Tuesday, December 3, 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**	**X**	**X**

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

WILLIAM WALLACE VILLAGE 274 VILLAGE STREET:

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

- Public Hearing Continuation Notice
- New Site Plan Progress Print dates 11-26-19
- Collection of proposed new building elevations by Charles A. Basile, Architect

Applicant Larry Rucki and project engineer Dan Merrikin were present for the hearing. The Board was made aware that Merrikin Engineering had provided a new site plan print dated November 26, 2019. This plan shows 12 units including retention of the existing single family house, four duplexes and one triplex. The plan has been revised to include 30 ft. between the buildings as recommended by the Board at the last meeting. There will be green space. There will be 4 guest parking spaces (in addition to the spaces with each unit).

The applicant informed the Board that they had met with the Design Review Committee. The Design Review Committee would like the applicant to have the new design of the buildings to be similar to the historic architecture in the area. There will be a stone wall in the front and a fence. The buildings will not be identical. There will be design elements which enhance each building. They will need to rework some of the elevations to create depth when viewing the site. The applicant showed a photo board of the type of the federalist type homes they would like to build. These will have hip roofs and gables to create differences in height. The applicant is planning on attending another Design Review Committee meeting on December 16, 2019 at which point they hope the Committee will provide a letter to the Planning and Economic Development Board.

The majority of the Board liked the changes regarding the density. Dan Merrikin informed the Board that this does meet the density requirements as noted in the revised bylaw. The applicant will get something in writing from the Fire Department about the requirements for the sprinkler system which is needed within the buildings.

Abutter, Wayne Brundage, 268 Village St: Mr. Brundage wanted to know if the applicant has an architect designing the rest of the project.

Mr. Merrikin communicated that there will be no changes to the stormwater. There will be a reduction of 6% of the impervious area and also a reduction of the runoff area due to the reduction in the number of dwelling units from 15 to 12.

There was a suggestion to have a communal open area in the northwestern side of the property with the inclusion of possible picnic area, patio, plantings or benches. This project will have a Homeowners Association which will own everything outside. The applicant asked the Board if they can put in an accessory dwelling unit as part of the single-family house. A special permit would need to be granted by the Zoning Board of Appeals to do so.

The applicant explained that they submitted modification paperwork for the revised stormwater design to the Conservation Commission on November 27, 2019. The applicant would like to get a letter from the Conservation Commission by January 6, 2020. Any changes from the Conservation Commission will need to be included within the Planning and Economic Development Board's decision.

On a motion made by Matt Hayes, and seconded by Bob Tucker, the Board voted unanimously to continue the hearing for William Wallace Village to January 14, 2020 at 7:00 pm.

NEOORGANICS – 4 MARC RD:

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

- Public Hearing Continuation Notice
- 11/20/19 email from PEDB member Tom Gay to Andy Rodenhiser and Susy Affleck-Childs
- Draft decision dated 11-25-19 (no changes from last week)
- Sheet C-3 Proposed Site Plan (no changes from last week)
- Con Com Order of Conditions dated 11/25/19

The Chairman opened the continued hearing for NeoOrganics.

The Board was informed that there was a meeting with applicant Jaimie Lewis, her project engineer Bert Corey, Fire Chief Jeff Lynch, Deputy Fire Chief Mike Fasolino, and Conservation Agent Bridget Graziano and Susy Affleck-Childs to discuss the Fire Department's comments on the 4 Marc Road project. There needed to be clarification on the need to provide a fire lane around the back (west side of the building). The Fire Department is fine with a 17' wide added paved fire lane. Bert Corey indicated that the drainage design can be readily modified to accommodate the added stormwater flow resulting from the additional paving.

The Conservation Commission will consider this matter at their meeting on December 12, 2019 to see if the Commission will consider this to be a minor change to the Order of Conditions without needing a full public hearing. The applicant does not believe that this change will trigger a land disturbance permit. If it does, the land disturbance permit application will need to be reviewed by Consultant Bouley.

The Board is in receipt of the draft decision. Ron Dempsey has provided commentary for inclusion of language within the decision.
The decision will be reviewed at the January 14, 2019 meeting.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing for 4 Marc Road to Tuesday, January 14, 2020 at 7:45 pm.

SALMON WILLOWS ARCPUD- SPECIAL PERMIT SITE PLAN MODIFICATION:

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

- Public Hearing Continuation Notice
- Draft Site Plan modification decision
- Applicable revised plan sheets from Coneco

The Chairman opened the continued public hearing for the Salmon Willows ARCPUD Special Permit Site Plan modification.

The Board was made aware that Consultant Bouley has reviewed all the changes provided by the applicant. The changes include modifying the design of the stormwater drainage facilities around the main campus building at the back of the site. The modification will consist of rerouting roof runoff from the main building to alternative sub-surface drainage facilities, resizing three infiltration trenches, removing two infiltration trenches, and creating a hydraulic connection within these drainage facilities to ensure that stormwater runoff will recharge into the underlying soils. The conditions of the decision were reviewed. There was a suggestion to add more specific language about the Conservation Commission's Order of Conditions.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the modifications for Salmon Willows ARCPUD with the revised additional elements.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to close the hearing for Salmon Willows Adult Retirement Community site plan modification.

OTHER BUSINESS:

- The Oak Grove Task Force will hold its final meeting on December 10, 2019 at 6:30 pm.

FUTURE PEDB MEETING:

- Tuesday, December 10, 2019.

ADJOURN:

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

The meeting was adjourned at 8:08 pm.

Prepared by,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

December 3, 2019
Medway Planning & Economic Development Board
Special Meeting

William Wallace Village Public Hearing Continuation

- Public Hearing Continuation Notice
- New Site Plan Progress Print dated 11-26-19 by Merrikin Engineering (12 units shown including retention of the existing single family house, four duplexes and one triplex)
- Collection of proposed new building elevations by Charles A. Basile, Architect.

December 3, 2019
Medway Planning & Economic Development Board
Special Meeting

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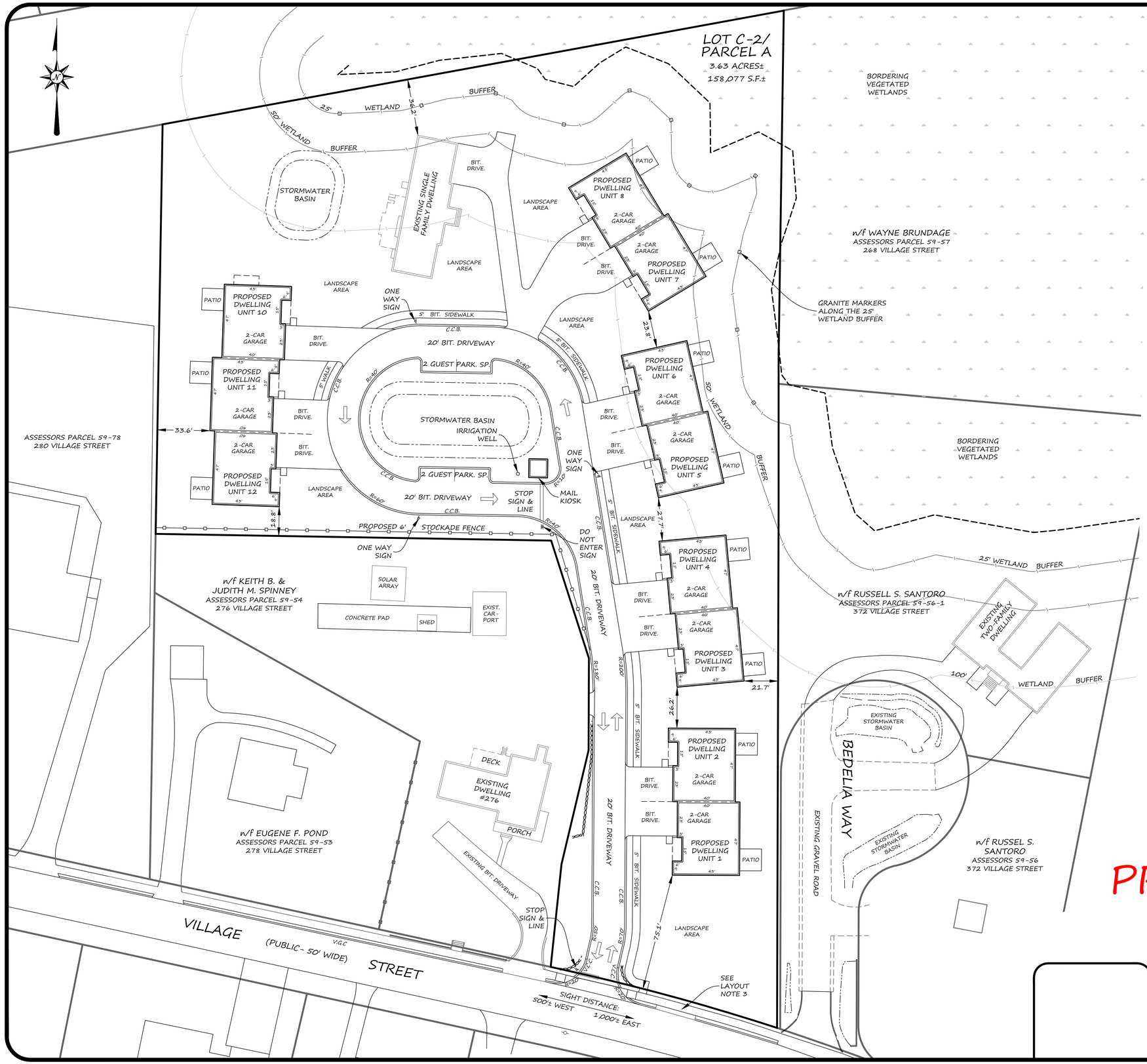


I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

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

DATE: _____

_____
REGISTERED LAND SURVEYOR

FOR REGISTRY USE

LAYOUT NOTES

1. TRASH WILL BE COLLECTED BY PRIVATE CURBSIDE PICKUP WITHIN THE DEVELOPMENT AND NOT AT THE VILLAGE STREET FRONTAGE.
2. ALL PATIOS TO BE CONSTRUCTED OF PERVIOUS PAVER SYSTEMS AND ARE TO BE EXCLUDED FROM IMPERVIOUS COVERAGE CALCULATIONS.
3. REMOVE EXISTING DRIVEWAY APRON, SAWCUT STREET PAVING, INSTALL MATCHING CONCRETE CURB, INSTALL MATCHING GRASS STRIP, AND REPAVE EXISTING SIDEWALK AND PATCH STREET PAVING AS NEEDED FROM EXISTING CURB CUT TO NEW DRIVEWAY.

ZONING REQUIREMENTS

1. PROPOSED PARKING SPACES ARE 9' WIDE BY 18' DEEP.
2. 12% OF THE UNITS ARE REQUIRED TO BE AFFORDABLE, WHICH EQUALS 1.80 UNITS (ROUNDED UP TO TWO UNITS).
3. UNITS 2 & 6 WILL BE THE AFFORDABLE UNITS.

OWNER
#274
DDRT LLC
P.O. BOX 95
TRURO, MA 02666

PORTION OF #276
KEITH & JUDITH SPINNEY
276 VILLAGE STREET
MEDWAY, MA 02053

APPLICANT
DDRT LLC
P.O. BOX 95
TRURO, MA 02666

ZONING DISTRICT
AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL
59-55

PLAN & DEED REFERENCE
DEED BOOK 6563 PAGE 42
DEED BOOK 19198 PAGE 100
PLAN BOOK 315 NO. 1166 OF 1984

PLAN SCALE: 1" = 30'
0' 30' 60' 120'

ZONING REQUIREMENTS:

ZONE: AGRICULTURAL RESIDENTIAL II
MIN. LOT AREA:
REQUIRED: 30,000 S.F. (FOR TWO FAMILY DWELLINGS)
PROVIDED: 158,077 S.F.
MIN. FRONTAGE:
REQUIRED: 50' (FOR MULTIFAMILY)
PROVIDED: 150.01'
MIN. FRONT SETBACK:
REQUIRED: 35'
PROVIDED: 75.1'
MIN. SIDE SETBACK:
REQUIRED: 15'
PROVIDED: 21.7'
MIN. REAR SETBACK:
REQUIRED: 15'
PROVIDED: 36.2'
MAX. HEIGHT:
REQUIRED: 40' (FOR MULTIFAMILY)
PROVIDED: APPROX. 26'
MAX.BUILDING COVERAGE:
REQUIRED: 30%
PROVIDED: 15% (23,950 S.F.)
MAX. LOT COVERAGE:
REQUIRED: 40%
PROVIDED: 35% (55,290 S.F.)
OPEN SPACE:
REQUIRED: 15% (FOR MULITFAMILY)
PROVIDED: 55%
PARKING SPACES:
REQUIRED: 1.5/UNIT + 1 VISITOR/2 UNITS =30 PARKING SPACES
PROVIDED: 4/UNIT + 4 VISITOR = 52 SPACES

PROGRESS PRINT

DATE APPROVED: _____

DATE ENDORSED: _____

_____
MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

PLAN DATE: NOVEMBER 26, 2019

REVISION	DATE	BY

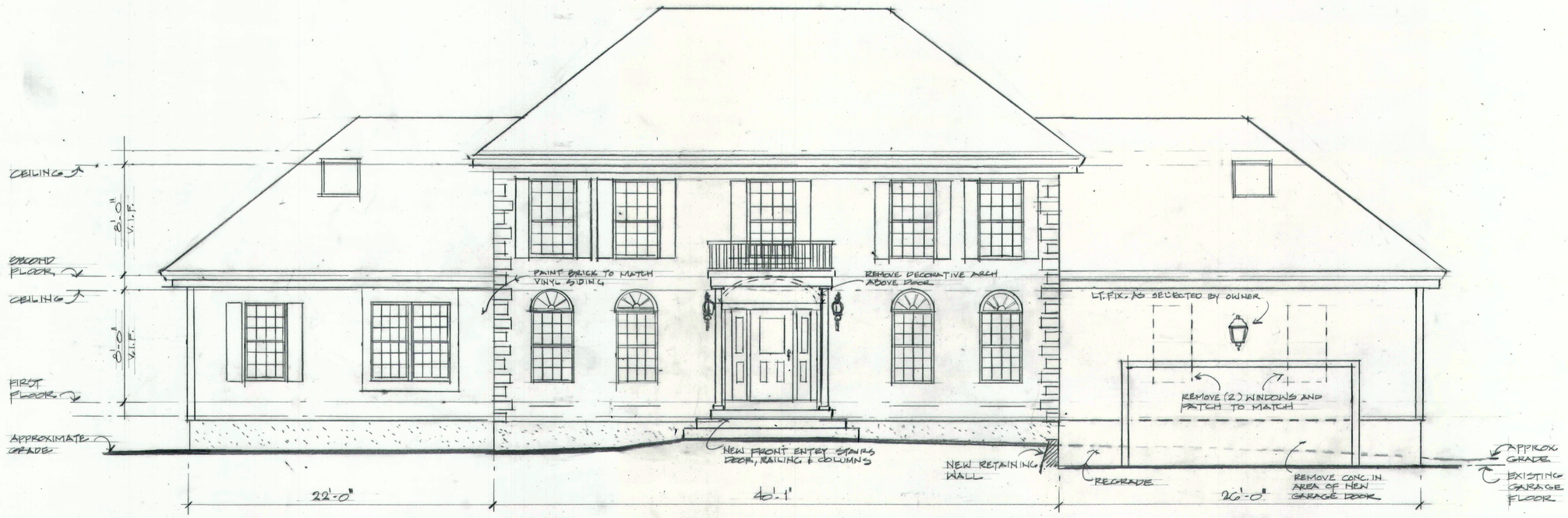
WILLIAM WALLACE VILLAGE
LAYOUT
PLAN OF LAND
IN
MEDWAY, MA

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

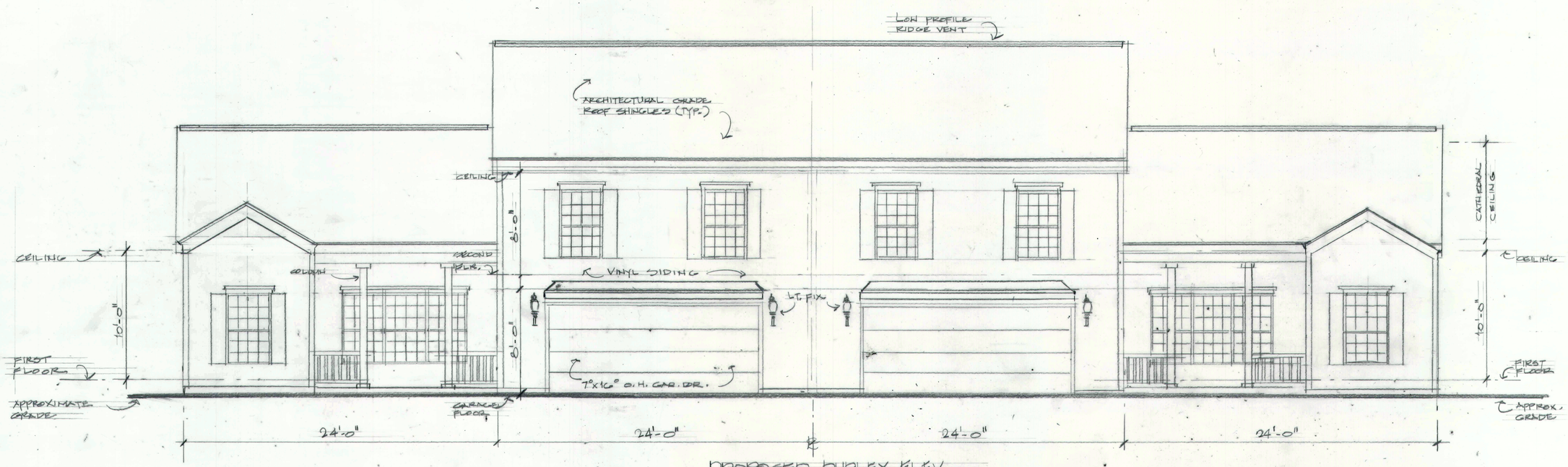
C-4

LEGACY ENGINEERING

D158-01



FRONT ELEVATION
(EXISTING HOUSE)
SCALE: 1/4"=1'-0"



PROPOSED DUPLEX ELEV.
SCALE: 1/4"=1'-0"

