Report. (Ch. 100 §5.5.9.c)
- 3) A summary of soil types at the site has not been provided. (Ch. 100 §5.5.9.f)
- 4) The applicant has not provided proposed catch basin grate calculations. (Ch. 100 §5.5.9.i)

- 5) Calculations for all culverts proposed have not been provided. Culvert analysis of the rip-rap sump and 8" ductile iron pipe culvert has not been included in the drainage analysis. (Ch. 100 §5.5.9.j)
- 6) The Long-Term Operation and Maintenance (O&M) Plan does not appear to meet current Stormwater Standards. Furthermore, Stormceptor unit has not been included in the plan. (Ch. 100 §5.5.10)
- 7) The applicant has not provided test pit information. However, exfiltration is not considered in the design of the "wetland pond" and therefore test pitting will only be required to confirm soil types for proposed roof drain infiltration. (Ch. 100 §5.5.10.1)
- 8) The applicant has not provided sight distance calculations for proposed intersection with Holliston Street. (Ch. 100 §5.5.13)
- 9) An ANRAD determination from Medway Conservation Commission has not be supplied by the applicant, wetlands exist on site. (Ch. 100 §5.5.14)
- 10) The existing conditions plan does not contain locations of free-standing trees with a diameter of one-foot (1') or greater at twenty-four inches (24") above grade. (Ch. 100 §5.7.6)
- 11) Vertical datum has not been noted on the Plans. The applicant requested a waiver from similar regulation (Ch. 100 §3.3.2.16) and based on the waiver request it can be assumed vertical elevations are in NGVD 29 datum, not the required NAVD 88 datum. (Ch. 100 §5.6.3)
- 12) Wetland buffer zones per the Massachusetts Wetlands Protection Act have not been shown on the Plans. (Ch. 100 §5.7.7)
- 13) Lot shape factor lines have not been included for each lot. (Ch. 100 §5.7.14)
- 14) List of waivers should include items related to the submission of a definitive subdivision plan (Ch. 100 §5.7.16)
- 15) Sewage disposal system has not been shown for Lot 2. (Ch. 100 §5.7.19)
- 16) The applicant has not supplied test pit data. (Ch. 100 §5.7.22)
- 17) Applicant has included O&M Plan on the Plans. However, inspection and maintenance requirements do not meet current Stormwater Standards. (Ch. 100 §5.7.23.e)
- 18) Street lights have not been proposed. (Ch. 100 §5.7.28)
- 19) The applicant has not supplied a Stormwater Pollution Prevention Plan (SWPPP). (Ch. 100 §5.7.33)
- 20) The Plans show house footprints at forty feet (40') by sixty feet (60'). Proposed houses should be shown with a footprint of forty feet (40') by eighty feet (80'). (Ch. 100 §5.7.36)
- 21) The applicant shall provide statement on plans that proposed septic facilities will be approved by Medway Board of Health prior to house construction, see regulation for wording. (Ch. 100 §7.6.2.e)
- 22) The applicant has not stated spare conduit on the "Typical Driveway Section" detail. (Ch. 100 §7.6.2.h)
- 23) The applicant has proposed an eighteen-foot (18') traveled way. In past projects the Medway Fire Chief has required a twenty-foot (20') way for proper access to all lots with emergency vehicles. (Ch. 100 §7.9)

- 24) The applicant has proposed minimum horizontal centerline radii of less than the required one-hundred fifty feet (150'). (Ch. 100 §7.9.2.b)
- 25) The applicant has proposed property line radius at intersection of Holliston street right-of-way of less than the required twenty-eight-foot (28') minimum. Proposed edge of pavement radius is also less than the required forty-foot (40') minimum. (Ch. 100 §7.9.2.d)
- 26) Sight distances have not been shown on the Plans. (Ch. 100 §7.9.3)
- 27) The applicant has proposed a private way that is less than the required fifty feet (50'). (Ch. 100 §7.9.4.a)
- 28) The applicant has proposed portions of the proposed private way at less than minimum 2% grade. (Ch. 100 §7.9.5.a)
- 29) We recommend the applicant consult with Medway Fire Chief to determine if proposed turnaround is sufficient for emergency vehicles. (Ch. 100 §7.9.6.d)
- 30) The applicant has proposed a gravel roadway, Regulations require hot mix asphalt paving. (Ch. 100 §7.9.7.h)
- 31) The applicant has not proposed vertical granite curbing at intersection with Holliston Street. (Ch. 100 §7.10.1)
- 32) The applicant has not proposed curbing along the entire length of the subdivision roadway. (Ch. 100 §7.10.2)
- 33) Street trees have not been proposed. However, the applicant proposes to retain as many mature trees as possible as part of the Project. (Ch. 100 §7.19.2)
- 34) The applicant has not proposed street lighting. This regulation has been waived in the past and driveway lights required at each driveway opening. (Ch. 100 §7.21)
- 35) Areas of snow removal should be shown on the Plans. Snow should not be placed in stormwater BMP's. (Ch. 100 §7.27.2)

The following items were found to not be in conformance with MA DEP Stormwater Management Standards and/or Town Stormwater Regulations.

MA DEP Stormwater Management Standards

- 36) Peak rate for the one-hundred (100) year event is greater in the post-development condition. (Standard 2)
- 37) The applicant has not submitted a construction term erosion control plan or SWPPP. (Standard 8)
- 38) The O&M Plan provided does not meet minimum criteria as stated in the Stormwater Standards. (Standard 9)
- 39) The applicant has not submitted necessary documentation for prohibition of illicit discharges at the site. (Standard 10)

PEDB Stormwater Regulations (Ch. 100 §7.7)

- 40) We recommend the applicant provide narrative and checklist of how the Project meets each of the ten (10) Stormwater Standards. (Ch. 100 §7.7.2.a)

- 41) Post-development runoff and volume is greater than pre-development for the twenty-five (25) and one-hundred (100) year storm events. (Ch. 100 §7.7.2.d)
- 42) Detention basins should be located on their own parcels, not on individual house lots. Proposed detention basin is located within Lot 4, maintenance and access easement has been provided. (Ch. 100 §7.7.2.p)
- 43) The applicant is proposing using eight-inch (8") ductile iron pipe for driveway culverts, potentially due to cover issues. Regulations require reinforced concrete pipe. (Ch. 100 §7.7.4.b)

Town Stormwater Bylaw (Article XXVI)

- 44) We recommend the applicant provide a narrative documenting compliance with "*Article XXVI Stormwater Management and Land Disturbance*" of the Town of Medway General Bylaws.

General Stormwater Comments

- 45) The applicant has not supplied drainage figures. Figures are essential to cross-referencing proposed HydroCAD analysis with areas on the site.
- 46) Discharge points from the site have not been shown. These points are essential to understanding and comparing pre- vs. post-development runoff analyses.

These comments are offered as guides for use during the Town's review and additional comments are likely to be generated during the course of review. 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.
Senior Project Engineer

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\DOCS\WINGATEFARM-PEDBREV(2018-03-23).DOCX

Susan Affleck-Childs

From: Jeff Lynch
Sent: Tuesday, January 22, 2019 11:16 AM
To: Susan Affleck-Childs
Subject: RE: Wingate Farm Subdivision

Mr. Walsh suggested they could use hard top. As I believe you, Jack, and I spoke about, if they can prove it's capable of sustaining the 75,000 pounds, maintain structural stability during all weather, and be plowed along with documentation that it will be maintained I was good with that as apparently it was previously approved that way. I am very skeptical about using it as it has been my experience that other than hard top the roadways are never maintained in the manner they need to be. For any newly proposed plans the surface will need to be hardtop. Thanks. Jeff

From: Susan Affleck-Childs
Sent: Tuesday, January 22, 2019 10:13 AM
To: Jeff Lynch <ChiefLynch@townofmedway.org>
Subject: RE: Wingate Farm Subdivision

Thanks Jeff.

Question . . is the current roadway paving material (T-base) an acceptable form of "hard surface roadway" that you specify in your email note or is there an agreement that the paving material has to be upgraded to standard paving?

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

From: Jeff Lynch
Sent: Tuesday, January 22, 2019 9:15 AM
To: Gene Walsh
Cc: Jack Mee; Susan Affleck-Childs; wingatefarm@hotmail.com; bostonbootstress@gmail.com
Subject: RE: Wingate Farm Subdivision

Good morning Mr. Walsh, Thank you and Ms. Spiller-Walsh for meeting with Commissioner Mee and I at the property in question on Wednesday, January 16th. This email is to memorialize the conversation we had at that time. In our conversation you said the roadway would be a 20 foot wide hard surface roadway able to be maintained in all weather, (plowable), and be able to support 75,000 pounds. Furthermore, an analysis will be performed to ensure all of our apparatus are capable of maneuvering throughout the roadway. All this is per the Massachusetts Fire Code. As there is a hydrant at the end of the driveway and a hard surfaced access directly adjacent to the proposed access, and the proposed access roadway is less than 600 feet, I have agreed to waive the requirement for a second access road to the subdivision. If you have any questions please feel free to contact me at 508-533-3211 or Chieflynch@Townofmedway.org. Thank you again.

Chief Jeff Lynch
Medway Fire Department

From: Gene Walsh [<mailto:gene@elements4design.net>]
Sent: Wednesday, January 16, 2019 11:06 AM
To: Jeff Lynch <ChiefLynch@townofmedway.org>
Subject: Re: Wingate Farm Subdivision

Thank you

Eugene Walsh
C.S.U., Inc. / Elements 4 Design
[81 Rice Avenue](#)
[Northborough, MA. 01532](#)
[U.S.A.](#)
Cell (617) 212-5418
Office (781) 953-5685
Fax ([508](#)) [351-6946](#)
Warehouse Address:
[21 Industrial Road](#)
[Walpole, MA 02081](#)

On Jan 16, 2019, at 10:42 AM, Jeff Lynch <ChiefLynch@townofmedway.org> wrote:

We'll see you there at 11:30. Thanks

Sent from my iPhone

On Jan 16, 2019, at 10:20 AM, Gene Walsh <gene@elements4design.net> wrote:

11:30 works for us today
Await reply
Yours
Gene

Eugene Walsh
C.S.U., Inc. / Elements 4 Design
[81 Rice Avenue](#)
[Northborough, MA. 01532](#)
[U.S.A.](#)
Cell (617) 212-5418
Office (781) 953-5685
Fax ([508](#)) [351-6946](#)
Warehouse Address:
[21 Industrial Road](#)
[Walpole, MA 02081](#)

On Jan 16, 2019, at 9:01 AM, Jeff Lynch <ChiefLynch@townofmedway.org> wrote:

Good morning, It is my understanding that Ms. Spiller Walsh's email is not working and I have been requested to forward the information regarding the site visit today. Commissioner Mee and myself are planning on being on site at 11:30 this morning. If you have any questions please let me know. Thanks. Chief Lynch

From: Jeff Lynch
Sent: Monday, January 14, 2019 5:23 PM
To: Jack Mee <jmee@townofmedway.org>
Cc: wingatefarm@hotmail.com; bostonbootstress@gmail.com; Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Re: Wingate Farm Subdivision

11:30 is good with me.

Sent from my iPhone

On Jan 14, 2019, at 4:36 PM, Jack Mee <jmee@townofmedway.org> wrote:

Could we make that 11:30? I have since scheduled a 10:00 meeting elsewhere.

From: Jeff Lynch
Sent: Monday, January 14, 2019 2:12 PM
To: Jack Mee; wingatefarm@hotmail.com; bostonbootstress@gmail.com
Cc: Susan Affleck-Childs
Subject: RE: Wingate Farm Subdivision

Can we plan on Wednesday the 16th at 11? Thanks

From: Jack Mee
Sent: Monday, January 14, 2019 12:57 PM
To: Jeff Lynch <ChiefLynch@townofmedway.org>; wingatefarm@hotmail.com; bostonbootstress@gmail.com
Cc: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: RE: Wingate Farm Subdivision

I can be available Wednesday or Thursday late mornings

Jack

From: Jeff Lynch
Sent: Monday, January 14, 2019 11:36 AM
To: wingatefarm@hotmail.com; bostonbootstress@gmail.com
Cc: Susan Affleck-Childs; Jack Mee
Subject: RE: Wingate Farm Subdivision

Good morning All, Ms. Spiller-Walsh has asked when would be a good time for us to do a site visit. I'm assuming from the Town side at this point it would be Commissioner Mee and myself? At the present time I have Wednesday pretty much any time and Thursday morning available. Please let me know who will be

attending and if those times you are available. Thanks. Chief Lynch

From: Jeff Lynch
Sent: Friday, January 11, 2019 2:09 PM
To: 'wingatefarm@hotmail.com'
<wingatefarm@hotmail.com>;
'bostonbootstress@gmail.com'
<bostonbootstress@gmail.com>
Cc: Susan Affleck-Childs
<sachilds@townofmedway.org>; Jack Mee
<jmee@townofmedway.org>
Subject: Wingate Farm Subdivision

Ms Spiller-Walsh and Ms Walsh, I have looked at the plans for the Wingate Subdivision and met with Susan Affleck-Childs and Building Commissioner Jack Mee. Susy was very helpful with providing information. It is my understanding that the plan presented is a modification from a previous plan which was approved in 2005, and no permits have been issued. It is my understanding that there is an existing access road to the proposed buildings. I further believe the road is constructed of reclaimed back-top materials of some sort so the surface would be pervious. Plans also show the width of this road to be 18 feet wide. The roadway appears to be just less than 600 feet to the end.

Since the plan was originally submitted in 2005, fire code requirements have changed. Since there have been no permits issued and the plan is submitted for modifications the subdivision and construction will fall under the new fire code. The present fire code requires there are at least two access roads to new developments and that access roads be a minimum of 20 feet in width. It also requires the surface to be a hard surface maintainable (able to be plowed and will not diminish due to rain or snow accumulation) in all weather. The code also requires an analysis be done to ensure fire apparatus can maneuver without having to stop and back up to negotiate turns etc. and the surface must be able to sustain the weight of our heaviest piece of apparatus, 75,000 pounds. I have attached a copy of the fire code that addresses these issues.

The fire code does give me some discretion as to how property owners can comply with these requirements. Some will absolutely need to be complied with, however I would like to meet with the two of you and whomever you feel would be appropriate to accompany you along with

Commissioner Mee and Susan Affleck-Childs to determine if there are alternatives that can be applied that would meet the intention of the code. I would also like to physically visit the site with Commissioner Mee to see what is already in place so we can make an informed decision on any possible alternatives. Please let me know when would be convenient to meet. As I am sure everyone's schedule is quite busy I might suggest you send several options to meet in the hopes we can all be at the meeting. Please rest assured we would like to assist in any way we can to ensure this project moves forward and provides safety to the occupants of the proposed houses.

Thank you. Chief Jeff Lynch

Jeffrey P. Lynch
Chief of Department
Medway Fire Department
155 Village Street
Medway, MA 02053

Mailing address;
44 Milford Street
Medway, MA 02053



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

**Site Plan Rules and Regulations – Public
Hearing Continuation**

- Public Hearing Continuation notice filed 8-14-19
- Revised draft dated 8-23-19



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Richard Di Iulio

MEMORANDUM

August 14, 2019

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

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

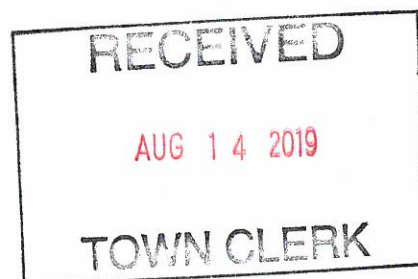
RE: ***Public Hearing Continuation – Proposed Amendments to the Medway Site Plan Rules and Regulations***
CONTINUATION DATE – Tuesday, August 27, 2019 at 8:30 p.m.
LOCATION – Medway Town Hall, 155 Village Street

At its meeting on August 13, 2019, the Planning and Economic Development Board reopened its public hearing on proposed amendments to the *Medway Site Plan Rules and Regulations*.

The Board discussed the revised draft dated August 9, 2019 and subsequently voted to continue the public hearing to Tuesday, August 27, 2019 at 8:30 p.m. for further review and refinement. The continued public hearing will occur during the regular meeting of the Planning and Economic Development Board to be held in Sanford Hall at Medway Town Hall, 155 Village Street.

The August 9, 2019 draft of the proposed amendments may be reviewed at:
https://www.townofmedway.org/sites/medwayma/files/uploads/draft_site_plan_regs_8-9-19_edits.pdf. This draft will be further revised during the next ten days for discussion at the August 27th hearing.

We welcome your review of the proposed amendments. Kindly forward any comments to me by August 20th and please do not hesitate to contact me if you have any questions. Thanks.



REVISED DRAFT
August 23, 2019

TOWN OF MEDWAY

Planning & Economic Development Board Rules and Regulations

Chapter 200 - Site Plans

Rules & Regulations for Submission, Review and Approval of Site Plans

*Approved and Adopted by the Medway Planning Board
April 14, 1998*

Amended: April 28, 2000

Amended: March 13, 2001

Amended: November 1, 2001

Amended: July 9, 2002

Amended: December 3, 2002

Amended: _____

Medway Planning and Economic Development Board

Andy Rodenhiser, Chairman

Robert K. Tucker, Vice-Chairman

Thomas A. Gay, Clerk

Richard Di Iulio

Matthew J. Hayes, P.E.

**Medway Planning and Economic Development Board
Site Plan Rules and Regulations**

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Commented [A2]: Susy - I think we should add a section on roadway paving standards. Lift something from the subdivision rules and regs?? Will discuss with Steve B

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TOWN OF MEDWAY

Planning and Economic Development Board

Rules and Regulations

Chapter 200 - Site Plans

Rules & Regulations for Submission, Review and Approval of Site Plans

ARTICLE I AUTHORITY

s. 201 – 1 **Adoption** - The Planning and Economic Development Board of the Town of Medway hereby adopts these *Rules and Regulations* to govern the submission, review, approval and modification of site plans pursuant to Section 3.5.5 of the *Zoning Bylaw*.

ARTICLE II GENERAL PROVISIONS

s. 202 – 1 **Purpose** – These *Rules and Regulations* provide for the uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the *Zoning Bylaw*. Their purpose is to guide Applicants, Town officials and boards, and others involved in the preparation, processing and review of site plans and the issuance of site plan approval and modifications thereto. These *Rules and Regulations* address the process for submission, review and processing of site plan applications including the delegation of administrative review to the Board's designee for review of small-scale projects; site development standards; review and approval criteria; issuance of site plan approvals; project conditions, limitations, safeguards and mitigation measures; procedures for modifying approved site plans; and decisions and fees.

s. 203 – 2 **Scope of Site Plan Review** – The *Zoning Bylaw* provides for three levels of Site Plan Review: Major Site Plan Review, Minor Site Plan Review, and Administrative Site Plan Review. See Section 3.5.3 of the *Zoning Bylaw* for applicability.

s. 202 – 3 **Requirement for Site Plan Review** – No building permit shall be issued for any use, site, or building alteration, or other improvement subject to Section 3.5 of the *Zoning Bylaw* unless an application for Site Plan Review has been prepared in accordance with the requirements of these *Rules and Regulations*, and unless such application has been approved by the Planning and Economic Development Board or its administrative designee in the case of projects subject to Administrative Site Plan Review.

s. 202 – 4 **Definitions** – Terms used in these *Rules and Regulations* shall have the meanings as set forth in the *Medway Zoning Bylaw* and G.L. c. 40A. Additional terms are defined below:

Agent: Individual(s) authorized by the Board to review plans and/or observe and inspect construction

Alteration of Existing Parking Area: Includes installation, removal or relocation of any curbing, traffic channelization island, driveway, travel lanes, storm drainage, lighting, landscaping or similar facilities, but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Board: The Planning and Economic Development Board of the Town of Medway.

Design Review Guidelines: A written document produced by the Design Review Committee and adopted by the Medway Planning and Economic Development Board.

Developer: The individual or organization which will carry out the approved and endorsed site plan.

Earth Materials: Soil, loam, gravel, sand, sod, loam, topsoil, borrow, rock, peat, humus, clay, quarry stone and other similar earth materials.

Rules and Regulations: Medway Planning and Economic Development Board *Rules and Regulations for Submission, Review and Approval of Site Plans.*

Team: Administrative Site Plan Review Team established by the Town Administrator and the Board.

s. 202 – 5 *Waivers of Site Plan Rules and Regulations*

A. The Board or the Team **may** grant waivers from strict compliance with these *Rules and Regulations* if it determines that:

- 1) the Rule or Regulation requested to be waived does not apply to the particular site or situation under review; or
- 2) that a waiver would permit a superior design; or
- 3) that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and approval as set forth herein; or
- 4) that a waiver is in the best interests of the Town; or
- 5) that a waiver is consistent with the purpose and intent of the *Zoning Bylaw* and these *Rules and Regulations*.

