

**January 30, 2018  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>
<b>Attendance</b>	<b>X – arrived at 8:01 p.m.</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

**ALSO PRESENT:**

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

Vice Chairman Bob Tucker opened the meeting at 7:30 pm.

There were no Citizen Comments.

**Milway Auto Site Plan Review Fee:**

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

- PGC Plan Review Fee Estimate - \$427.50
- Tetra Tech Plan Review Fee Estimate - \$4,368

The Board was informed that a major site plan application was received for a construction project at 50 Alder Street. This is a relocation of an existing business which occupies the garage space behind the Williams home at the corner of Trotter Drive and Milford Street.

**On a motion made by the Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the plan review fee estimates as presented.**

**Town Line Estate Definitive Plan Review Fee:**

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

- Tetra Tech estimate - \$4,368.00
- PGC Associates estimate - \$403.75

An application for a definitive subdivision plan for a 2 lot subdivision off of Populatic Street has been received.

**On a motion made by the Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the plan review fee estimates as presented.**

### **Applegate Subdivision:**

The Board was informed that the loan for Applegate Subdivision is being held by Needham Bank. The Board has a tri-party agreement with developer Ralph Costello and the Bank in the amount of \$290,969. Susy has been contacted by three individuals who maybe representing the Bank in its dealings with Mr. Costello. These representatives are Rick Grady, PE with Grady Consulting, Peter Barbieri, attorney with Fletcher Tilton, and William Rodenhiser, with Rodenhiser Excavating. All of these parties are seeking a status update on what work remains.

The Board discussed having Tetra Tech conduct a site visit and prepare a new punch list and bond estimate. The estimate to do this work is \$2,500.00. **(See Attached)** The Applegate construction account currently has a balance of \$7,544.05.

The Board discussed making sure that these individuals who contacted Susy actually do represent the Bank.

**On a motion made by the Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the estimate as presented by Tetra Tech and will forward the information to the representatives upon confirming that they are working for Needham Bank.**

Susy will follow-up with Needham Bank. If confirmed, she will notify Tetra Tech to proceed with the work.

### **Lot Release 65 Ellis Street:**

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

- Revised Lot Release for 65 Ellis Street.

The Board was reminded that it had signed a lot release for this property in June 2017. The attorney representing the buyer communicated to Susy that the June 2017 lot release included an error in the referenced recording information for the original covenant. The corrected release is provided.

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to approve the revised Lot Release for 65 Ellis Street.**

### **Marijuana Regulations:**

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

- Final version of the ZBL text and ballot question regarding recreational marijuana establishments for consideration at the March special town meeting
- ZBL amendment text: minimum distance between medical marijuana facilities for consideration at the March special town meeting

### **May Town Meeting:**

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

- Draft article for street acceptance and drainage parcel acceptance for Candlewood Drive and Island Road.
- Draft article for acceptance of easement for public access to the Pine Ridge open space.
- Draft Zoning Map revisions (north side of Lovering Street area) with map of current mixed AR-I and AR-II zoning.

Susy and Consultant Carlucci are working on combining the current section of the ZBL pertaining to medical marijuana (Section 8.9) with new text pertaining to recreational marijuana into a renamed Section 8.9 - Marijuana Regulations. This draft will be forthcoming for review at the next meeting.

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to recommend the articles as presented for the Town Meetings.**

### **PEDB Meeting Minutes:**

#### **January 9, 2018:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the minutes from January 9, 2018 as presented.**

NOTE - Chairman Rodenhiser joined the meeting at 8:01pm.

#### **Wingate Farm:**

The Board was reminded that at the January 9, 2018 meeting the Board discussed the cost associated with having Tetra Tech review the work completed on site against the modified Wingate Farm Plan endorsed by the Board in 2005 and current Subdivision Rules and Regulations. The estimate for those services from Tetra Tech was \$1,470.00. In January, there was \$2,191.75 remaining in the account so the \$1470 was workable. However, Tetra Tech has informed us that there is only \$1,350 remaining in the Wingate construction account according to their records. The reduced amount is as a result of services provided in December for the December 7, 2018 site inspection, punch list and bond estimate.

The Board contacted Consultant Steve Bouley by speakerphone and he indicated that there will need to more funds placed onto the account. He was advised by the Board to not speak with any representatives from Wingate until the account is replenished.

Susy reported that she met with the Conservation Agent and Board of Health Agent. There will need to be new filings with both of those respective Boards.

Susy will have a conversation with the applicant informing them that they will need to put more money into the consultant account if they want to proceed. The applicant will also be billed for the difference between the account balance and the funds needed for Tetra Tech to undertake the desired work.

### **Site Plan Rules and Regulations:**

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

- Proposed draft revised Site Plan Rules and Regulations

It was explained that this reflects the changes in the minor and major site plan process. The current document is about 85% complete. Susy would like the members to review the development standards in particular. This document will be sent to the Board in a word document so it can be marked up with comments.

### **OTHER BUSINESS:**

There was a suggestion to meet with the DPS to discuss the 109 project and the construction items being stored at the park and elsewhere. Member Gay and Rodenhiser want to be part of this discussion. There was also a question about the location of crosswalks on Main Street since there is no place to cross at Lincoln Street.

### **Cassidy Field Lights:**

The ZBA has received an application for a special permit for lights at Cassidy Field. The Board wants to make sure that there is no spillage onto adjacent property. The Board would like a letter sent to the ZBA in support of this Special Permit as long as they are in compliance with the light bylaw.

**On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted unanimously to send a letter of support to the ZBA for the Cassidy Fields lighting project as long as this is in compliance with the lighting bylaw.**

### **Medway Shopping Center Concept Plan:**

Chairman Rodenhiser reported that there will be a meeting in regards to a concept plan for the plaza. PEDB members would like to be able to look and plan and provide comments.