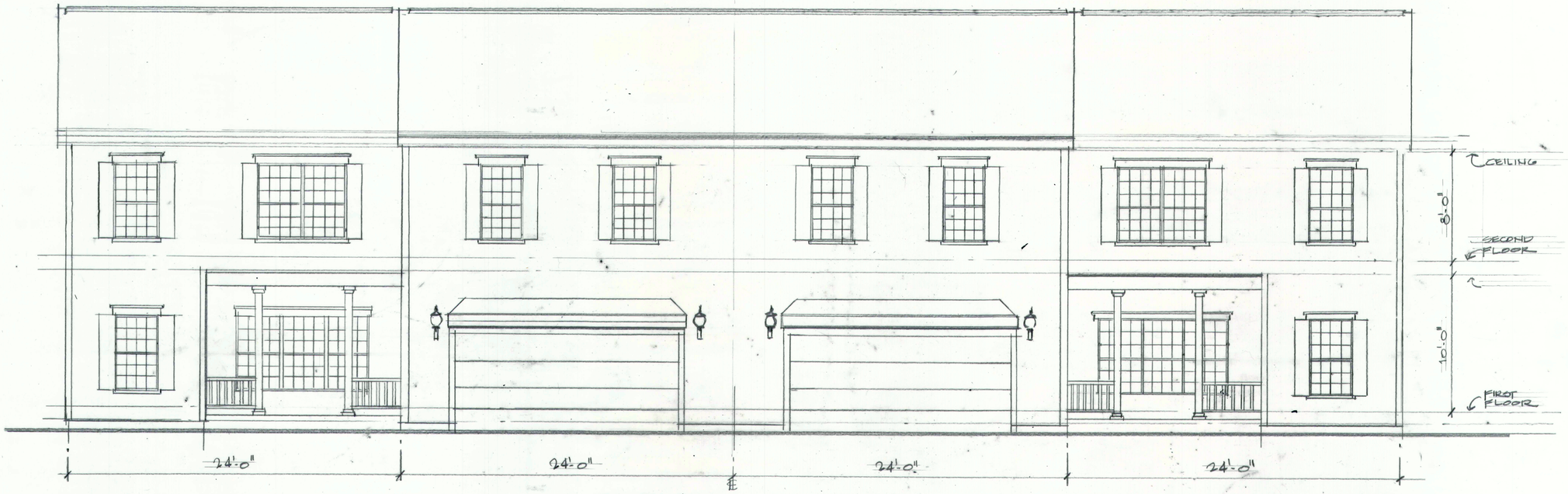
CHARLES A. BASILE . ARCHITECT
200 SWANTON STREET
SUITE T-31
WINCHESTER, MA. 01890
(CELL) 603 - 318 - 9251

cba

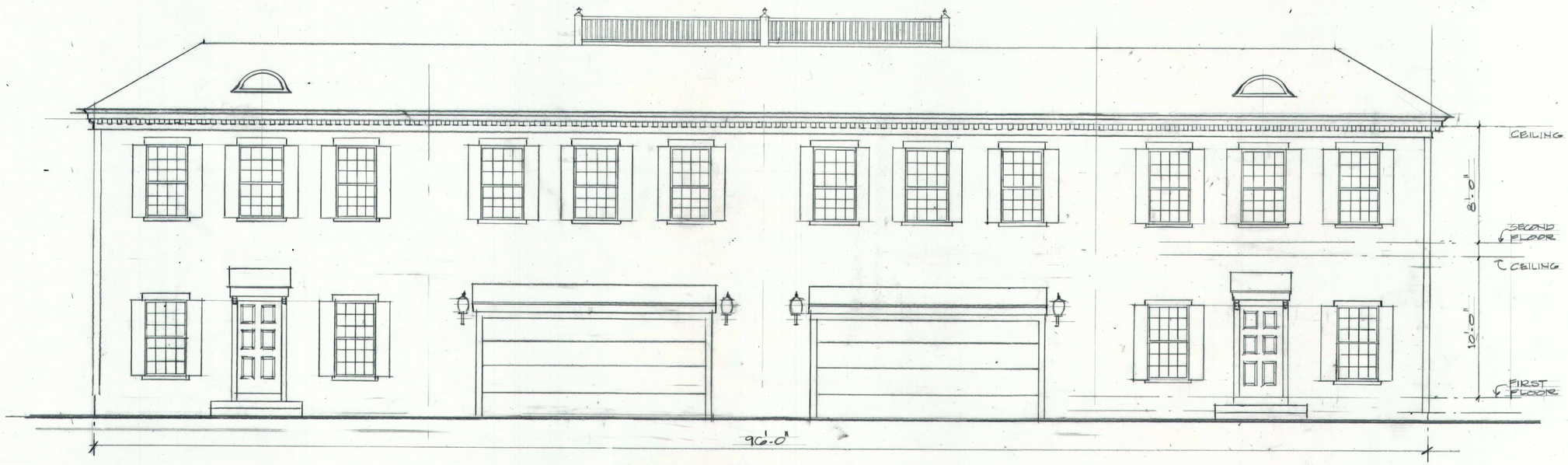
FRONT ELEVATIONS
WILLIAM WALLACE VILLAGE
674 VILLAGE STREET
MEDWAY, MASSACHUSETTS

DATE: 2017
DRAWN BY: CAB
SCALE: 1/4"=1'-0"
REVISED:

DWG. NO.
A1



PROPOSED DUPLEX ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED DUPLEX ELEVATION
SCALE: 1/4" = 1'-0"

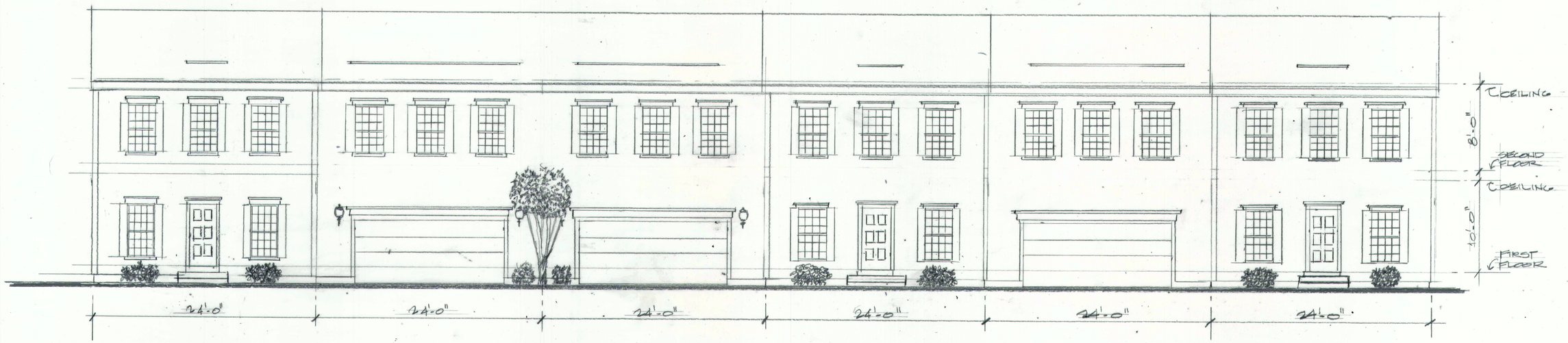
CHARLES A. BASILE - ARCHITECT
200 SWANTON STREET
SUITE T-31
WINCHESTER, MA. 01890
(CELL) 603-315-9251

cba

FRONT ELEVATIONS
WILLIAM WALLACE VILLAGE
274 VILLAGE STREET
MEDWAY, MASSACHUSETTS

DATE: 2019
DRAWN BY: CAB
SCALE: 1/4" = 1'-0"
REVISED:

DWG. NO.
A2



FRONT ELEVATION - TRIPLEX

SCALE: 3/16" = 1'-0"

December 3, 2019
Medway Planning & Economic Development Board
Special Meeting

4 Marc Road/Neo Organics
Public Hearing Continuation

- Public Hearing Continuation Notice
- 11/20/19 email from PEDB member Tom Gay to Andy Rodenhiser and Susy Affleck-Childs
- DRAFT decision dated 11-25-19 (no changes from last week)
- Sheet C-3 Proposed Site Plan (no changes from last week)
- ConCom Order of Conditions dated 11-25-19

UPDATE – Monday morning, I convened a meeting of Jaimie Lewis of Neo Organics, her project engineer Bert Corey, Fire Chief Jeff Lynch, Deputy Fire Chief Mike Fasolino, and Conservation Agent Bridget Graziano to discuss the Fire Department's comments on the 4 Marc Road project, specifically the need to provide a fire lane around the back (west side of the building). It was a good meeting. Bert Corey felt this is all very do-able. The Fire Department is OK with a 17' wide added paved fire lane. Bert feels the drainage design can be readily modified to accommodate the added stormwater flow resulting from the additional paving. At first look, he didn't feel a retaining wall would be needed. He is working on a concept drawing for you for tonight's hearing which he and Jaimie will attend. If I receive it before the meeting, I will forward to you. Bridget has placed this matter on the agenda for the 12-12 ConCom mtg to see if the Commission will consider this as a minor change to their just issued Order of Conditions without needing a full public hearing.

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street
Medway, Massachusetts 02053

RECEIVED
NOV 27 2019
TOWN CLERK

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

MEMORANDUM

November 27, 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:*** ***Neo Organics, LLC - 4 Marc Road***
CONTINUATION DATE: ***Tuesday, December 3, 2019 at 7:30 p.m.***
LOCATION: ***Medway Town Hall – Sanford Hall, 155 Village Street***

At its meeting on November 26, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the applications of Neo Organics LLC of Sudbury, MA for approval of a special use permit to operate an adult recreational marijuana cultivation and processing establishment at 4 Marc Road, a groundwater protection special permit, and the associated minor site plan to Tuesday, December 3, 3019 at 7:30 p.m. The hearing will take place during a special PEDB meeting to be held in Sanford Hall at Medway Town Hall, 155 Village Street.

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 open to the public 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. A portion of 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. After site improvements, 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 with associated noise mitigation measures, 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, last revised October 24, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA.

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

The permit 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 to the Planning and Economic Development Board's web page at: https://www.townofmedway.org/planning-economic-development-board/pages/neo-organics-4-marc-road-marijuana-special-permit

The Board will continue to review a draft decision for this project at the December 3rd hearing so we need any input from you regarding recommended conditions for this project.

Please contact me if you have any questions. Thanks.

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

Susan Affleck-Childs

From: tag70c3 <tag70c3@verizon.net>
Sent: Wednesday, November 20, 2019 8:09 AM
To: Susan Affleck-Childs; Andy Rodenhiser
Subject: 4 Marc Rd sound

Susy & Andy,

At our last meeting concerning 4 Marc Rd, specifically sound, a couple of things started to become clearer to me. Participating remotely enabled me to concentrate on the charts and numbers while listening to both the applicant and abutting property owners.... without the "noise" of the room it was much easier to understand the numbers and put in perspective with what was being said, as well as with the details of the current bylaw.

While sympathetic to the neighbors I also have concerns about holding the applicant to impossible conditions or expectations....

What dawned on me is that when it comes to sound we have a similar (not same) situation as with light. With light we have a "0" measurement for spillage at the property line.... however, we always caution people that they will still see the source. Due to the nature of light you will see the source and it will diminish with distance. Sound is different but ultimately similar. We currently require that sound not exceed a certain level at the property line. While that level is not "0" it is measurable and attainable, however, accepting that level is not silent you will still hear the sound beyond the property line and it will diminish with distance.

Listening to John Lally (realizing he has done a lot to educate himself on the nature of sound) speak about his family property, as well as what he wants measured (and where) it struck me as apparent that the current bylaw, even with its recent interpretations for measurement and changes, does not support his demand.... in other words, I don't know that we e have grounds to support what he wants. With the bylaw allowing for noise to exist, i see no way to achieve near silence at 15` , no increase in ambient noise nor elimination of the inherent properties of sound.

On the other side of the coin we have an applicant who is also well versed in sound. That applicant also exhibited a strong understanding of the current bylaw, it's current interpretations and what to do to achieve the specifics. While we may be able to urge them to do better, based on the nature of sound, I don't see a path to requiring them to eliminate it.

We are faced with managing expectations within the context of the bylaw and it's current specification. Both sides seem to have "absolute" positions and I fear if we stay from the currents bylaw and the licensed experts interpretations we will be in a position for challenge from both sides. I don't know that we can achieve a decision that each side views as reasonable. Change is immanent and this is a classic case of residential/industrial collision.... I'm not sure what language can be applied to minimize it.

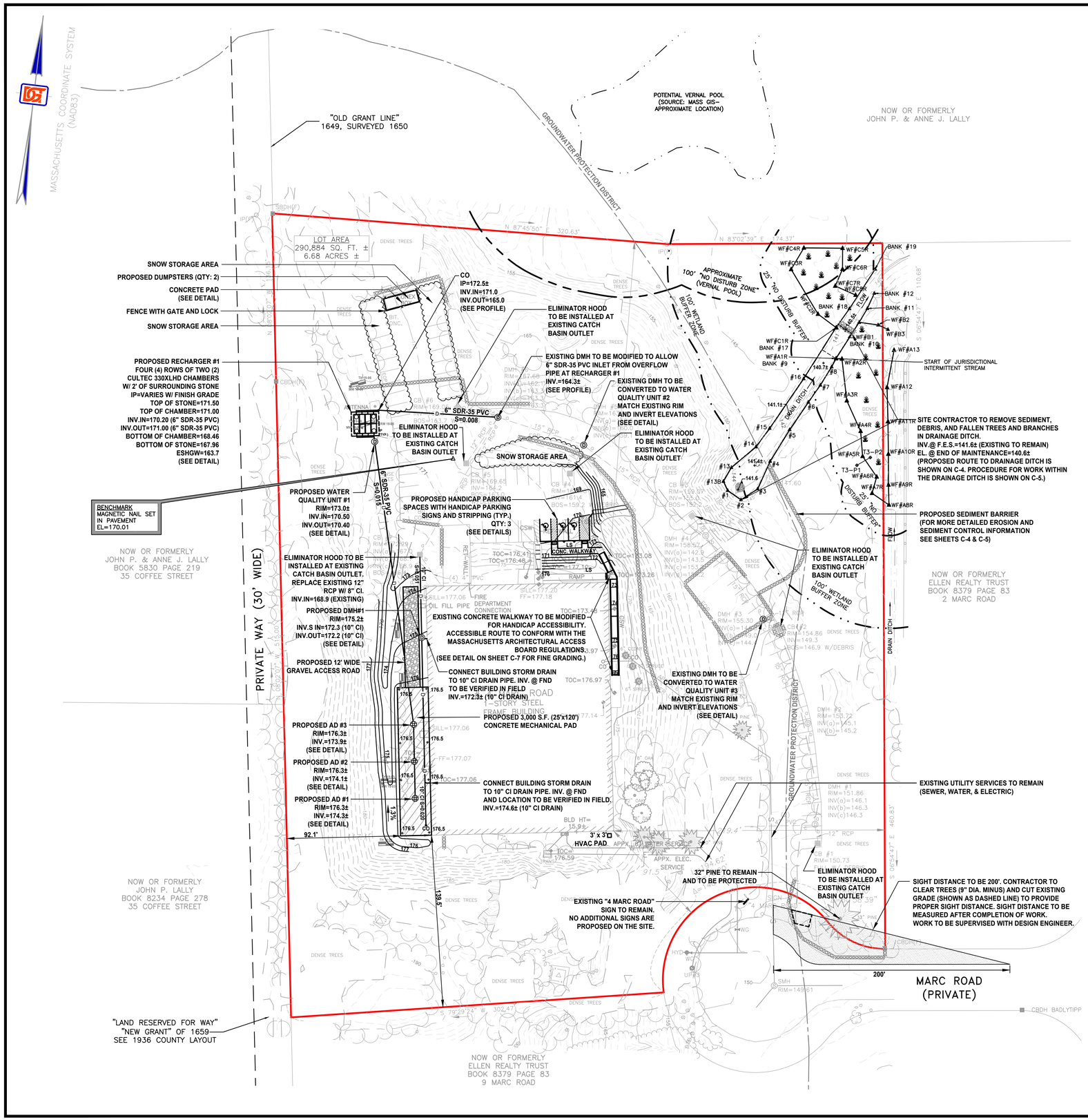
The trick will be to include language supported by the bylaw so the applicant does not challenge as unreasonable while while convincing abbuters that there expectations are being managed to the best extent possible.

Thanks for listening..... I will be home this weekend and happy to discuss in more detail on Monday if desired.... could potentially be available by phone later today or tomorrow.

See you next week....

TAG

Sent from my Verizon, Samsung Galaxy Tabletrts



LEGEND

D	UNDERGROUND DRAIN LINE
100	PROPOSED CONTOUR ELEVATION
	UNDERGROUND ROOF DRAIN LINE
DMH	DRAIN MANHOLE
+ 123.3	PROPOSED SPOT GRADE ELEVATION
AD	AREA DRAIN
CO	CLEANOUT
TYP.	TYPICAL
QTY	QUANTITY
PVC	POLYVINYL CHLORIDE
CI	CAST IRON
FND	FOUNDATION
LS	LANDSCAPE
CONC.	CONCRETE
IP	INSPECTION PORT
S=0.020	SLOPE
INV.	INVERT
F.E.S.	FLARED END SECTION
	TEST PIT
	PROPOSED SIGN POST

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& GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT

COMMONWEALTH OF MASSACHUSETTS DAVID W. HUMPHREY No. 33320 REGISTERED PROFESSIONAL ENGINEER — 10/24/19

COMMONWEALTH OF MASSACHUSETTS BERT E. COREY CIVIL No. 48423 REGISTERED PROFESSIONAL ENGINEER — 10/24/19

NO.	APP	DATE	DESCRIPTION
2	BEC	10/24/19	PER TOWN & PEER REVIEW COMMENTS
1	BEC	09/19/19	PER TOWN COMMENTS

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:

PROPOSED SITE PLAN

SHEET: 3 OF 7

PROJECT NO.: 25457

C-3

© 2019 BY DGT ASSOCIATES

G:\Carlson Jobs\25457\Correspondence\To Client\2019-10-24 (Rev2)\Site Plan.dwg

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

November 25, 2019

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

NeoOrganics, LLC - 4 Marc Road

_____ *with Conditions*

Decision Date: November 26, 2019

Name/Address of Applicants: Neo Organics LLC
365 Boston Post Road, # 184
Sudbury, MA 01776

NEK, LLC
20533 SE Evergreen Highway
Camas, WA 98607

Name/Address of Property Owner: NEK, LLC
20533 SE Evergreen Highway
Camas, WA 98607

Location: 4 Marc Road
Assessors' Reference: 32 – 026
Zoning District: East Industrial

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

DRAFT

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

I. PROJECT DESCRIPTION

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

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

The vote was _____by a vote of _____in favor and _____opposed.

Planning & Economic Development Board Member ***Vote***

Richard Di Iulio
Matthew Hayes
Thomas A. Gay
Andy Rodenhiser
Robert Tucker

III. PROCEDURAL HISTORY

A. August 6, 2019 – Special permit application filed with the Board; filed with the Town Clerk on August 7, 2019

B. August 9, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.

C. August 9, 2019 - Public hearing notice mailed to abutters by certified sent mail.

D. August 13 and August 20, 2019 - Public hearing notice advertised in *Milford Daily News.*

DRAFT

E. August 27, 2019 - Public hearing commenced. The public hearing was continued to September 24, October 8, November 12 and 26, 2019 and to _____when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

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

Site Plan Application

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

Marijuana Special Permit Application

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

Groundwater Protection Special Permit

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

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

- Updated Noise Mitigation Plan dated September 27, 2019 with Noise Mitigation Plan letter from Andy Caballerira of Acentech, Inc. dated September 25, 2019
- Updated Odor Mitigation Plan by Impact Engineering dated September 12, 2019.
- Revised site plans from DGT Engineering Associates dated September 19, 2019 and October 24, 2019.
- Plan revision submittal letter from DGT Engineering Associates dated September 19, 2019
- Response letter from DGT Engineering Associates dated September 26, 2019 to Tetra Tech review comments dated August 22, 2019.

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- Response letter from DGT Engineering Associates dated October 23, 2019 to Tetra Tech comments dated September 27, 2019
- Revised floor plans from Anderson Porter Design dated September 9, 2019
- Photometric plan by Illuminate dated September 23, 2019
- NeoOrganics security plan, unattributed, received September 19, 2019
- Assignment of interest in the purchase and sale agreement from Pangea, LLC to 4 Marc Road LLC dated March 1, 2019
- Lease dated May 3, 2019 between Neo Organics, LLC and 4 Marc Road LLC for 4 Marc Road.
- Additional request for a waiver from *Site Plan Rules and Regulations*, dated September 10, 2019.
- Proposed sound wall information received November 8, 2019

C. During the course of the review, a variety of other materials were submitted to the Board by the Board's consultants and Town staff:

- Plan review letters and emails from Gino Carlucci, PGC Associates, dated August 20, 2019, October 3, 2019 and October 31, 2019
- Plan review letters from Tetra Tech dated August 22, 2019, September 27, 2019 and October 28, 2019
- Review letters from Ron Dempsey, Noise Control Engineering, dated August 21, 2019, October 3, 2019 and October 23, 2019
- Odor mitigation plan review letters from Bruce Straughan, Straughan Forensic dated August 21, 2019 and October 2, 2019.
- Host Community Agreement dated March 4, 2019 between Neo Cultivation NA LLC and Neo Manufacturing MA LLC and the Town of Medway.
- Letter dated August 16, 2019 from Building Commissioner Jack Mee
- Review letter dated October 7, 2019 from Police Chief Allen Tingley
- Email memo dated August 12, 2019 from Treasurer/Collector Joanne Russo
- 2 Marc Road CommCan recreational marijuana special permit decision dated February 26, 2019

D. Abutter Comments

- Email communication dated October 8, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
- Email communication dated November 12, 2019 (with attachments) from abutter John Lally, 35 Coffee Street

E. Other Documentation

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

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

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

VI. FINDINGS

The Planning and Economic Development Board, at its meeting on _____, 2019, on a motion made by _____and seconded by _____, voted to _____the following ***FINDINGS*** regarding the site plan and special permit applications for 4 Marc Road. The motion was _____by a vote of _____in favor and _____opposed.

GENERAL FINDINGS from PUBLIC HEARING TESTIMONY

(1) **NOISE ISSUES**

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

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

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

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

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

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

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

C. The Applicant's preliminary noise mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Noise Control Engineering (NCE) of Billerica, MA to review that preliminary noise mitigation plan. NCE provided an email communication dated August 21, 2019 with comments and recommendations of additional information needed.