B. The Applicant for Site Plan Review shall submit a written request for waivers from the *Rules and Regulations* at the time of application on a Waiver Request form to be provided by the Board. Supplemental Waiver Requests **may** be submitted during the course of the Site Plan Review process. If an oral request for a waiver is made during the course of the Board's review, it shall also be submitted to the Board as a written request.

s. 202 – 6 *Permit Coordination* – When a development project requires other permits from the Board such as a special permit, land disturbance permit, or a scenic road work permit, the Board's review **may** be consolidated and run concurrently.

Commented [A3]: See notes p. 11. Barbara recommends we establish a definition for "earth materials"

SAC - This definition is a compilation of all the items currently noted as being earth materials plus "quarry stone" which is commonly included in other zoning bylaws' definitions of "earth materials"

s. **202 - 7 Validity** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provisions which shall be held invalid. In all other respects these *Rules and Regulations* shall stand. In the event of a conflict between these *Rules and Regulations* and the *Zoning Bylaw*, the provisions of the *Zoning Bylaw* shall control.

ARTICLE III SITE PLAN APPLICATION PROCEDURES

s. **203 - 1 Eligible Applicants** - An Applicant for Site Plan Review shall be as defined in the *Zoning Bylaw*. In the case where the Applicant is a person other than the record owner of the property, the Applicant shall submit, as part of the application, a written certification executed by the record owner of the property that the application is submitted with the knowledge and consent of the record owner.

s. **203 - 2 Pre-Application Review**

A. **Consultation with Town Staff** – A pre-application consultation between a prospective Applicant and the Town's Community and Economic Development staff is recommended. The purpose of any pre-application consultation is to provide the Applicant with an opportunity to discuss the design concept of the proposed development during the early stages of the design process and to avoid unnecessary technical deficiencies in the application with a view toward promoting efficiency in the forthcoming processing and review of the proposed development project. However, Town staff are not responsible for assuring the accuracy, correctness or thoroughness of any application provided for review during a pre-application consultation. Any opinion given to the Applicant by employees of the Town during a pre-application consultation is advisory only and shall not be binding on the Board or the Town

B. **Interdepartmental Project Review**

1) Prior to filing a site plan Application with the Board, prospective Applicants for Major Site Plan Review shall, and prospective Applicants for Minor Site Plan Review **may**, request that the Director of Community and Economic Development schedule a meeting with the Applicant and the Town's interdepartmental project review team. The purpose of such meeting is for the Applicant to brief representatives of Town departments on the proposed project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows Town officials to identify project issues and opportunities which **may** benefit from further municipal attention, coordination or assistance.

2) **Scope of Town Staff Review** - Any opinion or information given to the Applicant by employee of the Town during the Interdepartmental Meeting shall be considered advisory only and shall not be binding on the Board or the Town.

C. **Informal Pre-Application Meeting with the Board** – Prior to filing a site plan Application with the Board, prospective Applicants for a Major or Minor Site Plan Review **may** request an informal, pre-application meeting with the Board to review conceptual plans and discuss permitting procedures. The requested pre-application meeting shall occur during a regularly scheduled Board meeting. This meeting provides the Applicant and the Board with the opportunity to discuss the project's objectives,

preliminary conceptual plan for the site, building design, and site amenities; review the Town's site plan review process and *Rules and Regulations*; identify possible requests for waivers from these *Rules and Regulations*; clarify what submittal items are required based on the scope of the project; and develop a preliminary schedule for application submittal and plan review. Requests for a pre-application meeting with the Board shall be made through the Planning and Economic Development office. A pre-application meeting shall not serve as a substitute for any public hearing or meeting required for the development project. Any opinion or information given to the Applicant by an individual Board member or its consultants during a pre-application meeting shall be considered advisory only and shall not be binding on the Board or the Town.

s. 203 – 3 **Official Receipt of Site Plan Application** –The official site plan submission date is the date the site plan application is filed with the Board or Team, and the Town Clerk and is deemed complete in accordance with s. 203-4 of these *Rules and Regulations*, whichever is later.

s. 203 - 4 **Completeness Review** - The Board's Agent may, within twenty-one days of the date of receipt of a major or minor site plan application, reject the application upon a determination that it does not satisfy the submission requirements of these *Rules and Regulations*. The Board's Agent shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* where the application is lacking. The Board's Agent shall provide a notice of its determination to the Town Clerk. When brought into conformity with the requirements of these *Rules and Regulations*, a site plan application previously deemed incomplete may be resubmitted for consideration by the Board without prejudice. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.

s. 203 - 5 **Use of Outside Consultants**

- A. The Board or the Team may determine that the assistance of outside consultants such as engineers, lawyers, planners, urban or landscape design professionals, environmental consultants or other appropriate professionals is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. It is the Board's standard practice to do so. The Board or the Team may engage the services of outside consultants to assist in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal or other issues. The Board or Team shall have full authority to select the outside consultants. If the Board or Team determines that such services are required, the Applicant shall pay a *Site Plan Review Fee* as authorized in s. 209 – 1 B. of these *Rules and Regulations*.
- B. The minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or in a related field.
- C. The Applicant may appeal the selection of a particular outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The Applicant shall identify the specific grounds which the Applicant

claims constitute the conflict of interest or how the consultant does not meet the minimum required qualifications. If no decision is made by the Board of Selectmen within thirty days following the filing of an appeal, the Board's consultant selection stands.

ARTICLE IV MAJOR SITE PLAN REVIEW

s. **204 - 1** *Applicability* – See Section 3.5.3 A of the *Zoning Bylaw*.

s. **204 – 2** *Town Clerk Submittals* - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Town Clerk during regular business hours:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all items as specified in s. 204 – 5 of these *Rules and Regulations*.

s. **204 – 3** *Planning and Economic Development Board Submittals* - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Board:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in s. 204 – 5 of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information wherever applicable:
 - 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;
 - 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;

- 11) proposed on and off-site mitigation measures;
 - 12) list of other required local, state and federal permits needed for the project and the status of each; and
 - 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.
- D. One list and three sets of mailing labels of all parties in interest as defined in G.L. c. 40A, §11 within three-hundred feet of the subject site as appearing on the most recent tax records list maintained by the Assessor's office. The list shall be certified by the Board of Assessors of all applicable communities.
- E. One copy of all relevant approvals, land use permits or decisions received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, Historical Commission, Department of Public Works, etc.) and federal or state government agencies.
- F. A written *Development Impact Statement* which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent, reduce or mitigate adverse impacts.

The *Development Impact Statement* shall consist of the following four elements:

1) *Traffic Impact Assessment*

- a) A brief *Analysis* of existing traffic safety and capacity issues at the development site and a summary of anticipated traffic impacts as a result of the proposed development; or
- b) A full *Traffic Impact Assessment* is required if the project:
 1. proposes an additional twenty or more parking spaces; and
 2. contains frontage or proposes access on a public way; and
 3. includes uses expected to generate an additional one hundred trips to or from the site on an adjacent roadway during a peak hour based on the most recent edition of the Institute of Traffic Engineers publication *Trip Generation*.

The Board may require an Applicant to prepare a full *Traffic Impact Assessment* even if the project does not meet all of the above criteria, if the Board finds that such information is necessary for it to complete its review.

c) The *Traffic Impact Assessment* shall:

1. document existing traffic volumes, capacities, controls, sidewalk and road conditions, roadway geometrics, hazards and level of service on the site and streets adjacent to the site and intersections near the site including but not limited to conditions within one-quarter mile of the proposed project; and

2. describe the volume and effect of projected traffic generated by the proposed project (total and peak hour) and post project level of service (LOS); and
 3. identify traffic management and structural improvements and mitigation measures, both on and off the site, to reduce any adverse impacts of the proposed project on traffic. These could include demand management strategies, traffic control measures as well as capacity enhancements.
- d) A *Traffic Impact Assessment* shall be prepared under the supervision of a qualified and experienced person with specific training in traffic and transportation engineering with several years of experience related to preparing traffic studies for existing or proposed development.
- 2) *Environmental Impact Assessment*
- a) An *Environmental Impact Assessment* shall be required if the project involves one or more of the following characteristics:
1. proposes an additional thirty or more parking spaces; or
 2. proposes a building footprint of fifteen thousand square feet or greater; or
 3. proposes to disturb twenty thousand square feet of land or greater; or
 4. proposes a project that is subject to the Town's *Stormwater and Land Disturbance Bylaw*.
- b) The *Environmental Impact Assessment* shall describe the impacts of the proposed development with respect to on-site and off-site environmental quality including:
1. air and water quality;
 2. surface water and groundwater;
 3. flooding potential;
 4. increases in impervious surfaces;
 5. potential for erosion and proposed or existing control measures;
 6. noise levels;
 7. harmful or noxious emissions;
 8. damage or threat to wetlands and flood plain;
 9. smoke;
 10. odors;
 11. vibration;
 12. waste disposal; and
 13. off-site environmental drainage impacts.
- c) If the Applicant is required to file a full Massachusetts Environmental Policy Act (MEPA) certification with the Massachusetts Department of Environmental Protection, that document may serve to replace the *Environmental Impact Assessment* as may be required herein.
- 3) *Neighborhood Impact Assessment*

Commented [A4]: Barbara - I note there is no minimum criteria for when this assessment is required, unlike the other assessments.

- a) A *Neighborhood Impact Assessment* evaluates the impacts of the proposed development on the adjacent neighborhood.
- b) A *Neighborhood Impact Assessment* shall identify the project's impacts to:
 - 1. the neighborhood's visual, architectural and historical character;
 - 2. the goals of existing community plans (master plan, open space plan, housing production plan, etc.) applicable to the neighborhood;
 - 3. the quality of life of its residents; and
 - 4. the expected demand for municipal services.
- 4) *Parking Impact Assessment*
 - a) A *Parking Impact Assessment* is required if the proposed project includes the addition of thirty or more parking spaces.
 - b) The *Parking Impact Assessment* shall document existing parking conditions, evaluate off-site impacts of the proposed parking, and propose measures to mitigate any adverse parking impacts on the adjacent neighborhood.
 - c) The *Parking Impact Assessment* shall:
 - 1. identify existing off-site and on-street neighborhood parking conditions including streets likely to be affected by the development;
 - 2. identify the expected impact of proposed parking on the neighborhood; and
 - 3. propose mitigation measures including screening, creative parking lot design, use of alternative paving materials, and planting of trees for shading and buffer.

G. Stormwater Documents

- 1) Post-Construction Stormwater Management Plan (see Section ____ herein) including a Post Construction Stormwater Operation and Management Plan developed in accordance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance, Sections 26.8 and 26.9.
- 2) One copy of the stormwater drainage report prepared in conjunction with the Post-Construction Stormwater Management Plan. The report shall be prepared in accordance with the most current standards of the MA Department of Environmental Protection (DEP) Stormwater Management Policy and Handbook and in conformance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance, Section 26.8. The drainage calculations shall be based on the rainfall data from the National Oceanographic and Atmospheric Administration (NOAA) Atlas 14, as **may** be revised.
- 3) **Stormwater Pollution Prevention Plan** to manage stormwater during construction. This pertains to projects with planned land disturbance under one acre **but more than 20,000 sq. ft. in area which are not subject to SWPPP**

Commented [A5]: Barbara - If it is Major Site Plan, shouldn't this simply be required for all projects that don't meet the one acre standard?

SAC – We need to provide some guidance on what should be in a SWPPP for a smaller project!?! Seems burdensome to impose all of the standard SWPPP requirements.

requirements under the National Pollution Discharge Elimination System (NPDES) permitting program of the U.S. Environmental Protection Agency (EPA).

H. A *Construction Management Plan* (CMP) which includes the proposed construction sequence, timetable, and methods for managing the construction process and minimizing the impacts of construction on public ways and to abutters. The CMP shall identify areas for parking, staging, and stockpile areas for construction materials and earth removed from or brought onto the site. Such areas shall be located as far from existing private and public ways as practicable and visually screened to the maximum extent practicable from such ways and surrounding residences or other buildings. The CMP shall note hours of construction and deliveries associated with construction.

I. *Earth Removal Calculations* of the estimated volume of soil, sod, loam, gravel, sand or other earth materials to be removed from the site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts. A removal schedule shall be provided. This schedule shall state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each removal vehicle, the travel routes to be taken by removal vehicles, their approximate proposed hours of operation. A description of the clearing procedures to be used shall also be provided.

NOTE - The extent of planned earth removal may be subject to the requirements of Article IX, Removal of Earth Products of the Medway *General Bylaws*.

J. *Earth Fill Estimates* of the volume of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand, gravel and other earth materials to be brought on site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts.

K. A copy of an Order of Resource Area Delineation (ORAD) from the Medway Conservation depicting the approved wetland resource affecting the proposed project or a Determination of Applicability with a finding from the Conservation Commission that the proposed project is not within its jurisdiction.

L. A copy of the latest recorded deed to the property(s) comprising the proposed development site to document proof of ownership, or a purchase and sale agreement.

M. Requests for Waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Board's Site Plan Waiver Request form.

N. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the internet. The email for such submittals is planningboard@townofmedway.org

O. A *Major Site Plan Filing Fee* as authorized by s. 209 – 1 A. of these *Rules and Regulations*.

Commented [A6]: Barbra - Different from J. below.

Commented [A7]: Susy - This seems like a lot to ask for at the application stage. Might it be better to obtain this info at the pre-construction meeting?

Commented [A8]: Barbara - This is different than what is included in I. above. Suggest a definition of earth materials. See Section 9.2 of General Bylaws

- P. A deposit toward the *Major Site Plan Review Fee* as authorized by **s. 209 – I B.** of these *Rules and Regulations*.

s. 204 – 4 Standards for Site Plan Preparation

- A. The site plan shall be prepared, stamped, signed and dated by qualified professionals including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.
- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements.
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.
- E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, the Board's signature block, including *Decision* and plan endorsement dates, and the Town Clerk's no appeal certification.

s. 204 – 5 Site Plan Contents – To be considered complete, a major site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below.

- A. *Cover Sheet* – The cover sheet shall include the project name and address, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Signature Block for Board endorsement, and a complete index of drawings.
- B. *Site Context Sheet*
 - 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
 - 2) Abutters' names and addresses with assessor's map/parcel references for properties within 300' of the development site
 - 3) Lot lines with dimensions and easement areas for the development site.

- 4) Existing topography at two foot intervals from USGS survey maps or actual land survey of the development site.
- 5) All easements (utility, conservation and other) and rights-of-way on the development site.
- 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.

C. *Existing Conditions Sheet(s)*

- 1) The location of all *existing man-made features and infrastructure* on the site shall be delineated including but not limited to buildings and structures, streets, bridges, utility poles, utilities and underground infrastructure including water, gas, electric, cable, and telephone, fire hydrants and fire alarm boxes, wells, septic systems, sanitary sewers, utility easements and other property encumbrances, sidewalks, driveways, trails, farm roads, stone walls, fences, monuments, historic markers, milestones, wells, and stormwater drainage infrastructure including basins, sub-surface systems, leaching galleys, swales and other methods to dispose of stormwater; refuse and solid waste storage and disposal facilities, and all entrances and exits on the site and within one hundred feet of the site.
- 2) Location and delineation of all *existing natural features* of the development site including but not limited to ledge or rock outcroppings, cliffs, sinkholes, ditches, all wetland resources as defined by the Wetlands Protection Act and Article 21 of the Medway General Bylaw including their associated buffers per state and local laws, and natural drainage courses and swales.
- 3) An *Existing Landscape Inventory* including a “mapped” overview of existing landscape features and structures including the specific identification of existing trees with a diameter of eighteen inches or greater at four feet above grade and any trees that will be beneficial for screening, all in order to determine their value for preservation.
- 4) Locations of all historically significant sites or structures on the site including but not limited to barns, other buildings, cellar holes, stone walls, earthworks, graves, any structure over fifty years of age, and any property listed on the National Register of Historic Places or included in a National Register Historic District or recognized by the Massachusetts Historical Commission

D. *Site Plan Information Sheets* – NOTE, site plan information sheets may be combined.

- 1) Location and dimensions of proposed buildings and structures including building setbacks from front, side and rear lot lines.
- 2) *Site Grading* - Topography showing proposed grading contours at two foot intervals, limit of work (area of disturbance), and limit of clearing.
- 3) *Parking Plan* - Location and dimensions of proposed parking, including lot line setbacks, loading and unloading areas with traffic patterns, access lanes and curb

radii. The Parking Plan shall be in conformance with the provisions of Section 7.1.1 of the *Zoning Bylaw*.

- 4) *Site Improvements* - Location and dimensions of proposed improvements and site amenities including but not limited to travel ways, roads, driveways, maneuvering spaces and aisles, fire lanes, parking areas, loading and unloading areas, utility boxes, curbs, curb cuts, wheel stops, bollards, bumpers, decorative and retaining walls, fences, outdoor lighting, open space areas, recreational areas, pedestrian areas, service entries, snow storage areas, facilities for waste disposal and storage, sidewalks, pedestrian and bike pathways with cross sections, design and materials details and dimensions, and easements.

- 5) *Erosion and Sediment Control Plan* – Erosion control measures shall be specified including sedimentation barriers, construction entrances, stabilizing materials to be used on site during and after construction, and temporary blocking of entrances when construction is not active. The *Erosion and Sediment Control Plan* shall be as specified in Section 26.7 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance.

NOTE – If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the Erosion and Sediment Control Plan shall be submitted to and be reviewed and acted on by the Conservation Commission and not to the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the *Medway General Bylaws*.

- 6) *Post-Construction Stormwater Management Plan* - The plan and the associated Long Term Operations and Management Plan shall comply with the requirements of Section 26.8 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollutant Discharge Elimination System (NPDES) requirements if applicable.

NOTE - If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the above noted *Post Construction Stormwater Management Plan* shall be submitted to and be reviewed and acted on by the Conservation Commission and not the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the *Medway General Bylaws*.

- 7) *Site Utilities Plan* – All proposed utilities, mechanisms, materials and layouts for refuse and trash disposal systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal, and methods of solid waste storage and disposal.

- 8) *Landscape Plan*

- a) A *Landscape Plan* shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.

- b) The *Landscape 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 to be retained, particularly existing trees with a diameter of eighteen inches or greater at four feet above grade.
 - c) The *Landscape Plan* shall indicate the areas of proposed 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 screened graphic used to represent expected tree canopy at maturity.
 - d) The *Landscape Plan* shall specify a suitable maintenance program to ensure the viability and longevity of the landscape installation.
- 9) *Building Elevations and Architectural Plan* with dimensions and details of façade designs of each building from all directions including specifications on building style, and architectural features, materials, and colors including awnings.
- 10) *Color Renderings* of the project and buildings shall be provided from at least four directions depicting proposed structures, signage, landscaping, site amenities, and common views of the completed project as viewed from a public way and adjacent properties. These **may** include 3D views of the site, buildings, and site improvements.
- 11) *Building Layout or Floor Plan* with the use of all areas labeled.
- 12) *Entry and Exit to Structures.* All means of entry and exit (main, service, emergency and mechanical) from the building including steps and ramps, designation of the primary entrance (front entrance) and loading docks and other access ways shall be shown.
- 13) *Site Amenities Details* for benches, trash containers, dumpster enclosures, bollards, planters, fences, walls, bike racks, seating areas, and any other forms of outdoor site amenities to be installed.
- 14) *Master Signage Plan* with preliminary proposed designs, locations, materials, dimensions, and lighting for:
- a) the proposed development sign and all business identification signage, both freestanding and attached; and
 - b) standards for tenant signs; and
 - c) **signage to identify surface stormwater basins with messages to prohibit the disposing of trash and debris in such basins.**

Commented [A9]: Barbara - If the color of the building is included in the plans, does that mean the color cannot be changed without a modification? This seems a bit much.

Commented [A10]:
SAC - This is new. Suggested by Dave D'Amico.