The Chairman acknowledged the passing of Stephanie Mercandetti, Medway's Director of the Planning and Community Development and recognized her significant contributions to the Town of Medway.

### **Medway Redevelopment Authority:**

The Chairman informed the Board that the MRA had a meeting and the authority is trying to keep things moving since the passing of the Stephanie Mercandetti. The MRA will be having a meeting on Tuesday, February 6, 2018 to discuss getting a consultant to look at form based code zoning for the Oak Grove Area.

### **Administrative Site Plan Review:**

Susy informed the Board that there was an administrative site plan review done on needed security walls at the Eversource site. There are high asset protocols which need to be followed. The Board would like to know about the administrative reviews. Susy will forward the various administrative site plan decisions to the Board.

**Cultural Council Community Input Session**

Susy informed the Board that the Cultural Council is holding a community input session this evening. The Council would like Board members to fill out and submit the survey.

**SWAP Meeting:**

There will be a SWAP meeting on Friday, February 2, 2018 at 8:30 am at the Thayer House. This is the annual Legislative Breakfast.

**ADJOURN:**

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

The meeting was adjourned at 9:10 pm.

Respectfully submitted,



Amy Sutherland  
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator





**January 30, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Milway Auto Site Plan Review Fees**

We have received a major site plan application for a small construction project at 50 Alder Street. This is the last piece of property on the north side of Alder Street. The parcel abuts I-495; a small portion of the parcel is located in Milford. The plan shows a 3,250 sq. ft. building for automobile sales and service with 3 garage bays and office space, 17 parking spaces, landscaping, stormwater, etc. This is a relocation of an existing business which presently occupies the garage space behind the Williams home at 119 Milford Street (corner of Trotter Drive)

- PGC Plan Review Fee Estimate - \$427.50
- Tetra Tech Plan Review Fee Estimate - \$4,368

Total = \$4,795.50

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## PGC ASSOCIATES, LLC

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

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January 17, 2018

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

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed site plan submitted by Philip Anza, Alder Street Realty, LLC. The proposal is to construct a 3,250 square foot commercial building for auto sales and service at 50 Alder Street, plus associated drainage, lighting, landscaping, etc. The plan was prepared by Grady Consulting LLC, of Kingston.. It is dated March 30, 2016, with revision dates through August 22, 2016.

<b><u>Task</u></b>	<b><u>Hours</u></b>
Technical Review and comment on initial submittal for compliance with Zoning Bylaw and Site Plan Rules and Regulations	2.0
Attendance at Planning Board meetings/hearings	1.5
Review and comment on revised plans	1.0
Total	4.5
<b>Cost Estimate (@\$95)</b>	<b>\$427.50</b>

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

Sincerely,



Gino D. Carlucci, Jr.





January 19, 2018

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

**Re: Milway Auto  
Site Plan Review  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the Milway Auto Site Plan Review in Medway, Massachusetts (the Project). The objective of our services is to review the site plan package and provide comments as they relate to applicable Town of Medway Rules and Regulations, Department of Environmental Protection Stormwater Management Standards, and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to the Town of Medway Zoning By-Laws which will be conducted by a separate consultant.

## **Scope of Services**

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

### **Task 1 Site Visit**

- A. Perform one (1) site visits to review the site and its surroundings;
- Budget Assumption: 1 Visit  
2 hours @ \$140/hr = \$280  
Total = \$280

### **Task 2 Design Review**

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in item D below;
- Budget Assumption: 0.5 hour @ \$240/hr = \$120  
1 hour @ \$140/hr = \$140  
Total = \$260
- B. Review the proposed Plans and incorporate comments into review letter in item D below;
- Budget Assumption: 1 hour @ \$240/hr = \$240  
4 hours @ \$140/hr = \$560  
Total = \$800

- C. Review the Stormwater Report for compliance with the latest Massachusetts Department of Environmental Protection Stormwater Management Standards, applicable town stormwater standards and good engineering practice and incorporate comments into review letter in item D below;
- Budget Assumption: 1 hour @ \$240/hr = \$240  
4 hours @ \$140/hr = \$560  
Total = \$800
- D. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;
- Budget Assumption: 1 hour @ \$240/hr = \$240  
3 hours @ \$140/hr = \$420  
Total = \$660
- E. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:
- Budget Assumption: 1 hour @ \$240/hr = \$240  
2 hours @ \$140/hr = \$280  
Total = \$520

### Task 3 Meeting Attendance

- A. Participate in two (2) hearings/meetings with the Town of Medway Planning and Economic Development Board.
- Budget Assumption: 2 Meetings @ 3 hours per meeting = 6 Hours  
6 hours @ \$140/hr = \$840  
Total = \$840

### Cost

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

The breakdown of this fee by task is as follows:

<b>Task</b>	<b>Task Description</b>	<b>Fee</b>
Task 1	Site Visit	\$280
Task 2	Design Review	\$3,040
Task 3	Meeting Attendance	\$840
	Labor Subtotal	\$4,160
	Expenses (5%)	\$208
<b>Total Fee</b>		<b>\$4,368</b>

### Schedule

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

## General Terms and Conditions

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

Very truly yours,



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



Sean P. Reardon, P.E.  
Vice President

Date Approved by Medway Planning and Economic Development Board \_\_\_\_\_

Certified by:

\_\_\_\_\_  
Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator

\_\_\_\_\_  
Date

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**January 30, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Town Line Estate – Plan Review Fees**

- Tetra Tech estimate - \$4,368
- PGC Associates estimate - \$403.75

We have received the definitive subdivision plan application for this 1 lot subdivision off of Populatic Street. You previously reviewed this as a preliminary subdivision plan.