D. The Applicant prepared an updated noise mitigation plan which was submitted to the Board on September 27, 2019. The Applicant also retained sound consultant Acentech, Inc. of Cambridge, MA to evaluate the anticipated levels of noise producing equipment to be installed at the 4 Marc Road facility and provide recommendations for suitable noise control measures. Acentech developed a computer model of the facility's sound using CadnaA, an acoustic modeling software. The noise producing equipment includes a 300 kw

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generator, transformer, air handling units, a variety of condensing units, and rooftop exhaust fans. Acentech determined that the proposed noise generating equipment, absent any noise mitigation measures, will not comply with the noise regulations included in Section 7.3.C.2. of the *Zoning Bylaw* at all property lines of 4 Marc Road. To mitigate the excessive noise from certain of the noise producing sources, Acentech recommended placing sound barriers around the condensing and air handling units and to select a generator and enclosure that would meet the Bylaw's sound requirements.

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

E. On September 27, 2019, the Applicant provided an updated Noise Mitigation Plan. At the Board's request, Noise Control Engineering, LLC (NCE) to evaluated the Applicant's proposed noise mitigation plan for the 4 Marc Road property and provided an email communication dated October 3, 2019 and further testimony provided during the November 12, 2019 hearing.

F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 4 Marc Road expressing serious concerns and objections to the excessive noise emanating from the existing marijuana facility operating at 2 Marc Road. Concern was expressed that similar issues would occur with the 4 Marc Road facility.

(2) ODOR ISSUES

A. Pursuant to Section 7.3.D. of the *Zoning Bylaw*, "In all districts, no emissions of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted."

B. The Applicant's preliminary odor mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Straughan Forensic, LLC of Arvada, CO, to review that preliminary odor mitigation plan. Straughan Forensic provided a review letter dated August 21, 2019 with comments and recommendations of additional information needed.

C. The Applicant retained Impact Engineering Inc. of Castle Rock, CO to prepare an updated odor mitigation plan which was submitted to the Board on September 19, 2019. At the Board's request, Straughan Forensic, LLC

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evaluated the Applicant's updated odor mitigation plan for the 4 Marc Road property and provided a review letter dated October 2, 2019.

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

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

(1) The recreational marijuana cultivation and processing establishment will operate inside the existing building at 4 Marc Road, a permanent, stand-alone building which does not include residential units or doctors' offices. The site includes driveways, parking areas, utility systems, and stormwater management facilities.

(2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* (public or private school serving students in grades K-12) are located within 500 feet of the site of the proposed facility.

(3) As conditioned herein and as required by the Zoning bylaw, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed.

(4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.

(5) As conditioned herein, any signage for the facility shall comply with Section 8.10.F and Section 7.2 of the *Zoning Bylaw*.

(6) As conditioned herein, the Applicant shall provide the contact information for management staff and key holders of the facility.

(7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise consultants ~~to monitor noise from the facility and both found the operation to be within DEP noise regulations. The Board is requiring the Applicant to prepare a noise mitigation plan for the Board's approval after consultation with its noise consultant and to implement suitable noise mitigation measures. Further, the Board is also requiring the Applicant to prepare an odor control plan for the Board's approval after consultation with its odor consultant and to implement suitable odor mitigation measures. The Building Commissioner, in consultation with the Health Agent, and the Town's consultant(s), will confirm compliance with the noise and odor requirements of the *Zoning Bylaw* after the required noise and odor mitigation measures are installed.~~

(8) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance

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to the facility, is fully visible from the site's frontage. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed pursuant to the *Zoning Bylaw*.

(9) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products, and the transport and delivery of such to other recreational marijuana establishments. Retail sales and marijuana social establishments are not allowed pursuant to the *Zoning Bylaw*.

(10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.

(11) Applicant, NEK, LLC is the record owner of the property as shown on the Medway Assessor's records and the seller on a purchase and sale agreement with Pangea Realty LLC dated February 8, 2019. On March 1, 2019, Pangea Realty LLC assigned its interest in the purchase and sales agreement to 4 Marc Road, LLC which will own the 4 Marc Road property.

The Applicant, Neo Organics, LLC will be a tenant in the subject property and building pursuant to a lease dated May 3, 2019 with 4 Marc Road, LLC. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

(12) As conditioned herein sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment has been provided. REQUESTED 11-25-19.

(13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the Special Permit and Site Plan applications to the required parties.

(14) A site plan was submitted and has been revised pursuant to comments from the Board's consultants and the Conservation Commission. A detailed floor plan of the premises showing the functional areas of the facility has also been provided. The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police Chief during the permitting process.

(15) A copy of the policies and procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments was provided as part of the special permit application.

(16) A comprehensive noise mitigation plan prepared by the applicant's noise consultant, Acentech, Inc. was submitted and reviewed by Noise Control Engineering, the Board's noise consultant. The plan was revised, re-submitted, and re-reviewed. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the

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Zoning Bylaw. As conditioned herein, any non-compliance will be addressed through zoning enforcement.

(17) A comprehensive odor mitigation plan prepared by the applicant's odor consultant, Impact Engineering, Inc, was submitted and reviewed by Straughan Forensic, LLC, the Board's odor consultant. The odor mitigation plan was revised, re-submitted and re-reviewed. As conditioned herein, any non-compliance will be addressed through zoning enforcement.

(18) The required public hearing and review process for this special permit application has been followed.

(19) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than the described site improvements and possible additional measures to address potential noise and odor impacts if such occur in the future.

(20) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.

(21) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

SITE PLAN RULES AND REGULATIONS FINDINGS – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations,* unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

(1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?

The site is within an industrial park which is accessed directly from Route 109 so there is no access through minor streets serving residential areas. There is no backing up onto a public way.

(2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?

The existing building and site are of an industrial style, with the scale and materials similar to other buildings within the industrial park. No exterior building façade renovations are planned.

(3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor

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service areas *(e.g. waste removal*) from public views or from (nearby) premises residentially used and zoned.

The site is heavily wooded at its access driveway from Marc Road. The parking areas are along the driveway and behind the building. There is no outside storage of materials. An outdoor dumpster is included but it will be located at the back of the site and will have an enclosure around it. As the site is already developed, considerable landscaping is already provided. The building is set back approximately 110' from the western boundary line of the subject property.

(4) Is adequate access to each structure for fire and service equipment provided?

SAC contacted MFD on 11-25 and requested a review letter.

(5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

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

TEXT NEEDED HERE . . .

(6) Is pedestrian and vehicular safety both on the site and egressing from it maximized?

There is no significant pedestrian use anticipated since no public access to the building is allowed. Pedestrian safety within the parking lot is standard and is adequate due to minimal vehicular traffic. Sidewalk improvements are planned to modify the existing concrete walkway to provide for handicap accessibility. The existing sight lines at the driveway for exiting traffic will be increased through the clearing of some trees (9" diameter and less) to the east of the driveway and some regarding.

(7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

There are no historic features on site.

(8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

A photometric plan has been submitted that demonstrates that there is no light trespass or glare off site.

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(9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

The limit of work is reasonable. It makes use of an already developed site and provides a comprehensive stormwater management system to address the existing facility and proposed site improvements.

GENERAL SPECIAL PERMIT FINDINGS (Sub-section 3.4 of the Zoning Bylaw)

(1) *The proposed site is an appropriate location for the proposed use.*

Section 8.10 of the *Zoning Bylaw (Recreational Marijuana)* and Table 1 – Schedule of Uses specifies that non-retail recreational marijuana establishments are allowed by special permit in the East and West Industrial zoning districts. The subject site at 4 Marc Road is located within the East Industrial zoning district and is therefore an eligible location for the proposed use. Further, the site is not located within 500 feet of any of the uses from which marijuana establishments are prohibited (existing public or private school serving students in grades K-12). The site includes an existing industrial building constructed in 1984; the property has been used for industrial purposes for 35 years.

(2) *Adequate and appropriate facilities will be provided for the operation of the proposed use.*

The recreational marijuana cultivation and processing uses will occur within the existing industrial building at 4 Marc Road. Suitable parking is available with access from Marc Road. As documented in the findings under *Site Plan Rules and Regulations* above, adequate and appropriate facilities have been provided for the operation of the facility. The site's internal driveways and stormwater management system have been reviewed by the Board's Consulting Engineer and found to be adequate.

(3) *The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.*

The existing site contains suitable driveways, parking areas and stormwater management systems. Pedestrians are not expected to access the site as no retail marijuana operation is permitted. As conditioned herein, the Applicant is required to meet the Town's noise and odor standards as specified in Section 7.3 of the *Zoning Bylaw* and provide additional noise and odor mitigation measures if needed in the future.

(4) *The proposed use will not cause undue traffic congestion or conflicts in the immediate area.*

The proposed facility is expected to have 25 employees. The available on-site parking exceeds the number of parking spaces required. As the facility will not

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have a retail operation, non-employee traffic to the site will be minimal. The Industrial Park Road system is adequate to handle the routine employee traffic. Marc Road was recently reconstructed as part of the approval of an adjacent business facility at 2 Marc Road, so the adjacent roadway quality leading to the property is excellent. Furthermore, the site's access is via Marc Road from Industrial Park Road from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.

(5) *The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.*

(6) *The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.*

The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District in which the subject property is located. This application proposes to produce marijuana for adult recreational use within the existing building. The proposed use will not significantly alter the character of the East Industrial zoning district.

The Board heard testimony from residential abutters and neighbors about their concerns regarding adverse noise and odor conditions which may emanate from the proposed facility. These concerns result from their experience of noise and odor issues related to the existing marijuana cultivation and manufacturing operation at the adjacent 2 Marc Road marijuana facility. The Applicant made repeated verbal commitments during the public hearing that they will address neighbor concerns through reasonable noise and odor mitigation measures. The Applicant will be held to the environmental standards included in Section 7.3 of the *Zoning Bylaw*. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.

(7) *The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.*

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The Recreational Marijuana section of the *Zoning Bylaw* (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the establishment of non-retail recreational marijuana establishments at limited locations in Medway. The stated purpose of Section 8.10 is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in appropriate places and under strict conditions. As the proposed facility is located within one of the designated zoning districts, it meets the purpose of the *Zoning Bylaw*.

(8) *The proposed use is consistent with the goals of the Medway Master Plan.*

The existing facility and the expanded use of the facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives section of the Medway Master Plan as follows:

- Goal 1: Maximize the area's economic resources
- Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.

(9) *The proposed use will not be detrimental to the public good.*

As a facility in compliance with state and local law, consistent with the goals of the *Medway Master Plan*, and as thoroughly conditioned herein, the proposed use will not be detrimental to the public good.

GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT FINDINGS (Sub-Section 7.3 of the Zoning Bylaw) – A portion of the 4 Marc Road site is located within the Town's Groundwater Protection District, therefore a groundwater protection special permit is required.

(1) Maintenance, repair and enlargement of any existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.

(2) As conditioned herein, storage of hazardous materials, as defined in Massachusetts General Laws, c. 21E, is prohibited unless enclosed in a free standing container within a building. Any accidental spillage will also be contained within the building and any that may enter the municipal sewer system will be treated prior to being discharged to the municipal sewer system.

(3) As conditioned herein, any commercial fertilizers, as defined in Massachusetts General Law, c. 128, §64, used for the growing of marijuana plants will be stored within containers and kept inside the 4 Marc Road building.

(4) The facility will handle toxic and hazardous materials. All use of hazardous materials will be contained within the building and as the risk of spillage during deliveries is low, the facility qualifies for a special permit. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.

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(5) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.

(6) The facility and associated site improvements will render more than 71,000 square feet of the site impervious. The Town's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality.

(7) As required by Section 5.6.F. 1. of the *Zoning Bylaw*, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and consultation to evaluate whether the proposed project will adversely impact the quality or quantity of water available within the Groundwater Protection District, and to determine that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized.

VII. WAIVERS – At its _____ 2019 meeting, the Board, on a motion made by _____and seconded by _____, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was _____by a vote of ___ in favor and ___opposed.

SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS

Section 204-3 A. 7. - Development Impact Statement. A written Development Impact Statement shall be provided to describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the *Development Impact Statement.* The *Development Impact Statement* shall consist of the following four elements: traffic, environmental, community and parking.

The Applicant has requested a waiver from this requirement. The site is already developed and has been used for industrial purposes since 1984. The proposed site improvement work is minimal. Traffic is not expected to increase beyond previous occupants. The preparation of traffic, environmental, community and parking impact assessments is not expected to reveal any useful information related to the site or the project's impacts. The recreational marijuana facility use is highly regulated by the Massachusetts Cannabis Control Commission and is subject to a special use zoning permit from the Board. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Section 204-4 B - Site Context Sheet. A Site Context Sheet including the following items shall be submitted.

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1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand (2,000) feet of the perimeter of the site. The plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. Scenic roads shall be noted.
2) Abutters' names and addresses with assessor's reference.
3) Lot lines with dimensions and easement areas.
4) Existing topography at two (2) foot intervals from USGS survey maps or actual land survey.
5) All easements (*utility, conservation and other*) and rights-of-way.
6) Zoning district boundaries including groundwater protection district, wetlands, and flood plain zones.

The Applicant has requested a waiver from this requirement. A separate Site Context Sheet has not been provided as part of the plan set. However, the information specified to be included on a Site Context Sheet is included on other sheets included in the plan set. For the foregoing reason, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Section 204-5 C. 3. Existing Landscape Inventory – An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a *"mapped"* overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

The Applicant has requested a waiver from this requirement. The site is large (6.68 acres) and is mostly wooded in nature. The existing building will be reused. Site improvements are minimal and will not result in a large land disturbance area. A 32" pine tree located in the southeast corner of the property is specifically identified to remain and be protected during construction. Locating the all trees with a diameter of one foot or greater at four feet above grade throughout the site would be an unnecessary additional expense and provide no added value to the site design or development. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Section 204-5 D. 7. Proposed Landscape Design – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a "lesser" intensity graphic used to represent potential canopy at maturity.

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The applicant has requested a waiver from this requirement as no new landscaping is proposed for this already developed site. Any marijuana facility is subject to a permit from the Massachusetts Cannabis Control Commission which has strict requirements that prohibit shrubs and trees from being planted in proximity to marijuana establishments in order to promote safety in and around the facility. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Section 204-5 D. 12 – Signage Plan - A *Signage Plan* shall be submitted which includes the design, location, materials, dimensions and lighting for:

(a) the proposed development and all building identification signage, both freestanding and attached; and
(b) standards for tenant signs.

The applicant has requested a waiver from this requirement. The applicant intends to reuse the existing monument sign from the prior occupant to display only the property address. No other signage is planned for the building. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

VIII. CONDITIONS The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this special permit is consistent with the *Zoning Bylaw* and that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

SPECIFIC CONDITIONS OF APPROVAL

A. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:

1. Upon approval and prior to commencing operations on the property to cultivate and process marijuana for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.

2. The Applicant shall provide an annual report of Neo Organics, LLC's operations to the Board and other Town officials no later than January 31st of each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit. Any change in ownership of Neo Organics, LLC or change in management staff and key holders shall also be reported.

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3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Neo Organics, LLC as the operator of an adult recreational marijuana establishment on the premises.

4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.

B. ***Noise Management***

1. The Applicant shall install and maintain at all times effective noise reduction equipment to comply with Section 7.3 of the *Zoning Bylaw*, The Applicant will complete this through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness.

2. MUCH MORE NEEDED HERE

C. ***Odor Management***

1. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply with Section 7.3 of the Zoning Bylaw. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall ensure proper maintenance of all odor migration equipment to ensure maximum efficiency and effectiveness.

2. MUCH MORE NEEDED HERE

D. The permit holder shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificates or registration with the Massachusetts Cannabis Control Commission.

E. There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of the marijuana establishment.

F. Limitations - This special permit is limited to the operation of a recreational marijuana cultivation and processing facility at 4 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products, or the operation of a marijuana social establishment, or the operation of a marijuana testing facility on the premises.

GENERAL CONDITIONS OF APPROVAL

A. ***Fees*** - Prior to filing the special permit and site plan decision with the Town Clerk, the Applicant shall pay:

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1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning, noise, odor or other consultants;

2. an advance on fees for the continued review services to be provided by outside noise and odor consultants as approved by the Planning and Economic Development Board;

3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

B. ***Other Permits*** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, and comply with all other required Town permits.

C. ***Recording*** - Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision has been duly recorded, or supply another alternative verification that such recording has occurred.

D. ***Conflicts*** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

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

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

In accordance with G.L c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

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Medway Planning and Economic Development Board
Adult Recreational Marijuana Establishment Decision – 4 Marc Road

_____

APPROVED by the Medway Planning & Economic Development Board: _____

AYE: ***NAY:***

_____ _____

_____ _____

_____

_____

_____

ATTEST: _____ _____
Susan E. Affleck-Childs Date
Planning & Economic Development Coordinator

COPIES TO: Michael Boynton, Town Administrator
Dave D'Amico, DPW Director
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Alan Tingley, Police Chief
Jeff Watson, Police Department
Chad Blair, Neo Organics and 4 Marc Road Realty, LLC
Jaime Lewis, Neo Organics
_____, NEK, LLC
Bert Corey, DGT Associates
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

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MEDWAY CONSERVATION COMMISSION

Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053

November 18, 2019

NEO Alternatives, LLC
c/o Chad Blair
365 Boston Post Road #184
Sudbury, MA 01776

Dear Mr. Blair,

Enclosed please find the Order of Conditions, DEP File No. 216-0943 issued by the Medway Conservation Commission on November 14, 2019 this document is a record that reflects the approval of your proposal in response to your Notice of Intent filed with the Commission on June 25, 2019 for 4 Marc Road. It is required that this document be recorded with the Norfolk County Registry of Deeds after the ten day appeal period from the date of issuance has elapsed. Please send a check made payable to Norfolk County Registry of Deeds for $76.00 for the recording. If you do not wish us to record the document, please complete the recording yourself and send our office confirmation of this recording to:

Town of Medway
c/o Conservation Commission
155 Village Street
Medway, MA 02053

The Medway Conservation Commission staff would be glad to set up an appointment to review the Order of Conditions with you prior to the commencement of proposed work. Our office is open Monday - Thursday 7:30 am – 4:30 pm and Friday 7:30 am - 12:30 pm or by appointment. You may contact the Conservation office with any questions you may have at (508) 533-3292.

Thank you,

Bridget R. Graziano

Bridget R. Graziano, Conservation Agent
Medway Conservation Commission

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
216-0943
MassDEP File #

eDEP Transaction #

Medway
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. From: Medway
Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Chad
a. First Name

Blair
b. Last Name

NEO Alternatives, LLC
c. Organization

365 Boston Post Road #184
d. Mailing Address

Sudbury
e. City/Town

MA
f. State

01776
g. Zip Code

4. Property Owner (if different from applicant):

same
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

4 Marc Road
a. Street Address

Medway
b. City/Town

32
c. Assessors Map/Plat Number

026
d. Parcel/Lot Number

Latitude and Longitude, if known:

42d15m87s
d. Latitude

71d9m71s
e. Longitude

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Norfolk
a. County

b. Certificate Number (if registered land)

21910
c. Book

102
d. Page

7. Dates: July 25, 2019 (a. Date Notice of Intent Filed) November 14, 2019 (b. Date Public Hearing Closed) November 18, 2019 (c. Date of Issuance)

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Permit Site Plan 4 Marc Road Medway, MA
a. Plan Title

DGT Associates
b. Prepared By

Bert Corey No.48423
c. Signed and Stamped by

October 24, 2019
d. Final Revision Date

1" = 40'
e. Scale

Notice of Intent
f. Additional Plan or Document Title

July 25, 2019
g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☐ Public Water Supply
b. ☐ Land Containing Shellfish
c. ☒ Prevention of Pollution
d. ☐ Private Water Supply
e. ☐ Fisheries
f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply
h. ☒ Storm Damage Prevention
i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

B. Findings (cont.)

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☒ Bank	48 a. linear feet	48 b. linear feet	48 c. linear feet	48 d. linear feet
5. ☒ Bordering Vegetated Wetland	324 a. square feet	324 b. square feet	324 c. square feet	324 d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	0 c. square feet	0 d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	0 g. cubic feet	0 h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. cu yd nourishment	d. cu yd nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. cu yd nourishment	d. cu yd nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

B. Findings (cont.)

* **#22**. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. ☐ Restoration/Enhancement *:

a. square feet of BVW | b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings | b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. the work is a maintenance dredging project as provided for in the Act; or
   b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 11/18/21 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number 216-0943 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project")** (1) ☒ **is** (2) ☐ **is not subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached for Findings and Conditions adopted under the MA Wetlands Protection Act (MGL. Ch. 131 S. 40) & the Medway General Wetlands Protection Bylaw (Article XXI).