- 15) *Lighting Plan* prepared in conformance with Section 7.1.2 of the *Zoning Bylaw*.
- 16) Horizontal sight distances on the public way(s) at all entrances and exits in both directions.
- 17) A table outlining the proposed development's conformance with the *Zoning Bylaw* requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and number of parking spaces including handicapped based on maximum seating capacity, number of employees or otherwise as provided in the *Zoning Bylaw*, and other items as appropriate for the applicable zoning district and proposed uses.
- 18) Locations of proposed fire hydrants, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.
- 19) Information quantifying on-site generation of noise and odors, if applicable.
- 20) Any proposed off-site roadway and traffic management improvements.

s. 204 – 6 Review by Town Officials

- A. Within fourteen days of the official site plan submission date, the Board shall transmit the site plan to the following boards, departments and committees, inform them of the public hearing schedule, and request their review and preparation of an advisory report to assist the Board with its review.
 - 1) Building Department
 - 2) Conservation Commission
 - 3) Fire Department
 - 4) Police Department
 - 5) Assessors' Office
 - 6) Board of Health
 - 7) Department of Public Works
 - 8) Design Review Committee and
 - 9) Other departments and committees as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee, Historical Commission, and the Open Space Committee.
- B. Said departments, boards, and committees **may**, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within thirty days of distribution, this shall be deemed lack of opposition thereto. The advisory report **may** include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. Review by Building Department – The Building Commissioner or his designee, shall review the application and associated materials for compliance with the *Zoning Bylaw*

and provide a written communication to the Board, prior to the first public hearing date, to identify any current zoning violations existing at the site which **may** be addressed through the site plan review process.

s. 204 –7 Public Hearing

- A. The Board shall conduct a public hearing on the major site plan application in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The public shall have the opportunity to be heard, in person, or by agent or attorney, or in writing during the hearing.
- B. *Public Notice* - The Board shall prepare the public hearing notice and post such notice in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The Board shall notify all parties in interest of the time, date and location of the public hearing as provided in G.L. c. 40A, §11.
- C. *Appearance of Applicant at Public Hearing* – An Applicant **may** appear on his own behalf or be represented by a designated representative. It is the responsibility of the Applicant or the designated representative to present the site plan to the Board and public during the public hearing. Failure to appear at a public hearing could jeopardize approval of an application. In the absence of an appearance by the Applicant or designated representative, the Board **may** decide the matter using the information it has received.
- D. The Board **may** continue the public hearing to other dates as **may** be needed.
- E. *Coordination with Other Permitting Authorities* – The Board shall make every reasonable effort to coordinate its review with other Town boards, committees or officials which have jurisdiction over other permits and approvals required for the project to proceed. If requested by the Applicant, coordinated or joint public hearings **may** be conducted to the extent allowed by law, recognizing that each permitting authority is subject to specific statutory decision requirements and that all such decision periods **may** not coincide.
- F. *Additional Information*
 - 1) During the course of the public hearing, the Board **may** require the Applicant to provide additional information if it finds that such information is necessary to properly act upon the application in question.
 - 2) Any items or plan revisions submitted by an Applicant in support of a previously filed application shall be submitted to the Board no less than ten business days before the date of the continued public hearing. However, in no case shall the Board allow new evidence or testimony to be admitted after the public hearing is closed.
 - 3) The Board **may** enter information into the record of the public hearing including but not limited to reports of outside consultants and comments from Town staff, boards and committees.

- G. The Board may keep the public hearing open during the preparation and deliberation of its *Decision*. However, the public hearing shall be closed after the Board's vote and before the *Decision* is filed with the Town Clerk.

s. 204 – 8 Decision

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its written site plan *Decision* with the Town Clerk within ninety calendar days from the official date of site plan application. Failure of the Board to take final action by filing its *Decision* with the Town Clerk within the prescribed time period shall be deemed constructive approval of the application. A copy of the *Decision* shall be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* - The deadline by which the Board shall file its *Decision* may be extended upon mutual agreement of the Board and Applicant when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto. Notice of the Board's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Board to the Town Clerk.
- C. Before the Board begins its deliberations on the *Decision*, the Applicant shall provide the Board a written document specifically describing how the proposed development, as revised during the public hearing process, satisfies the site plan decision criteria established in s. 204 – 8 F. of these *Rules and Regulations*.
- D. *Decision Options* - The Board may approve, approve with conditions, limitations, safeguards and mitigation measures, or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- E. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the *Decision*.
- F. *Approval Criteria Findings* – In making its *Decision*, the Board shall consider the following criteria as applicable to the particular proposal:
- 1) The proposed buildings, uses and site improvements are appropriately located on the development site in relation to the terrain and the location and scale of buildings and site features on abutting sites.
 - 2) The construction and/or renovation of buildings and site improvements and amenities are designed to reflect or be compatible with the *Medway Design Review Guidelines*.
 - 3) Building and site designs reflect the character, materials and scale of existing buildings in the vicinity as well as *Master Plan* goals for the area.
 - 4) Reasonable use is made of building location, grading and landscaping and other site features to reduce the visible intrusion of structures, parking areas, and outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operation of the establishment(s) from public views or from adjacent residential properties.

- 5) Private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.
- 6) Internal circulation, queuing and egress promote traffic safety, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.
- 7) Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and throughout the site.
- 8) Design and construction minimize, to the extent reasonably practical, the following environmental impacts:
 - a) the volume of cut and fill;
 - b) the number of trees to be removed with particular care taken with mature trees and root systems;
 - c) the visual prominence of man-made elements not necessary for safety;
 - d) the removal of existing stone walls;
 - e) the impacts on waterways and environmental resource areas;
 - f) soil erosion and pollution; and
 - g) noise.
- 9) Pedestrian ways, access driveways, loading areas and vehicular and bicycle parking facilities are properly designed for public convenience, accessibility, and safety of customers, employees and the general public.
- 10) Design and construction, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).
- 11) Lighting on the site complies with Section 7.1.2 of the *Zoning Bylaw*.
- 12) The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.
- 13) The project's impact on abutting residential neighborhoods has been adequately mitigated. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.
- 14) The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.

- 15) Off-street loading facilities and methods for unloading vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) to be located on the site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view.
- 16) The project complies with the requirements of Section 26.8 of Medway *General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollution Discharge Elimination System requirements.
- 17) The effects and the impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, and the community's character, amenities and appearance have been identified and evaluated and reasonable conditions, limits, safeguards and mitigation measures are established pursuant to **s. 204-8 G** of these *Rules and Regulations*.

G. *Approval Conditions, Limitations & Safeguards* - In a *Decision* to approve a site plan, the Board **may** waive provisions of these *Rules and Regulations* in accordance with **s. 202-5** of these *Rules and Regulations*. The Board **may** also require plan modifications, conditions, mitigation measures, limitations and safeguards which the Board finds are consistent with Town bylaws, regulations, and standards, which **may** include but are not limited to the following measures:

- 1) Plan revisions;
- 2) Site and building design modifications;
- 3) Controls on the location and type of access to the site;
- 4) Controls on the number, type and time that service vehicles access the site;
- 5) Provision for open space or preservation of views;
- 6) Limitations on the hours of operation;
- 7) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements related to the development;
- 8) Conditions to minimize off-site impacts and environmental quality during construction;
- 9) Requirements for screening parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- 10) Conditions to mitigate adverse impacts on the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage;
- 11) Compliance measures including but not limited to construction observation and inspection, performance guarantees, and as-built plan submittals;

- 12) *Mitigation Measures* – Pursuant to Section 3.5.4 I. of the *Zoning Bylaw*, the Board **may** require reasonable mitigation measures to offset adverse impacts of the development on the community including off-site improvements up to a maximum value of six percent of the total development cost of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals and controls, or municipal services, sufficient to service the development project. This **may** also include donation and/or dedication of land for necessary right-of-way improvements.
- 13) The Board **may** include specific site maintenance requirements in the *Decision* including but not limited to construction timing, management of dust, rubbish and construction debris, maintenance of erosion and siltation control measures, maintenance of stormwater management facilities, daily site clean-up, tracking of construction materials off-site, and management of construction traffic.
- H. *Distribution of Notice of Site Plan Decision* - The Board will prepare and mail a Notice of site plan *Decision* to all parties in interest.
- s. **204 – 9 Appeal** - Any person aggrieved by the Board's *Decision* **may** appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk, as provided in G.L. c. 40A, section 17.
- s. **204 – 10 Plan Endorsement**
- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within ninety days after the Board has filed its *Decision* with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Board for endorsement. The deadline for plan endorsement **may** be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse a site plan until it is brought into compliance with the Board's *Decision* and the twenty day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's site plan *Decision*.
- C. If the Conservation Commission is the permitting authority for the Stormwater Management and Land Disturbance Permit required under Article XXVI of the Medway General Bylaws, the site plan presented for the Board's endorsement shall include the stormwater design as approved by the Conservation Commission. The Board will not endorse the site plan without such Conservation Commission approval.
- D. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- E. After endorsement, the Applicant shall provide two paper copies of the endorsed site plan to the Board. The Applicant shall also provide the endorsed plan in portable document format (PDF) format and in shape files compatible with MASS GIS

requirements. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

s. **204 – 11 Recording** – The Applicant shall record the *Decision* at the Registry of Deeds and submit evidence of such recording to the Board and the Building Commissioner. No construction shall be allowed to begin at the subject site until such recording verification is presented.

Commented [A11]: Barbara asks if you want to require recording of the site plan as well.

ARTICLE V. MINOR SITE PLAN REVIEW

s. **205 - 1 Applicability** – See Section 3.5.3 A of the *Zoning Bylaw*.

s. **205 – 2 Town Clerk Submittals** - The Applicant shall deliver by hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. One set of the Site Plan prepared in conformance with these *Rules and Regulations* including all items as specified in s. 204 – 5 of these *Rules and Regulations*.

s. **205 – 3 Planning and Economic Development Board Submittals** - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in s. 205 – 5 of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information:
 - 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;
 - 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;
 - 11) proposed on and off site mitigation measures;
 - 12) list of other required local, state and federal permits and the status of each; and
 - 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.

D. A *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:

- 1) Describe the existing stormwater drainage patterns and system on the site; and
- 2) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
- 3) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.

NOTE - During the course of its public review of the application, the Board may require more extensive drainage information as provided in s. 205-7.A.

E. One list of all parties in interest as defined in G.L. c. 40A, §11 as appearing in the most recent tax records list. The list shall be certified by the Board of Assessors of all applicable communities.

F. One copy of the latest recorded deed to the property(s) comprising the proposed development site.

G. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, Historical Commission, etc.) and other federal and state government agencies.

H. Requests for waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Board's Site Plan Waiver Request form.

I. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org

J. A *Minor Site Plan Filing Fee* as authorized in s. 209-1 A. of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.

K. A deposit toward the *Minor Site Plan Review Fee* as authorized in s. 209 – 1 B. of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.

s. 205 – 4 ***Standards for Site Plan Preparation*** – See s. 204 – 4 of these *Rules and Regulations*.

s. 205 – 5 ***Site Plan Contents*** – To be considered complete, a minor site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below.

A. *Cover Sheet* - The cover sheet shall include the project name and address, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Board Signature Block, and an index of drawings.

B. *Site Context Sheet*

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
- 2) Abutters' names and addresses with assessor's references for properties within 300' of the development site.
- 3) Lot lines with dimensions and easement areas for the development site.
- 4) Existing topography at two foot intervals from United States Geological Survey (USGS) survey maps or actual land survey of the development site.
- 5) All easements (utility, conservation and other) and rights-of-way located on the development site.
- 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.

C. *Existing Conditions Sheet* – A plan showing all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.

D. *Plot Plan*, certified by a land surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.

E. *Site plan*, at a minimum scale of one inch equals forty feet, showing the following:

- 1) Property boundaries, dimensions of the site and a north arrow;
- 2) Proposed use(s) of land and buildings;
- 3) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
- 3) Design features of the construction or renovation of buildings (s) and structures, including building elevations, materials, colors, etc.;
- 4) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
- 5) Site grading;
- 6) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;

- 7) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
- 8) Horizontal sight distances on the public way(s) at all entrances and exits in both directions;
- 9) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
- 10) Erosion and sediment control measures;
- 11) Stormwater management facilities as noted in **s. 205 – 3 D.** of these *Rules and Regulations*; and
- 12) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. 205 – 6 Review by Town Officials

- A. Within fourteen days of the official site plan submission date, the Board shall transmit one copy of the site plan to the following boards, departments and committees, inform them of the public review meeting with the Board, and request their review and preparation of an advisory report to assist the Board in its review.
 - 1) Building Commissioner
 - 2) Conservation Commission
 - 3) Fire Department
 - 4) Police Department
 - 5) Assessor's Office
 - 6) Board of Health
 - 7) Department of Public Works
 - 8) Design Review Committee
 - 9) Others as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission
- B. Said departments, boards, and committees **may**, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within fourteen days of distribution, this shall be deemed lack of opposition thereto. The advisory report **may** include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. Review by Building Department - The Building Commissioner or his designee, shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public review date,

to identify any current zoning violations existing at the site which **may** be addressed through the site plan review process.

s. 205 – 7 Public Review

- A. *Board Review* - Within thirty calendar days of the official site plan submission date, the Board shall consider the proposed Minor Site Plan Application as an agenda item at a duly posted Board meeting at which the Applicant shall present their proposed site plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing. The Board **may** continue its review and consideration to other meetings as **may** be needed.
- B. *Abutter Notice* - At least fourteen days prior to the date of the public meeting, the Board shall send, by first class mail, a notice of the time, date and location of the public review meeting to all parties in interest as defined in G.L. c. 40A, §11. The notice shall include a brief description of the site plan project.
- C. *Public Review Notice* – At least fourteen days prior to the date of the public meeting, the Board shall file the public review notice with the Medway Town Clerk for official posting.
- D. *Additional Information* - The Board **may** require the Applicant to provide additional information, if necessary, to complete its review including more extensive drainage information (up to and including complete drainage system design and calculations) depending on the extent of the proposed site changes and the sensitivity of the site and its abutting properties. At the Board's discretion, it **may** require the Applicant to provide a full stormwater drainage analysis and design as specified in **s. 204-3 D.** of these *Rules and Regulations*.

s. 205 – 8 Decision

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its *Minor Site Plan Decision* with the Town Clerk within sixty calendar days from the official date of site plan submission. Failure of the Board to take its final action by filing its *Decision* within such sixty day period shall be deemed constructive approval of said application. A copy of the *Decision* will also be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* – See **s. 204-8, B.** of these *Rules and Regulations*.
- C. The Board **may** approve, approve with conditions, limitations, safeguards and mitigation measures or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- D. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the site plan *Decision*.
- E. *Approval Criteria Findings* – In making its site plan *Decision*, the Board shall consider the criteria as set forth in **s. 204-7 F.** of these *Rules and Regulations*.

F. *Approval Conditions, Limitations and Safeguards* – See **Section 204-7, G.** of these *Rules and Regulations*.

s. **205 – 9** *Appeal* - Any person aggrieved by the Board's *Minor Site Plan Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk as provided in G.L., c. 40A, section 17.

s. **205 – 10** *Plan Endorsement*

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the Board has filed its *Decision* with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's site plan *Decision*, before the Board endorses the site plan. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- D. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

ARTICLE VI. ADMINISTRATIVE SITE PLAN REVIEW

s. **206 - 1** *Applicability* – See Section 3.5.3 A of the *Zoning Bylaw*.

s. **206 – 2** *Designated Agent for Administrative Site Plan Review* – Pursuant to Section 3.5.5. A. 2. of the *Zoning Bylaw*, the Town Administrator and the Board have established an *Administrative Site Plan Project Review Team* to be comprised of the following Town employees: Building Commissioner, Director of Community and Economic Development, and Planning and Economic Development Coordinator. The Team may consult with other Town employees and officials on a case by case basis depending on the nature of the proposed site plan project.

s. **206 - 3** *Administrative Site Plan Submittals*

- A. Town Clerk Submittals - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours.
 - 1. Administrative Site Plan Review Application form with original signatures.
 - 2. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all applicable items as specified in **s. 206 – 5** of these *Rules and Regulations* plus an electronic version.

- B. Community and Economic Development Department Submittals – The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Community and Economic Development Department during regular business hours.
1. Administrative Site Plan Review Application form with original signatures.
 2. One set of the site plan (24" x 36") and three reduced size (11" x 17") sets of the site plan prepared in conformance with these *Rules and Regulations* including all applicable items as specified in **s. 206 – 5** of these *Rules and Regulations* plus an electronic version.
 3. One written *Project Description* of the proposed development including: current and proposed uses, proposed site improvements, construction, and demolition; existing and proposed means of vehicular and pedestrian access and egress; anticipated number of employees and occupants; methods and hours of operation; and timetable for project completion. The Project Description shall include but not be limited to building construction, renovation, paving, drainage, retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities, outdoor lighting, and proposed mitigation measures.
 4. *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
 - a) Describe the existing stormwater drainage patterns and system on the site; and
 - b) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
 - c) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.
 5. One copy of all relevant approvals received to date from other Town boards and commissions (ZBA, Conservation Commission, Board of Health, Historical Commission, etc.) and other government agencies.
 6. A list of waivers being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, on a form provided by the Board.
 7. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org
 8. A *Site Plan Filing Fee* as authorized in **s. 209 - 1 A.** of these *Rules and Regulations* and as specified in the Board's *Fee Schedule*.
- C. Filing of the application and plan does not, of itself, constitute the official receipt date. The Team shall review the application for completeness and notify the Applicant of any missing items within five business days of submission. In such a case, the application

will be deemed to not to have been submitted. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.

s. 206 - 4 Standards for Site Plan Preparation

- A. The site plan shall be prepared, stamped, signed and dated by a qualified professional including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.
- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.
- E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, signature block, including *Decision* and plan endorsement dates, and the Town Clerk's no appeal certification

s. 206 - 5 Site Plan Contents – In addition to information required in Sections 206-3 and 206-4, the site plan shall include:

- A. *Existing Conditions Sheet* – A plan showing name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, project street address, project Assessor's Map and Parcel number, zoning district classification, all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; scenic roads; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission.
- B. *Site plan* showing the following:
 - 1) Property boundaries, dimensions of the site
 - 2) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
 - 3) Site grading;
 - 4) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
 - 5) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;

- 6) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
- 7) Erosion and sediment control measures;
- 8) Stormwater management facilities; and
- 9) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. 206 - 6 Review Process

- A. Within fourteen calendar days of the official site plan submission date, the Team shall consider the administrative site plan application at a duly posted meeting at which time the Applicant **may** present its plan and the Team will review the submittals to determine if the application is complete. The Team **may** consult with other Town officials and committees, and seek the assistance of outside consultants, and continue its review and consideration to other meetings as **may** be needed. The Team may also request additional information from the Applicant.
- B. The Team shall provide the administrative site plan application to the Board.
- C. Pursuant to Section 3.5.4 J. c. Procedures for Administrative Site Plan Review of the Zoning Bylaw, the Building Commissioner, Board, or Team may advance review of an administrative site plan application to minor or major site plan status when the collective scope and/or quantity of the proposed activities is substantial enough to merit review by the Board.

Commented [A12]: Susy - This is new.

Commented [A13]: Barbara - Do we need this here since it is in the bylaw

Commented [A14]: Susy - This is new.

Commented [A15]: Barbara - Do we need this here since it is in the bylaw?

s. 206 - 7 Decision - Following the Team's review, the Team shall prepare and file its *Administrative Site Plan Decision* with the Town Clerk within twenty-one calendar days from the official date of site plan submission. Failure of the Team to take its final action within the twenty-one day period shall be deemed constructive approval of said application. The deadline by which the Team shall file its *Decision* **may** be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Team agrees thereto. Notice of the Team's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Team to the Town Clerk. A copy of the *Decision* shall be provided to the Applicant.

s. 206 - 8 Appeal - Any person aggrieved by the *Decision* of the Team for a site plan project subject to Administrative Site Plan Review **may** appeal such *Decision* to the Board in writing within twenty days after the *Decision* is filed with the Town Clerk. The appeal shall be considered as an agenda item at a duly posted meeting of the Board at which the Applicant's appeal shall be heard.

s. 206 - 9 Plan Endorsement

- A. In cases where the Team approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the *Decision* is filed with the Town Clerk, shall submit

a final site plan reflecting all required changes, if any, to the Team to review for compliance with the *Decision*, before the Team endorses the site plan.

- B. The Team shall not endorse the site plan until it is brought into compliance with the provisions of the *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk. If appeal is made, endorsement shall not occur until after the Board's *Decision* addressing the appeal of the Team's site plan *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement.
- D. The Team shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

ARTICLE VII. DEVELOPMENT STANDARDS – Development projects requiring Site Plan Review shall be designed to the greatest extent feasible to comply with the following development standards. These standards are intended to achieve well designed projects without discouraging creative and/or innovative solutions to each site's particular features and challenges. Projects which do not meet these Development Standards are required to submit Waiver Requests with the application. See s. 202-5 of these *Rules and Regulations*.

Commented [A16]: Susy - We should add a section on paving standards for driveways and internal drive aisles and "private roadways". We may want to allow for pervious pavement for non-fire lane areas.