Total Plan Review Fee Estimates = \$4,771.75

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**PGC ASSOCIATES, LLC**

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

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January 17, 2018

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

**Re:Town Line Estates Definitive Subdivision Plan**

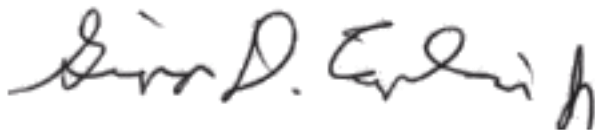
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive subdivision plan called Town Line Estates, submitted by applicants Robert and Lisa Lapinsky of Worcester. The owners are Robert, Ronald and Richard Wasnewski of Medway. The plan was prepared by prepared by L.A.L. Engineering Group of Millis and Continental Land Survey LLC of Franklin. The plan is dated December 12, 2017.

<b><u>Task</u></b>	<b><u>Hours</u></b>
Technical review and comment regarding conformance with Zoning, subdivision regulations and general planning issues.	2.0
Planning Board meetings	1.5
Review of revised plan	0.75
Total	4.25
<b>Cost Estimate (@\$95)</b>	<b>\$403.75</b>

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

Sincerely,



Gino D. Carlucci, Jr.



January 16, 2018

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

**Re: Town Line Estate  
Definitive Subdivision Review  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the Town Line Estate Definitive Subdivision Plan Review in Medway, Massachusetts (the Project). The objective of our services is to review the site plan package and provide review comments as they relate to applicable Town of Medway Rules and Regulations, Department of Environmental Protection Stormwater Management Standards, and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to the Town of Medway Zoning By-Laws which will be conducted by a separate consultant.

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### **Schedule**

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

## General Terms and Conditions

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

Very truly yours,



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



Sean P. Reardon, P.E.  
Vice President

Date Approved by Medway Planning and Economic Development Board \_\_\_\_\_

Certified by:

\_\_\_\_\_  
Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator

\_\_\_\_\_  
Date

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**January 30, 2018**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Applegate Subdivision**

The loan for the Applegate Subdivision is held by Needham Bank. The Board has a subdivision tri-party agreement with Ralph Costello and the Bank in the amount of \$ 290,969, entered into in February 2016. See attached.

Our office has been contacted by three individuals who may be representing the Bank in its dealings with Mr. Costello to bring the subdivision to its conclusion.

- Rick Grady, PE. Grady Consulting
- Peter Barbieri, attorney, Fletcher Tilton
- William Rodenhiser, Rodenhiser Excavating

All parties are asking for a status on the subdivision and what work remains. I believe it would be appropriate to have Tetra Tech conduct a site visit and prepare a new punch list and bond estimate. Attached is Tetra Tech's estimate of \$2,500 for those services. There is presently \$7,544.05 in the Applegate construction account.

NOTE – William Rodenhiser is Andy Rodenhiser's brother. Accordingly, Andy will recuse himself from any discussion of this matter as long as his brother is involved.

## LAND SUBDIVISION – FORM O

### *Performance Secured by Lender's Agreement*

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

This agreement is entered into this 10<sup>th</sup> day of FEBRUARY, 2016, between the Town of Medway, acting through its Planning & Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as "the Board"), and RALPH M. COSTELLO, TRUSTEE OF CEDAR TRAIL TRUST ("Applicant"), and NEEDHAM BANK ("Lender") with an address of 1063 GREAT PLAIN AVENUE, NEEDHAM, MA 02492 to secure the construction of ways and installation of municipal services in the subdivision of land shown on an approved subdivision plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on JANUARY 14, 2014, after a duly noticed public hearing, the Board approved a definitive subdivision plan showing 12 lots, which is entitled AMENDED DEFINITIVE SUBDIVISION 'APPLEGATE FARM' MEDWAY, MASSACHUSETTS prepared by GLM ENGINEERING CONSULTANTS, INC., dated FEB. 20, 2013 and recorded at the Norfolk County Registry of Deeds in Plan Book 635 Page 26 (hereinafter referred to as "the Subdivision Plan"); and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at ELLIS AND COFFEE STREETS and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 22893 Page 600; or is registered in \_\_\_\_\_ as Document No. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_; and

WHEREAS, the Applicant has recorded a first mortgage with the Lender dated 9/14/2005 and recorded in the Norfolk County Registry of Deeds, Book 22894 Page 001 covering the land shown on the Subdivision Plan as security for the payment of a note in the principal sum of \$3,500,000; and

WHEREAS, the Board is required by G.L. c. 41 §81U to secure the construction of ways and installation of municipal services in the subdivision.

NOW, THEREFORE, the parties agree as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$ 290,969, and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-

81GG); the Board's Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this subdivision; the application submitted for approval of this subdivision; the Board's Certificate of Action and all conditions of approval of this subdivision as set forth in the Certificate of Approval; the recommendations of the Board of Health; the approved Subdivision Plan; all conditions subsequent to approval of this subdivision due to any amendment, modification or revision of the Subdivision Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents: \_\_\_\_\_ (hereinafter the "Approval Documents").

2. The Applicant shall complete the construction of ways and the installation of municipal services no later than 3 years from the date of the endorsement of the Subdivision Plan. The Subdivision Plan was endorsed on 10/22/2017 and therefore the required completion date is 10/22/2017.

3. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the interest in such Retained Funds by the Lender shall be released, and the Lender may disburse such Retained Funds to the Applicant. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Lender shall make available to the Board any undisbursed Retained Funds in accordance with applicable laws, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the Retained Funds together with accrued interest, will be released by the Board and may be disbursed by the Lender upon completion of the work by the Town of Medway.