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Medway (Conservation Commission) hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   1. Municipal Ordinance or Bylaw _____ 2. Citation _____

   Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

   b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   1. Municipal Ordinance or Bylaw: Medway General Bylaw
   2. Citation: Article XXI

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

   See attached for Findings and Conditions adopted under the MA Wetlands Protection Act (MGL. Ch. 131 S. 40) & the Medway General Wetlands Protection Bylaw (Article XXI).

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

11/18/19
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

6
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Dayna Gill Dayna Gill
David J. Blackwell David J. Blackwell
Keith Downing Keith Downing
Scott Salvucci SCOTT SALVUCCI
Brian Snow Brian Snow
David A Trevalini David A Trevalini

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on 11/18/19

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

_____
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

_____
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

_____ _____
Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

_____ _____ _____
County Book Page

for: _____
Property Owner

and has been noted in the chain of title of the affected property in:

_____ _____
Book Page

In accordance with the Order of Conditions issued on:

_____
Date

If recorded land, the instrument number identifying this transaction is:

_____
Instrument Number

If registered land, the document number identifying this transaction is:

_____
Document Number

_____
Signature of Applicant

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

A. Request Information

1. Location of Project

a. Street Address | b. City/Town, Zip

c. Check number | d. Fee amount

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town | State | Zip Code

Phone Number | Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town | State | Zip Code

Phone Number | Fax Number (if applicable)

4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: $120.00 (single family house projects) or $245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: $120
- ☐ Superseding Order of Resource Area Delineation – Fee: $120

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts,* to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/).

4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

MEDWAY CONSERVATION COMMISSION

ORDER OF CONDITIONS – PART II

FINDINGS AND CONDITIONS UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT AND THE MEDWAY GENERAL WETLANDS PROTECTION BYLAW (ARTICLE XXI)

PROJECT SITE: 4 Marc Road, Map 32 Lot 026
DEP # 216-0943
MEDWAY, MASSACHUSETTS
DATE OF ISSUANCE: November 18, 2019

Project Description: The applicant proposes to complete improvements to the existing commercial building including the installation of a 3,000 square foot concrete pad, also including proposed improvements to parking areas, stormwater management systems, and proposed removal of sediments from the existing wetland resource totaling 24 linear feet), identified as an Intermittent Street, and upgrading of utilities. The site is currently forested with portions along the north to easterly side being Bordering Vegetated Wetlands. The applicant has submitted the following documents which have been accepted as part of the final record and decision for the proposed project referenced above.

1. Letter titled, "4 Marc Road (NEO Organics, LLC)" by DGT Associates, dated October 23, 2019
2. Plans titled, "Permit Site Plan 4 Marc Road, Medway, Massachusetts 02053" by DGT Associates, dated October 24, 2019
3. Document titled, "Stormwater Operations and Maintenance Plan for 4 Marc Road, Medway, Massachusetts 02053" (Appendix 5 of the "Stormwater Management Design and Runoff Calculation Report for 4 Marc Road, Medway, Massachusetts 02053" by DGT Associates, dated September 19, 2019)
4. Document titled, "Stormwater Calculations – Recharge, 4 Marc Road, Medway, MA" by DGT Associates, dated October 8, 2019
5. Document titled, "Rational Method Calculations of Roof Drains and Concrete Pad Area Drains" by DGT Associates
6. HydroCAD print titled, "25457-Proposed Conditions-FOR SWALE" by DGT Associates
7. Stormwater Drainage Report titled, "Stormwater Management Design and Runoff Calculations Report for 4 Marc Road, Medway, Massachusetts 02053", by DGT Associates, dated September 19, 2019
8. Document Titled, "Long Term Pollution Prevention Plan for 4 Marc Road, Medway Massachusetts 02053" (Appendix 2 of the "Stormwater Management Design and Runoff Calculation Report for 4 Marc Road, Medway, Massachusetts 02053" by DGT Associates, dated September 19, 2019)
9. Exhibit Plan titled, "Land Disturbance Area Plan" by DGT Associates, dated October 22, 2019

Findings:

The Medway Conservation Commission makes the following findings relative to the Notice of Intent Application DEP File # 216-0944:

a) The boundaries of Wetland Resource Areas considered under this Notice of Intent and accepted as depicted on approved plans.

b) The Commission hereby finds that the work proposed for installation of a concrete pad, upgrades to the existing site, including improvements to parking areas, the existing stormwater management system, and wetland resources (impacted by sediments from stormwater discharge), were presented at this public hearing where the applicant presented evidence sufficient to demonstrate that the proposed activity meets the provisions under 310 CMR 10.02 (2)(b) & (3), 310 CMR 10.02(5), 310 CMR 10.05(6)(k-o), 310 CMR 10.54 (4)(a), 310 CMR 10.55(4), and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.01, 3.02, 3.03, 3.04, and Section 5.

c) The Commission has granted a waiver of the 0-25' No Alteration Zone under Section 7 of Article XXI Regulations for work to remove sediment from the wetland resource, as sediment has accrued over the years from the discharge of the Stormwater Management System.

d) It was noted that all conditions of this Order must be met in order to meet the above mentioned provisions. The Commission additionally finds that the work must be conditioned to protect all interests of the MA Wetlands Protection Act and the Medway General Wetlands Protection Bylaw.

e) Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions, section of this Order.

f) To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

g) Following review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the area in which work is proposed is significant to the following interests of the Medway Wetlands By-Law:

1. Groundwater Supply
2. Flood Control
3. Storm Damage Prevention
4. Prevention of Pollution
5. Protection of Flora and Fauna and their Habitats
6. Erosion Prevention

f) Furthermore, the Medway Conservation Commission hereby finds that the proposed project is:

Approved, subject to the findings and conditions contained herein.

A. The Medway Conservation Commission based its decision to approve the proposed project upon the information provided in the Notice of Intent referenced in the WPA Form 5 – Order of Conditions ("Part I") issued concomitantly with this Part II OOC for the project, together with all of its contents and attachments, including the plans and documents identified in Part I, Sec. A, para. 8, the findings and conditions contained in this Part II, and the information presented and discussed at the public hearing.

B. The Medway Conservation Commission further finds the following:

1. Wetland Resource Areas and Boundaries: The site contains the following wetland resource areas protected by the Massachusetts Wetlands Protection Act and the Medway Wetlands By-Law:
   i. 25'- 100' buffer zone of Bordering Vegetated Wetlands
   ii. 0-25' No Alteration Zone for access to the Bordering Vegetated Wetland and Intermittent Stream
   iii. Bordering Vegetated Wetland
   iv. Intermittent Stream

2. Additional General Findings:
   i. This Order protects the interests specified in the Wetlands Protection Act and the Medway Wetlands By-Law. The Wetland resource areas on the lot are identified on the Plan.
   ii. The Commission accepts the resource areas as depicted on the above-referenced Plan.

3. Wildlife Habitat: The Commission finds that the project area is currently not within an estimated habitat for state-listed rare wetland wildlife as depicted on the most recent Estimated Habitat Map provided by the Natural Heritage and Endangered Species Program. The Commission further finds that the project is not within an Area of Critical Environmental Concern.

4. Stormwater Management: The Commission finds that the project is subject to the Department of Environmental Protection's Stormwater regulation and policy.

I. General Conditions

1. A Conservation Commissioner, agent of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if a Commissioner, agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.

2. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or any part of or share (in fact) of the property.

3. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest, title or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.

4. No filling of Bordering Vegetated Wetland as defined in 310 CMR 10.55 is authorized by this Order.

5. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.

6. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the proposed construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site. No mulch shall be placed in wetland resource areas.

7. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. Any Order not recorded by the applicant before work commences may be recorded by the Commission at the applicant's expense.

8. With respect to all conditions, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.

9. All work shall be conducted in accordance with the approved site plan titled, "Permit Site Plan 4 Marc Road, Medway, Massachusetts 02053" by DGT Associates, dated October 24, 2019 (hereafter referred to as the Approved Site Plan), document titled "Stormwater Calculations – Recharge, 4 Marc Road, Medway, MA" by DGT Associates, dated October 8, 2019, document titled, "Rational Method Calculations of Roof Drains and Concrete Pad Area Drains" by DGT Associates, HydroCAD print titled, "25457-Proposed Conditions-FOR SWALE" by DGT Associates, letter titled, "4 Marc Road (NEO Organics, LLC)" by DGT Associates, dated October 23, 2019, Stormwater Drainage Report titled, "Stormwater Calculations – Recharge, 4 Marc Road, Medway, MA" by DGT Associates, dated October 8, 2019 (hereafter known as Stormwater Report), document titled "Stormwater Operations and Maintenance Plan for 4 Marc Road, Medway, Massachusetts 02053" (Appendix 5 of the "Stormwater Management Design and Runoff Calculation Report for 4 Marc Road, Medway, Massachusetts 02053" by DGT Associates, dated September 19, 2019) (hereafter referred to as the O&M Plan), and the document titled, "Long Term Pollution Prevention Plan for 4 Marc Road, Medway Massachusetts 02053" (Appendix 2 of the "Stormwater Management Design and Runoff Calculation Report for 4 Marc Road, Medway, Massachusetts 02053" by DGT Associates, dated September 19, 2019) (hereafter known as the LTPPP) and the conditions of this Order. Copies of applicable documents listed above shall be kept on site at all times while the site is under construction.

10. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. The

Applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this OOC's terms and conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this OOC.

11. If any changes are made in the approved plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act or any change(s) in activity subject to regulations under G.L. Ch. 131 §40 or the Medway General Bylaw Article XXI, the applicant shall inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent, or a Request To Amend this Order of Conditions. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

12. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.

13. Should issuance of additional permits result in a change in the project, the provisions of condition #12 apply, regarding the process for plan amendments.

14. All waste products, refuse, debris, construction materials, etc. shall be contained and then disposed of post-construction, deposited at an appropriate off-site facility.

15. There shall be no underground storage of fuel, oil, or hazardous substance on the property within the buffer zones or Wetland Resource Areas.

16. Removal and storage of hazardous substances, hazardous waste, or hazardous material if in an area subject to protection under Massachusetts Wetlands Protection Act:

    a. Shall be conducted only when approved and directed by the Department of Environmental Protection, Environmental Protection Agency or other applicable state or federal agency under which removal or remedial activities are directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.

    b. All hazardous materials, hazardous substances, and hazardous waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the Order of Conditions and appropriate state and federal licensing and permitting agencies.

    c. No hazardous materials, substances, or wastes shall be introduced or discharged into or toward wetland resource areas.

    d. No hazardous materials, substances, or wastes shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, Board of Health, Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency.

    e. Identification of all types of hazardous materials, hazardous substances, or hazardous wastes used, produced, or stored on the site shall be submitted to the Conservation Commission in writing.

17. In the case of a conflict between a specific condition in this Order and a referenced document, the condition shall prevail.

18. Prior to any fill being brought onto the premises from any off property sources, the Medway Conservation Commission requires that any soil, including loam, brought into the resource areas, buffer zones, or other jurisdictional area should be free of trash and deleterious material and free of any chemical contaminants in excess of Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Soil should also be free of invasive species. While the MCP as a regulation at the State level may or may not apply to the project, soil characterization shall be completed in a manner consistent with this regulation. Prior to delivering to the project soil, material should be characterized by sampling the soil as outlined below and a certification shall be provided to the Conservation Commission or its agent. The certification shall include a letter signed by a Licensed Site Professional (see MCP) describing the Site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Soil containing

concentrations of contaminants in Exemptions from reporting outlined in the MCP including but not limited to lead paint, emmissions, arsenic, and ash, shall not be allowed in jurisdictional areas. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
  - Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Exceptions:

Washed Stone Materials (The Commission may elect to require sampling of these materials if materials are suspect when inspected by the Commission or its Agent)

Alternative Sampling Plans;

The Commission may consider alternative sampling plans or soil materials at its sole discretion. Approval of the commission or its agent is required for alternate plans. These may include management of soils consistent with MassDEP WSC#-13-500, Similar Soils Provision Guidance. These may also include originating facilities that are known to the Commission based on previous certifications, historical operations, and sampling to produce soils below RCS-1.

19. The applicant shall supply all costs associated with services provided by a Consulting Engineer for the review and oversight related to, but not limited to, the following construction Services – Inspection of all site work related to the construction of the storwmater management system by the Town's Consulting Engineer is required. The Consulting Engineer will document compliance with the OOC and report findings to the Commission. The Applicant shall pay a construction services/consultant peer review fee to the Town of Medway for such inspections. The amount shall be determined by the Medway Conservation Commission based on an estimate provided by the Town's Consulting Engineer based on the scope of the project. The Applicant shall provide supplemental payments to the Town of Medway for reasonable additional construction services upon invoice from the Medway Conservation Commission, until the road construction and stormwater drainage system and other utilities are completed and the as-built and a Certificate of Compliance has been granted determining the infrastructure to be satisfactory in compliance with this Order. Funds for such account shall be replenished upon notice from the Conservation Commission and/or Agent. If funds are not replenished within fourteen (14) days of request all work within jurisdictional areas shall be suspended until such time when it is replenished.

II. Prior to Construction

20. Prior to the Pre-Construction Meeting and any work commencing on the site, a sign of minimum size two-feet by two-feet shall be displayed so as to be clearly visible from the street showing DEP file No. 216-0944.

21. Emergency Contacts – The applicant shall provide to the Commission the identity and 24-hour contact information for one or more persons who will act as emergency contacts in the event of an environmental problem that occurs outside of normal working hours. The applicant shall be responsible for insuring that adequate, round-the-clock coverage including holidays, vacations, weekends, etc. is provided by an

adequate number of persons so that a qualified person is always available, and that appropriate contact information has been provided to the Commission. The emergency contact person(s) shall have the authority to expend resources, including necessary manpower, materials, and required subcontracted services, to alleviate any environmental problems at the site in short order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.

22. Prior to the Pre-Construction Meeting and commencement of any activity on this site, the approved erosion control and limit of work lines shall be staked, by survey. The location of erosion controls shall be adjusted, if necessary, during the pre-construction meeting.
23. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the Pre-Construction Meeting if absolutely necessary in order to stake the approved erosion control and limit of work lines where required.
24. Prior to the commencement of any activity on this site other than the marking of locations for erosion controls and limits of work, there shall be a **PRE-CONSTRUCTION MEETING** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting to comply with the approved plans. The applicant shall contact the Conservation Commission office at 508-533-3292 at least three (3) business days prior to any activity to arrange for the pre-construction meeting.
25. Prior to the commencement of work, the applicant shall designate an approved location for concrete washout. This location shall be approved by the Agent and/or the Commission.
26. Immediately after the Pre-Construction Meeting, all erosion controls and limits of work lines shall be installed along the approved and staked line. Erosion controls and limits of work lines shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation, on the uphill side.
27. Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls.
28. Prior to commencement of construction on site, the Bordering Vegetated Wetlands lines shall be flagged with surveyor's tape numbered to correspond to the wetland delineation on the approved plans and shall remain in place during construction.
29. The applicant shall notify the Conservation Commission in writing at least five (5) business days prior to commencement of construction activity on the site and shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the on-site person responsible for compliance with the Order.
30. The Project Manager will supervise the contractor and will inspect the site regularly whenever construction in or within 100 feet of a bordering vegetated wetland is in progress. The Project Manager will provide inspection reports to the Commission every two weeks and after storm events over 0.5", and will respond to required inspected the next day or 24 hours whichever is sooner after storm events of over 0.5", so as to take responsibility for the proper functioning of drainage systems for the project. The applicant shall provide that person's phone number for the Commission. Failure to provide above reports may result in cessation of all work on site until the applicant can meet with the Conservation Commission at a regularly scheduled meeting to explain and rectify their absence.
31. Prior to commencing any work on the site, the applicant shall submit the following to the Conservation Commission:
    - A set of **photographs** depicting the project site in pre-construction condition.
    - A **project/construction-sequencing plan**

- A **statement** signed by the applicant, owner of the property and all persons responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act and this Order.

III. Erosion Control Inspection and Monitoring

32. It shall be the responsibility of the applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site such that wetland impacts do not occur. The erosion control measures designated on the site plans and described in this Order of Conditions shall be considered a minimum standard for compliance.

IV. Staging Areas

33. Prior to construction the general contractor shall designate a **construction staging area**, located outside all resource areas and outside the 25' buffer zone. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.

34. An **area for cleanup and or maintenance of construction equipment** shall be designated prior to construction.

    a. Applicant shall designate wash out areas which will be located over 25' from any wetland resource and surrounded by siltation controls or some other form of protection approved by the Commission

    b. Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped in, any on-site drainage system or in any area subject to protection under the Mass. Wetlands Protection Act. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.

    c. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off the site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The Commission shall be notified immediately in the event of any spillage.

35. All **construction equipment** employed in the resource areas or buffer zones thereto shall be **properly maintained** and precautions shall be taken to prevent any leakage or spillage of oil, gasoline, hydraulic fluids, etc. If this is not recommended based on the site conditions, it shall be agreed to remove this requirement by the Agent and/or the Commission and the Project Supervisor.

36. **No fuel, oil, or other pollutants shall be stored** in any resource area or the buffer zone thereto, unless specified in this Order of Conditions.

V. Stormwater Management

37. During construction all stormwater management systems shall be inspected after a 0.5" rainfall and bi-monthly during construction. Structures shall be maintain and cleaned as prescribed within the O &M Plan and the LTPPP.

38. All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, Operation and Maintenance Plan, LTPPP, and the Department of Environmental Protection Stormwater Management Standards.

39. All Stormwater best management practices shall be maintained and inspected as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions.

40. During construction, all drainage structures shall be inspected on the same schedule as the erosion controls and cleaned as necessary.

41. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be

performed.

42. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a semi-annual basis during construction.

43. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.

44. The applicants, owners, and their successors and assignees shall maintain all culverts, collection basins, traps, retention and detention ponds, outlet structures, and other elements of drainage systems, in order to avoid blockages and siltation which might cause failure of the system and/or detrimental impacts to on-site or off-site resource areas, and shall maintain the integrity of vegetative cover on the site.

45. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of the roadway shall maintain the roadway and drainage system in accordance with the following schedule:

    a. **Parking area sweeping and snow plowing** – Roadway and sidewalks shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt.

    b. **Catch basins** - Accumulated sediments shall be removed from sumps and floatable wastes shall be removed from the surface of every catch basin at least two times per year. Sediments and wastes shall be disposed of in accordance with all applicable federal, state, and local laws. Any component of a catch basin that becomes damaged shall be repaired or replaced immediately upon discovery.

    c. **Drain pipes** – All drain pipes shall be inspected at least two times per year. Sediments and debris shall be removed and disposed of in accordance with all applicable federal, state, and local laws. Any pipe which becomes damaged shall be repaired or replaced immediately upon discovery.

    d. **Water Quality Unit** – Units shall be inspected on a monthly basis and after a major storm events for the first year or when sediment levels reach 8" of depth. Hydrocarbons removal must be completed by a hazardous waste disposal contractor.

    e. **Sub-surface infiltration system** – shall be inspected twice annually, approximately 2-4 days after rainfall event to ensure the water is not still in the field. If water fails to infiltrate sufficiently, the system shall be excavated and replaced.

    All maintenance of stormwater management units shall be conducted as prescribed under O&M Plan. The Conservation Commission members and the Commission Agent shall have the right to enter the property to inspect for compliance with all sub conditions of this condition.

46. Catch basins shall be equipped with sumps, oil and gas traps, and shall be inspected and cleaned as outlined in the stormwater operation and maintenance plan submitted with the NOI. After each inspection and cleaning, the inspector shall provide to the Commission written confirmation that the inspection and cleaning were conducted.

47. All stormwater BMP's maintenance logs as prescribed under the Attachment A and Attachment D-Operations and Maintenance Plan shall be kept on site and shall be provided to the Conservation Commission upon request and annually or Planning Board upon request, this includes but is not limited to street sweeping logs and receipts.