Commented [A17]: Barbara - This seems a bit awkward, since many of these are design standards, and by nature are somewhat subjective. The waiver procedure seems a bit cumbersome for this section.

s. 207 - 1 Design Principles

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section B. Principles and Intentions
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section B. Principles and Intentions
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section B. Principles and Intentions

s. 207 – 2 Site Design

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section C. 1. Site Composition and C. 2. Building Orientation
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section C. 1 Site Composition and C. 2. Building Orientation
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section C. 1 Site Composition and Building Orientation

s. 207 – 3 Architecture

- A. Commercial Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section D. Architectural Guidelines

- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section D. Architectural Guidelines
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section D. Architectural Guidelines

s. **207 – 4 Energy Efficiency and Sustainability**

- A. New buildings **should** be positioned on the site to take advantage of the existing terrain and solar gains. Where possible, elongate the buildings on the east/west axis, maximize north and south exposures for daylighting, minimize east and west facing windows, and orient the most populated areas of a building to the north and south. Green roofs are encouraged.

s. **207 - 5 Environmental Considerations**

- A. *General* - Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of water courses and water resources, topography, soil and noise shall be reviewed. The design of the proposed development shall minimize the destruction of trees and unique natural features and the site plan shall show measures to minimize any adverse impacts on these elements.
- B. *Low Impact Development (LID)* – Applicants **should** utilize Low Impact Development (LID) management practices in site design and incorporate environmentally sensitive design principles in site improvements, stormwater management facilities, landscaping, and buildings when practicable. See Appendix A to these *Rules and Regulations*.
- C. *Nuisance* - The proposed development shall not create any significant emission of noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures.
- D. *Solar* – Development projects involving the construction or use of a building with 10,000 sq. ft. or more or containing ten or more residential units are encouraged to include a solar energy system that is equivalent to a minimum of 50% of the roof area of all buildings.

Commented [A18]: Barbara - The more I read this, the more I think it needs to be revised.

Commented [A19]: Susy - This is new. Suggested by David Travalini as discussed with the Energy and Sustainability Committee. Language borrowed from Watertown.

s. **207 – 6 Erosion and Sediment Control**

- A. Erosion and sediment control measures shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the *Medway General Bylaws*, Section 26.7.
- B. The final slope of the land shall not exceed one foot vertical to three feet horizontal, unless retaining walls or other suitable stabilization methods as determined by the Board are provided.
- C. Permanent vegetation and other erosion control measures shall be installed as soon as possible after construction ends.
- D. All disturbed areas shall be permanently stabilized within six months of occupancy.

s. 207 – 7 **Site Clearing and Grubbing** – See Section 7.4 of the *Medway Subdivision Rules and Regulations*.

s. 207 – 8 **Earth Filling & Grading**

- A. *Prohibited materials.* Solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive or flammable materials, building materials, construction and demolition debris, glass, metal, toxic, infectious, radioactive, corrosive or reactive materials or waste shall not be used as fill. Fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. Fill material shall also be free from organic material such as trees, stumps, and garbage, and shall contain fifteen percent or less of total organic carbon by lab analysis.
- B. *Permitted fill materials.* Fill materials shall include only clean sand, gravel, clay, stone, quarried rock, topsoil, borrow, rock, sod, loam, peat, humus, or other subsurface products free from solid waste, with an aggregate size of twelve inches or less. Recycled concrete and ground and recycled asphalt millings that have been certified as clean fill may be used.
- C. *Final cover.* All filling shall be covered with a minimum of four inches of organic topsoil and shall be seeded and mulched to stabilize the fill material. Where filling is incidental to facilitate parking of vehicles, the fill material shall be covered by a suitable binding material to prevent airborne dust and erosion.
- D. *Additional Conditions.* The Board may set reasonable conditions including but not limited to hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted. The Board may also impose requirements for monitoring the type and distribution of fill on the subject site.
- E. Development sites shall not be used for the temporary storage of fill materials intended for use elsewhere.
- F. Projects involving site filling in excess of two thousand cubic yards shall submit a Soil Management Plan to the Planning and Economic Development office prior to the pre-construction meeting for review by the Town's Consulting Engineer. The Soil Management Plan shall include the following:
- a) Agreement that bills of lading in the form specified by the Board will be exclusively used for the transport and acceptance of earth materials for fill;
 - b) Complete descriptions of pre-fill environmental conditions and findings and sample locations;
 - c) Procedures for verification of fill material origin and acceptance;
 - d) Record keeping practices;
 - e) Site security, fill operation inspection and site control;
 - f) Transport routes, times and days of operation, locations of equipment parking and storage, and duration of fill activities;
 - g) Qualifications of applicant personnel responsible for adhering to the soil management plan;

- h) Erosion, dust and stormwater controls and inspection and maintenance thereof;
- i) Effects of the filling on groundwater recharge;
- j) Quality assurance and quality control procedures including testing protocols
- k) Emergency response and notification procedures, including telephone numbers and contact individuals and firms;
- l) Total proposed earth material fill volume;
- m) Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;
- n) Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and
- o) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.

s. 207 – 9 Pedestrian & Bicycle Access and Sidewalks

A. Pedestrian and Bicycle Access

- 1) Pedestrian ways shall be provided within the site to connect buildings with parking areas, other buildings, and site amenities.
- 2) For pedestrian safety and site design enhancement, on-site crosswalks between parking areas and the building (s) and where possible, on adjacent roadways shall be provided and have a change in materials and/or color, texture or pattern.
- 3) Pedestrian and bicycle circulation shall be maximized on and off site and shall be separated from motor vehicle circulation as much as practicable. Safe pedestrian and bicycle access to the site shall be provided by walkways or other means which ensure protection and separation from vehicular traffic.
- 4) Existing pedestrian ways shall be maintained or improved.
- 5) Where no pedestrian ways exist, the Applicant **should** create safe and convenient pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, adjacent commercial developments, and other surrounding uses.
- 6) Curbing adjacent to sidewalks shall be vertical granite or concrete.
- 7) Sidewalks and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).

B. Sidewalks

- 1) Five foot wide sidewalks shall be provided within parking areas. Where sidewalks abut parking areas, the sidewalk width **may** be increased by two feet to accommodate vehicular bumper overhang so as to not impede foot traffic.
- 2) For buildings where tenants **may** wish to use interior site sidewalks for temporary outdoor display purposes, sidewalks shall be increased in width such that at least five feet is maintained for pedestrian passage.

Commented [A20]: Susy – DPW suggests adding language to specify that an applicant may include a grass strip to abut sidewalks?

- 3) Pursuant to Section 5.5.4. I, c. of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of the subject property along existing public ways.

s. 207 – 10 Traffic and Vehicular Circulation - The site plan must address safety and convenience of vehicular and pedestrian movement within the site as well as in relation to adjacent streets, properties or improvements.

A. Site Access - Curb Cuts, Entrance and Egress Driveways

- 1) The site shall be evaluated as a whole to determine the number of curb cuts to be allowed.
- 2) Curb cuts on public ways shall be minimized.
 - a) Curb cuts for commercial properties may be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the Applicant or if the scale of the development merits multiple curb cuts to ensure suitable access for safety and emergency vehicles.
 - b) Wherever possible, existing driveways should be combined.
 - c) All proposed curb cuts within a commercial district or for commercial properties shall be designed to enhance traffic flow on major streets and to minimize additional traffic circulation on neighboring residential streets in order to maximize safe vehicular movement and pedestrian safety.
- 3) Site entrance and exit driveways shall have an unobstructed paved width of at least twenty feet.
- 4) Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved material along the entire radius of the opening, shall extend at least twelve feet beyond each side along the gutter line of the road and at least the first twenty-five feet of a driveway, and shall be sloped at the end to prevent a vertical obstruction to exist.
- 4) The site design shall allow vehicles to enter, park and exit the property without difficulty. Arrows, signs, and/or pavement markings to control the traffic flow may be required. Consideration shall be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. Passenger vehicles and delivery vehicles should be segregated where possible.
- 5) Where possible and as appropriate to site conditions, curb cuts shall be aligned with curb cuts on the opposite side of the road to create common junctions.
- 6) Curb cuts shall be located and designed so as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.
- 7) Where a site occupies a corner of two intersecting roads, curb cuts shall be located at the maximum distance practicable from the intersection. At a

Commented [A21]: Susy - This is new. Waiting for additional input from Fire Department. Is there a certain size development that would trigger more than 1 access points?

Commented [A22]: Susy - Per Fire Department

minimum, a curb cut **should** be located at least fifty feet from the point of tangency of the intersection.

- 8) Driveways shall be located so as to afford maximum safety, convenient ingress and egress and minimize conflict with the flow of off-site traffic.
- 9) Driveways shall be located to maximize sight distances where the proposed driveway meets an existing way. Sight distances for turning movements to and from the development shall meet current minimum AASHTO standards and shall be clearly shown on the site plan.
- 10) Left-hand egress turns **should** be minimized.
- 11) Driveways **should** intersect the road at an angle of ninety degrees.
- 12) No part of any driveway shall be located within fifteen feet of a side property line when the property abuts a residential use.
- 14) The slope of the paved entrance way **should** not exceed two percent for the first twenty-five feet measured perpendicular from the front property line. **The angle of approach and egress from a site shall not exceed a one foot drop in twenty feet of length.**
- 15) The perimeter of driveways shall be bounded with vertical granite curb.
- 16) Driveways shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway.
- 17) **The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus, and provided with an all-weather and structurally stable driving surface. Driveways shall be constructed to support 75,000 pounds.**
- 18) *Emergency Vehicle Access* - The site shall be designed to provide adequate accessibility by fire, police, and emergency personnel, equipment and vehicles to each building. The access shall be maintained and kept in passable condition at all times.

Commented [A23]: Susy - This is new based on Fire Department guidance.

Commented [A24]: Barbara - Item 3) above states that first 25 feet of driveway shall have vertical granite curb.

Commented [A25]: Susy - This was revised based on Fire Dept guidance.

B. Internal Site Circulation and Parking Lot Drive Aisles

- 1) Where possible, adjoining parcels shall have unified access and promote inter-parcel circulation. Provisions should be made for safe and convenient traffic movement to connect sites with adjacent commercial sites.
- 2) The perimeter of drive aisles shall be bounded with vertical granite curb.
- 3) Internal drive aisle **width** – Two-way drive aisles shall be twenty-four feet wide. The width of one-way drive aisles shall be twenty feet.
- 4) Drive aisle materials – Asphalt or cement concrete or other durable materials shall be used for drive aisle paving. **Pervious pavers or similar materials may be used for fire lanes if authorized by the Fire Chief.** Drive aisles shall be designed

Commented [A26]: Susy - Fire Department requires 20' width without distinguishing between one way and two way.

Commented [A27]: Susy - Waiting for recommended language on this from Fire Dept. They are NOT keen on this idea.

so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway. The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus, and provided with an all-weather and structurally stable driving surface. Driveways shall be constructed to support 75,000 pounds.

Commented [A28]: Susy - This was revised based on Fire Dept guidance.

- 5) Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within the site with emphasis on the layout of parking and off-street loading and unloading areas, and the movement of people, goods, and passenger and delivery vehicles on access roads, on drive aisles, and between buildings or structures within the site.

- 6) When the driveway, drive aisles and roadways are more than 150' in length, provisions shall be made for fire and emergency apparatus to turn around.

Commented [A29]: Susy - This is new based on Fire Dept guidance.

- 7) The turning radius for internal driveways, drive aisles and roadways must be approved by the Medway Fire Department and shall accommodate the Department's largest and longest apparatus.

Commented [A30]: Susy - This is new based on Fire Dept guidance.

- C. *Mitigation* - The Board may require the Applicant to provide mitigation where project-related increased traffic volume will create unsafe, or poor level of service conditions based on findings of the traffic study. Mitigation measures include but are not limited to the implementation of turning lanes, traffic signal installation and improvements, roadway improvements, sidewalks, and acceleration and deceleration lanes.

s. 207 – 11 *Parking*

- A. Parking shall be provided in full compliance with Section 7.1.1 of the *Zoning Bylaw*.
- B. To the maximum extent possible, parking shall be located to the side and rear of the site. Placement of parking areas should not be near a high volume of traffic where parking movements can obstruct traffic flow. Parking should not create a hazard to abutters, vehicles or pedestrians. Where parking is proposed adjacent to the street, plantings or appropriate fencing shall be incorporated to screen parking areas and reduce their visual impact.
- C. *Pedestrian Protection* - Pedestrian walkways through parking areas may require protection (*barriers or bollards*) or crosswalk striping.
- D. *Designated Parking Areas* – Areas for small vehicles and motorcycles may be shown.
- E. *Asphalt Surface* - Parking areas shall have durable, all-weather paved surfaces. Hot mix asphalt surfacing should be a minimum of three and one-half inches over eight inches of gravel borrow or as required by site conditions.
- F. Adverse impacts of parking on abutters, residents or businesses in the area shall be mitigated.
- G. *Parking Spaces*

- 1) *Number of spaces* - See Section 7.1.1 D. of the *Zoning Bylaw* – Table 3 Schedule of Off-Street Parking Requirements and Section 7.1.1.I. regarding bicycle parking requirements.
- 2) *Parking space design*
 - a) Dimensional Standards – See Section 7.1.1 E. 3. of the *Zoning Bylaw*. All handicap parking spaces shall comply with state and federal regulations.
 - b) Angle parking - In the event site constraints limit drive aisles to one-way travel, angled parking **may** be permitted. The Applicant shall provide analysis that proper maneuverability through the site can be achieved, stalls are of proper length to limit overhang into the drive aisle, and proper lane width is designed to provide suitable reverse turning movements. Pull through angle parking stalls shall not be allowed.
- 3) *Location*
 - a) The location of parking spaces shall not impede proper traffic flow or the maneuvering of other vehicles. Parking spaces shall not be located in the following areas: building entrances, building exits, loading and unloading areas, pedestrian ways, and fire lanes.
 - b) Parking spaces shall not be located within fifteen feet of the front, side and rear property lines.
 - c) Parking spaces shall be located such that a vehicle backing out of a space does not impede traffic entering from a private or public street within the first fifty feet of the driveway entering the site.
 - d) Drive aisles **should** have a minimum paved width of twenty-four feet and provide for two-way traffic, and shall extend a minimum of five feet beyond the last parking space in any dead end parking row.

H. *Curbing*

- 1) The perimeter of the parking area shall be bounded with vertical granite curb, bituminous concrete curb, or cement concrete curb to delineate the parking lot and collect and direct stormwater runoff.
- 2) All curbing shall have a minimum radius of three feet and shall transition tangentially. No protruding angle points shall be allowed.

- I. *Electric Vehicle Charging Stations* – Industrial, commercial, and multifamily housing sites with fifteen or more parking spaces shall provide parking spaces with electric vehicle charging stations for employee, customer and resident use. The quantity of such parking spaces shall be as follows:

Total # of Parking Spaces	# of Electric Vehicle Parking Spaces
---------------------------	--------------------------------------

15 – 25	1
26 – 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 – 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total

s. **207 – 12 Loading and Unloading** - At the time of erection of any principal building or enlargement of any principal building or the establishment of any activity on open land, there shall be created adequate off-street loading and unloading areas as follows:

- A. One or more off-street loading and unloading areas shall be provided for any business that **may** be regularly serviced by delivery vehicles so that adequate areas are provided to accommodate all delivery vehicles expected at the premises at any one time.
- B. The location of off-street loading and unloading areas and facilities shall be designed with an adequate off-street maneuvering area so that it will not be necessary for delivery vehicles to use a public way to maneuver into a loading or unloading space and so that egress from such spaces will not require backing onto a public way.
- C. Loading and unloading areas shall in all cases be on the same lot as the use they are intended to serve unless there is common ownership of an adjacent property. In no case shall the required loading and unloading areas be part of the area used to satisfy the parking requirements of the *Zoning Bylaw*.
- D. Loading and unloading areas **should** be located at either the side or rear of each building to be removed from view and to mitigate noise impacts.
- E. Loading and unloading areas shall be designed to avoid traffic conflicts with vehicles which use the site or adjacent sites.
- F. Each loading and unloading area shall not be less than twelve feet in width and not less than sixty-five feet in length. Height clearance shall not be less than fourteen feet.
- G. Loading and unloading areas and spaces shall not encroach on parking spaces or maneuvering space, nor shall they obstruct access to fire hydrants, sprinkler connections, or fire or emergency vehicle lanes.
- H. Off-street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.
- I. Loading areas shall not face any residential area unless no other location is feasible.
- J. Loading areas are prohibited on the front façade of any building unless no other location is feasible.

- K. All service, loading and trash storage areas viewable from a public way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

s. 207 – 13 Stormwater Management

- A. The Post-Construction Stormwater Management Plan and its associated Long Term Operation and Maintenance Plan shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.8, the current Massachusetts Stormwater Management Standards, and the DEP Stormwater Management Handbook Volumes I and II.
- B. *Low Impact Development (LID)* – Applicants **should** utilize Low Impact Development (LID) management practices in designing the stormwater management system. See Appendix A to these *Rules and Regulations*.
- C. Detention and retention basins shall be designed to be integrated into the site's topography and natural features such that the basin contours are softened and a naturalized appearance is achieved.
- D. Subsurface detention and infiltration systems shall be designed with access manholes and inspection ports to provide means to properly inspect and maintain the system. All subsurface detention and infiltration systems shall contain an internal "forebay" or pre-treatment chamber row which will allow treatment of first flush runoff (the first 1" of any rain storm) prior to discharging stormwater to the remainder of the system and shall be designed to allow for proper access for inspection and maintenance.
- E. Infiltration measures shall be provided to mitigate post development increases in runoff resulting from proposed rooftops. Runoff from proposed rooftops throughout the site shall be directly routed to dedicated infiltration Best Management Practices (BMPs). Discharge of roof runoff directly to surface grade is strictly prohibited. If runoff is directed to infiltration BMPs which also mitigate surface runoff, the roof runoff shall be directly discharged to the BMP and not allowed to comeingle with untreated surface runoff prior to discharge to the BMP. Metal roofs shall be properly treated prior to infiltration if located within critical areas listed in the DEP Stormwater Management Handbook.
- F. Headwalls that are visible from a roadway or driveway shall be fabricated to have a natural stone appearance to the satisfaction of the Board.
- G. See **s. 207 – 20** of these *Rules and Regulations* for landscaping requirements around stormwater detention and retention areas.

s. 207 - 14 Water Supply and Sewage Disposal

- A. *Water Supply* - Unless proven to be unfeasible, projects requiring site plan approval **shall** connect to the public water supply distribution system, except that connection to the public water supply system for on-site irrigation of landscaping is not permitted. Wells are permitted through the Board of Health. The locations of any proposed wells shall be shown on the site plan. **Water connections shall be in accordance with**

Commented [A31]:

Dave D'Amico suggests this should be "may" instead of "shall". He does not want to require people to connect to the Town water system.

Commented [A32]: Susy - Added this.

regulations of the Medway Department of Public Works. Any needed water line extensions shall be at the expense of the Applicant.

- B. *Sewage Disposal* – The proposed method of sanitary sewage disposal for all buildings and uses shall be shown on the site plan. It shall meet the applicable Town regulations for sewage disposal systems and connections whether it is an on-site septic system (Medway Board of Health) or is connected to the Town’s municipal sewer system (Medway Department of Public Works). The Town of Medway currently prohibits extensions of the Town’s municipal sewer system beyond that in existence on March 9, 2015.

Commented [A33]: Susy - This is new language.

- C. *Fire Hydrants* -

Commented [A34]: Susy - Add something here on standards for fire hydrants. When are they needed? How many? What type, etc. Maintenance requirements, etc. Waiting for guidance from Fire Department.

s. **207 – 15 Utilities**

- A. All electric, telephone, cable TV, and other utilities shall be located underground to the extent feasible.
- B. Permanently installed generators shall be positioned on cement pads, be located to the rear of the site, and shall be fully screened or bermed to mitigate noise and appearance.
- C. Utilities shall be installed in accordance with Section 7.6 Utilities of the *Medway Subdivision Rules and Regulations*.
- D. Architectural features shall be incorporated into the building design to screen rooftop HVAC and other utilities.

Commented [A35]: Barbara - I would make this stronger.

s. **207 – 16 Solid Waste Removal - Dumpsters, Trash and Recycling Containers**

- A. Dumpsters and recycling and trash containers shall be located to the rear of the site such that their view from streets is minimized.
- B. Dumpsters and recycling and trash containers shall be fully screened on all sides and to the full height of the dumpster or container by suitable fencing and/or evergreen plantings. The size of the enclosure shall include suitable space around and between the various containers to be enclosed there.
- C. Multi-tenant developments shall incorporate the use of shared trash compactors.
- D. Egress to dumpsters and trash containers shall provide for the efficient removal with a minimum of backing up required by the service vehicles.

Commented [A36]: Susy - Do you want to add an item to specify that trash removal is the responsibility of the applicant and not the Town?