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

5. The Board may rescind approval of the Subdivision Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W.

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

7. The Applicant agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six

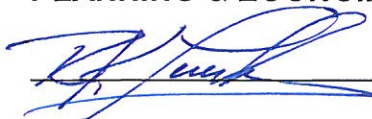
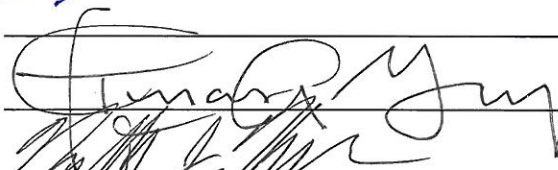
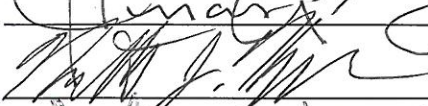
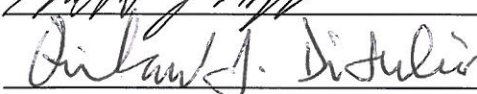
months prior to said release. This agreement does not expire until released in full by the Board.

8. Failure to complete construction of the ways and installation of the municipal services by the required completion date shall result in automatic rescission of approval of the Subdivision Plan.

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

IN WITNESS WHEREOF we have hereunto set our hands and seals this 23<sup>rd</sup> day of February, 2016.

**PLANNING & ECONOMIC DEVELOPMENT BOARD – TOWN OF MEDWAY**

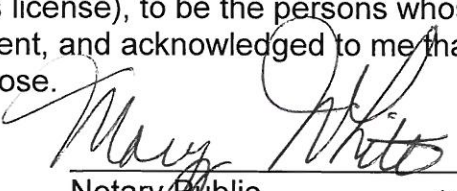
  
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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 23<sup>rd</sup> day of Feb, 2016, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board Robert Tucker, Thomas Gay, Matthew Hayes, Richard DiStasio

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

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

My commission expires: Aug 19, 2022



**APPLICANT**

By: \_\_\_\_\_

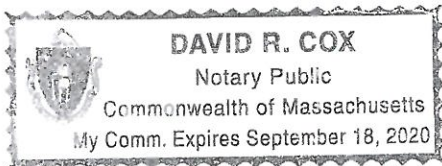
Title/Position: \_\_\_\_\_

Organization: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 19<sup>th</sup> day of February, 2016, before me, the undersigned notary public, personally appeared the above-named Ralph Costello proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.



[Signature]

Notary Public

My commission expires: \_\_\_\_\_

**LENDER**

By: \_\_\_\_\_

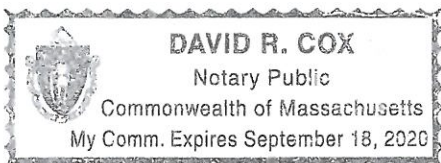
Title/Position: \_\_\_\_\_

Organization: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 19<sup>th</sup> day of February, 2016, before me, the undersigned notary public, personally appeared the above-named Paul M. Totino, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.



[Signature]

Notary Public

My commission expires: \_\_\_\_\_

**TETRA TECH****Bond Estimate (including Berm)****Applegate Farm****Medway, Massachusetts**

January 23, 2015 (Revised September 29, 2015)

One Grant Street  
Framingham, MA 01701  
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course-Roadway	442	TON	\$85.00	\$37,570
HMA Top Course-Sidewalk	72	TON	\$85.00	\$6,120
Excavation-Sidewalk (Off-Site) <sup>2</sup>	378	CY	\$27.00	\$10,206
Gravel Borrow-Sidewalk (Off-Site) <sup>2</sup>	300	CY	\$34.00	\$10,200
HMA Binder Course-Sidewalk(Off-Site) <sup>2</sup>	77	TON	\$85.00	\$6,545
HMA Top Course-Sidewalk(Off-Site) <sup>3</sup>	80	TON	\$85.00	\$6,800
Gas Main-Services	1	LS	\$5,000.00	\$5,000
Vertical Granite Curbing	275	FT	\$44.00	\$12,100
Cape Cod Berm	1,583	FT	\$6.00	\$9,498
Type 3 Bituminous Curb	1,280	FT	\$8.00	\$10,240
Adjust Castings	32	EA	\$325.00	\$10,400
Drainage (Off-Site)	1	LS	\$2,500.00	\$2,500
Sign-Mailbox Relocation (Off-Site)	1	LS	\$1,000.00	\$1,000
Bounds	34	EA	\$200.00	\$6,800
Rehandled Topsoil	238	CY	\$25.00	\$5,950
Seed	1,200	SY	\$2.00	\$2,400
Street Trees	84	EA	\$425.00	\$35,700
Drainage Basin Trees	26	EA	\$250.00	\$6,500
Tree Pruning <sup>4</sup>	1	LS	\$12,300.00	\$12,300
Line Striping <sup>5</sup>	1	LS	\$500.00	\$500
2 Year Snow Plowing	1,747	LF/YR	\$2.50	\$8,735
2 Year Road Maintenance	1,747	LF/YR	\$2.00	\$6,988
2 Year Drainage Maintenance	1,747	LF/YR	\$2.00	\$6,988
As-Built Plans	1,747	LF	\$5.00	\$8,735
Legal Services	1	LS	\$3,000.00	\$3,000

<b>Subtotal</b>	\$232,775
<b>25% Contingency</b>	\$58,194
<b>Total</b>	\$290,969

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 11/2013 - 11/2014.
2. Unit pricing for this item is for excavation, gravel installation and binder course for the proposed off-site sidewalk located on Coffee Street from Ellis Street to Holliston Street.
3. Unit pricing for this item is for top course paving for both off-site sidewalk sections.
4. Unit pricing for this item is per the amount as listed in Condition 7 *Scenic Road Work Permit* of the Certificate of Action for the project.
5. Unit pricing for this item is for final painting of stop bar and the word "STOP" once top course paving has been completed.



January 25, 2018

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

**Re: Applegate Farm  
Subdivision Review  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (the Client) for professional engineering services associated with the review of Applegate Farm Subdivision in Medway, Massachusetts (the Project). The objective of our services is to review the approved subdivision plans and supporting documentation against completed construction at the site and provide the Client with an updated punch list and bond estimate.