48. All Stormwater best management practices shall be maintained as specified in the O & M Plan submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on an annual basis post construction, but Stormwater BMP's shall be checked and cleaned according to the schedule prescribed within the O & M Plan. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

49. Catch Basins shall be inspected after a 0.5" storm event and on a weekly basis during construction. Post-Construction: the catch basins shall be inspected and cleaned on a quarterly basis. Post- construction all inspection and cleaning dates shall be provide to the Commission written confirmation that the inspections and cleanings were conducted, this shall be provided annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

50. During construction, all drainage structures shall be inspected regularly and cleaned as necessary as prescribed under the O & M.

51. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.

52. The applicant and its successors, upon the completion of the entire project, prior to submitting a Request for Certificate of Compliance shall provide to the Commission and/or its Agent receipts of all inspections to the stormwater management system as prescribed under the Operations and Maintenance Plan. These receipts shall refer to but are not limited to, catch basin cleaning, vegetation management (removal or mowing of swales, infiltration basins or other structures requiring mowing), and inspection and cleaning of proprietary separator.

VI. During Construction

53. The applicant shall not place stockpiles closer than 25' to any wetland resource and all stockpiles shall be within the limit of work approve by the Commission.

54. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

55. All equipment shall be operated, parked, and maintained so as to limit impacts to resource area and buffer zone to those areas clearly identified on the plans and demarcated in the field by the flagging and construction barriers installed. No equipment is to enter or cross wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.

56. During construction, Town personnel shall exercise extreme care when onsite fueling is underway during construction or storms. Spill kits as required herein shall be maintained at the fueling system during all stages of construction. Any spill of fuel shall be immediately reported to the Medway Fire Department, Police Department and Conservation Commission.

57. All existing and proposed catch basins and water quality inlets on the site or within the parcel that receive runoff from or contributes runoff to the project site shall be cleaned of sediment prior to commencement of work and be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks and sumps shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.

58. All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.

59. A copy of this Order of Conditions, construction plans, and copies of the documents and reports cited in this Order shall be on the site upon commencement and during any site work for contractors to view and adhere to.

<u>Erosion Control:</u>

60. Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction in the wetland areas and buffer zone. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission. These will be maintained until the Erosion Control Inspector and a member or agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using removal procedures that the Commission finds satisfactory. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Commission of any breeches of the erosion control barriers by sediment or silt-laden water.

61. Placement of erosion controls shall be directed at the site by the Erosion Control Inspector in order to ensure that no sedimentation will reach wetland resource areas and the erosion and sedimentation controls achieve the specifications specified as part of the Notice of Intent and these Orders of Conditions. Choice of suitable silt fence materials should be based on the design specifications listed by various manufacturers, and in accordance with the approved Site Plans and Details.

62. Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any activity on the site. Dewatering activities shall be monitored daily to ensure that sediment laden water is not discharged toward the wetland resource areas. With the exception of dewatering effluent discharged into a settling basin, no discharge of water is allowed directly or indirectly into an area subject to jurisdiction of the Wetlands Protection Act. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission for approval, which provides for the pumped water to be contained in a settling basin, to adequately reduce turbidity prior to discharge into a resource area. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures.

63. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.

64. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site. For example, installation of erosion control measures may be required in areas not shown on the plan(s) referenced in this Order of Conditions. Should such installation be required by the Commission, they shall be installed within 48 hours of the Commission's request.

65. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil, or the proposed surface treatments as indicated on the approved plans to assure long-term stabilization of disturbed areas. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods may include, but not be limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method. A minimum of four to six inches of organic top soil, and a USDA Natural Resource Conservation Service-approved seed mixture should be used in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II", or other stabilization method the Commission deems acceptable. Continued maintenance of this area in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the applicant.

66. Subsequent to seeding, disturbed areas will be covered with a hay mulch, erosion control blanket or netting or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.

67. All existing and proposed catch basins and oil traps on the site that receive runoff from the project site and/or within Medway shall be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.

68. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any such deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.

69. All stockpiles of soils existing for more than seven days shall be surrounded by 8"-12" compost socks, or entrenched silt fence, and shall be covered when requested by Agent and/or the Commission or if current conditions for precipitation warrant which may be determined by the Project Supervisor.

70. Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Agent has authorized their removal.

Grading/Landscaping/Slope:

71. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.

VII. Wetland Resource and Buffer Zone Restoration

72. The applicant complete the removal of sediment from the Bordering Vegetated Wetland not to exceed 324 square feet and 48 linear feet of bank.

73. The applicant shall restore any altered 0-100' buffer zone to its preconstruction condition. This shall be determined to be complete by the Agent and/or the Commission.

VIV. After Construction / In Perpetuity

74. The applicant and its successors shall submit annual reports of inspections of all stormwater management structures as prescribed in Long Term Pollution Prevention Plan to the Conservation Commission. Annual report shall be submitted to the Commission no later than December 1st of every year. ***This condition shall remain in perpetuity.***

75. Snow storage areas shall be clearly marked on site and all snow removal operators shall be made aware of approved locations on site for storage. Excess snow shall be removed from the site and disposed of in accordance with applicable regulations. ***This condition shall apply in perpetuity.***

76. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):

    (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A)

    (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.

    (3) An "As-Built" plan or plans signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:

        (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plans approved in this Order of Conditions;

        (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;

        (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, septic system components, wells, utility lines, fences, retaining walls, and roads/driveways;

        (d) A line delineating the actual limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation, whether or not approved under this Order;

        (e) The limit of work approved under this Order.

    (4) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.

77. If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review, and if approved by the Commission, the applicant may request in writing a Certificate of Compliance as described above.

78. No herbicides, pesticides or fertilizers shall be used on this site. Only organic slow release granular, low phosphate fertilizers shall be used on lawns within the buffer zone and all lawns within the entire site. ***This condition shall remain in perpetuity.***

79. There shall be no snow storage or dumping of excess snow within 100' of Bordering vegetated Wetlands unless within parking or storage areas. Snow shall not be pushed into forested buffer zones. ***This condition shall remain in perpetuity***.

Perpetual Conditions:

80. Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris in or into the 100' Buffer Zone, Bordering Vegetated Wetland, or any component of the Stormwater Management System.
81. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state and local wetlands protection laws and regulations.
82. The maintenance or repair of infiltration basins, supporting drainage systems, stormwater management best management practices, other than those in the public way shall be the responsibility of the applicant/property owner and its successors. The design capacity, storm water management treatment capacity and structural integrity of these facilities must be maintained.
83. The Applicant shall have the O & M Plan and the LTPPP, and Conditions in Perpetuity after this Order has received a Certificate of Compliance, made part of the all contracts for maintenance work that effects jurisdictional areas.
84. Snow storage shall be done according to the LTPPP (in perpetuity). Snow storage areas shall be clearly marked on site and all snow removal operator shall be made aware of approved locations on site for storage.
85. All deicing chemical must be stored in a cover location, outside the 100' buffer zone, the wetland resource area and all areas where stormwater BMP's are located.

Tuesday, December 3, 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**	**X**	**X**

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

WILLIAM WALLACE VILLAGE 274 VILLAGE STREET:

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

- Public Hearing Continuation Notice
- New Site Plan Progress Print dates 11-26-19
- Collection of proposed new building elevations by Charles A. Basile, Architect

Applicant Larry Rucki and project engineer Dan Merrikin were present for the hearing. The Board was made aware that Merrikin Engineering had provided a new site plan print dated November 26, 2019. This plan shows 12 units including retention of the existing single family house, four duplexes and one triplex. The plan has been revised to include 30 ft. between the buildings as recommended by the Board at the last meeting. There will be green space. There will be 4 guest parking spaces (in addition to the spaces with each unit).

The applicant informed the Board that they had met with the Design Review Committee. The Design Review Committee would like the applicant to have the new design of the buildings to be similar to the historic architecture in the area. There will be a stone wall in the front and a fence. The buildings will not be identical. There will be design elements which enhance each building. They will need to rework some of the elevations to create depth when viewing the site. The applicant showed a photo board of the type of the federalist type homes they would like to build. These will have hip roofs and gables to create differences in height. The applicant is planning on attending another Design Review Committee meeting on December 16, 2019 at which point they hope the Committee will provide a letter to the Planning and Economic Development Board.

The majority of the Board liked the changes regarding the density. Dan Merrikin informed the Board that this does meet the density requirements as noted in the revised bylaw. The applicant will get something in writing from the Fire Department about the requirements for the sprinkler system which is needed within the buildings.

Abutter, Wayne Brundage, 268 Village St: Mr. Brundage wanted to know if the applicant has an architect designing the rest of the project.

Mr. Merrikin communicated that there will be no changes to the stormwater. There will be a reduction of 6% of the impervious area and also a reduction of the runoff area due to the reduction in the number of dwelling units from 15 to 12.

There was a suggestion to have a communal open area in the northwestern side of the property with the inclusion of possible picnic area, patio, plantings or benches. This project will have a Homeowners Association which will own everything outside. The applicant asked the Board if they can put in an accessory dwelling unit as part of the single-family house. A special permit would need to be granted by the Zoning Board of Appeals to do so.

The applicant explained that they submitted modification paperwork for the revised stormwater design to the Conservation Commission on November 27, 2019. The applicant would like to get a letter from the Conservation Commission by January 6, 2020. Any changes from the Conservation Commission will need to be included within the Planning and Economic Development Board's decision.

On a motion made by Matt Hayes, and seconded by Bob Tucker, the Board voted unanimously to continue the hearing for William Wallace Village to January 14, 2020 at 7:00 pm.

NEOORGANICS – 4 MARC RD:

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

- Public Hearing Continuation Notice
- 11/20/19 email from PEDB member Tom Gay to Andy Rodenhiser and Susy Affleck-Childs
- Draft decision dated 11-25-19 (no changes from last week)
- Sheet C-3 Proposed Site Plan (no changes from last week)
- Con Com Order of Conditions dated 11/25/19

The Chairman opened the continued hearing for NeoOrganics.

The Board was informed that there was a meeting with applicant Jaimie Lewis, her project engineer Bert Corey, Fire Chief Jeff Lynch, Deputy Fire Chief Mike Fasolino, and Conservation Agent Bridget Graziano and Susy Affleck-Childs to discuss the Fire Department's comments on the 4 Marc Road project. There needed to be clarification on the need to provide a fire lane around the back (west side of the building). The Fire Department is fine with a 17' wide added paved fire lane. Bert Corey indicated that the drainage design can be readily modified to accommodate the added stormwater flow resulting from the additional paving.

The Conservation Commission will consider this matter at their meeting on December 12, 2019 to see if the Commission will consider this to be a minor change to the Order of Conditions without needing a full public hearing. The applicant does not believe that this change will trigger a land disturbance permit. If it does, the land disturbance permit application will need to be reviewed by Consultant Bouley.

The Board is in receipt of the draft decision. Ron Dempsey has provided commentary for inclusion of language within the decision.
The decision will be reviewed at the January 14, 2019 meeting.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing for 4 Marc Road to Tuesday, January 14, 2020 at 7:45 pm.

SALMON WILLOWS ARCPUD- SPECIAL PERMIT SITE PLAN MODIFICATION:

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

- Public Hearing Continuation Notice
- Draft Site Plan modification decision
- Applicable revised plan sheets from Coneco

The Chairman opened the continued public hearing for the Salmon Willows ARCPUD Special Permit Site Plan modification.

The Board was made aware that Consultant Bouley has reviewed all the changes provided by the applicant. The changes include modifying the design of the stormwater drainage facilities around the main campus building at the back of the site. The modification will consist of rerouting roof runoff from the main building to alternative sub-surface drainage facilities, resizing three infiltration trenches, removing two infiltration trenches, and creating a hydraulic connection within these drainage facilities to ensure that stormwater runoff will recharge into the underlying soils. The conditions of the decision were reviewed. There was a suggestion to add more specific language about the Conservation Commission's Order of Conditions.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the modifications for Salmon Willows ARCPUD with the revised additional elements.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to close the hearing for Salmon Willows Adult Retirement Community site plan modification.

OTHER BUSINESS:

- The Oak Grove Task Force will hold its final meeting on December 10, 2019 at 6:30 pm.

FUTURE PEDB MEETING:

- Tuesday, December 10, 2019.

ADJOURN:

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

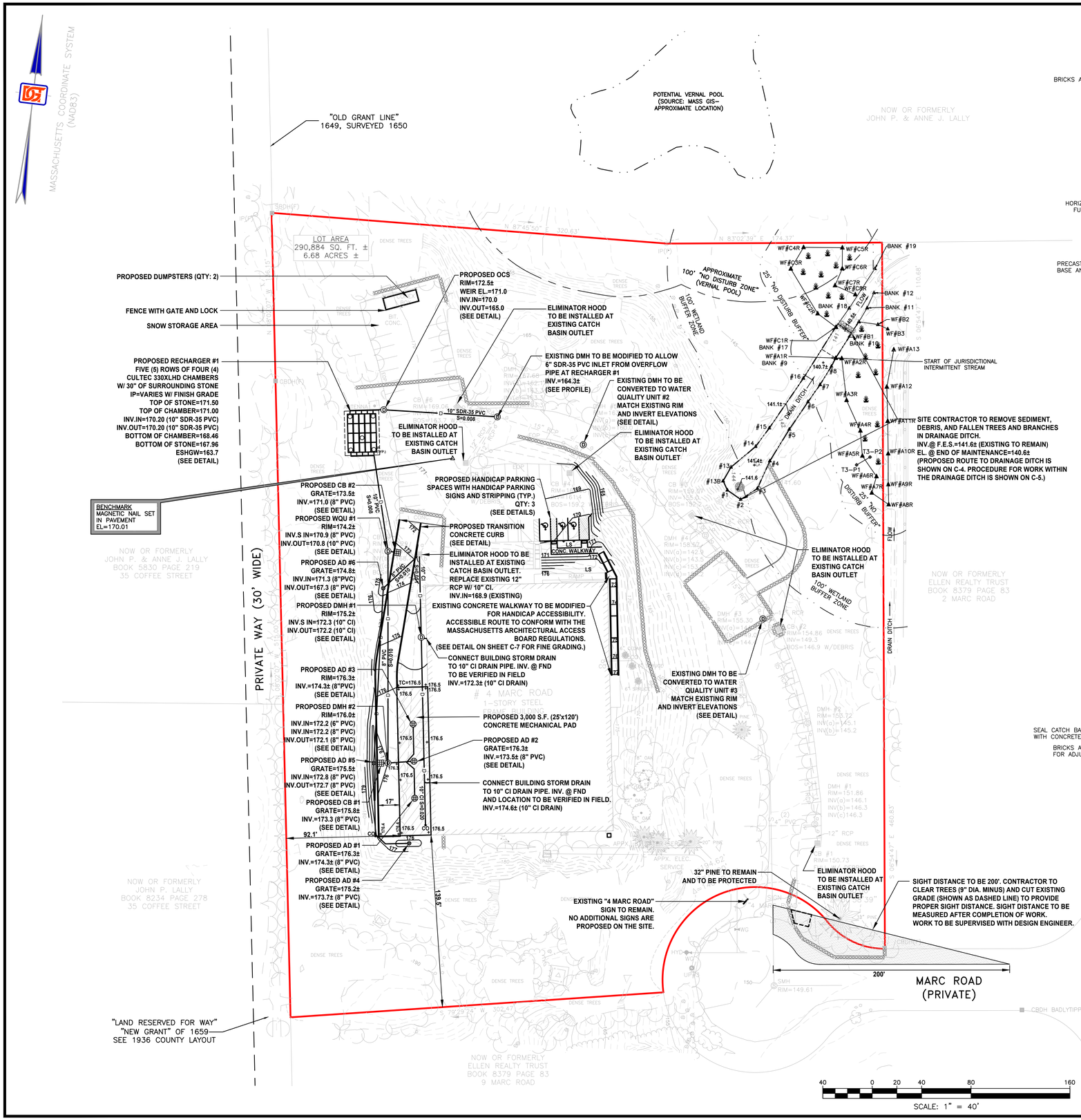
The meeting was adjourned at 8:08 pm.

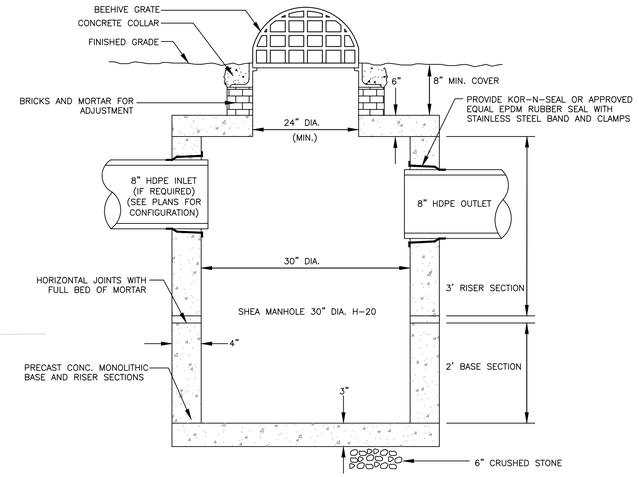
Prepared by,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

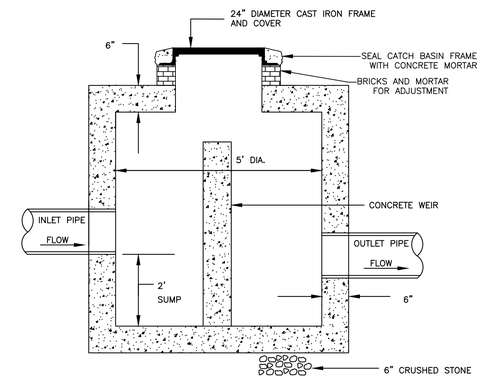
Susan E. Affleck-Childs
Planning and Economic Development Coordinator





AREA DRAIN

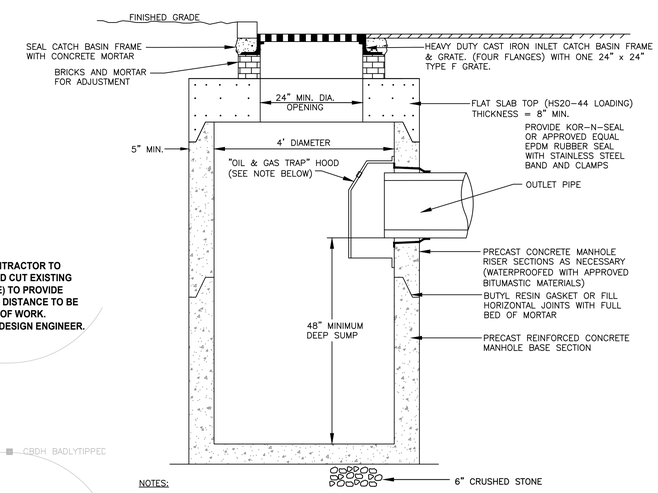
(NO SCALE)



NOTE:
SEE PLAN FOR INVERT, WEIR AND RIM ELEVATIONS AND ORIENTATION.

OUTLET CONTROL STRUCTURE

(NO SCALE)



NOTES:

1. FOR OIL AND GAS TRAP HOOD, USE "THE ELIMINATOR" BY GROUND WATER RESCUE, INC. OR APPROVED EQUAL. SIZE PER MANUFACTURER'S SPECIFICATIONS.