Commented [A37]: Keith Lawrence of Lawrence Waste is going to provide some additional info for specs on trash corrals (enclosures)

s. **207 - 17 Outdoor Lighting**

- A. Outdoor lighting shall comply with Section 7.1.2 of the *Zoning Bylaw*.
- B. For new construction, no overhead wiring for outdoor lighting is permitted.
- C. Light fixture design should comply with the *Medway Design Review Guidelines*.

s. 207 – 18 *Landscaping*

- A. *General* - Landscaping enhances the site, provides a pleasing environment and reduces the visual impact of the site on the surrounding areas. The Board requires that the Applicant provide sufficient landscape treatment to create adequate buffering for neighboring properties and provide positive visual impacts as provided herein. The preservation of existing trees and vegetation where feasible and appropriate in lieu of or in addition to new landscaping as required herein is permitted and encouraged.
- B. *Landscape Buffers* - The use of proportionally sized landscaped buffers and berms between the street and structures, between the street and parking areas, between the site and its neighbors, and throughout parking lots is encouraged to provide for more immediate visual screening and improved topographical variation.
- 1) Landscape buffers between the street and parking areas are required. Tree-lined sidewalks at the street front shall be included. Plantings along the front property line and access roads shall take into consideration sight distance criteria. Planting of new or replacement trees every twenty-five feet along both sides of an access road is required. The Board may waive this requirement in favor of the preservation of existing site trees.
 - 2) Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.
- C. *Parking Areas*
- 1) Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking areas containing ten or more parking spaces to provide visual relief from expanses of pavement and vehicles and provide shade.
 - a) A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.
 - b) The ends of parking aisles that have more than fifteen parking spaces in length shall incorporate enclosing landscape islands at both ends of the rows. The width of such landscaped islands shall be at least four feet at the ends.
 - c) Where the length of parking aisles exceeds twenty-five spaces, intermediary landscaped islands shall be installed at regular intervals, not to be more than every thirteen spaces.
 - d) At least one deciduous shade or canopy tree of a minimum three inches caliper with a height of not less than twelve feet above grade shall be provided for every six parking spaces. Only trees providing shade to the

parking area shall be counted as meeting this requirement. The Board may waive this requirement in favor of the preservation of existing site trees.

- 2) Landscaping shall be provided around the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, and to provide parking areas with a reasonable measure of shade. Such vegetation shall be no less than five feet high at the time of planting.
- 3) Parking entrances at curb cuts shall be landscaped with a combination of trees, shrubs and flowering plants. These areas **may** also be used for signage pursuant to Section 7.2.4 F. 5 of the *Zoning Bylaw*. No trees or shrubs shall be planted in a manner that would obstruct sight line visibility for vehicles entering and exiting a site. The maximum height of vegetation, except trees, at full growth or any other physical object within the Sight Distance Triangles of a curb cut shall not exceed three feet in height.
- 4) To the maximum extent feasible, plant materials used in landscaped islands and in the perimeter of parking areas shall be drought resistant, salt tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
- 5) Landscaped areas **should** be designed to receive and accommodate stormwater runoff in accordance with the *Massachusetts DEP Stormwater Handbook* through the use of rain gardens and bio-retention areas.

D. *Screening and Buffers* – Where disturbance on the site is necessary beyond the building footprint, parking and access areas, or where the Board determines that additional plantings are needed to achieve four seasons of screening, the Landscape Plan shall include landscape plantings, berms, and/or manmade hardscape structures such as fences, stone walls and trellises sufficient to immediately screen one-hundred percent of the HVAC equipment, utilities, dumpsters, storage areas, truck loading areas, machinery, utility buildings, and accessory structures etc. from the view at any perimeter point on the site. The proposed plantings shall be of sufficient maturity to immediately integrate the building and site into its surroundings. The scale, extent and density of such landscape and hardscape treatment shall be determined by the size of the building, the extent of planned disturbance to the site's existing landscape, the adjacent uses, and the need for additional screening.

E. *Landscaping Around Stormwater Detention and Retention Areas* – Substantial landscaping shall be provided around stormwater detention and retention basins and shall be included in the design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize the visual impact of stormwater basins, such landscaping **should** include two staggered rows of suitable trees and shrubs. Landscaping shall be designed to not obstruct access to the stormwater basins for maintenance purposes.

F. Trees shall be non-invasive, deciduous hardwoods. The following species are preferred:

- 1) Red Oak - *Quercus borealis*
- 2) Pin Oak - *Quercus palustris*
- 3) Scarlet Oak - *Quercus coccinea*
- 4) Red Maple - *Acer rubrum*
- 5) Sugar Maple - *Acer saccharum*
- 6) Thornless Honey Locust - *Gleditsia triacanthos intemis*
- 7) London Plane Tree
- 8) Ginko (*Fruitless male*)
- 9) Swamp White Oak
- 10) Zelcova
- 11) Sweetgum (*Rotundiloba/fruitless*)
- 12) Linden

Smaller variety trees:

- 13) Crab Apple (*if insect and disease resistant*)
- 14) Kousa Dogwood
- 15) Serviceberry
- 16) Hendge Maple

Evergreen species:

- 17) Norway Spruce
- 18) Hemlock
- 19) Capitata Yew
- 20) Cedar

The Applicant **may** propose alternative trees that **may** be better choices for the particular site based on proximity to utility lines, sidewalks and pavement, area available for root growth, tolerance to salt, rooting characteristics, resistance to disease and insects, tolerance to root pruning, branching habit, fruit and seed production, maintenance needs or other reasons. The Board **may** seek the advice of the Medway Tree Warden to evaluate alternative tree proposals.

- G. *Tree Preservation* - Wherever feasible, existing trees of eighteen inches or more in diameter **should** be preserved.
- H. *Tree Replacement* – All hardwood trees twenty-four inches or more in diameter that are to be removed from the site shall be replaced with new trees on the site.
- I. *Tree Size* –New and replacement trees shall have a diameter of at least an average of two and one-half inches as measured four feet above finish grade and shall be a minimum of twelve feet in height.
- J. *Landscape Requirements* – To the maximum extent feasible, all additional landscaping shall be drought resistant, pest tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
- K. *Irrigation* – On-site wells, cisterns to capture rainfall, or private watering service is required to maintain landscaping installations. The Town does not permit connection to

the Town's water service for landscape irrigation. Well locations shall be shown on the site plan and are subject to approval of the Medway Board of Health.

s. 207 – 19 Site Amenities

- A. When incorporated as part of a site plan or included as mitigation measures, the selection of types and materials for fencing, retaining walls, gates, benches, planters, bike racks, seating areas, and other site amenities **should** comply with the *Medway Design Review Guidelines*.
- B. Proposed hardscape features and materials such as fences and stone walls shall be compatible with the design of the building. Vehicle sight lines shall not be affected by such landscape features or built hardscapes.

s. 207 - 20 Snow Removal – The site shall be designed to accommodate adequate snow storage for snow that is removed from the paved areas. The snow storage area(s) shall be located and graded such that the runoff from melting snow shall not enter the public way or wetland resource areas. Stored snow shall not affect visibility and sight distance of vehicles entering and exiting the site. Snow storage areas **should** safely accommodate a minimum volume equal to six inches over the entire site area subject to snow removal. The Board **may** condition a site plan decision to require removal of excess snow off-site.

s. 207–21 Outdoor Storage – To the maximum extent possible, outdoor storage of materials, goods, equipment and advertising, if permitted, shall be screened from view from adjacent and nearby streets and properties by suitable fencing and/or evergreen plantings. Check *Table 1 Schedule of Uses* of the *Zoning Bylaw* for areas where outdoor storage is permitted.

ARTICLE VIII ADMINISTRATION

s. 208 – 1 Preconstruction Meeting - Prior to the commencement of any site work (earth removal, clearing of vegetation, mobilization of construction equipment, etc.) for an approved Major or Minor Site Plan project, the Developer, the site general contractor, and other representatives of the Developer shall attend a preconstruction meeting with the Town's Consulting Engineer, Planning and Economic Development Coordinator, Building Commissioner, Department of Public Works Director, Conservation Agent, or their designees, and other Town staff as **may** be determined appropriate.

- A. The Developer or general contractor shall request the pre-construction meeting at least one week prior to commencing any site work on the property by contacting the Planning and Economic Development office.
- B. The Developer shall provide a detailed construction schedule, copies of other permits or approvals, and emergency contacts list.
- C. If applicable to the project, the Developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPPP) required by the U.S. Environmental Protection Agency (EPA) to the Town at or prior to the pre-construction conference.

s. 208 – 2 Site Maintenance During Construction

- A. The developer and contractors shall comply with the Sediment and Erosion Control plan included in the site plan set. (Section 204-5, D. 5).
- B. Any construction site is required to have a stone mat construction entrance for a minimum of fifty feet or as site constraints allow. The stone mat shall be maintained regularly to allow for proper reduction of sediment tracking onto adjacent roadways. In events where excessive mud is generated at the site, wheel washing stations **may** be required to further prevent sediment tracking onto Town ways.
- C. Construction of the approved development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures and remedies.
- D. Construction projects meeting the eligibility requirements of the U.S. Environmental Protection Agency (EPA) for a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) and the associated Stormwater Pollution Prevention Plan (SWPPP) shall file the required documents with the EPA, provide documentation of that filing to the Board, and fulfill all responsibilities pertaining to their NPDES CGP. The SWPPP shall be retained on the construction site.
- E. Upon completion of all work on the site, the Developer shall remove from the site and adjoining property, all temporary structures, all surplus material, debris, tree stumps, loose rocks, silt fences and synthetic erosion control measures unless authorized by an Order of Conditions to be left in place, and such rubbish which **may** have accumulated during construction, and shall leave the work site in a neat and orderly fashion.

s. 208 – 3 Construction Inspections and Reporting

- A. The Board **may** determine site inspections of the infrastructure and site improvements and the ongoing maintenance of such are necessary to ensure that the development project is constructed to comply with the approved site plan and *Decision*. It is the Board's standard practice to do so. Such inspections shall be performed by the Town's Consulting Engineer, Town staff, or a Board member. The Board **may** determine that the assistance of outside consultants is needed to monitor construction of the development due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board's endorsement of the plan. See **s. 209 – 1. C.** of these *Rules and Regulations*.
- B. The Developer or its representative shall notify the Town's Consulting Engineer at least 48 hours in advance of needed inspections.
- C. If a site plan project is required to file its own individual National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) with the U.S. Environmental Protection Agency (EPA), copies of all required SWPPP inspection reports and corrective action reports shall be forwarded to the Board and the Consulting Engineer for review during the construction term of the project.

s. 208 – 3 **Modification of Approved Site Plans and Decisions** - Construction work shall comply with the approved site plan, unless the Developer requests approval of a modification to the site plan and/or *Decision* and such approval is provided pursuant to any one of the methods specified below:

A. *On-Site Field Changes*

- 1) During construction, the Developer may be authorized to make limited, minor, on-site field changes to an approved site plan project 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 the *Zoning Bylaw* or these regulations or 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 Developer 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.
- 3) The Board shall prepare a Field Change Decision to document whether the field change is authorized and may specify suitable conditions. The Field Change Decision shall be provided to the Developer and the Building Commissioner. Any approved field change shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plan.
- 4) The Board may determine that a proposed field change or a combination of field changes are such that the proposal warrants consideration as a plan modification. If so, the modification shall be handled in accordance with the provisions for reviewing and approving the corresponding category of site plan modification by the Board.

B. *Major Site Plan Projects*

- 1) *Plan Modification*
 - a) Proposed modifications (not including on-site field changes) to a previously approved major site plan shall be subject to review by the Board.
 - b) Plan modifications include, but are not limited to, the following, if deemed significant by the Town's Consulting Engineer:

Commented [A38]: Susy – I need to talk to Matt Hayes about this. Any ideas for further edits?

Commented [A39]: Barbara - These seem somewhat inflexible. For example, there are circumstances where moving a building footprint one foot would be of no consequence if it does not affect any setbacks, buffers, parking, etc., or it could be significant on a tight site. So why not have the language if deemed significant by the consulting engineer for other changes, not just SW?

1. Changes in the design of the stormwater management facilities if deemed significant by the Town's eConsulting eEngineer
 2. Changes in the location, dimensions and composition of buffer areas and screening measures
 3. An increase in the size of a building footprint in excess of 10%
 4. An increase in the height of a building
 5. A change in the location of a building on the site by one foot or more
 6. A change in the location and quantity of curb cuts (access and egress points)
 7. A change in the layout of parking
 8. An increase in the quantity of parking
- c) The request for a *Modification* to a previously approved major site plan shall be subject to the same application and review process including a public hearing as provided in *s. 204 Major Site Plan Review* of these *Rules and Regulations* including the payment of plan modification filing fee and plan review fee. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Developer. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.
- 2) *Decision Modification* – If the Developer proposes a modification to the original *Decision* for a major site plan, the Board shall conduct a public hearing on the proposed change. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, the Town's Consulting Engineer, and the Developer, and made a permanent part of the project record.

C. *Minor Site Plan Projects*

1) *Plan Modification*

- a) The Developer shall submit a letter to the Building Commissioner and the Board describing the proposed changes to a previously approved minor site plan project and the reasons for the proposed modifications. If proposed modifications to a previously approved minor site plan project are such that the changes would result in the development meeting the criteria for Major Site Plan Review pursuant to Section 3.5.3.A.1. of the *Zoning Bylaw*, the modification shall be handled in accordance with the provisions for reviewing and approving a *Modification* to a Major Site Plan project as specified in *s. 208 – 3 B.* of these *Rules and Regulations*.
- b) Modifications of minor site plan projects, other than insubstantial field changes as provided in Section 3.5.2.C of the *Zoning Bylaw*, require review by the Board as an agenda item during a public meeting. The request for a modification to a previously approved minor site plan shall

be subject to the same application and review process for Minor Site Plan Review as described in [s. 205](#) of these *Rules and Regulations*, including the payment of fees. A written *Modification Decision* shall be prepared by the Board and filed with the Town Clerk, Building Commissioner and the Town's Consulting Engineer. Any modifications shall be made a permanent part of the approved site plan record and shown on the as-built plan presented for project completion.

- 2) *Decision Modification* – If a modification is needed to the original *Decision* for a previously approved minor site plan project, the Board [may](#) review and act on the proposed modification at a public meeting without a public hearing. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, the Town's Consulting Engineer, and the Developer, and made a permanent part of the project record.

D. *Administrative Site Plan Projects*

1) *Plan Modification*

- a) Proposed modifications to a previously approved administrative site plan project shall be subject to *Administrative Review* as described in [s. 206](#) of these *Rules and Regulations*. The Developer shall follow the same application and review process as provided herein including the payment of fees. Any modifications approved by the Team shall be made a permanent part of the approved site plan record. A written Administrative Site Plan Modification *Decision* shall be prepared by the Team and filed with the Town Clerk.
- b) The Team [may](#) determine that a proposed modification to a previously approved administrative site plan project is such that the change would result in the development meeting the criteria for *Minor or Major Site Plan Review*. If so, the modification shall be handled in accordance with the provisions for reviewing and approving those categories of site plan by the Board.
- c) The Applicant may appeal an *Administrative Site Plan Modification Decision* to the Board within twenty days of the date the *Decision* was filed with the Town Clerk.

- 2) *Decision Modification* – If a modification is requested to the original Administrative Site Plan Decision for an administrative site plan project, the Team [may](#) review and act on the proposed modification. A written *Decision* shall be filed with the Town Clerk.

E *Modification Expenses* - Whenever additional reviews by the Board, its staff or consultants, or the Team are necessary due to proposed modifications, the Developer shall be billed and be responsible for the supplemental costs incurred including site plan filing fees, plan review fees, and all costs associated with another public hearing

including legal notice. 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. Supplemental fees must be paid in full before the Board approves site plan modifications.

s. 208 – 4 Compliance

- A. *Construction Inspection* – The Board **may** determine site inspections are necessary to ensure that the development project is constructed to comply with the approved site plan and *Decision*. It is their standard practice to do so. These shall be performed by Town staff, the Board’s consultant or Agent, or a Board member. The Board **may** determine that the assistance of outside consultants is needed to monitor construction due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board’s endorsement of the plan. See **s. 209 – 1. C.** of these *Rules and Regulations*.
- B. *Occupancy Permit* - See Section 3.5.2 of the *Zoning Bylaw*.
- C. *Performance Security*
- 1) If a Developer seeks an occupancy permit before completion of the approved site improvements, the Developer **may** request that the Board accept a deposit of funds or other form of security acceptable to the Board and the Treasurer/Collector sufficient to assure the satisfactory completion of site improvements, landscaping and amenities, and off-site mitigation measures as shown on the approved plan. Whether to accept such security in lieu of completion of the project shall be determined by the Board in its sole discretion.
 - 2) The Board shall determine a reasonable and sufficient amount to cover the Town’s cost to complete the work if the Developer fails to do so. The Town’s Consulting Engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall include the cost to maintain the infrastructure, site improvements, amenities and off-site mitigation measures in the event the Developer fails to adequately perform such. 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 fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount. A performance security agreement shall be executed by the Developer, the Board, and the surety.

s. 208 – 5 Project Completion

- A. *Construction Deadline* - Site plan approval shall lapse after two years of the grant thereof, which shall not include such time required to pursue or await the determination

of an appeal under **s. 204-9 or s. 205-9** herein, if construction has not commenced except for good cause. Upon receipt of a written request by the Developer filed at least thirty days prior to the date of expiration, the Board shall consider the request at a public meeting and **may** grant an extension for good cause. Such extension shall not exceed two years beyond the original expiration date of the site plan approval.

B. As-Built Plans

- 1) Developers of *Major and Minor Site Plan Projects* shall provide an as-built plan stamped by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, which shall show actual as-built locations and conditions and any plan modifications authorized by the Board. See Section 6.7 of the *Medway Subdivision Rules and Regulations* for as-built plan requirements. The as-built plan shall be accompanied by a certification from a Registered Professional Engineer that the site has been developed in **substantial** conformance with the approved site plan.
- 2) Developers of Administrative Site Plan Projects shall provide an as-built plan showing the as-built locations of the constructed site work.

Commented [A40]: Barbara - See comment below. What does substantial mean?

C. Certificate of Site Plan Completion: Major and Minor Site Plan Projects

- 1) Before the Board issues a *Certificate of Site Plan Completion*, the following items must be completed or provided to the satisfaction of the Board:
 - a) Receipts to document cleaning of the stormwater system
 - b) A signed statement from the Developer and/or Owner committing to the ongoing maintenance of the stormwater management facilities per the Post Construction Stormwater Management Plan and replacement of landscaping.
 - c) Removal of erosion controls
 - d) Full stabilization of the site
 - e) Off-site improvements
- 2) Upon completion of all required improvements as shown on the approved Site Plan, including any off-site mitigation measures, the Developer's engineer shall submit a letter verifying completion to the Board. The letter shall certify that the project, as constructed, **substantially** conforms to the approved site plan and that any provisions of the *Decision* including construction of any required on and off-site improvements have been completed.
- 3) The Board's Agent or a Board member shall conduct a final inspection of the site within thirty days of the filing of the Developer's engineer's letter with the Board and provide a written report and punch list to the Board and Developer identifying any remaining work to be completed.
- 4) The Board shall determine if all work has been completed in **substantial** conformance with the Site Plan approval. The Board **may** consult with its Consulting Engineer, the Conservation Commission, Department of Public Works, Building Commissioner, Treasurer/Collector and other Town boards,

Commented [A41]: Barbara - We had an interesting discussion on this related to 39 Main Street permit.

Susy – Engineers won't sign something that says the project as completed conforms fully to the approved site plan.

committees and departments to help it determine whether the project is complete and all obligations to the Town are fulfilled including payment of taxes and fees. If so, the Board, at its next regularly scheduled meeting, shall sign a *Certificate of Site Plan Completion* to document that the project as constructed has been completed, in its opinion, in conformance with the approved site plan and any conditions, including construction of any required on and off-site improvements. If a *Certificate of Site Plan Completion* is not signed, a complete list of work to be completed on or off-site in compliance with the approved site plan and *Decision* shall be provided to the Developer.

D. *Certificate of Site Plan Completion: Administrative Site Plan Projects*

- 1) Upon completion of all required improvements as shown on the approved Site Plan, the Developer shall contact the Community and Economic Development office to request a *Certificate of Site Plan Completion*.
- 2) A Team member or the Board's Agent shall inspect the site to determine if the project has been completed in substantial conformance with the approved scope of work and all conditions. The Team **may** consult with other Town boards, committees and staff to help with its determination. If so, the Team, shall sign a *Certificate of Site Plan Completion*. If not, a complete list of work to be completed in accordance with the approved site plan and *Decision* shall be provided to the Developer.

s. **208 – 6 Post Construction On-Going Maintenance** – The Owner shall maintain site amenities, landscape installations, and stormwater management facilities in good condition throughout the life of the facility and to the same extent as shown on the endorsed site plan and in accordance with the approved long term stormwater operations and maintenance plan including reporting requirements. Failure to carry out the long term stormwater operations and maintenance plan is a violation of the site plan permit. Trees, shrubs, bushes and other landscape features shown on the plan which die or become diseased shall be replaced by the following planting season.