## **Scope of Services**

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

### **Task 1 Site Inspection**

- A. Perform a Punch List Inspection of the site using the approved plans and supporting documentation in order to determine what has been completed and what remains to be constructed for the Project and incorporate items into a Punch List Memo in item B below;
- Budget Assumption: 4 hours @ \$140/hr = \$560  
Total = \$560

### **Task 2 Punch List/Bond Estimate**

- A. Prepare a Punch List Memo describing deficiencies in completed work and work that has yet to be completed as compared to the approved subdivision plan and supporting documentation;
- Budget Assumption: 4 hours @ \$140/hr = \$560  
Total = \$560
- B. Prepare a Bond Estimate for items which remain to be constructed or existing items which are deficient as compared to the approved subdivision plan and supporting documentation;
- Budget Assumption: 6 hours @ \$140/hr = \$840  
Total = \$840

### **Task 3 Meeting Attendance**

- A. Participate in one (1) hearings/meetings with the Town of Medway Planning and Economic Development Board.
- Budget Assumption: 1 meeting (assume 3 hours per meeting)  
3 hours @ \$140/hr = \$420  
Total = \$420

## Cost

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

The breakdown of this fee by task is as follows:

<b>Task</b>	<b>Task Description</b>	<b>Fee</b>
Task 1	Site Inspection	\$560
Task 2	Punch List/Bond Estimate	\$1,400
Task 3	Meeting Attendance	\$420
	Labor Subtotal	\$2,380
	Expenses (5%)	\$120
<b>Total Fee</b>		<b>\$2,500</b>

## Schedule

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

## General Terms and Conditions

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

Very truly yours,



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



Sean P. Reardon, P.E.  
Vice President

Date Approved by Medway Planning and Economic Development Board \_\_\_\_\_

Certified by:

\_\_\_\_\_  
Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator

\_\_\_\_\_  
Date

M:\SITE\BOULEY\MEDWAY\_PEDB\_APPLEGATE PUNCH LIST\_2018-01-25.DOCX





**January 30, 2018**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Lot Release for 65 Ellis Street**

- Revised Lot Release for 65 Ellis Street

The Board previously signed a lot release for this property in June 2017. The attorney representing the buyer contacted the PED office this week and reported an error in the recording information for the original covenant as referenced in the lot release. A corrected lot release is provided for your signature. I recommend you do so.

***Release of Restrictive Covenant***  
***Planning & Economic Development Board – Town of Medway, MA***

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot 7 (commonly known as 65 Ellis Street) as shown on a plan entitled "Amended Definitive Subdivision Plan 'Applegate Farm" Twelve Lot Single Family Residential Subdivision, Medway, MA, with a final revision date of 4/28/14, prepared by GLM Engineering Consultants, Inc. which is recorded with the Norfolk County Registry of Deeds in Plan Book 635, Pages 25-28, to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant between the Medway Planning and Economic Development Board and Ralph Costello, Trustee of the Cedar Trail Trust, dated 10/15/14 and recorded with the Norfolk County Registry of Deeds on 2/22/2007 in Book 24559, pages 9 – 15. See also Plan Book 543, Plan 65.

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018

*Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***COMMONWEALTH OF MASSACHUSETTS***

Norfolk County, SS. \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

members of the Medway Planning and Economic Development Board, proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License and personal knowledge to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:



**January 30, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Marijuana Regulations**

- Final version of ZBL text and ballot question re: **recreational** marijuana establishments
- ZBL amendment text re: minimum distance between **medical** marijuana facilities

## TOWN MEETING ARTICLE

Article : To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Section 2, Definitions, by adding the following definitions:

**Marijuana Retailer:** An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**Marijuana Establishment:** A marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailers.

Amend Section 5.4, Schedule of Uses, by adding the following underlined text to Table 1 – Schedule of Uses under Business Uses and Industrial Uses as shown:

	<b>Zoning District</b>									
	<b>AR-I</b>	<b>AR-II</b>	<b>VR</b>	<b>CB</b>	<b>VC</b>	<b>NC</b>	<b>BI</b>	<b>EI</b>	<b>ER</b>	<b>WI</b>
<b>BUSINESS USES</b>										
<u>Marijuana Retailer</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<b>INDUSTRIAL USES</b>										
<u>Marijuana Establishment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>N</u>	<u>PB</u>

Or to act in any manner relating thereto.

Planning and Economic Development Board

# BALLOT QUESTION

Shall this Town adopt the following bylaw?

## Summary

General Laws chapter 94G, section 3, allows the Town to approve zoning bylaws prohibiting certain marijuana establishments from operating in the Town by a two-step process: First, the zoning bylaw must be approved by a ballot question at a town election. Second, if the ballot question passes, the Town Meeting must then approve the zoning bylaw. The above question, if passed by the voters at this election, would authorize Town Meeting to adopt the zoning bylaw set forth below. The zoning bylaw set forth below would prohibit marijuana retailers (as defined in General Laws chapter 94G, section 1) from locating in the Town. The bylaw would allow marijuana cultivators, marijuana independent testing laboratories, and marijuana product manufacturers by special permit from the Planning and Economic Development Board in the East Industrial (EI), West Industrial (WI), and Business Industrial (BI) zoning districts.

## Text of Bylaw:

Amend Section 2, Definitions, by adding the following definitions:

**Marijuana Retailer:** An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**Marijuana Establishment:** A marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailers.

Amend Section 5.4, Schedule of Uses, by adding the following underlined text to Table 1 – Schedule of Uses under Business Uses and Industrial Uses as shown:

	Zoning District									
	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI
<b>BUSINESS USES</b>										
<u>Marijuana Retailer</u>	N	N	N	N	N	N	N	N	N	N
<b>INDUSTRIAL USES</b>										
<u>Marijuana Establishment</u>	N	N	N	N	N	N	PB	PB	N	PB



**January 30, 2018**  
**Medway Planning & Economic Development Board**  
**Meeting**

**May Town Meeting**

The deadline to submit articles to the BOS/TA for the May town meeting is Friday, February 2, 2018.