DEEP SUMP CATCH BASIN

(NO SCALE)

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Surveying & Engineering

Framingham
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Framingham, MA 01701
508-879-0030

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ISSUED FOR:

NO.	APP	DATE	DESCRIPTION

DATE: DECEMBER 3, 2019

SCALE: 1" =40'

DRAFTED:	CHECKED:	APPROVED:
JAL	BEC	

PROJECT TITLE:

NEO CULTIVATION & MANUFACTURING

4 MARC ROAD
MEDWAY, MASSACHUSETTS 02053

SHEET TITLE:

FIRE ACCESS PLAN

SHEET: 1 OF 1

PROJECT NO.: 25457

EXHIBIT

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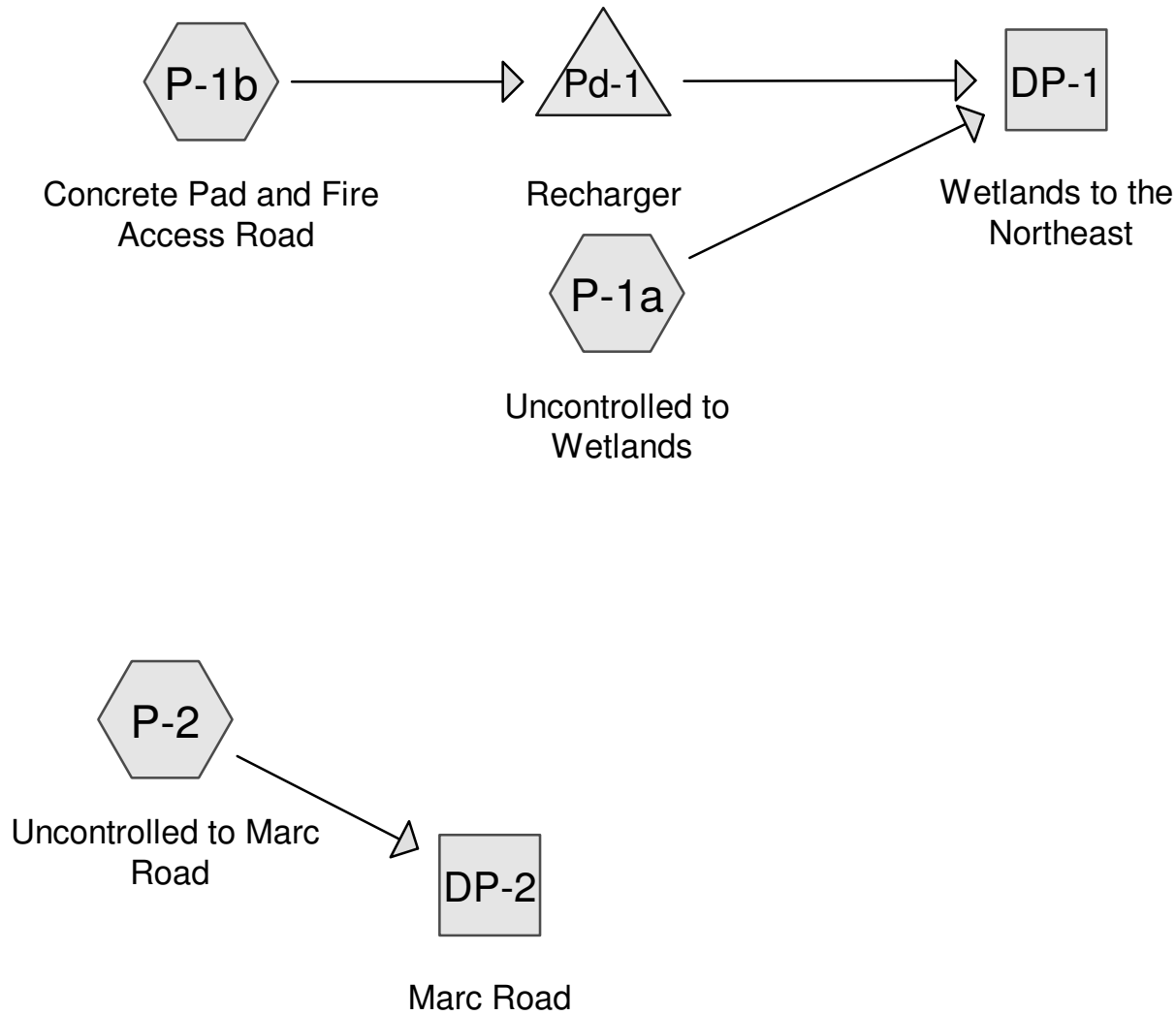
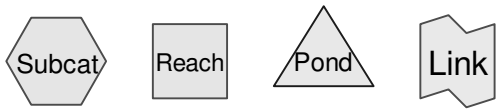
TABLE 1 - Existing vs. Proposed Peak Flows and Volumes at Design Points

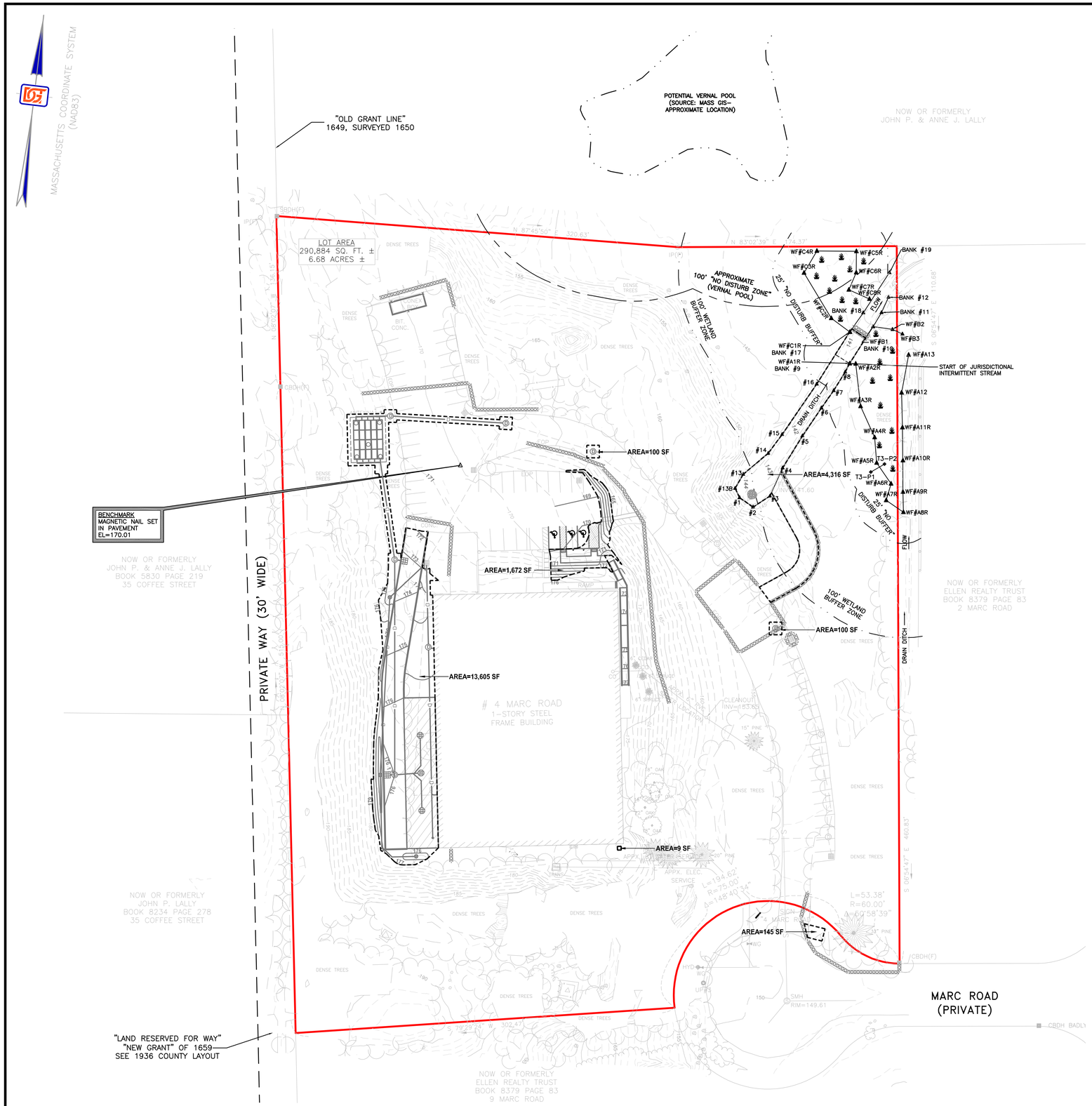
		DP#1 (Wetlands to the Northeast)			
Storm Event	24 hr Rainfall	Peak Flow (cfs)		Volume (Acre feet)	
		Existing	Proposed	Existing	Proposed
1-inch	1.0 in	0.00	0.00	0.000	0.000
2 year	3.37 in	0.26	0.25	0.081	0.079
10 year	5.26 in	3.92	3.81	0.394	0.383
25 year	6.45 in	8.18	7.95	0.674	0.667
100 year	8.27 in	16.06	15.62	1.189	1.188

		DP#2 (Marc Road)			
Storm Event	24 hr Rainfall	Peak Flow (cfs)		Volume (Acre feet)	
		Existing	Proposed	Existing	Proposed
1-inch	1.0 in	0.00	0.00	0.000	0.000
2 year	3.37 in	0.00	0.00	0.000	0.000
10 year	5.26 in	0.02	0.02	0.010	0.010
25 year	6.45 in	0.11	0.11	0.026	0.026
100 year	8.27 in	0.50	0.50	0.064	0.064





Routing Diagram for 25457-Proposed Conditions-Revised 2019-12-03
Prepared by DGT Associates
HydroCAD® 10.00-21 s/n 01078 © 2018 HydroCAD Software Solutions LLC



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 %)	41,530 SF (14.3 %)
TOTAL IMPERVIOUS	68,012 SF (23.4 %)	71,248 SF (24.5 %)
OPEN SPACE & LANDSCAPED AREA	222,872 SF (76.6 %)	219,636 SF (75.5 %)
TOTAL LOT AREA	290,884 SF (100.0 %)	290,884 SF (100.0 %)

AREA OF DISTURBANCE = 19,947 SF (6.9 %)

THE TOTAL AREA OF DISTURBANCE OF 18,435 SQUARE FEET IS ASSOCIATED WITH THE PROPOSED CONCRETE PAD, DRAINAGE SWALE AT WEST SIDE OF CONCRETE PAD AND BUILDING, GRAVEL ACCESS ROAD, SITE DRAINAGE IMPROVEMENTS INCLUDING THE PROPOSED WORK WITHIN THE DRAINAGE DITCH, RE-GRADING OF SLOPE DOWN-GRADIENT OF THE EMPLOYEE PARKING, OFFICE HVAC PAD, AND DUMPSTER PAD AREA.

*** NOTE: THE AREAS USED FOR THE LAND DISTURBANCE CALCULATION ARE BASED ON ON THE AREAS DISCUSSED AT THE CONSERVATION COMMISSION HEARING ON 9/26/19. AREAS NOT COUNTED TOWARDS THE LAND DISTURBANCE CALCULATION PREVIOUSLY INCLUDED ARE THE STAGING AREAS WITHIN THE PAVED PARKING LOT AREA, THE RE-PAVING / RE-GRADING ASSOCIATED WITH THE EXISTING PAVED EMPLOYEE PARKING LOT AND CONCRETE WALKWAY REVISIONS FOR HANDICAP ACCESSIBILITY, AND THE AREA USED FOR TEMPORARY STOCKPILING OF SEDIMENT TO BE REMOVED FROM THE DRAINAGE DITCH.**

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ISSUED FOR:

CONSERVATION REVIEW

NO.	APP	DATE	DESCRIPTION
2		12/03/19	FIRE DEPT. COMMENTS
1		10/22/19	PEER REVIEW COMMENTS

DATE: **SEPTEMBER 27, 2019**

SCALE: **1" =40'**

DRAFTED:	CHECKED:	APPROVED:
JAL	BEC	

PROJECT TITLE:

NEO CULTIVATION & MANUFACTURING

4 MARC ROAD
MEDWAY, MASSACHUSETTS 02053

SHEET TITLE:

LAND DISTURBANCE AREA PLAN

SHEET: 1 OF 1

PROJECT NO.: 25457

EXHIBIT

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Rational Method and Pipe Flow Capacity Calculations

Pipe Flow - Designed					Job #	25457	12/3/2019			
RD to Roof Drain Manhole				L=117'		**Roof Drain Manhole to CB**			L=65'	
Size	10	in. CI				**Size**	10	in. CI		
Slope	0.02	ft./ft.				**Slope**	0.051	ft./ft.		
Manning's coef. n=	0.013					**Manning's coef. n=**	0.013			
Area	78.54	in.^{2}	or	0.55	ft.^{2}	**Area**	78.54	in.^{2}	or	0.55 ft.^{2}
Perimeter	31.42	in.		2.62	ft.	**Perimeter**	31.42	in.		2.62 ft.
R=A/P	0.208	ft.				**R=A/P**	0.208	ft.		
$V=1.49/n(R)^{2/3}(S)^{1/2}$	5.70					**$V=1.49/n(R)^{2/3}(S)^{1/2}$**	9.10			
Q=VA	**3.11**	**(CAPACITY)**				**Q=VA**	**4.96**	**(CAPACITY)**		
Q25=	2.02	(COMPUTED)				Q25=	4.04	(COMPUTED)		
8" AD to DMH #2				L=16'		**CB #1 to DMH #2**			L=2'	
Size	8	in. PVC				**Size**	8	in. PVC		
Slope	0.015	ft./ft.				**Slope**	0.05	ft./ft.		
Manning's coef. n=	0.01					**Manning's coef. n=**	0.01			
Area	50.27	in.^{2}	or	0.35	ft.^{2}	**Area**	50.27	in.^{2}	or	0.35 ft.^{2}
Perimeter	25.13	in.		2.09	ft.	**Perimeter**	25.13	in.		2.09 ft.
R=A/P	0.167	ft.				**R=A/P**	0.167	ft.		
$V=1.49/n(R)^{2/3}(S)^{1/2}$	5.53					**$V=1.49/n(R)^{2/3}(S)^{1/2}$**	10.09			
Q=VA	**1.93**	**(CAPACITY)**				**Q=VA**	**3.52**	**(CAPACITY)**		
Q25=	0.42	(COMPUTED)				Q25=	0.24	(COMPUTED)		
DMH #2 to WQU #1				L=165'		**CB #2 to WQU #1**			L=4'	
Size	8	in. PVC				**Size**	8	in. PVC		
Slope	0.01	ft./ft.				**Slope**	0.027	ft./ft.		
Manning's coef. n=	0.01					**Manning's coef. n=**	0.01			
Area	50.27	in.^{2}	or	0.35	ft.^{2}	**Area**	50.27	in.^{2}	or	0.35 ft.^{2}
Perimeter	25.13	in.		2.09	ft.	**Perimeter**	25.13	in.		2.09 ft.
R=A/P	0.167	ft.				**R=A/P**	0.167	ft.		
$V=1.49/n(R)^{2/3}(S)^{1/2}$	4.51					**$V=1.49/n(R)^{2/3}(S)^{1/2}$**	7.41			
Q=VA	**1.58**	**(CAPACITY)**				**Q=VA**	**2.59**	**(CAPACITY)**		
Q25=	0.66	(COMPUTED)				Q25=	0.71	(COMPUTED)		
WQU #1 to Recharger				L=76'		**OCS to Ex. DMH**			L=87'	
Size	10	in. PVC				**Size**	10	in. PVC		
Slope	0.008	ft./ft.				**Slope**	0.008	ft./ft.		
Manning's coef. n=	0.01					**Manning's coef. n=**	0.01			
Area	78.54	in.^{2}	or	0.55	ft.^{2}	**Area**	78.54	in.^{2}	or	0.55 ft.^{2}
Perimeter	31.42	in.		2.62	ft.	**Perimeter**	31.42	in.		2.62 ft.
R=A/P	0.208	ft.				**R=A/P**	0.208	ft.		
$V=1.49/n(R)^{2/3}(S)^{1/2}$	4.68					**$V=1.49/n(R)^{2/3}(S)^{1/2}$**	4.68			
Q=VA	**2.55**	**(CAPACITY)**				**Q=VA**	**2.55**	**(CAPACITY)**		
Q25=	1.37	(COMPUTED)				Q25=	1.37	(COMPUTED)		
Hillside to AD Network										
Size	8	in. PVC								
Slope	0.01	ft./ft.								
Manning's coef. n=	0.01									
Area	50.27	in.^{2}	or	0.35	ft.^{2}					
Perimeter	25.13	in.		2.09	ft.					
R=A/P	0.167	ft.								
$V=1.49/n(R)^{2/3}(S)^{1/2}$	4.51									
Q=VA	**1.58**	**(CAPACITY)**								
Q25=	0.82	(COMPUTED)								

Project 25457
4 Marc Road, Medway
December 3, 2019

DGT Associates
Surveying & Engineering

Proposed				25457		NEO		12/3/2019	
Roof Drain (1/2 roof) to		area(sf)	=	14859		c-factor			
10" CI to Roof Drain Manhole	paved		=	14859	*	0.90	=	13373	
	landscaped		=	0	*	0.20	=	0	
								13373	
	weighted C =		0.90			tc < 5min	I=	6.6	in/hr
	A =	0.34	acres			Q25 = CiA		**2.02**	**cfs**
Roof Drain (1/2 roof) to		area(sf)	=	14859		c-factor			
Roof Drain Manhole	paved		=	14859	*	0.90	=	13373	
	landscaped		=	0	*	0.20	=	0	
								13373	
	weighted C =		0.90			tc < 5min	I=	6.6	in/hr
	A =	0.34	acres			Q25 = CiA		**2.02**	**cfs**
Concrete Slab to 8" PVC		area(sf)	=	3000		c-factor			
	paved		=	3000	*	0.90	=	2700	
	landscaped		=	0	*	0.20	=	0	
								2700	
	weighted C =		0.90			tc < 5min	I=	6.6	in/hr
	A =	0.07	acres			Q25 = CiA		**0.42**	**cfs**
Pavement to Proposed CB #1		area(sf)	=	1942		c-factor			
	paved		=	1942	*	0.90	=	1748	
	landscaped		=	0	*	0.20	=	0	
								1748	
	weighted C =		0.90			tc < 5min	I=	6.6	in/hr
	A =	0.04	acres			Q25 = CiA		**0.24**	**cfs**
Pavement to Proposed CB #2		area(sf)	=	5230		c-factor			
	paved		=	5230	*	0.90	=	4707	
	landscaped		=	0	*	0.20	=	0	
								4707	
	weighted C =		0.90			tc < 5min	I=	6.6	in/hr
	A =	0.12	acres			Q25 = CiA		**0.71**	**cfs**
Hillside to AD Network		area(sf)	=	27167		c-factor			
	paved		=	0	*	0.90	=	0	
	landscaped		=	27167	*	0.20	=	5433	
								5433	
	weighted C =		0.20			tc < 5min	I=	6.6	in/hr
	A =	0.62	acres			Q25 = CiA		**0.82**	**cfs**

DGT Associates
Surveying &
Engineering

1071 Worcester Rd.
Framingham, MA 01701
508.879.0030
www.dgtassociates.com

Water Quality Unit Design

4 Marc Road, Medway, MA

Revised 12/03/19

Computational method to convert Water Quality Volume (WQV) to Equivalent Peak Water Quality Flow Rate (WQF)

Reference: MassDEP Notice dated November 1, 2010

$WQF = (q_u)(A)(WQV)$

Where
q_u = unit peak discharge (cfs / (mi^2 x in x s))
A = impervious surface drainage area (mi^2)
WQV = water quality volume (1.0 inch)
WQF = water quality flow rate (cfs)

T_c = 5.0 minutes (for all subcatchments)
From Figure 2: q_u = 773 cfs / (mi^2 x in x s)

Stormwater Treatment Unit	q_u	A (sf)	A (mi^2)	WQV (in)	WQF (cfs)	Unit Proposed
WQU #1	773	7,172	0.0002	1.0	0.154	CDS-3
WQU #2	773	42,265	0.0015	1.0	1.160	CDS-5
WQU #3	773	6,236	0.0002	1.0	0.154	CDS-3

December 3, 2019
Medway Planning & Economic Development Board
Special Meeting

Salmon Willows Site Plan Modification Public Hearing Continuation

- Public Hearing Continuation Notice
- Draft site plan modification decision
- Applicable revised plan sheets from Coneco (same as what was provided for the 11-26-19 meeting)

RECEIVED
NOV 27 2019
TOWN CLERK

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

November 27, 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:*** ***Salmon Willows ARCPUD Plan Modification***
CONTINUATION DATE: ***Tuesday, December 3, 2019 at 8 p.m.***
LOCATION: ***Medway Town Hall – Sanford Hall, 155 Village Street***

At its meeting on November 26, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the application of Continuing Care Management LLC of Westborough, MA for approval of a modification of the previously approved Salmon Health and Retirement Site Plan to a special PEDB meeting to be held on December 3, 2019 at 8 pm.

This proposed modification pertains to the Salmon Health and Retirement Community complex that is presently under construction off the south side of Village Street and is comprised of 58 acres at 259, 261, 261R and 263 Village Street. That development was authorized by special permit issued by the Planning and Economic Development Board on March 24, 2016.

The applicant proposes to modify the design of the stormwater drainage facilities around the main campus building at the back of the site. These changes are needed to accommodate the structural fill that was brought in to provide necessary support for the building's construction and placed below the sub-surface stormwater drainage infiltration facilities. The proposed modification will consist of rerouting roof runoff from the main building to alternative sub-surface drainage facilities, resizing three infiltration trenches, removing two infiltration trenches, and creating a hydraulic connection within these drainage facilities to ensure that stormwater runoff will ultimately recharge down into the underlying soils.