Commented [A42]: Susy – This is new.

ARTICLE IX FEES

s. **209 – 1 Fee Structure** – The Board shall adopt a *Fee Schedule*, which shall specify the amount of filing and other applicable fees.

A. *Site Plan Filing Fee* - A non-refundable *Site Plan Filing Fee* as specified in the Board's *Fee Schedule* shall be remitted to the Board at the time the site plan application is filed with the Board.

B. *Site Plan Review Fee*

- 1) *Applicability* – A *Site Plan Review Fee* **may** be established by the Board or the Team for review of the site plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred to retain outside consultant(s) to assist in the review of the proposed project. The *Site Plan Review Fee* shall not be a fixed amount but will vary depending on the

nature and scale of the project and the expected costs to be incurred. See the Board's *Fee Schedule*.

- 2) *Fee Payment* - The Applicant shall remit a deposit toward the *Site Plan Review Fee* at the time the site plan application is submitted pursuant to the Board's *Fee Schedule*. The balance shall be remitted by the Applicant upon receipt of an invoice from the Board or the Department of Community and Economic Development prior to the substantive review of the application by the outside consultants, and before the public hearing or meeting commences. Failure to pay the full *Site Plan Review Fee* before the public hearing or meeting begins may delay the public review process and constitute grounds for denial of the proposed site plan.
- 3) *Additional Review Fees* – If the expense of the consultant(s)' review of the site plan exceeds the original estimate or should the services of additional outside consultants be required after the initial *Site Plan Review Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. A new estimate for additional plan review services shall be prepared and remitted to the Applicant. The Applicant's failure to pay plan review fees in their entirety shall constitute grounds for the Board or the Team to deny approval and endorsement of the plan.

C. *Construction Services Fee*

- 1) *Applicability* – The Board may establish a *Construction Services Fee* for the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the inspection of the construction and on-going maintenance of the development's infrastructure and the review of any legal documents associated with performance security and project completion. The *Construction Services Fee* shall not be a fixed amount but will vary with the scale of the project and the expected costs to be incurred by the Board.
- 2) *Fee Payment* - The Applicant shall remit the *Construction Services Fee* to the Board before the site plan is endorsed. Failure to pay the *Construction Services Fee* may constitute grounds for the Board to not endorse the site plan.
- 3) *Additional Fees* – If the expense of the consultant(s)' services exceed the original estimate, or should the services of additional outside consultants be required after the initial *Construction Services Fee* has been expended, the Developer shall be required to pay all additional fees incurred to cover the additional cost. The Board shall prepare a new estimate for additional construction services and remit an invoice to the Developer for payment.

D. *Other Costs and Expenses* - All expenses for professional plan reviews, ancillary report reviews, supplemental studies, advertising, publication of notices, and all other expenses in connection with Site Plan Review and construction including plan or decision modification fees shall be borne by the Applicant and/or Developer.

s. 209 – 2 *Payment of Fees*

- A. Fees paid shall be by check made payable to the **Town of Medway** and submitted to the Planning and Economic Development office.
- B. When the *Site Plan Review Fee* and *Construction Services Fee* are received by the Board or the Team pursuant to this section, they shall be deposited with the Town Treasurer/Collector in special accounts for these purposes established pursuant to G. L. c. 44, Section 53G. Expenditures from the special account **may** be made without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific project or projects for which a fee has been or will be collected. Accrued interest **may** also be spent for this purpose.
- C. At the completion of the project, any excess amount in the plan review and construction accounts, including interest, attributable to a specific project shall be repaid to the Applicant or Developer or their successor in interest. Upon request, a final report of said account shall be made available. For the purpose of these *Rules and Regulations*, any person or entity claiming to be the Applicant's successor in interest shall provide the Board or the Team with documentation establishing such succession in interest.

These *Site Plan Rules and Regulations* were adopted by a vote of the Medway Planning and Economic Development Board following proper legal notice published twice in the *Milford Daily News* and a copy thereof filed with the Town Clerk. These amended *Rules and Regulations* take effect on the date of the filing of the approved document with the Town Clerk.

Originally adopted: April 14, 1998
Amended: April 25, 2000
Amended: March 13, 2001
Amended: November 1, 2001
Amended: July 9, 2002
Amended: December 3, 2002
Amended: **xxxxxx**

Attest:

 Susan E. Affleck-Childs
 Planning and Economic Development Coordinator

 Date

A true copy attest:

 Maryjane White
 Town Clerk

 Date

DRAFT

Medway Planning and Economic Development Board Rules & Regulations for Submission, Review and Approval of Site Plans

APPENDIX A – Low Impact Development Resources

<https://www.mass.gov/low-impact-development>

<https://www.mass.gov/service-details/smart-growth-smart-energy-toolkit-modules-low-impact-development-lid>

<https://www.mapc.org/resource-library/low-impact-development-toolkit/>

<http://www.lid-stormwater.net/background.htm>

<https://www.massaudubon.org/our-conservation-work/advocacy/shaping-the-future-of-your-community/saving-land-water-money-with-lid>

<https://lowimpactdevelopment.org/>

<https://www.wbdg.org/resources/low-impact-development-technologies>

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/BMPRetrofit.pdf>

<https://www.mass.gov/files/documents/2017/11/03/Low%20Impact%20Development%20%28LID%29%20for%20developers.pdf>

<https://www.wbdg.org/resources/low-impact-development-technologies>

<https://www.epa.gov/sites/production/files/2015-09/documents/bbfs3cost.pdf>

QUESTIONS

1. How to handle conflicts between various Development Standards and the directive to use Low Impact Development techniques for site and stormwater management design??



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

**Discussion of Article Ideas for Fall Town
Meeting**

- Two-Family/Duplex definition revision
- Multi-family Revisions
- PEDB as special permit authority for projects required to secure site plan approval
- Site Plan – What activities triggers various levels of site plan review. You have indicated that you want to review and refine this list.
- Noise and Construction Time - **UPDATED**
- Outdoor Storage – **UPDATED**
- Master List of Amendment Ideas updated 8-22-19

Here are drafts of possible articles for fall town meeting, not including the Oak Grove work. **The red highlighted items are updated from the versions I sent you on Friday based on my 8-26-18 discussion with Jack Mee.**

Two Family House/Duplex

8-22-19

Current Definition

Two Family House/Duplex: A building intended and designed to be occupied by two families living independently in separate dwelling units within the same building, each of which has direct access to the outside.

Possible Amendment:

To amend the Zoning Bylaw by revising the definition of Two Family House/Duplex in SECTION 2 as follows:

Two Family House/Duplex: A building **containing two dwelling units only**, intended and designed to be occupied by two families living independently in separate dwelling units within the same building, ~~each of which has direct access to the outside~~ . **Also known as a duplex.**

And by revising Section 5.4, Table 1: Schedule of Uses, under C. Residential Uses to delete the following text in the second item listed “. . . /duplex, provided that the exterior of the dwelling has the appearance of a single-family dwelling”.

Ideas for Revisions for Multifamily Housing – August 22, 2019

1. Revise the definition of a multifamily dwelling/apartment house and a multifamily development in Section 2

Multi-Family **Building Dwelling or Apartment House** – A **building containing three or more dwelling units**, intended and designed to be occupied by **more than two three or more families** living independently in separate dwelling units.

Multi-Family Development – A residential development of more than one building comprised of **at least one** multifamily **dwellings building** and which may also include one **existing** single family house and one or more duplexes.

2. Revise Table 1 – Schedule of Uses in Section 5.4 to reduce confusion about where multi-family buildings and multi-family developments are allowed

Existing

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI
Multifamily dwellings and multifamily developments subject to Section 5.6.2 E and Section 5.6.4 <i>(Added 11-16-15)</i>	PB	PB	PB	N	PB	N	N	N	N	N

Proposed

Multi-Family dwellings buildings and multi-Family developments subject to Section 5.6.2 E and Section 5.6.4 <i>(Added 11-16-15)</i>	Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E)
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3. Text Changes to Section 5.6.4 Multifamily Housing offered by Barbara Saint Andre

To change the term “Multifamily Dwelling or Apartment House” to “Multi-Family Building” wherever it appears in Section 5.6.4.

To revise Section 5.6.4.B Applicability, Subsection 1 as follows:

1. **The Planning and Economic Development Board may grant a Multifamily Housing special permit for a Multifamily Dwelling or Apartment House, and/or a Multifamily Development on a track of land within the AR-I, AR-II, Village Residential, or Village Commercial zoning districts whether on one parcel or a set of contiguous parcels, with a minimum of fifty feet of frontage on an existing street located within the Multifamily Housing Overlay District as shown on a map on file with the Medway Town Clerk. The**

Planning and Economic Development Board shall be the special permit granting authority for Multi-Family Building and Multi-Family Development. Multi-family Building and Multi-Family Development are allowed by special permit on tracts of land in the AR-I, AR-II, Village Residential, or Village Commercial zoning districts with a minimum of fifty feet of frontage on an existing street located within the Multi-Family Housing Overlay District as shown on a map on file with the Medway Town Clerk. The tract of land may be one parcel or a set of contiguous parcels. The street that provides frontage shall, in the opinion of the Planning and Economic Development Board, have sufficient capacity to accommodate the projected additional traffic flow from the development.

To revise Section 5.6.4.D, Density Regulations as follows:

1. For lots of one acre or more, the density of a Multi-Family ~~Building Dwelling or Apartment House~~ or a Multi-Family Development shall not exceed ~~12~~ **six** dwelling units per whole acre.
2. For lots of less than one acre as of November 19, 2018, the density of a Multi-Family Dwelling ~~or Apartment House~~ or Multi-Family Development shall not exceed its relative portion of an acre. For example, the maximum density of a ~~6-acre lot shall not exceed 7 dwelling units~~ **.5 acre lot shall not exceed three dwelling units**.

To revise Section 5.6.4.E, Special Regulations as follows:

7. Historic Properties – Any property proposed for a Multi-Family ~~Building Dwelling or Apartment House~~ and/or a Multi-Family Development pursuant to this sub-section which includes a building that is 75 years of age or older shall be reviewed by the Medway Historical Commission to determine if it is an “historically significant building” **and if it is a “preferably-preserved historically significant building”** in accordance with the criteria specified in Medway General Bylaws Article 17 Building Demolition. If so determined **to be a preferably-preserved historically significant building**, the property shall comply with the following additional requirements:
 - a. A **preferably-preserved** historically significant building” shall not be demolished unless:
 - 1) ~~The Building Commissioner has determined that it is unused, uninhabited or abandoned, and open to the weather; or~~
 - 2) The Board of Selectmen or the Board of Health has determined it to be a nuisance or dangerous pursuant to applicable state laws and/or the State Building Code;
 - b. Renovation of a ~~an~~ historically significant building shall be completed in a manner that preserves and/or enhances the building’s historic exterior architecture and features;

Commented [SA1]:

I want to talk with Jack and see if this should be further refined or better worded.

- c. The project may include new construction which shall be designed to be consistent with the historic nature of the property, its primary building, and the surrounding neighborhood including buildings which characterize historic homes, carriage houses, barns, sheds, garages, agricultural buildings, other similar out buildings, and historic forms of house additions traditionally undertaken in the neighborhood.
- d. Any property proposed for a Multi-Family Building and/or a Multi-Family Development pursuant to this sub-section which had a building that was 75 years of age or older located on it, which building has been demolished, shall not be eligible to apply for a Multi-family Building or Multi-Family Development special permit until at least two (or more??) years after the date that the demolition of said building was completed.

And to change the word “multifamily” to “multi-family” wherever it appears in the Medway Zoning Bylaw.

3.5 SITE PLAN REVIEW

3.5.1 Purposes

Site plan review is a means of managing the aesthetics and environmental impacts of land use by the regulation of permitted uses, not their prohibition. Its purpose is to:

- provide a standard process to review proposed development and redevelopment projects for compliance with the *Medway Zoning Bylaw* *(Added 5-21-18)*
- assure protection of the public interest consistent with a reasonable use of the site for the purposes permitted in the district; and
- promote and encourage desired community characteristics as expressed in the *Master Plan* and *Design Review Guidelines*

3.5.2 Requirements

- A. No building permit shall be issued for any use, site, or building alteration, or other improvement that is subject to this Section 3.5 unless an application for site plan review has been prepared in accordance with the requirements herein and unless such application has been approved by the Planning and Economic Development Board (hereinafter referred to in this Section as the Board) or its designee in the instance of administrative site plan review.
- B. Unless specifically authorized by the terms of the site plan review decision, a final certificate of occupancy shall not be issued until the project has been completed in accordance with the approved and endorsed plan and the applicant has complied with or satisfied all conditions of the site plan review decision. *(Amended 5-21-18)*
- C. Any work done in deviation from an approved site plan shall be a violation of this Bylaw unless such deviation is approved in writing by the Board or its designee or is determined by the Building Commissioner to be an insubstantial change.

3.5.3. Applicability

- A. Site plan review shall apply to the following:

1. **Major Site Plan Review:**

- a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use which involves one or more of the following:
 - i. the addition of 2,500 square feet or more of gross floor area; or
 - ii. the addition of twenty or more new parking spaces

- b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of twenty or more new parking spaces.
- c. The redesign of the layout/configuration of an existing parking area of forty or more parking spaces
- d. Construction of ground mounted solar photovoltaic installations of any size in any zoning district including solar canopy type systems in parking areas
- e. Removal, disturbance, and/or alteration of 20,000 square feet or more of existing impervious surface.

(Amended 5-21-18)

2. **Minor Site Plan Review:**

- a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building use which is not subject to Major Site Plan Review but which involves one or more of the following:
 - i. the addition of 1,000 to 2,499 square feet of gross floor area; or
 - ii. the addition of ten or more but less than twenty new parking spaces
- b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of ten or more but less than twenty new parking spaces; or
- c. The redesign of the layout/configuration of an existing parking area of twenty to thirty-nine parking spaces
- d. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, § 3. only to the extent allowed by law.
- e. Removal, disturbance, and/or alteration of 10,000 to 19,999 square feet of impervious surface.

(Amended 5-21-18)

3. **Administrative Site Plan Review** - New construction or any alteration, reconstruction, renovation or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use which is not subject to Major or Minor Site Plan Review but which involves one or more of the following:

- a. The addition of less than 1,000 square feet of gross floor area, or
- b. Exterior alteration or renovation of an existing building or premises, visible from a public or private street or way which includes any of the following:
 - i) installation or replacement of awnings
 - ii) change in a building's exterior surface material
 - iii) rearrangement or addition of windows or doors

(Amended 5-13-19)

iv) façade reconstruction or replacement

(Amended 5-13-19)

v) roofing if the Building Commissioner determines the roof to be a distinctive architectural feature of the building

c. The redesign, alteration, expansion or modification of an existing parking area involving the addition of up to nine new parking spaces

(Amended 5-13-19)

d. The creation of a new parking area involving the addition of up to nine new parking spaces

(Amended 5-13-19)

e. The redesign of the layout/configuration of an existing parking area of ten to nineteen parking spaces

f. A change in curb cuts/vehicular access to a site from a public way

g. Installation or alteration of sidewalks and other pedestrian access improvements

h. Removal of hedges, living shrubs, and trees greater than four inches in caliper

i. Installation of fencing or retaining walls

j. Outdoor placement of cargo containers, sheds, membrane structures, equipment and materials

k. Removal/disturbance/alteration of 5,000 – 10,000 square feet of impervious surface

l. The conversion of a residential use to a permitted non-residential or mixed-use

m. Installation of a wireless communication facility as defined in this *Zoning Bylaw*

Housekeeping revision to Section 3.4 Special Permits

August 22, 2019

To amend the Zoning Bylaw, Section 3.4 Special Permits by adding a new item H. as follows:

- H. If a proposed activity or use requires major or minor site plan review pursuant to Section 3.5 Site Plan Review and one or more special permits, the Planning and Economic Development Board shall serve as the special permit granting authority. The Planning and Economic Development Board shall review and conduct the public hearing concurrently and may issue a single decision.

August 26, 2019

ARTICLE ____:
Regulations

(Amend General Bylaws – New Section for Noise

To see if the Town will vote to amend the General Bylaws by adding a new section ?? Noise Regulations as follows:

?. Noise Regulations

?.1 Prohibited Noise: It shall be unlawful for any person to willfully create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of any residential neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following factors:

- (a) The level of the noise.
- (b) The intensity of the noise.
- (c) Whether the nature of the noise is usual or unusual.
- (d) Whether the origin of the noise is natural or unnatural.
- (e) The level and intensity of the background noise, if any.
- (f) The proximity of the noise to residential sleeping facilities.
- (g) The nature and zoning of the area within which the noise emanates.
- (h) The density of the inhabitation of the area within which the noise emanates.
- (i) The time of day or night the noise occurs.
- (j) The duration of the noise.
- (k) Whether the noise is recurrent, intermittent or constant.
- (l) Whether the noise is produced by commercial or non-commercial activity.

?.2. Exemptions. None of the terms or prohibitions of Section 1 shall apply or be enforced against:

- (a) Emergency Vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.
- (b) Highway and utility maintenance and construction. Necessary excavation in or repairs of bridges, streets or any public utility installation by or on behalf of the Town or any public utility or any agency of the Commonwealth of Massachusetts.
- (c) Public address. The reasonable use of amplifiers or loudspeakers for public addresses which are non-commercial in nature.
- (d) Parades and school bands. School bands, duly licensed parades and other authorized activities.
- (e) Noise caused by agricultural, farm related, or forestry-related activities as defined by Massachusetts General Law, Chapter 128, Section 1A, as amended from time to time, including, but not limited to, the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.

??.3 Construction Time

- (a) Except in an emergency, outdoor construction activity including the operation of construction, earthmoving or other construction equipment, or the delivery to or pick up from a site of such equipment, and any truck, vehicular and machine start-up and movements shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. (7 pm??) Monday – Friday. Such outdoor construction activity shall be allowed on Saturdays only between the hours of 8 am and 4 pm. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner.
- (b) Outdoor construction activity includes the operation of earth moving or other heavy construction vehicles or equipment such as bulldozers, backhoes, concrete mixers, dump trucks, delivery vehicles, rollers, and scrapers; jack hammers; power tools; idling of diesel equipped vehicles or equipment in excess of 15,000 pounds; demolition; blasting; wood, brush or rock chippers; pneumatic power equipment or tools; pavement breakers; pile drivers; rock drills; chain saws; cranes; generators; air compressors; and other similar devices.
- (c) These provisions shall not apply to the intermittent or occasional outdoor construction activity performed by the owner of an owner-occupied residential property for the maintenance, repair or improvement of such property that does not involve the use of heavy construction equipment during the hours from (8 am to 4 pm on Sundays and holidays).

??.4. Enforcement. The Police Department shall be charged with the enforcement of the provisions of this bylaw. A verbal warning to abate the noise violation shall be given first; only if a person refuses to abate a noise violation after being warned to do so by a police officer shall any penalty be imposed.

??.5. Penalties. The first violation of this bylaw shall be punished by a fine of \$50. The second violation of this bylaw within twelve months after the first violation shall be punished by a fine of not less than two hundred dollars. Further violations within twelve months after the last violation shall be punished by a fine of two hundred dollars. Each such act which either continues or is repeated more than one-half hour after issuance of a written notice of violation of this bylaw shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property which is owned by a non-resident owner, then the owner will be notified in writing that the violation has occurred.

??. 6. Exceptions. The Board of Selectmen shall have the authority to grant special exceptions to this bylaw. Any person or entity seeking a special exception to this bylaw shall file an application with the Board of Selectmen that demonstrates that bringing the source of sound or activity for which the special exception is sought into compliance with this bylaw would constitute an unreasonable hardship on the applicant, on the community or on other persons. The Board of Selectmen shall establish procedures for processing applications for such special exceptions, including such hearing as the Board of Selectmen deems appropriate.

??. Severability. If any provision of this bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the bylaw shall not be invalidated.

Or to act in any manner relating thereto.

XXXXXX

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

DRAFT

Outdoor Storage – Ideas 8-26-19

“Outdoor Storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises” is currently allowed by right in the B-I zone and the East Industrial, West Industrial, and Energy Resource zoning districts **as an accessory use**. “Contractor’s Yards” are allowed by right as a principal use in the B-I zone and in the East Industrial zoning district.