- Draft – Street Acceptance and Drainage Parcel Acceptance for Candlewood Drive and Island Road
- Draft – Acceptance of easements for public access to the Pine Ridge open space
- DRAFT – Zoning Map revisions (north side of Lovering Street area) with map of current mixed zoning.

**NOTE** – I have asked Gino Carlucci to work on combining the current section of the ZBL pertaining to medical marijuana (Section 8.9) with new text pertaining to recreational marijuana into a renamed Section 8.9 – Marijuana Regulations. Gino indicates he should be able to have a draft for us on Monday. I will forward that to you upon receipt.

## **STREET ACCEPTANCE**

**Draft – January 26, 2018**

**ARTICLE :** (Street Acceptance, Land Conveyance and Infrastructure Acceptance – Candlewood and Island Road Subdivisions)

To see if the Town will vote to accept as public ways, the following streets as laid out by the Board of Selectmen and as shown on a plan or plans on file in the Office of the Town Clerk:

**Candlewood Drive** in its entirety as a public way as shown on the Candlewood Definitive Subdivision Plan, dated March 22, 1993, prepared by CivilWorks, Inc. of Millis, MA, as laid out by a vote of the Board of Selectmen. The Candlewood Definitive Subdivision Plan was endorsed by the Medway Planning Board on September 14, 1993 and recorded at the Norfolk County Registry of Deeds in Plan Book 419 as Plan 9 on January 5, 1994.

**Island Road** in its entirety from as a public way, as shown on the Island Road Definitive Subdivision Plan, dated September 23, 1992, prepared by CivilWorks, Inc. of Millis, MA, as laid out by a vote of the Board of Selectmen. The Island Road Definitive Subdivision Plan was endorsed by the Medway Planning Board on April 27, 1993 and recorded at the Norfolk County Registry of Deeds in Plan Book 413 as Plan 260 on May 7, 1993.

And further to see if the Town will vote to accept as a gift from Pine Ridge Drive LLC of Holliston, MA one parcel of land totaling 59,856 sq. ft. identified as Parcel A on the above referenced Candlewood Definitive Subdivision Plan, also known as 10R Candlewood Drive, Medway Assessors 62-027 to be used by the Town for drainage purposes and for public access between the Candlewood and Island Road subdivisions.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said streets and any associated drainage, utility or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses;

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

**DRAFT 1-24-18**

**ARTICLE : (Easement)**

To see if the Town will vote to accept:

**A Non-Exclusive Perpetual Access Easement** on and over a portion of Pine Ridge Drive shown as “Prop. 24 Wide Public Access Easement” including three adjacent parking spaces and

**A Non-Exclusive Perpetual Access Easement** on and over a portion of Parcel B shown as “Prop. 20’ Wide Public Access Easement

for purposes of enabling Town employees and officials and members of the public to access Parcel C Open Space, all as shown on a plan of land entitled “Village at Pine Ridge Open Space Residential Development (OSRD)” in Medway, MA dated March 28, 2006, last revised September 6, 2006, by Faist Engineering, recorded with the Norfolk County Registry of Deeds on October 18, 2006 in Plan Book 561, Page 32,

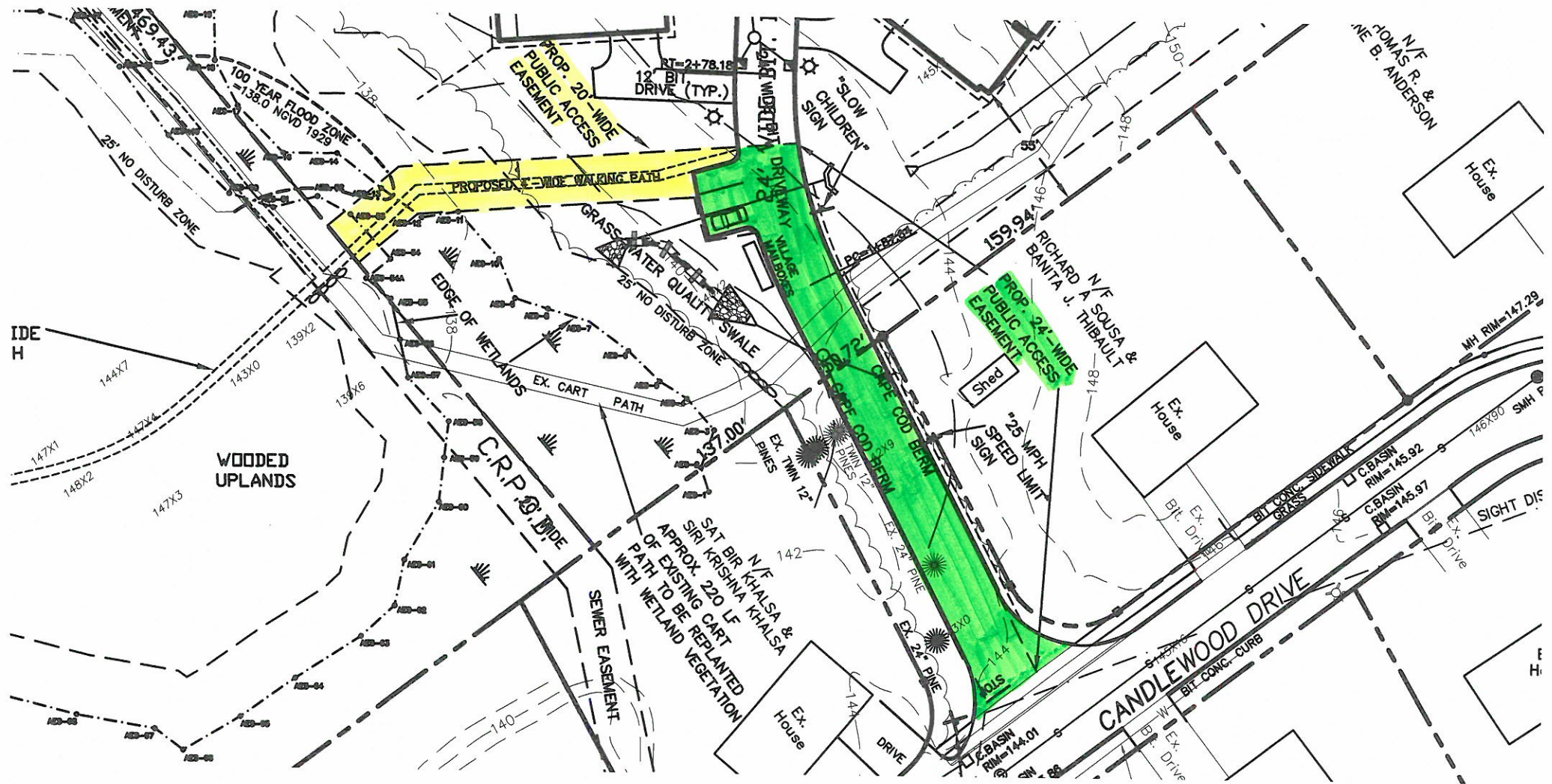
And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD



## Pine Ridge Easements







**January 30, 2018**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Site Plan Rules and Regulations**

Attached is a draft substantive revision of the *Site Plan Rules and Regs.* This has been in the works for many months. It was reviewed by Tetra Tech and PGC Associates; their edits have been incorporated.

Please review so we can have a good discussion. In particular, please carefully read Article VII Development Standards which starts on page 32.

NOTE – The Board needs to hold a public hearing on proposed amendments to the *Site Plan Rules and Regs.*



**January 30, 2018**  
**Medway Planning & Economic Development Board**  
**Meeting**

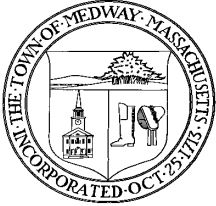
**Site Plan Rules and Regulations**

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Please review so we can have a good discussion. In particular, please carefully read Article VII Development Standards which starts on page 32.

NOTE – The Board needs to hold a public hearing on proposed amendments to the *Site Plan Rules and Regs.*

*DRAFT – December 5, 2017*



# **TOWN OF MEDWAY**

## **Planning and Economic Development Board**

### **Rules and Regulations**

#### **Chapter 200 - Site Plans**

#### **Rules & Regulations for Submission, Review and Approval of Site Plans**

*Approved and Adopted by the Medway Planning Board  
April 14, 1998*

*Amended: April 28, 2000*

*Amended: March 13, 2001*

*Amended: November 1, 2001*

*Amended: July 9, 2002*

*Amended: December 3, 2002*

*Amended: \_\_\_\_\_*

#### **Medway Planning and Economic Development Board**

*Andy Rodenhiser, Chairman*

*Robert K. Tucker, Vice-Chairman*

*Richard Di Iulio*

*Thomas A. Gay, Clerk*

*Matthew J. Hayes, P.E.*

# **Planning and Economic Development Board Site Plan Rules and Regulations**

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# **TOWN OF MEDWAY**

## **Planning and Economic Development Board**

### **Rules and Regulations**

#### **Chapter 200 - Site Plans**

#### **Rules & Regulations for Submission, Review and Approval of Site Plans**

##### **ARTICLE I AUTHORITY**

s. **201 – 1 Adoption** - The Medway Planning and Economic Development Board hereby adopts these *Site Plan Rules and Regulations* to govern the submission, review, approval and modification of site plans pursuant to SECTION 3.5.3 A. of the *Zoning Bylaw*. Said adoption was by a vote taken by the Medway Planning and Economic Development Board on \_\_\_\_\_ which became effective immediately.

##### **ARTICLE II GENERAL PROVISIONS**

s. **202 – 1 Site Plan Necessity** - Site Plan review and approval is required pursuant to the provisions of Section 3.5 Site Plan Review of the *Zoning Bylaw*.

s. **202 – 2 Purpose** – These *Rules and Regulations* provide for the uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the *Zoning Bylaw*. Their purpose is to guide Applicant s and their consultants, Town officials and Boards, and others involved in the preparation, processing and review of site plans and the issuance of site plan approval and modifications thereto. These *Rules and Regulations* address the process for submission, review and processing of site plan applications including the delegation of administrative review to the Board’s designee for review of small-scale projects; issuance of site plan approvals; fees; site development standards; review and approval criteria; project conditions, limitations, safeguards and mitigation measures; and procedures for modifying approved site plans and decisions.

s. **202 – 3 Applicability** - Any person or entity applying for approval of a Site Plan or an amendment to a decision and/or approved plan under the *Zoning Bylaw*, whether or not such person is governed by any other federal, state, or local permits, variances, approvals or programs, shall comply with the provisions of these *Rules and Regulations*.

s. **203 - 4 Scope of Site Plan Review** - A project shall be considered to be subject to *Major Site Plan Review* as defined in Section 3.5.3 of the *Zoning Bylaw* unless determined by the Inspector of Buildings to be subject to *Minor or Administrative Site Plan Review*. To claim *Minor Site Plan Project* status, an Applicant shall secure a written determination of the Inspector of Buildings and submit such determination with the site plan application.

s. **202 – 5    Procedural Overview**

- A.     The major and minor site plan review and approval process requires an official filing of the site plan application with the Town Clerk and the Planning and Economic Development Board, a public hearing or briefing before the Planning and Economic Development Board, review by Town departments/Boards/outside consultants, public review and comment, issuance of a Site Plan Decision, and plan endorsement.
- B.     Projects subject to administrative site plan review are required to file an application with the Town Clerk and the Community and Economic Development office for staff review and decision.