The permit application, site plan, and other associated documents are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The materials have also been posted to the Planning and Economic Development Board's web page at: https://www.townofmedway.org/planning-economic-development-board/pages/salmon-health-and-retirement-community-modification-public

Please forward any comments to me by December 5th and let me know if you have any questions.

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

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

December 2, 2019

MODIFICATION
ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT (ARCPUD)
SPECIAL PERMIT PLAN
Continuing Care Management, LLC
The Willows at Medway and Whitney Place
259, 261, 261R and 263 Village Street

Name/Address/Applicant: Continuing Care Management, LLC
One Lyman Street
Westborough, MA 01581
Project Location: 259, 261, 261R and 263 Village Street
Assessor's Reference: Agricultural Residential II
Purpose: Amend the previously approved ARCPUD special permit plan

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") to modify the previously approved and endorsed ARCPUD special permit plan dated June 12, 2015, last revised December 11, 2017, endorsed by the Board on December 12, 2017 and recorded at the Norfolk County Registry of Deeds on December 20, 2017, Book 665, Pages 1 – 68B.

BACKGROUND – The ARCPUD special permit decision approved by the Board on March 24, 2016 pertained to the construction of an age-restricted, active adult/senior residential living community on the site to be known as The Willows at Medway and Whitney Place. The approved development is to consist of 54 cottage style independent living homes located in 29 buildings, a main building to include 15 cottage style independent living homes, 40 memory care apartments, 60 assisted living apartments and 56 independent living apartments, a 3,522 sq. ft. community center pavilion and a 11,475 sq. ft. medical office building. Planned improvements include 5,498 linear feet of privately owned roadway (*Willow Pond Circle, Waterside Drive, Lilac Path, and Walnut Grove*), sewage and water service; stormwater management/drainage facilities; 37.4 acres of dedicated open space open to the public; paved sidewalks; walking trails/paths; and associated parking and landscaping. Site access and egress will be from Village Street, a Medway Scenic Road. The open space land is protected through a Conservation Restriction and Easement granted to the Town of Medway, acting through its Conservation Commission, for conservation and passive recreation purposes and to permit public access to the open space land, trails/pathways and parking area.

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

DRAFT

DESCRIPTION OF PROPOSED MODIFICATION – The proposed plan modifications were represented on the following plan sheets prepared by Coneco Engineers and Scientists of Bridgewater, MA and provided to the Board:

- Sheet 1 titled Campus Drainage dated 10-22-19
- Revised Sheet C24 dated 8-21-19
- Revised Sheet C25 dated 8-9-19
- Revised Sheet C26 dated 9-5-19
- Revised Sheet C27 dated 9-5-19
- Revised sheet C58 dated 11-18-19

These plan revisions reflect modifications to the installation of stormwater drainage facilities around the main campus building. The changes are needed to accommodate the structural fill that was brought in to provide necessary support for the building construction and placed below the nearby stormwater drainage infiltration facilities. The modification consists of rerouting roof runoff from the main building to alternative drainage facilities, resizing three infiltration trenches, removing two infiltration trenches, and creating a hydraulic connection within the drainage facilities to ensure stormwater runoff is recharged to the underlying soils. The scope of the proposed changes required a new Conservation Commission Order of Conditions. That in turn triggered a formal modification to the previously approved ARCPUD plan by the Board.

The proposed changes were reviewed by Tetra Tech, the Town's Consulting Engineer. A review letter and accompanying email was issued September 26, 2019. A follow-up email dated November 20, 2019 was also provided. Tetra Tech also advised the Conservation Commission on the proposed changes. On November 25, 2019, the Commission issued a new Order of Conditions which included conditions for additional inspections pursuant to the Long Term Stormwater Operations and Maintenance Plan.

Upon review of the proposed modification, the Planning and Economic Development Board determined that the proposed changes will not be detrimental to the achievement of the planned senior living community as originally approved.

REVIEW PROCESS

Application Received:	October 31, 2019
Public Hearing Notice Posted with Town Clerk:	November 12, 2019
Abutters Notified via Certified Sent Mail:	November 12, 2019
Legal Ad in Published in the *Milford Daily News*:	November 12 and 18, 2019
Public Hearing:	November 26 and December 3, 2019

DECISION OF THE BOARD – The Medway Planning and Economic Development Board, at a duly posted meeting held on December 3, 2019, on a motion made by _____ and seconded by _____, voted ____ in favor and _____opposed to modify the previously approved and endorsed ARCPUD special permit plan for the stormwater drainage design for the 225 unit independent and assisted senior living community at 259, 261, 261R and 263 Village Street as described herein.

All documents associated with the previous decision and amendments are hereby acknowledged and made a part of the record for this modification.

DRAFT

The above noted plan sheets by Coneco Engineers and Scientists depicting the approved changes are attached to this decision.

CONDITIONS

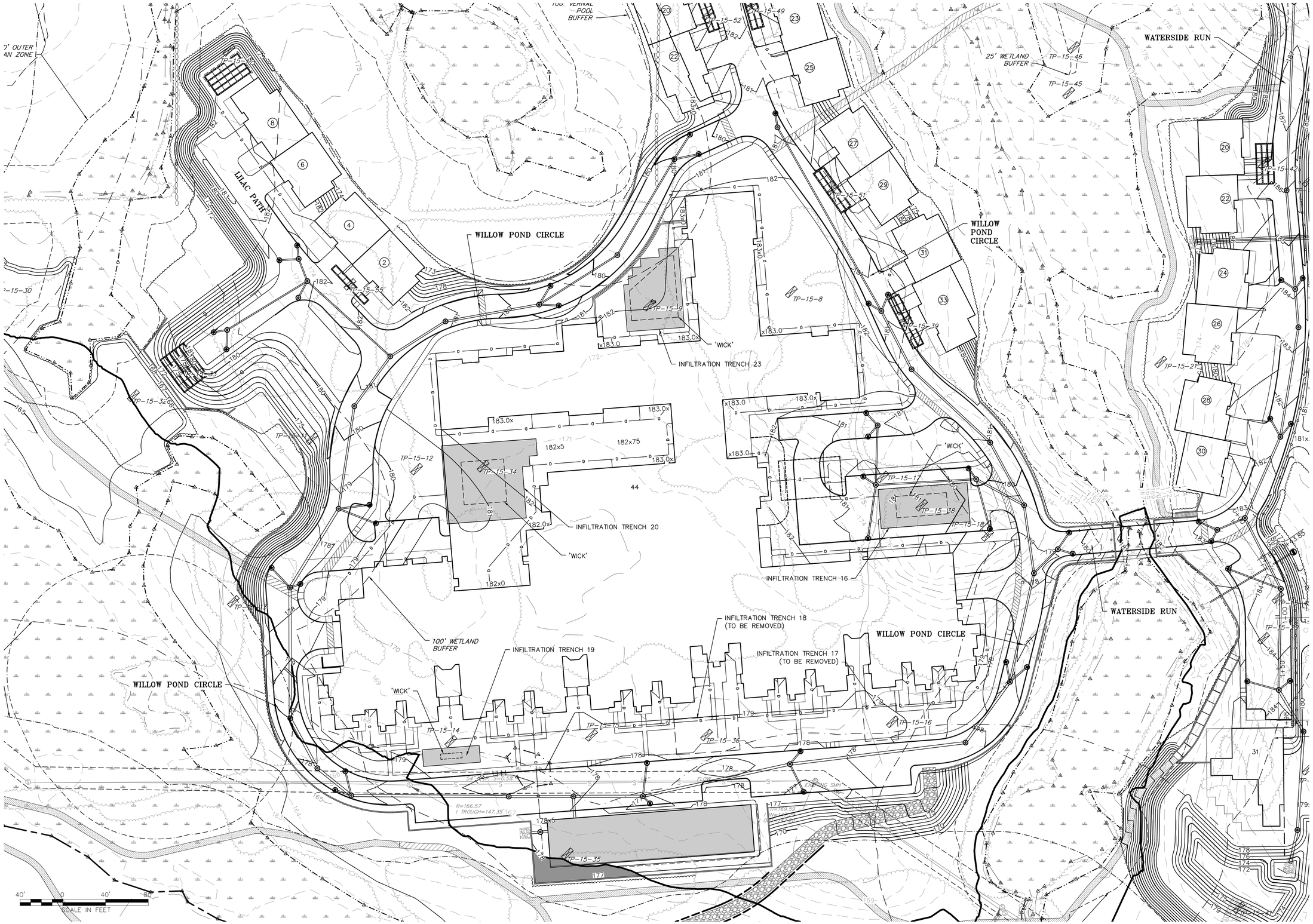
1. The above noted plan sheets shall be revised to include a signature block for the Board's endorsement after the 20 day appeal period has concluded.
2. This decision incorporating the associated modified plan sheets as endorsed shall be recorded at the Norfolk County Registry of Deeds and proof of such recording shall be provided to the Board.
3. All other conditions of approval of the ARCPUD special permit dated March 24, 2016 remain in force.

Attest: _____ _____

Susan E. Affleck-Childs Date
Planning and Economic Development Coordinator

cc: Jack Mee, Building Inspector/Zoning Enforcement Officer
Jeff Robinson, Continuing Care Management, LLC
Jon Novak, Coneco Engineers and Scientists
Steve Bouley, Tetra Tech
Bridget Graziano, Conservation Agent

DRAFT



REVISIONS

NO.	DATE	DESCRIPTION	DR/CK

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT:
SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACUSETTS 02053

DRAWING:
CAMPUS DRAINAGE

PLAN SET:
CONSTRUCTION DOCUMENTS

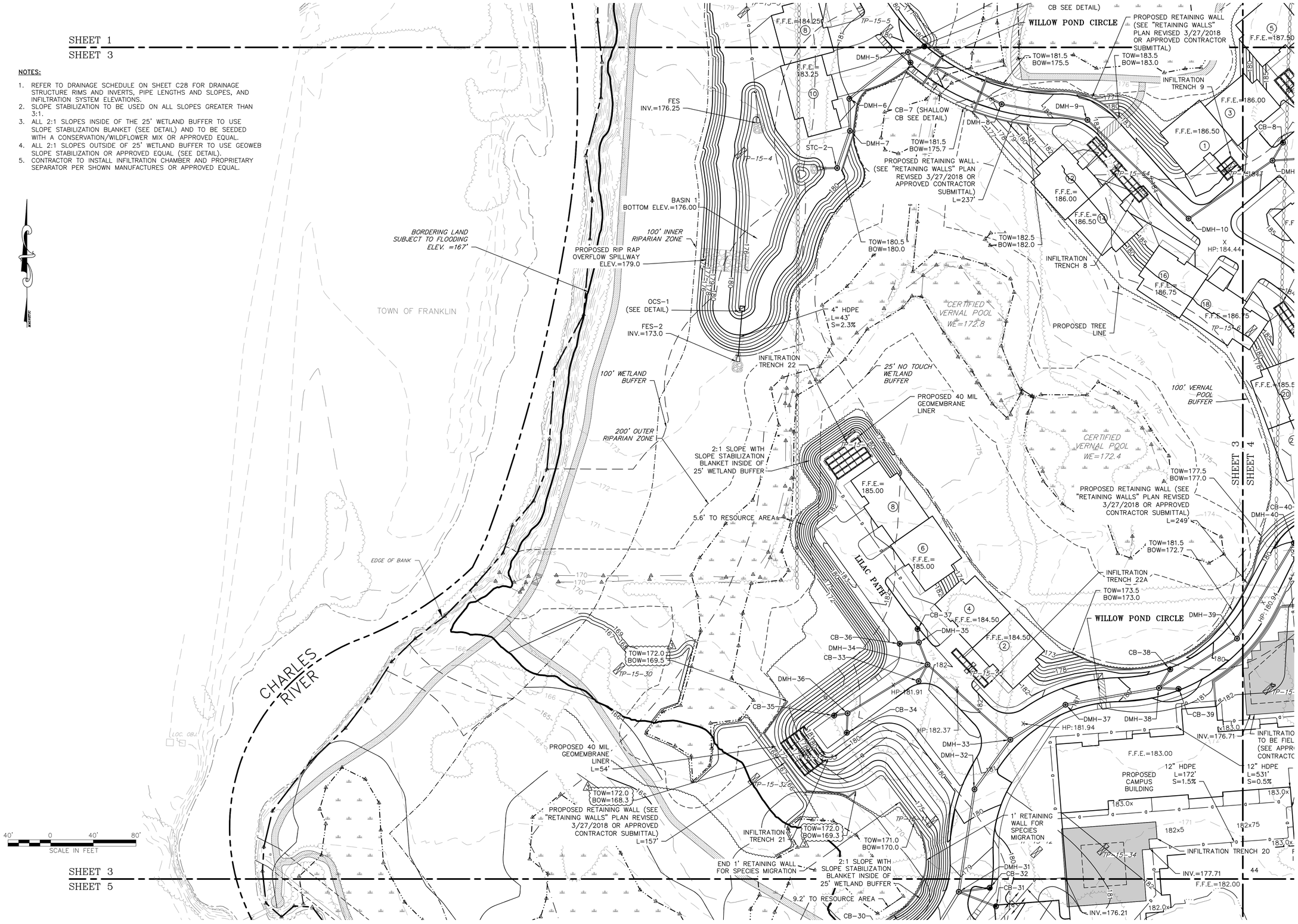
CONECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE 508-697-3191 OR 800-548-2355; FAX 508-697-5986
WEBSITE: www.coneco.com

DATE	10/22/2019
DESIGNED: JEN	CHECKED: JEN
DRAFTED: DJD	IN CHARGE: JEN
SCALE:	1"=40'
PROJECT NO.	8548.0
SHEET NO.	1

SHEET 1
SHEET 3

NOTES:

1. REFER TO DRAINAGE SCHEDULE ON SHEET C28 FOR DRAINAGE STRUCTURE RIMS AND INVERTS, PIPE LENGTHS AND SLOPES, AND INFILTRATION SYSTEM ELEVATIONS.
2. SLOPE STABILIZATION TO BE USED ON ALL SLOPES GREATER THAN 3:1.
3. ALL 2:1 SLOPES INSIDE OF THE 25' WETLAND BUFFER TO USE SLOPE STABILIZATION BLANKET (SEE DETAIL) AND TO BE SEEDED WITH A CONSERVATION/WILDFLOWER MIX OR APPROVED EQUAL.
4. ALL 2:1 SLOPES OUTSIDE OF 25' WETLAND BUFFER TO USE GEOWEB SLOPE STABILIZATION OR APPROVED EQUAL (SEE DETAIL).
5. CONTRACTOR TO INSTALL INFILTRATION CHAMBER AND PROPRIETARY SEPARATOR PER SHOWN MANUFACTURES OR APPROVED EQUAL.



SHEET 3
SHEET 5

REVISIONS			
NO.	DATE	DESCRIPTION	DR/CK
1	04/29/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
2	08/09/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
3	08/21/19	RETAINING WALL HEIGHT MODIFICATION	JEN/JEN

JOHN CULVER SPINK NO.30097 REGISTERED PROFESSIONAL ENGINEER COMMONWEALTH OF MASSACHUSETTS

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

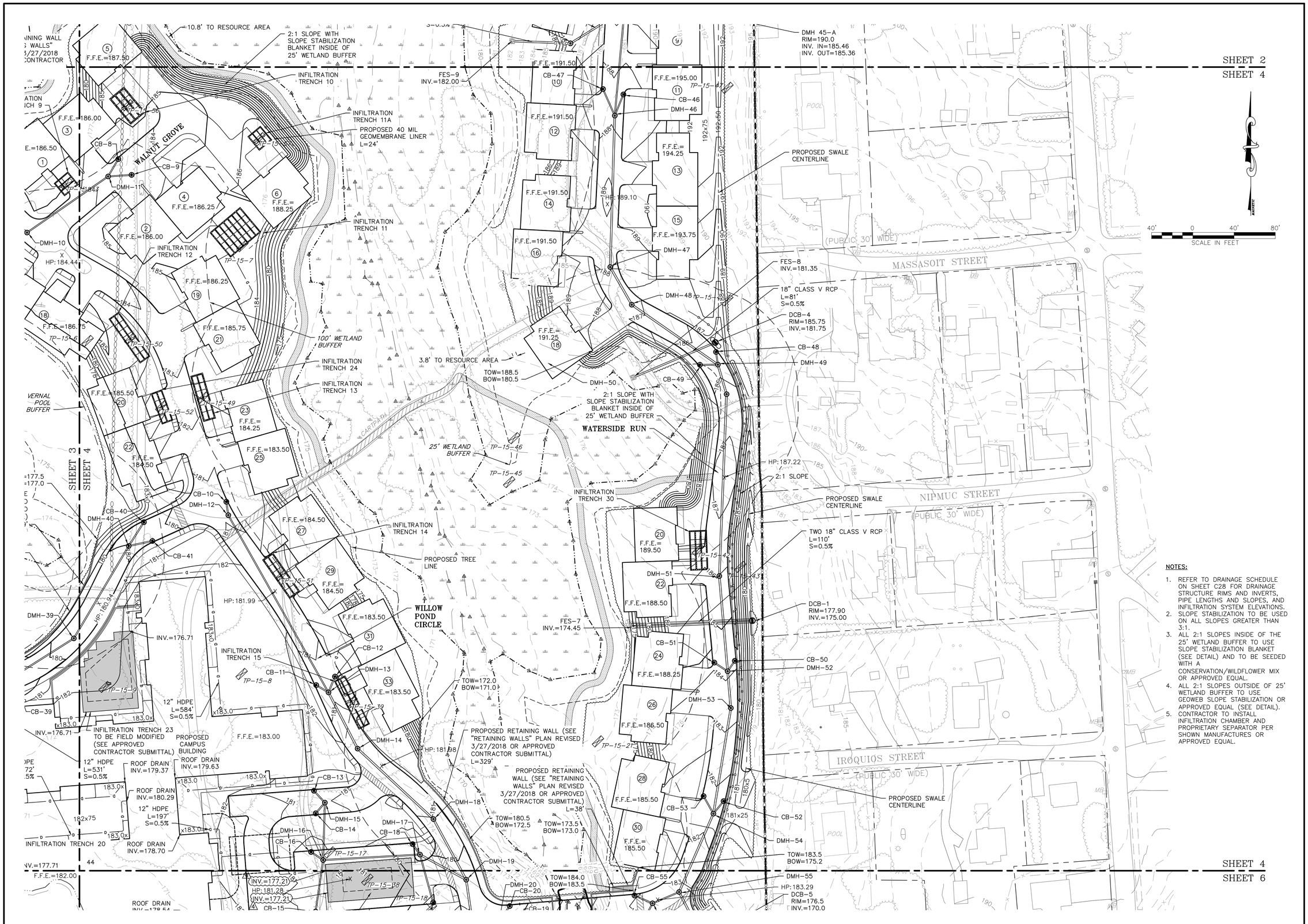
PROJECT:
SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACUSETTS 02053

DRAWING:
GRADING & DRAINAGE
SHEET 3 OF 6

PLAN SET:
CONSTRUCTION DOCUMENTS

CONECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5986
WEBSITE: www.coneco.com

DATE	6/18/2018		
DESIGNED: JEN		CHECKED: TLD	
DRAFTED: DJD		IN CHARGE: SMO	
SCALE:	1"=40'		
PROJECT NO.	8548.0		
SHEET NO.	C24		



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REVISIONS

NO.	DATE	DESCRIPTION	DR/CK
1	04/29/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
2	08/09/19	CONSTRUCTION MODIFICATIONS	MSD/JEN