The current definition of "outdoor storage" does not address conex type storage containers. Should we revise the definition of outdoor storage to also include conex type containers?

Should there be an option for outdoor storage in other business zoning districts by special permit (CB, Village Commercial, Neighborhood Commercial)??

Also, we currently have no requirements in the ZBL to address screening, etc. for outdoor storage areas.

Current Definition of Outdoor Storage – An outside area for the storage or display of materials, goods or manufactured products produced or used by the principal use of the property, for more than a twenty-four hour period.

Proposed Revised Definition of Outdoor Storage – The outside storage or display of materials, **supplies**, goods or manufactured products, **equipment, machinery, vehicles, and pallets**, produced or used by **or associated with** the principal use of the property, for more than a twenty-four hour period. **Also includes cargo storage containers and membrane structures which are located on the premises.**

Possible New Definitions to add to SECTION 2 DEFINITIONS

Cargo Storage Container – A standardized container that is or appears to be:

- Designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; or
- Designed for or capable of being mounted or moved on a rail car; or
- Designed for or capable of being mounted on a chassis for movement by a truck trailer or loaded on a ship

and is used for storage accessory to and in support of the principal use/activity on the site. May also be referred to as a shipping container or a POD (portable on demand) storage system.

Bulk Storage - Exposed outside storage of sand, lumber, coal, mulch, gravel, stone, soil, aggregate, wood chips, earth materials, or other bulk materials, and bulk storage of liquids in tanks.

Suggest that “Bulk Storage” should not be allowed anywhere in Medway as a principal use. If so, it should be listed in the Use Table (with appropriate N notation) and on the list of Prohibited Uses in Section 5.2

.....

For reference purposes - Existing definition of Outdoor Display

Outdoor Display – The temporary display of good and products sold by a business establishment, located on the same premises but not including such display on any parking, delivery or loading areas, fire lanes, drive aisles, or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access, or other features that could cause a safety hazard, and limited to the hours the business is open.

Possible new section in 7.1 Site Development Standards

7.1.3 Outdoor Storage

- A. Purposes – The purposes of this Section 7.1.3 are to protect the health, safety, and welfare and ensure neighborliness and aesthetic quality for the Town’s occupants, to provide for the appropriate location and design of outdoor storage areas, to ensure that outdoor storage areas are suitably screened from view for residential abutters and the travelling public, and to establish limitations to mitigate any adverse impacts that outdoor storage may have on adjacent properties and rights-of-way.
- B. Applicability
1. Permanent outdoor storage areas are allowed by right in the Business-Industrial, East Industrial, Energy Resource, and West Industrial zoning districts, as an accessory use, subject to the regulations herein.
 2. Outdoor storage and bulk storage are not permitted as a principal use.
- C. Requirements
1. A premises with outdoor storage as an accessory use shall include a building of at least sq. ft. from which the business conducts its business.
 2. The ground area devoted to outdoor storage shall not exceed 30% of the lot area. Anything larger requires a special permit.
 3. Outdoor storage areas on commercial or industrial properties which abut residentially used properties shall be fully screened from the abutting residential properties with fencing and/or densely planted landscaping or buffer area at least 6’ high or higher if what is stored is greater than 6’ in height.
 4. On commercial or industrial properties, outdoor storage areas which are visible from a public or private way or from publically accessible areas shall include

fencing (or walls) and/or densely planted landscaping or buffer area at least 6' high or higher if what is stored is greater than 6' in height.

5. The accumulated height of the contents of an outdoor storage area shall not exceed the height of its screening wall or fence.
6. Outdoor storage areas shall not be permitted within any drive aisles, fire lanes, parking spaces, zoning setback areas, floodways, resource areas under the jurisdiction of the Medway Conservation Commission, or on steep slopes of 15% or greater.
7. The height of outdoor storage areas shall not project above the eave line of the tallest building on the lot.
8. Outdoor storage areas shall be comprised only of items that are associated with a business operating in a building on the premises.
9. Screening walls and fences shall be architecturally compatible with the principal building on the premises.
10. Outdoor storage areas on property located within the Groundwater Protection District are also subject to the provisions of Section 5.6.3 herein.

D. Temporary Cargo Storage Containers and Membrane Structures – May be located as follows:

1. During construction of a residential development or home for a period of ninety days or less.
2. For any other purpose so long as the container or membrane structure remains on site for ninety days or less per year, fits on the driveway or hard surface, does not protrude into the right-of-way, is not positioned within the zoning setback area, and does not impede sight distance. Anything longer requires a special permit.

E. Outside Storage Requirements for Vehicle Dealerships

1. All vehicles shall be parked on asphalt or concrete or enclosed within a building. They may not be parked on gravel, grass or any other pervious surfaces.
2. All parked vehicles, vehicle parking services, and vehicle displays shall meet the zoning district's setback requirements.
3. All parked vehicles shall not be parked in the right-of-way nor block or impede site access, sidewalks or driving aisles.

Ideas for Zoning & General Bylaw Work - UPDATED 8/22/19

		Comments/Notes	PRIORITY
	ZONING BYLAW IDEAS		
	DEFINITIONS - Section 2		
1	Refine definition of "outside storage" to also include conex type containers or other form of storage structures	Also establish special regulations in a new Section 7.1.4 to address screening, % of parcel to be used for outdoor storage, etc.	HIGH
2	Add definition for "bulk storage"	How is bulk storage similar or different than outdoor storage. Determine where such uses would be allowed if at all. Amend Table 1 accordingly.	HIGH
3	Refine definition of 2 family/duplex	Are a 2 family and duplex the same thing? Do we want/need to distinguish between the two? Horizontal vs. vertical separation? Should there be some measure of the extent of connection between the two units?? Must have a shared wall of at least ____% Clean up definition of 2 family/duplex or eliminate. Also establish special regulations in a new Section 8.15 to address appearance, parking, open space, curb cuts, height, etc. Eliminate the requirement in the Use Table that a 2 family has to look like a 1 family.	HIGH
4	Kennel - Differentiate between animals as pets and/or home based business vs. a full commercial operation	Further discussion needed with Animal Control Officer and Board of Health. ZBA mentioned this as something of interest to them.	
5	Add definitions for taxi service, limousine service, and other business uses as may be recommended by the EDC	Check with the EDC to see if/how they want to pursue this. Also determine where such uses would be allowed. Amend Table 1 accordingly.	
	ADMINISTRATION - Section 3		

		Comments	PRIORITY
6	ZBA - Section 3.2 - Do we want to continue to allow USE variances?	Discuss with ZBA. One approach is to keep Use Variances but establish some limitations on their use or only allow in non-residential districts.	
	SITE PLAN REVIEW - Section 3.5		
7	Refine triggering activities for major, minor and administrative site plan review	PEDB wants to discuss this	HIGH
	POSSIBLE NEW SECTIONS		
8	Establish a new sub-section for a Certificate of Zoning Compliance	Discuss pros/cons of this with PEDB and Jack Mee. Gino has done some work on this. What is the process for reviewing building permit applications for zoning compliance? How do we know if a lot is exceeding the maximum lot coverage or impervious coverage standards? Jack will research what Norfolk does.	
9	Add a new sub-section to reference Design Review Guidelines		
	ESTABLISHMENT OF DISTRICTS - Section 4		
10	ZONING DISTRICT BOUNDARIES - Section 4.4	Are streets zoned? Question raised by Fran and Mackenzie	
	USE REGULATIONS - Section 5		
	SCHEDULE OF USES - Section 5.4 (Table 1)		
11	New industrial/business district for west side of West ST	Discuss with EDC. If created, determine by-right and special permit uses.	

		Comments	PRIORITY
12	Change adult uses from by-right to special permit	If changed to a special permit, we will also need to develop the associated regulations and special permit criteria. This would be a new sub-section in SECTION 8 - SPECIAL REGULATIONS	
13	Outside storage as an accessory use in the various zoning districts. Address use of tractor trailers/conex type containers for product storage (permanent and seasonal)	Establish some limitations tied to % of lot. Certain % of lot by right; anything over by special permit. Then add some special regulations to address screening of outside storage. Barbara Saint Andre is interested in this.	HIGH
14	Move 5.4.1 re: special permits in Commercial I to a new Section 8.14 Mixed Use		
15	Determine where newly defined use terms would be allowed by right, by special permit, or prohibited.		
16	Add 2 family/duplex by special permit in the Village Commercial District		
	ADAPTIVE USE OVERLAY DISTRICT (AUOD) - Section 5.6.2		
17	What do we mean by residential scale lighting??	Height limitations, style, no risers	
18	Remove reference to payment in lieu of sidewalk construction.		
19	Revise to provide that existing commercially used properties within the AUOD district could have the allowed ARCPUD commercial uses by right with adm. site plan review. This is in lieu of having to go through a full special permit process. This would apply only to properties which presently have business operations, most likely on a pre-existing, non-conforming basis.		

		Comments	PRIORITY
	MULTIFAMILY HOUSING - Section 5.6.4		
20	Add language to have a 3 year look back on demolition of historic properties.	Barbara Saint Andre is very interested in this. What other refinements are needed?	HIGH
21	Add requirement for sidewalks along property frontage		
22	Add option to allow for a multi-family housing special permit on properties that are not in the MFHOD but which meet certain size & locational criteria		
	DIMENSIONAL REGULATIONS - Section 6		
	Section 6.2 General Provisions		
23	Revisit requirement included in recodified bylaw - "An owner shall provide a means of access for vehicles from the frontage to a principal building for emergency services, for deliveries and for off-street parking."	Do you want to require that access to a parcel has to be from its frontage?? What about from a common driveway?	
	Section 6.3 Accessory Buildings or Structures		
24	Specify what accessory structures/buildings and incidental accessory objects can be included in the standard setback areas and what setbacks would apply	Items to be considered - fences, bus shelters, sheds, mailboxes, light posts, flagpoles, driveways, etc. Review this list.	
25	Require that sheds and stored boats, trailers, swimming pools, etc. cannot be located within the front setback area of any lot	Suggested by Jack Mee. See Walpole bylaw.	

		Comments	PRIORITY
26	Regulations to require paving for accessory structures in commercial districts parking off-sets, screening, blending of color of accessory structures with main building; limitations on storage containers in residential zones	See Walpole bylaw.	
27	Specify minimum distance of edge of driveway to property line or a minimum distance between driveways		
28	NEW Section 6.4 - ????	To address overbuilding on sites, primarily residential, when new construction is out of character with existing neighborhood. Look at floor/area ratio and other ways to address. Gino's comments.	
GENERAL REGULATIONS - Section 7			
7.1 Site Development Standards			
	OFF STREET PARKING and LOADING REGULATIONS - Section 7.1.1		
29	Update parking standards especially for industrial uses		
30	Add parking provisions for future reserve parking		
31	Add provisions for electric vehicle charging stations in parking areas over a certain size.		
	FENCES - New Section 7.1.3		
32	Fences - Require shorter fence height (3') in front to at least the front setback line or a certain distance if there are no minimum setbacks	Recommended by Jack Mee	
33	Refer to General Bylaw		

		Comments	PRIORITY
34	Regulations to address safety and sight lines		
35	OUTSIDE STORAGE - New Section 7.1.4	Add special regulations to address screening of outside storage areas and dumpsters. Establish some limitations tied to % of lots. A certain % of lot by right; anything over that by special permit. Include regulations to address screening of outdoor storage.	HIGH
36	BUFFERING - New Section 7.1.5	Suggested at 4-2-19 PEDB mtg	
37	SIGN REGULATIONS - Section 7.2	Simplify, streamline, make more user friendly, eliminate duplication. Look at window signs, temporary signs, signs required by state law - Lottery, Auto Inspection, etc. Adjust amount of allowed sign surface area for wall signs to correspond to distance from street. Add text re: removal of old, pre-existing nonconforming signs before new sign permits are issued for replacement signs. Tom, Barbara and Susy are working on this now. '	May 2020??
	ENVIRONMENTAL STANDARDS - Section 7.3		
38	Remove/update many of the outdated environmental standards	\$15,000 funding article was approved by May Town Meeting. WE need to do an RFP to find a consultant to help us.	
39	Revisit noise	Revise noise language in ZBL to apply to business settings. Add GBL language for residential noise issues	HIGH
	SPECIAL REGULATIONS - Section 8		

		Comments	PRIORITY
	INFILL HOUSING - Section 8.1		
40	Infill Affordable Housing - Revise to allow for splits of land to create a nonconforming lot that could only be used for affordable housing	Need to discuss with Town Counsel. ?? on legality	
41	ADULT USES - New Section 8.11	Change from by right to special permit.	
	COMMON DRIVEWAYS - New Section 8.12		
42	Add regulations for Common Driveways. Allow by right or special permit? Anywhere!?!? NOTE - Common driveways are NOT private roadways. They provide access only, not frontage.	New sub-section to address criteria and basic standards for common driveways (length, width, stormwater, etc.) We already have a definition for common driveways and they have been used in ARCPUD and OSRD developments. OR . . Should this go in 7.1 Site Development Standards?	
43	BACK LOT ZONING - New Section 8.13	New sub-section to provide special permit option to allow a house to be built on an oversized parcel with insufficient frontage - include "driveway standards". This option would remove need for a full subdivision process. We could include provisions for stormwater management.	
44	MIXED USE - New Section 8.14	Move Section 5.4.1 Special Permits in Commercial I to this location and revise.	
45	TWO-FAMILY - New Section 8.15	Establish special permit criteria for two-family special permits in ARII.	
46	DRIVE-THRU FACILITIES - New Section 8.16	Establish special permit criteria for drive-thrus. See language provided by Ted Brovitz. NOTE - Drive-thrus are only allowed by special permit in the BI zone.	

		Comments	PRIORITY
47	GROUND MOUNTED SOLAR - New Section 8.17	New sub-section to provide a special permit option for large scale solar on undeveloped back lands in ARI. Need to discuss with Energy Committee	
48	ADULT USES - New Section 8.18	If decision is made to change this from by-right to special permit	
NOTE - What other minor "housekeeping" ZBL amendments are needed?			
49			
50			
51			
	NEW ZONING DISTRICTS		
A.	Zoning for Oak Grove	Part of Urban Renewal Plan. New mixed use overlay district. Will also need to amend the Use Table. Oak Grove Zoning Task Force has been working on this.	HIGH. Goal is to submit for consideration at the November 2019 Town Meeting.
B.	Create a new Traditional Neighborhood Development overlay district for new construction that would allow for more dense, Smart Growth type neighborhood. Not the same level of density as required by a 40R district but denser than what we allow now.	This would be good for the Cassidy property behind Medway Commons. Look at Smart Growth report by Gino Carlucci from several years ago. Recommend waiting until the Town's sewer/capacity issues are resolved. Also need to talk with the Cassidy family to see about their long term ideas for their property.	
C.	Create an Early Suburban Zoning District with dimensional requirements to more closely match what exists on the ground.	This would be suitable for Brentwood and other smaller lot, early post WWII sub- divisions. Most of these areas are currently zoned ARII. Reduce minimum lot size, frontage and setbacks to better match what is actually on the ground.	
D.	Create a new industrial zone for west side of West ST	Need to discuss with EDC. Not to include ground mounted solar. Boundaries? Similar to Industrial I (East Medway Industrial Park or Business Industrial District for uses?) Allow for contractor's yards?	

Comments			PRIORITY
E.	Create a new Cottage Community option	Draw guidance from Living Little/Tiny Houses research report by MAPC issued in late June 2018.	
	ZONING MAP REVISIONS		
	Rezone a portion of the west side of West Street north of Route 126 from ARII to some form of industrial.	Need to discuss with EDC. EDC has previously indicated it does not want ground mounted solar to be allowed in this area.	
	Expand boundaries of East Industrial zoning district	Get input from EDC on this.	
	Establish another Village Commercial district on Main Street/Route 109 from Medway Mill west toward the Community Church		
	GENERAL BYLAW IDEAS		
A	Establish some stronger property maintenance regulations to address junk, dilapidation, blight, accumulated unregistered vehicles, collections of debris, etc.	Need input from Jack Mee. Property maintenance is an optional part of the Building Code but it pertains to structures, not sites. Is BOS interested in something like this? What do we presently have to address this? What is the statute that allows the BOH to act?? Staff recommends the PEDB discuss this with Jack Mee, Health Agent Beth Hallal, and the TA/BOS to gauge interest.	
B	Establish start and stop times for construction work	We have a draft. Needs work.	HIGH
C	Regulate the amount of and quality of fill being brought onto development sites.	Of interest to Bridget Graziano and Jack Mee. Bob Tucker says there are state laws that already address this. Difficult to enforce. Testing is expensive. We have a draft based on the Salisbury bylaw. Needs thorough discussion and vetting.	
D	Revise general bylaw to decrease required fence height around pools to 4' to be consistent with state law.	Suggested by Jack Mee. Discussed with PEDB. Jack to take lead on this.	HIGH
E	Revise EDC bylaw to allow for non-resident property owners to be members of the EDC	Discuss with EDC	
F	Noise bylaw	Interface with noise section of ZBL. Do we need a separate GBL to address noise in residential areas?	HIGH

Comments			PRIORITY
G	Scenic Road bylaw	Take part of the <i>Scenic Road Rules & Regs</i> and turn into a bylaw. Broaden scope beyond the limited scope of the state statute.	
H	Establish bylaw to promote universal accessibility and visitability of dwelling units	Suggested by Sue Rorke at 7/20/15 meeting. Something for a Disability Commission to consider.	
I	Tree Preservation	This would be new. Suggested by Bridget Graziano. Conservation is working on this. Will need to coordinate with PEDB.	
J	Stormwater Management/Land Disturbance	Amendments needed - NOAA rainfall standards and provisions to require installation of stormwater facilities on sites where there are none. Require roof drains for anything!	HIGH
K.	Zoning Compliance	Require that issuance of certain Town permits such as business licenses and liquor licenses is dependent on property being in compliance with applicable zoning requirements, especially regarding use.	
	Priorities for Fall 2019 Town Meeting		
Updated 8-22-2019			



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

Construction Reports

- Medway Community Church reports from:
 - August 9, 2019
 - August 12, 2019
 - August 14, 2019
- Merrimack Building Supply reports from:
 - July 22, 2019
 - July 26, 2019
 - August 8, 2019
 - August 12, 2019
- Salmon Retirement reports from:
 - August 8, 2019
 - August 9, 2019

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Medway Community Church	Date 8/9/2019	Report No. 19
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18009	Sheet 1 of 2
Contractor Rodenhiser Excavating, Inc. (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 80°F P.M.

FIELD OBSERVATIONS

On Friday, August 9, 2019, Bradley Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. Observations

- A. General site conditions: Site is dry and undulating and in the process of being filled and compacted to subgrade elevation. Construction entrance from Slocumb Place appears to be functioning as designed. Straw wattle is installed around the site perimeter and is in good condition.
- B. Contractor nears completion of installing filter fabric along the top of Underground Drainage Basin 1. Contractor has placed approximately 18" overlap on each sheet of filter fabric. Contractor will continue to place filter fabric and will begin backfilling Basin with gravel fill.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer	1	Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer			
Laborers	2	Loader		Vib. Roller	1		
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	1	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	2	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	3	Screener			
		Tri-Axle Dump Truck	1				
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Bradley M. Picard, E.I.T.	10:15 A.M. – 11:00 A.M.
NOTE: Please use reverse side for remarks and sketches							

Project Medway Community Church	Date 8/9/2019	Report No. 19
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor plans to continue installing Basin 1 and backfilling the system. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Medway Community Church	Date 8/12/2019	Report No. 20
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18009	Sheet 1 of 2
Contractor Rodenhiser Excavating, Inc. (Site Contractor)	Weather A.M. P.M. SUNNY	Temperature A.M. P.M. 80°F

FIELD OBSERVATIONS

On Monday, August 12, 2019, Bradley Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. Observations

- A. General site conditions: Site is dry and undulating and in the process of being filled and compacted to subgrade elevation. Construction entrance from Slocumb Place appears to be functioning as designed. Straw wattle is installed around the site perimeter and is in good condition.
- B. Contractor nears completion of installing filter fabric on and backfilling Underground Drainage Basin 1. Contractor continues to place approximately 18" overlap on each sheet of filter fabric. Contractor will continue filling this area with gravel fill and will continue to fill the site to proposed subgrade elevations.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer	1	Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer			
Laborers	2	Loader		Vib. Roller	1		
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	1	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	2	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	3	Screener			
		Tri-Axle Dump Truck	1				
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Bradley M. Picard, E.I.T.	1:15 P.M. – 2:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Medway Community Church	Date 8/12/2019	Report No. 20
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor plans to continue installing and backfilling Basin 1 with gravel fill.
- B. Contractor to install CB 1-1 and Open Bottom Catch Basins.
- C. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A

FIELD REPORT

Project Medway Community Church	Date 8/14/2019	Report No. 21
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18009	Sheet 1 of 2
Contractor Rodenhiser Excavating, Inc. (Site Contractor)	Weather A.M. CLOUDY P.M.	Temperature A.M. 70°F P.M.