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

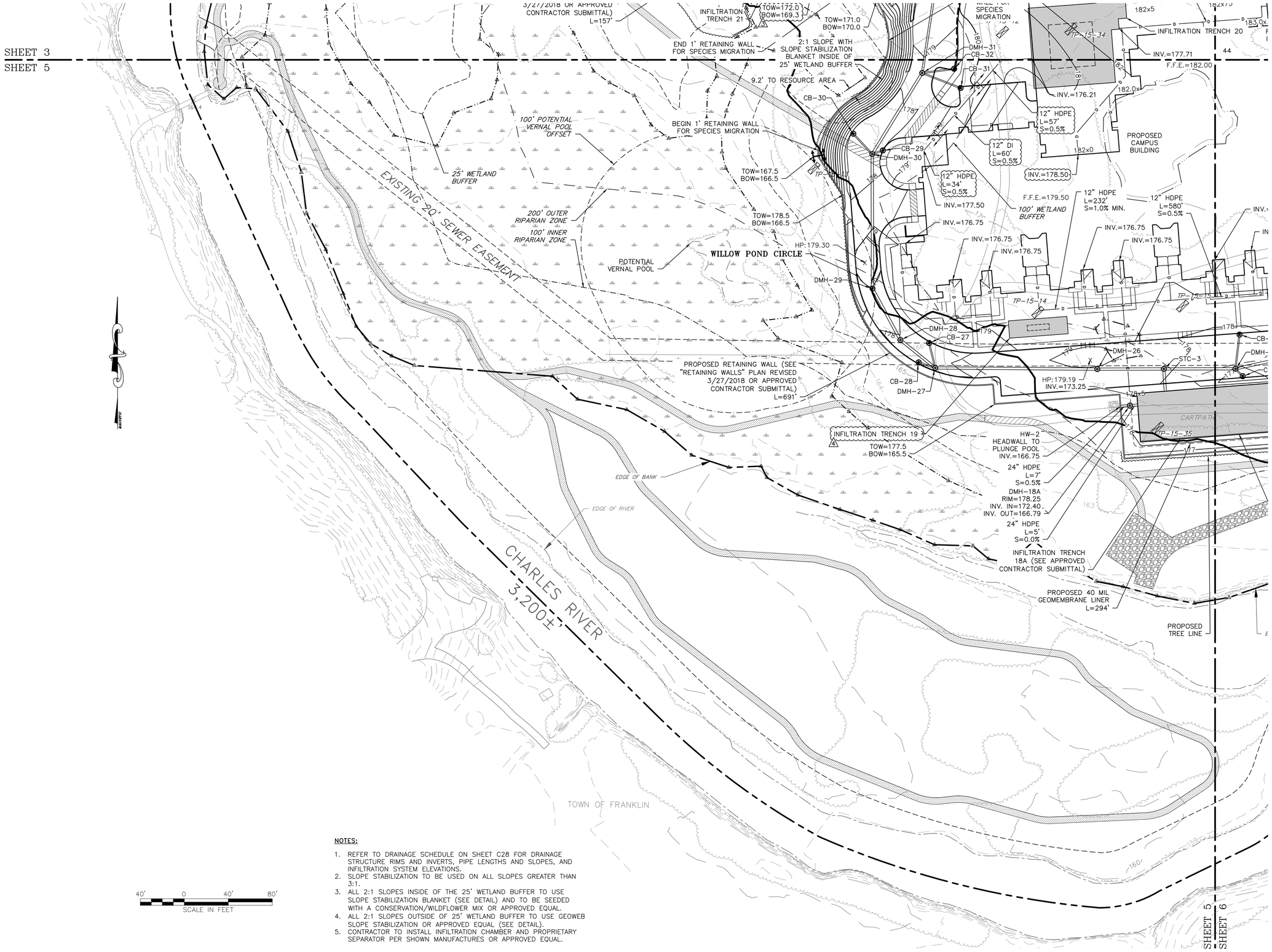
PROJECT:
SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

DRAWING:
GRADING & DRAINAGE
SHEET 4 OF 6

PLAN SET:
CONSTRUCTION DOCUMENTS

CONECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE 508-697-3191 OR 800-548-3355; FAX 508-697-5896
WEBSITE: www.coneco.com

DATE	6/18/2018
DESIGNED: JEN	CHECKED: TLD
DRAFTED: DJD	IN CHARGE: SMO
SCALE:	1"=40'
PROJECT NO.	8548.0
SHEET NO.	C25



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COMMONWEALTH OF MASSACHUSETTS
JOHN CULVER SPINK
NO. 39097
REGISTERED PROFESSIONAL ENGINEER

REVISIONS

NO.	DATE	DESCRIPTION	DR/CK
1	04/29/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
2	08/09/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
4	09/05/19	BULLETIN 4	JEN/JEN

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT:
SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACUSETTS 02053

DRAWING:
GRADING & DRAINAGE
SHEET 5 OF 6

PLAN SET:
CONSTRUCTION DOCUMENTS

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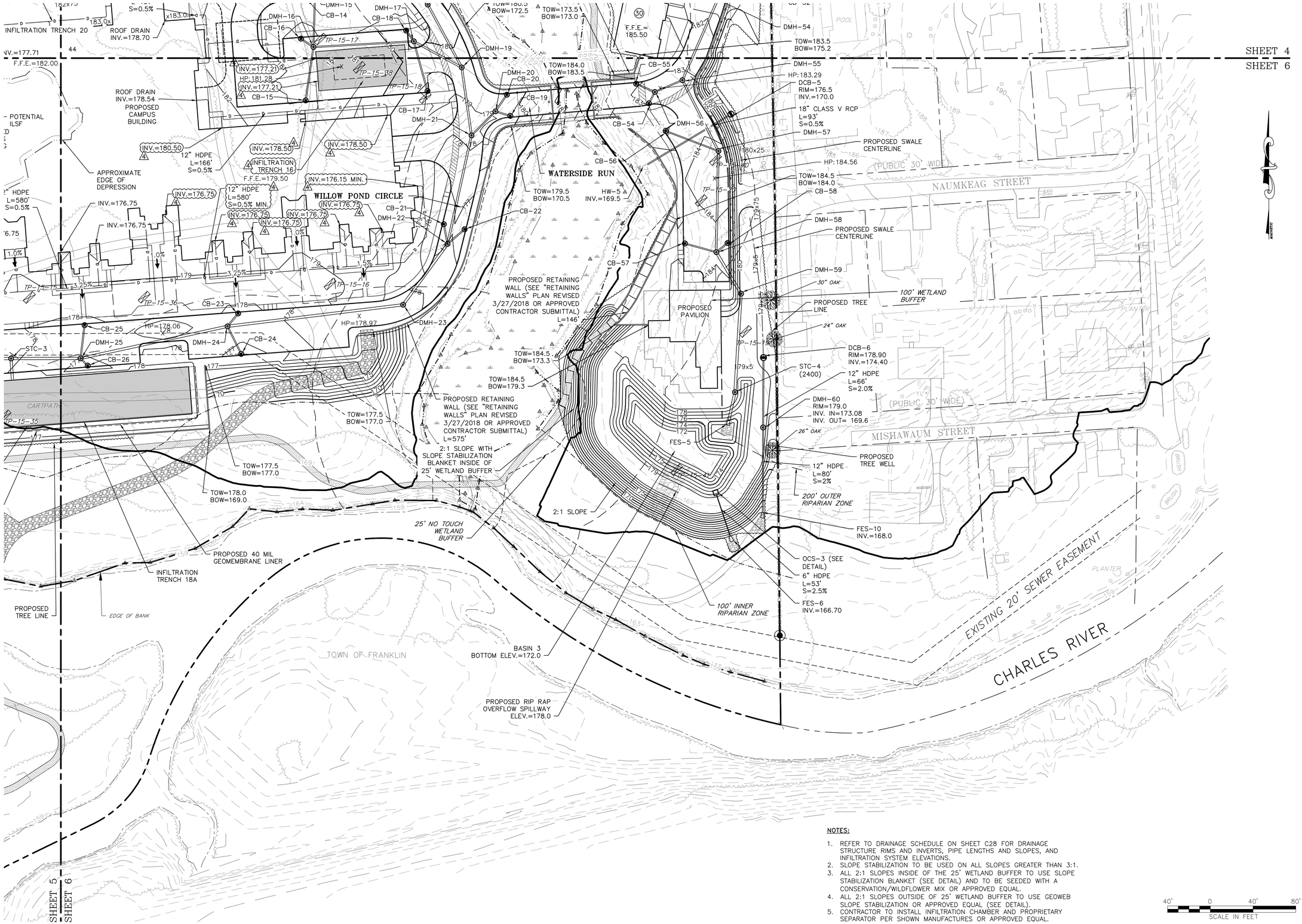
DESIGNED: JEN	CHECKED: TLD
DRAFTED: DJD	IN CHARGE: SMO
SCALE:	1"=40'
PROJECT NO.	8548.0
SHEET NO.	C26



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2	08/09/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
4	09/05/19	BULLETIN 4	JEN/JEN

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT:
SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACUSETTS 02053

DRAWING:
GRADING & DRAINAGE
SHEET 6 OF 6

PLAN SET:
CONSTRUCTION DOCUMENTS

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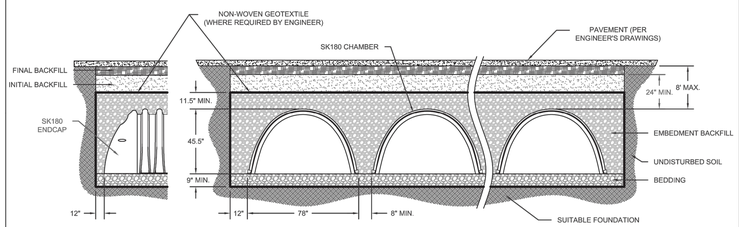
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996
WEBSITE: www.coneco.com

DATE	6/18/2018
DESIGNED: JEN	CHECKED: TLD
DRAFTED: DJD	IN CHARGE: SMO
SCALE:	1"=40'
PROJECT NO.	8548.0
SHEET NO.	C27



NOTES:

1. CHAMBER SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S LATEST INSTALLATION GUIDELINES.
2. **FOUNDATION**: TRENCH BOTTOMS WITH UNSTABLE OR UNYIELDING MATERIAL SHALL BE EXCAVATED TO A DEPTH DIRECTED BY THE ENGINEER AND REPLACED WITH SUITABLE MATERIAL. FOR UNSTABLE MATERIALS, GEOTEXTILE MAY BE USED TO STABILIZE THE TRENCH BOTTOM, IF DIRECTED BY THE ENGINEER. THE DESIGN ENGINEER IS RESPONSIBLE FOR VERIFYING FOUNDATION SUITABILITY.
3. **GEOTEXTILE**: A 6oz NON-WOVEN GEOTEXTILE FILTER FABRIC SHOULD BE USED TO PREVENT NATIVE SOIL FROM MIGRATING INTO THE INITIAL BACKFILL MATERIAL.
4. **BEDDING**: SUITABLE MATERIAL SHALL BE A 3/4 - 2 INCH, CLEAN, CRUSHED ANGULAR STONE, OR AASHTO M43 SIZES (3, 357, 4, 467, 5, 56, 57) WITH CLEAN, CRUSHED, ANGULAR STONE ADDED TO THE GRADATION, e.g., CLEAN, CRUSHED, ANGULAR #3 (AASHTO M43) STONE. MINIMUM BEDDING THICKNESS SHALL BE 9 INCHES. COMPACTION SHOULD BE DONE IN LIFTS OF NO MORE THAN 9 INCHES TO A DENSITY OF 95% STANDARD PROCTOR DENSITY.
5. **EMBEDMENT BACKFILL**: SUITABLE MATERIAL SHALL BE A 3/4 - 2 INCH, CLEAN, CRUSHED ANGULAR STONE, OR AASHTO M43 SIZES (3, 357, 4, 467, 5, 56, 57) WITH CLEAN, CRUSHED, ANGULAR STONE ADDED TO THE GRADATION, e.g., CLEAN, CRUSHED, ANGULAR #3 (AASHTO M43) STONE. MINIMUM BEDDING THICKNESS SHALL BE 9 INCHES. EMBEDMENT BACKFILL SHALL EXTEND FROM TOP OF BEDDING TO NOT LESS THAN 11½" INCHES ABOVE THE TOP OF THE CHAMBER. NO COMPACTION IS REQUIRED BUT AN EFFORT SHOULD BE MADE TO HAND KNIFE STONE INTO ALL CORRUGATIONS.
6. **INITIAL BACKFILL**: SUITABLE MATERIAL SHALL BE A GRANULAR, WELL GRADED SOIL WITH LESS THAN 35% FINES OR AASHTO M43 SIZES (3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10) WITH CLEAN, CRUSHED, ANGULAR STONE ADDED TO THE GRADATION. INITIAL BACKFILL SHALL EXTEND FROM TOP OF EMBEDMENT BACKFILL TO NOT LESS THAN 24 INCHES ABOVE THE TOP OF THE CHAMBER. COMPACTION SHOULD BE BROUGHT TO A MINIMUM OF 95% STANDARD PROCTOR DENSITY.
7. **FINAL BACKFILL**: SUITABLE MATERIALS SHALL BE ANY SOIL DIRECTED BY THE ENGINEER. FINAL BACKFILL SHALL EXTEND FROM TOP OF INITAL BACKFILL TO NO MORE THAN 8 FEET ABOVE THE TOP OF THE CHAMBER. COMPACTION LEVELS SHOULD FOLLOW ENGINEERS RECOMMENDATIONS.
8. **MINIMUM COVER**: FOR UP TO H-25 TRAFFIC APPLICATIONS A MINIMUM COVER OF 24 INCHES IS REQUIRED, MEASURED FROM THE TOP OF THE CHAMBER TO THE BOTTOM OF THE FLEXIBLE PAVEMENT. ADDITIONAL COVER MAY BE REQUIRED FOR CONSTRUCTION LOADS OR WHERE RUTTING MAY TAKE PLACE.
9. **MAXIMUM COVER**: A COVER HEIGHT OF OVER 8 FEET IS NOT RECOMMENDED. COVER HEIGHT IS MEASURED FROM THE TOP OF THE CHAMBER TO THE TOP OF THE PAVEMENT.

THIS DETAIL DEPICTS RECOMMENDED INSTALLATION PRACTICES AND IS NOT INTENDED TO SUPERSEDE ANY NATIONAL, STATE OR LOCAL SPECIFICATIONS. LANE ENTERPRISES, INC. BEARS NO RESPONSIBILITY FOR ANY ALTERATIONS, REVISION AND/OR DEVIATION FROM THIS STANDARD DETAIL. LANE ENTERPRISES, INC. HAS NOT PERFORMED ANY ENGINEERING OR DESIGN SERVICE FOR THIS PROJECT. THE DESIGN ENGINEER SHALL REVIEW THESE DETAILS PRIOR TO CONSTRUCTION TO VERIFY SUITABILITY.

LANE

TYPICAL CROSS SECTION
SK180 CHAMBER

DRAWN BY:	JAJ
DATE:	12/17/2014
SCALE:	NTS
SHEET:	1 of 1

DRAWING NUMBER:

STORMKEEPER™
STORMWATER CHAMBER

StormKeeper SK180

The StormKeeper SK180 is the highest quality and structurally sound stormwater chamber available on the market. The StormKeeper family of chambers are designed utilizing the most sophisticated and comprehensive techniques to meet the stringent AASHTO LRFD and ASTM requirements. Intended for use under traffic and nontraffic areas, StormKeeper provides a truly cost-effective and structurally superior system to provide underground stormwater storage, saving valuable land and protecting the environment.

StormKeeper SK180

Nominal Dimensions

Size (L x W x H)	88.7" x 77.8" x 45.5"
Chamber Storage	113.6 cf
Min. Installed Storage	180.0 cf
Weight	127 lbs

StormKeeper SK180 End Caps

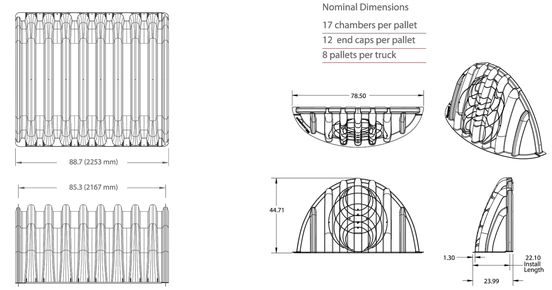
Nominal Dimensions

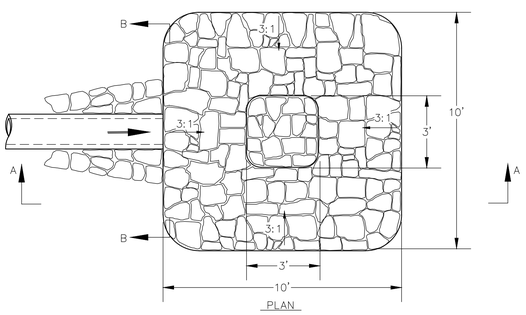
Size (L x W x H)	23.99" x 78.5" x 44.71"
End Cap Storage	15.3 cf
Min. Installed Storage	41.8 cf
Weight	52 lbs

Shipping

Nominal Dimensions

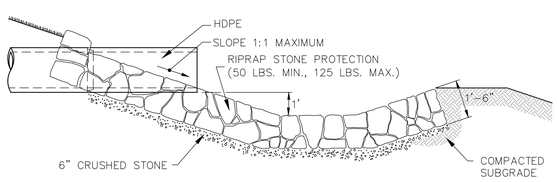
17 chambers per pallet
12 end caps per pallet
8 pallets per truck





PLAN

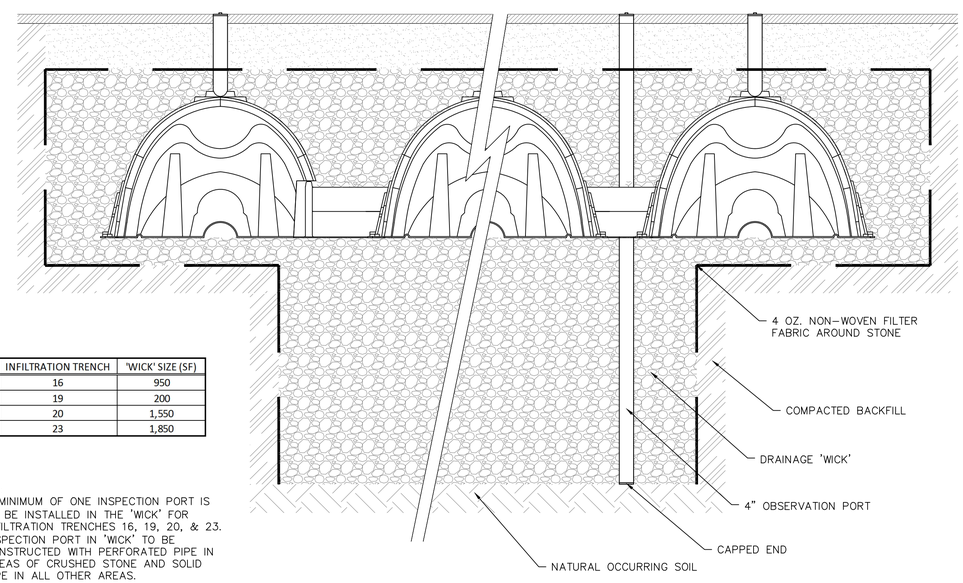
SECTION B–B



SECTION A–A

NOTE: ACTUAL CONFIGURATION MAY VARY – SEE PLAN VIEW

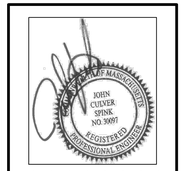
PLUNGE POOL DETAIL
N.T.S.



INFILTRATION TRENCH	'WICK' SIZE (SF)
16	950
19	200
20	1,550
23	1,850

NOTES:
1. A MINIMUM OF ONE INSPECTION PORT IS TO BE INSTALLED IN THE 'WICK' FOR INFILTRATION TRENCHES 16, 19, 20, & 23.
2. INSPECTION PORT IN 'WICK' TO BE CONSTRUCTED WITH PERFORATED PIPE IN AREAS OF CRUSHED STONE AND SOLID PIPE IN ALL OTHER AREAS.

INFILTRATION TRENCH 'WICK'
N.T.S.



REVISIONS

NO.	DATE	DESCRIPTION	DR/CK
1	04/29/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
2	08/09/19	CONSTRUCTION MODIFICATIONS	MSD/JEN
4	09/05/19	BULLETIN 4	JEN/JEN
5	11/18/19	MODIFIED DETAILS	JEN/JEN

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT:
SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261,261R AND 263 VILLAGE STREET
MEDWAY, MASSACUSETTS 02053

DRAWING:
CONSTRUCTION DETAILS
SHEET 8 OF 12

PLAN SET:
CONSTRUCTION DOCUMENTS

CONECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
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WEBSITE: www.coneco.com

DATE	6/11/2018
DESIGNED: JEN	CHECKED: TLD
DRAFTED: DJD	IN CHARGE: SMO
SCALE:	N.T.S.
PROJECT NO.	8548.0
SHEET NO.	C58