FIELD OBSERVATIONS

On Wednesday, August 14, 2019, Bradley Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. Observations

- A. General site conditions: Site is dry and undulating and in the process of being filled and compacted to subgrade elevation. Construction entrance from Slocumb Place appears to be functioning as designed. Straw wattle is installed around the site perimeter and is in good condition.
- B. Contractor has completed installation of filter fabric on Underground Drainage Basin 1. Contractor continues to fill this area with gravel fill to proposed subgrade elevations.
- C. Contractor is currently setting castings on structures throughout the site. Upon arrival, Contractor has installed castings on Weir Manhole No. 2B, Catch Basin No. 2-1, Weir Manhole No. 2A, and Catch Basin No. 2-3. Contractor has set castings using clay brick, Quikrete Type S Mortar, and PLUG fast setting hydraulic cement. Contractor setting casting for Manhole No. 1-5 at the time of inspection.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer	1	Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer			
Laborers	2	Loader		Vib. Roller	1		
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	1	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	2	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	3	Screener			
		Tri-Axle Dump Truck	1				
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Bradley M. Picard, E.I.T.	10:30 A.M. – 11:00 A.M.
NOTE: Please use reverse side for remarks and sketches							

Project Medway Community Church	Date 8/14/2019	Report No. 21
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor to install CB 1-1, piping from CB 1-1 to Manhole 1-2, and Open Bottom Catch Basins.
- B. Contractor to continue filling site to proposed subgrade elevations.
- C. Contractor to continue setting castings on drainage structures throughout the site.
- D. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A

Tetra Tech
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FIELD REPORT

Project Merrimack Building Supply	Date 7/22/2019	Report No. 26
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 1 of 2
Contractor Barrows Contracting (Site Contractor)	Weather A.M. P.M. CLOUDY	Temperature A.M. P.M. 80°F

FIELD OBSERVATIONS

On Monday, July 22, 2019, Steven M. Bouley, P.E. from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Site contractor was not on-site during site inspection, but landscaping crew was installing proposed landscaping at the site. General site conditions: Silt fence barrier (SFB) installed around the site perimeter and infiltration basin remains in good condition. Filter socks are placed just inside the SFB, and silt sacks have been placed in catch basins along the driveway adjacent to the southeast corner of the building. Rip rap has been placed at the location of the crushed stone apron adjacent to the infiltration basin to prevent stone displacement.
- B. Contractor has removed loam and unsuitable fill material at the bottom of the Infiltration Basin. No water present in the basin at the time of inspection. However, standing water was present in the forebay. Basin side slopes appear to be in stable condition. TT will re-visit the site after 72 hours of dry weather (post-storm event) to confirm if the modification to the basin is sufficient.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	
Foreman		Backhoe		Asphalt Reclaimer	
Laborers		Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.		Skid Steer		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator		Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tack Truck	
Surveyors		Conc. Mixer		Man Lift	
Roofers		Conc. Truck		Telehandler	
Mechanical/HVAC		Conc. Pump Truck		Drill rig (drilling/blasting)	
Plumbers		Pickup Truck		Mechanical Sweeper	
Pipe Fitters		Tri-Axle Dump Truck			
Carpenters		Trailer Dump Truck			
Police Details: N/A				RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.				Name	Time on-site
				Steven Bouley, P.E.	1:30 PM – 2:30 PM

NOTE: Please use reverse side for remarks and sketches

Project Merrimack Building Supply	Date 7/22/2019	Report No. 26
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

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

3. New Action Items

- A. TT will inspect the Infiltration Basin on Friday 7/26. Area receiving storms on Tuesday 7/23 and expected dry weather for remainder of the week.

4. Previous Open Action Items

- A. Contractor/engineer of record to confirm that Infiltration Basin is operating as designed. Standing water present in Basin after allowable 72-hour maximum detention time in the Basin. **TT Update: Contractor has removed loam and unsuitable material from the bottom of the Infiltration Basin. TT will re-visit the site after 72 hours of dry weather to confirm if the modification to the basin is sufficient.**
- B. Repair infiltration basin slopes during final loam and seed.
- C. Install additional stone at infiltration basin rip-rap spillway.

5. Materials Delivered to Site Since Last Inspection

- A. N/A

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FIELD REPORT

Project Merrimack Building Supply	Date 7/26/2019	Report No. 27
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 1 of 2
Contractor Barrows Contracting (Site Contractor)	Weather A.M. P.M. CLOUDY	Temperature A.M. P.M. 80°F

FIELD OBSERVATIONS

On Friday, July 26, 2019, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Site contractor was not on-site during site inspection, but landscaping crew was installing proposed landscaping at the site. General site conditions: Silt fence barrier (SFB) installed around the site perimeter and infiltration basin remains in good condition. Filter socks are placed just inside the SFB, and silt sacks have been placed in catch basins along the driveway adjacent to the southeast corner of the building. Rip rap has been placed at the location of the crushed stone apron adjacent to the infiltration basin to prevent stone displacement.
- B. Upon inspection, standing water was present in the forebay as well as the basin after 72 hours of dry weather. Last storm occurred on July 23, 2019 (1.2 inches)*. Stone check dams upstream of the forebay appear to be damaged. Basin side slopes appear to be in stable condition. Engineer to provide improvements to Basin design to provide sufficient infiltration.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	
Foreman		Backhoe		Asphalt Reclaimer	
Laborers		Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.		Skid Steer		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator		Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tack Truck	
Surveyors		Conc. Mixer		Man Lift	
Roofers		Conc. Truck		Telehandler	
Mechanical/HVAC		Conc. Pump Truck		Drill rig (drilling/blasting)	
Plumbers		Pickup Truck		Mechanical Sweeper	
Pipe Fitters		Tri-Axle Dump Truck			
Carpenters		Trailer Dump Truck			
Police Details: N/A				RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.				Name	Time on-site
				Bradley Picard, EIT	9:30 AM – 10:00 AM
*Rainfall data gathered from www.wunderground.com West St – Medway MA (KMAMEDWA4)					

NOTE: Please use reverse side for remarks and sketches

Project Merrimack Building Supply	Date 7/26/2019	Report No. 27
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

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

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. TT will inspect the Infiltration Basin on Friday 7/26. Area receiving storms on Tuesday 7/23 and expected dry weather for remainder of the week. **TT Update: Item complete. TT visited the site on Friday 7/26, standing water present in Basin after 72-hour recommended time for basin dewatering. Awaiting analysis or confirmation by the Engineer of Record for the Project.**
- B. Contractor/engineer of record to confirm that Infiltration Basin is operating as designed. Standing water present in Basin after allowable 72-hour maximum detention time in the Basin. **TT Update: Item on-going. Standing water present in Basin after 72-hour recommended time for basin dewatering.**
- C. Repair infiltration basin slopes during final loam and seed.
- D. Install additional stone at infiltration basin rip-rap spillway.

5. Materials Delivered to Site Since Last Inspection

- A. N/A

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FIELD REPORT

Project Merrimack Building Supply	Date 8/8/2019	Report No. 28
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 1 of 2
Contractor Barrows Contracting (Site Contractor)	Weather A.M. P.M. SUNNY	Temperature A.M. P.M. 80°F

FIELD OBSERVATIONS

On Thursday, August 8, 2019, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Site contractor was not on-site during site inspection. General site conditions: Silt fence barrier (SFB) installed around the site perimeter and infiltration basin remains in good condition. Filter socks are placed just inside the SFB, and silt sacks have been placed in catch basins along the driveway adjacent to the southeast corner of the building. Rip rap remains at the location of the crushed stone apron adjacent to the infiltration basin to prevent stone displacement.
- B. Upon inspection, standing water was present in the forebay as well as the basin. Last storm occurred overnight (1.04 inches)*. Stone check dams upstream of the forebay appear to be damaged. Basin side slopes appear to be in stable condition. TT will inspect the basin on Monday, 8/12 to check if the basin infiltrates standing water present after 72 hours of dry weather.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	
Foreman		Backhoe		Asphalt Reclaimer	
Laborers		Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.		Skid Steer		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator		Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tack Truck	
Surveyors		Conc. Mixer		Man Lift	
Roofers		Conc. Truck		Telehandler	
Mechanical/HVAC		Conc. Pump Truck		Drill rig (drilling/blasting)	
Plumbers		Pickup Truck		Mechanical Sweeper	
Pipe Fitters		Tri-Axle Dump Truck			
Carpenters		Trailer Dump Truck			
Police Details: N/A				RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.				Name	Time on-site
				Bradley Picard, EIT	1:00 PM – 1:15 PM
*Rainfall data gathered from www.wunderground.com West St – Medway MA (KMAMEDWA4)					

NOTE: Please use reverse side for remarks and sketches

Project Merrimack Building Supply	Date 8/8/2019	Report No. 28
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

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

3. New Action Items

- A. TT will inspect the Infiltration Basin on Monday 8/12. Area received storms on Thursday 8/8 and expected dry weather for remainder of the week/weekend.

4. Previous Open Action Items

- A. Contractor/engineer of record to confirm that Infiltration Basin is operating as designed. Standing water present in Basin after allowable 72-hour maximum detention time in the Basin. **TT Update: Item on-going. Awaiting analysis or confirmation from Engineer of Record.**
- B. Repair infiltration basin slopes during final loam and seed.
- C. Install additional stone at infiltration basin rip-rap spillway.

5. Materials Delivered to Site Since Last Inspection

- A. N/A

Tetra Tech
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FIELD REPORT

Project Merrimack Building Supply	Date 8/12/2019	Report No. 29
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 1 of 2
Contractor Barrows Contracting (Site Contractor)	Weather A.M. P.M. SUNNY	Temperature A.M. P.M. 85°F

FIELD OBSERVATIONS

On Monday, August 12, 2019, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Site contractor was not on-site during site inspection. General site conditions: Silt fence barrier (SFB) installed around the site perimeter and infiltration basin remains in good condition. Filter socks are placed just inside the SFB, and silt sacks have been placed in catch basins along the driveway adjacent to the southeast corner of the building. Rip rap remains at the location of the crushed stone apron adjacent to the infiltration basin to prevent stone displacement.
- B. Upon inspection, standing water was present in the forebay and the basin has infiltrated all standing water. Last storm occurred on August 8, 2019 (1.04 inches)*. Stone check dams upstream of the forebay appear to be damaged and require repair. Basin side slopes appear to be in stable condition. TT will continue to inspect the Basin to ensure the basin continues to infiltrate stormwater appropriately.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	
Foreman		Backhoe		Asphalt Reclaimer	
Laborers		Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.		Skid Steer		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator		Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tack Truck	
Surveyors		Conc. Mixer		Man Lift	
Roofers		Conc. Truck		Telehandler	
Mechanical/HVAC		Conc. Pump Truck		Drill rig (drilling/blasting)	
Plumbers		Pickup Truck		Mechanical Sweeper	
Pipe Fitters		Tri-Axle Dump Truck			
Carpenters		Trailer Dump Truck			
Police Details: N/A				RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.				Name	Time on-site
				Bradley Picard, EIT	12:30 PM – 1:00 PM
*Rainfall data gathered from www.wunderground.com West St – Medway MA (KMAMEDWA4)					

NOTE: Please use reverse side for remarks and sketches

Project Merrimack Building Supply	Date 8/12/2019	Report No. 29
Location 20 Trotter Drive, Medway, MA	Project No. 143-21583-17004	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

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

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. Contractor/engineer of record to confirm that Infiltration Basin is operating as designed. Standing water present in Basin after allowable 72-hour maximum detention time in the Basin. **TT Update: Item on-going. Awaiting analysis or confirmation from Engineer of Record.**
- B. Repair infiltration basin slopes during final loam and seed.
- C. Install additional stone at infiltration basin rip-rap spillway.
- D. TT will inspect the Infiltration Basin on Monday 8/12. Area received storms on Thursday 8/8 and expected dry weather for remainder of the week/weekend. **TT Update: Standing water in the basin from 1.04" storm on 8/8 has infiltrated. However, we are still awaiting analysis or confirmation from the Engineer of Record that the basin is operating as designed.**

5. Materials Delivered to Site Since Last Inspection

- A. N/A

Tetra Tech
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FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 8/8/2019	Report No. 20
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M. SUNNY	Temperature A.M. 80°F P.M. 85°F

FIELD OBSERVATIONS

On Thursday, August 1, 2019, Bradley M. Picard, E.I.T. from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- General site conditions: The western portion of the site along Willow Pond Circle and the eastern portion of the site along Waterside Run are generally dry. The main open portion of the site is soft in some areas due to the recent heavy rain events. Slopes adjacent to Basin 1 have eroded into the prepped area for retaining wall construction north of the wetland crossing. Slopes have also eroded along the southern portion of the stone-faced retaining wall, sediment has travelled past the SFB but did not reach wetland areas. Corrective measures are ongoing and will continue throughout the day. Construction entrances (Waterside Run and Willow Pond Circle) from Village Street are stabilized with crushed stone and rip-rap material and appear to be functioning as designed. Several filter socks have been replaced throughout the site and appear to be in good condition. Stockpiled soil and several disturbed areas on the site are stabilized with vegetative cover.
- Contractor has completed construction of OCS-1. Flared end section, 4" HDPE pipe, and rip rap apron have also been completed downstream of Basin 1.
- Contractor continues to install drainage infrastructure along the southwestern portion of the site. Contractor has installed structures from CB-26 to CB-30 and continuing north towards DMH-31. All drainage structures located on Lilac Path have been installed. Structures have been backfilled with processed gravel present in this area of the site. Pipes are bedded with drainage stone and backfilled with processed gravel.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer	2	Asphalt Paver		Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer			
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3+	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	3	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	30+				
		Trailer Dump Truck					
		Art. Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	11:00 A.M. – 12:30 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Salmon Health and Retirement Community	Date 8/8/2019	Report No. 20
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

- D. Liner has been installed around the prepped area for Infiltration Trench 18A. Contractor is using Protecto Wrap to seal the seams in the liner, embedded 8 feet deep from current elevation and backfilled with crushed stone. TT has expressed concern over placement of the proposed infiltration fields in the areas of structural fill used for the proposed main building foundation. The engineer of record is currently assessing the material and whether it is conducive to infiltration noted in the original Stormwater Report for the project.
- E. Duct bank construction has begun along Willow Pond Circle on the southwest portion of the site. Conduit has been bedded with crushed stone prior to the placement of concrete. Inspections of E/T/C infrastructure to be conducted by Eversource.
- F. Contractor continuing fill of main portion of the site along Willow Pond Circle, moving north towards the wetland crossing. Trucks have been hauling material into the site throughout the day, dumping in piles which are pushed by bulldozer and compacted with vibratory roller. Fill material is processed gravel.

2. Schedule

- A. Contractor plans to continue filling of site to achieve proposed grades to begin installation of proposed campus building.
- B. Construction of Infiltration Basin 18A will begin over the weekend.
- C. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. Contractor to remove material from the bottom of Basin 1 prior to final stabilization to ensure it operates as designed.

5. Materials Delivered to Site Since Last Inspection

- A. Lane SK180 Chambers
- B. HDPE pipe, various diameters.

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FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 8/9/2019	Report No. 21
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M. SUNNY	Temperature A.M. 80°F P.M. 85°F

FIELD OBSERVATIONS

On Friday, August 9, 2019, Bradley Picard, E.I.T. from Tetra Tech (TT) visited the project location to discuss modifications to Infiltration Trench 18A with Coneco and Marois. The following report outlines items discussed on-site.

1. Observations

- Contractor, Coneco, and TT on site to discuss construction modifications to Infiltration Trench 18A. TT informed Coneco engineers that placing geotextile materials below the StormKeeper chambers may trap sediment in the system and prevent stormwater infiltration. Marois pointed out that inspection ports were not shown on plans, asked Coneco if inspection ports should be installed in the system. Coneco agreed that inspection ports should be installed.
- To promote stormwater infiltration as proposed in the Stormwater Report, it was agreed upon by Coneco and Marois to place additional stone to the bedding of the infiltration system. However, Marois has determined that this extra amount of stone would incur a large cost increase that the project owner will not agree to. Alternative design modifications are required.
- Concerns have been brought up by TT and in conversation with Coneco and Marois regarding the fill that has been placed and compacted at this location. Coneco believes this will impact the infiltration rate of the proposed system. Marois believes the system will properly infiltrate, superintendent witnessed approximately 3 feet of ponded water infiltrate in this area in less than 24 hours after a 3.49" rain event took place in Medway (rainfall data collected by weather radar located in construction trailer). Fill in this area is largely composed of processed gravel, Marois believes that scarifying fill with excavator could further assist in infiltration.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer	2	Asphalt Paver		Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer			
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3+	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	3	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader		Damien Dmitruk	Coneco Engineers and
		Pickup Truck	5+	Water Truck	1		Scientists
		Tri-Axle Dump Truck	5+				
		Trailer Dump Truck					
		Art. Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	10:00 A.M. – 12:30 P.M.
							2:00 P.M. – 4:30 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Salmon Health and Retirement Community	Date 8/9/2019	Report No. 21
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

- D. Concerns were also brought up by Marois to Coneco of possible inconsistencies between soil type described in the Stormwater Report and the soil encountered during excavation. Marois dug 7 shallow test pits for Coneco engineer in the location of Infiltration Trench 18A to reveal native soil (TT on-site to witness), and Coneco confirmed soils match what is shown in test pits.
- E. Marois would like to test the fill and the native soil below to determine permeability and confirm exfiltration will occur as designed in its current condition. Coneco has yet to make decision on whether testing should be performed. Sketch is to be provided that includes proposed changes to the design of the system by either the Contractor or Design Engineer.

2. Schedule

- A. Contractor plans to continue filling of site to achieve proposed grades to begin installation of proposed campus building.
- B. Contractor will continue installing sewer, drainage, and electrical utilities throughout the site.
- C. Contractor to begin installation of Infiltration Trench 18A once design modifications are completed.
- D. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. New Action Items

- A. Coneco to make decision on modifications of Infiltration Trench 18A to provide infiltration as designed in the Stormwater Report and updated sketch of Infiltration Trench 18A with modifications to be developed by either Contractor or Design Engineer.

4. Previous Open Action Items

- A. Contractor to remove material from the bottom of Basin 1 prior to final stabilization to ensure it operates as designed.

5. Materials Delivered to Site Since Last Inspection

- A. Crushed Stone



August 27, 2019

**Medway Planning & Economic Development Board
Meeting**

Correspondence

- Letter dated August 15, 2019 from Community Housing Coordinator about air conditioning in affordable housing units



Town Hall - 155 Village Street - Medway MA 02053

August 15, 2019

Andy Rodenhiser, Chair - Planning and Economic Development Board
Rori Stumpf, Chair - Zoning Board of Appeals
Town Hall
Medway, MA 02053

Dear Chairs,

At their June 5, 2019 joint meeting, the members of the Medway Affordable Housing Trust and Committee voted unanimously to bring to the attention of the town's permitting bodies the fact that the eight affordable units in Millstone Village have been sold without air conditioning units.

Despite discovering that the practice is regrettably not uncommon, all members considered this particular omission to be egregious considering that members of the targeted market of age 55+ households are specially threatened by excessive heat and that condo rules prohibit window AC units even though the bulk of the affordable units are positioned in the middle of the project's triplexes and subsequently have fewer windows for ventilation than market-rate counterparts. Further, the developer was recently allowed to raise the price of each of its last five affordable units by approximately \$20,000 despite his prior agreement to not seek such an adjustment.

Fortunately, the units' heating ductwork is designed to double as a cool air supply, thereby limiting each resident's additional expense to the purchase and installation of exterior air compressors at a reported unit cost of \$3,000. While this figure may be in line with going rates, it no doubt constitutes a significant burden for income-qualified families.

I have determined that DHCD regulations are mute on this point and that any engineering plans filed with permit applications rarely provide this detail.

At this juncture, the members of the Affordable Housing Trust and Committee respectfully request that your Boards consider requiring as a condition of special or comprehensive permit that, to the extent that they are present in a project's market rate units, air conditioning systems be installed in affordable units without additional increase in the affordable Maximum Sale Price as determined by the project's subsidizing agency.

Thank you for your kind consideration of this suggestion.

Sincerely yours,

J. Douglas Havens
Community Housing Coordinator
c. 774-292-1456
dhavens@townofmedway.org

CC: Members of the Affordable Housing Committee and Trust
John Foresto, Chair - Board of Selectmen
Michael Boynton, Town Administrator