s. **202 - 6    Issuance of Building Permits** – The Inspector of Buildings shall not issue a building permit for any use, site, or building alteration, or other improvement subject to Section 3.5 of the *Zoning Bylaw* unless an application for site plan review has been prepared in accordance with the requirements of these *Rules and Regulations*, and unless such application has been approved by the Planning and Economic Development Board or its administrative designee in the case of projects subject to administrative site plan review.

s. **202 – 7    Definitions** - As used in these *Rules and Regulations*, the following term(s) shall have the meaning defined:

*Abutters:* Owners of land directly adjacent to property lines of the Applicant and owners of land directly opposite on any public or private street or way, as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or Town, and the Planning Board of every abutting city or Town.

*Administrative Site Plan Review:*     See Section 3.5 of the *Zoning Bylaw*

*Alteration of Existing Parking Area:* Includes installation, removal or relocation of any curbing, traffic channelization island, driveway, travel lanes, storm drainage, lighting, landscaping or similar facilities, but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

*Applicant:*     Any person or such person’s authorized representative who files an application for site plan approval under the *Zoning Bylaw*.

*Board:*             The Planning and Economic Development Board of the Town of Medway

*Design Review Guidelines:*     A written document produced by the Design Review Committee and adopted by the Medway Planning and Economic Development Board.

*Gross Floor Area:*             See definition in Section 2 of the *Zoning Bylaw*

*Major Site Plan Review:*         See Section 3.5 of the *Zoning Bylaw*

*Minor Site Plan Review:*         See Section 3.5 of the *Zoning Bylaw*

*Parties of Interest:* The Applicant, petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred (300) feet (or five hundred (500) feet) of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or Town, the Planning Board of the city or Town, and the Planning Board of every abutting city or Town.

*Rules and Regulations:* Medway Planning and Economic Development Board *Site Plan Rules and Regulations*

*Site Plan Application:* The Site Plan Application shall include the application form, the site plan(s), and all ancillary reports, studies and documents as outlined within these *Rules and Regulations*. The application shall include written authorization from the Applicant and/or property owner for the Board, its agents and other Town officials to be allowed access to the site during the site plan review process.

*Team:* Administrative Site Plan Project Review Team

*Town:* The Town of Medway

*Zoning Bylaw:* The Town of Medway Zoning Bylaw

**s. 202 – 8 *Waivers of Site Plan Rules and Regulations***

- A. The Board may authorize waivers from strict compliance with the *Site Plan Rules and Regulations* if it determines that that the *Regulations* are excessively burdensome to the Applicant or do not apply to the particular site or situation under review, that a waiver would permit a superior design, that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of site plan review and approval as set forth herein, that a waiver is in the best interests of the Town, or that a waiver is consistent with the purpose and intent of the *Zoning Bylaw* and these *Rules and Regulations*.
- B. The Applicant shall submit a written request for waivers from the *Site Plan Rules and Regulations* at the time of application on a Waiver Request form provided by the Board. Supplemental waiver requests may be submitted during the course of the site plan review process. If an oral request is made during a hearing, it shall be reduced to and submitted to the Board as a written request by the Applicant.
- C. No waiver of any requirement or provision of the *Zoning Bylaw* may be granted by the Board. For relief from the provisions of the *Zoning Bylaw*, a variance must be granted by the Zoning Board of Appeals in accordance with Section 3.2 of the *Zoning Bylaw*.

**s. 202 – 9 *Other Permits and Approvals*** - Site plan approval from the Board does not constitute approval from any other Board, commission or department of the Town of Medway.

### **ARTICLE III     SITE PLAN APPLICATION PROCEDURE - All Projects**

**s. 203 - 1     *Pre-Application Consultations*** – A pre-application consultation between a prospective Applicant and the Town’s professional and/or technical staff is strongly encouraged. The following rules shall apply:

- A.     *Purpose* - The purpose of any pre-application consultation between Town staff and a prospective Applicant is to provide the Applicant with an opportunity to discuss the design concept of the proposed development and to avoid unnecessary technical deficiencies in the application with a view toward promoting efficiency in the forthcoming processing and review of the site plan project.
- B.     *Scope of Town Staff Review* - It is not intended that Town staff will be used as design consultants during pre-application consultations. Town staff will limit their review to evaluating the technical issues appropriate to their area of expertise and assessing whether the project in question adequately addresses major issues of concern to the Town or neighborhood, such as traffic or environmental impacts. Staff may also review a proposed application for its thoroughness and correctness. However, Town staff are not responsible for assuring the accuracy, correctness or thoroughness of any application submitted for review.
- C.     *Contacting Town Staff* - The Applicant may request appointments with Town staff, who shall meet with the Applicant as their schedules permit.
- D.     Any information, opinion, or information given to the Applicant by an individual Board member, or by any agency, official, employee of the Town or its consultants shall be considered advisory only and shall not be binding on the Board.

**s. 203 – 2     *Informal Pre-Application Meeting*** – Prior to filing a Site Plan Application, prospective Applicants for a Major Site Plan Review shall and prospective Applicants for a Minor Site Plan Review may request an informal, pre-application meeting with the Board to review conceptual plans and discuss permitting procedures. This shall occur during a regularly scheduled Board meeting. This meeting provides the Applicant and the Board with the opportunity to discuss the project’s objectives, preliminary conceptual plan for the site, building design, and site amenities; review the Town’s site plan process and regulations; identify possible requests for waivers from these *Rules and Regulations*; clarify what submittal items are required based on the scope of the project; and develop a preliminary schedule for application submittal and plan review. Requests for pre-application meetings with the Board shall be made through the Planning and Economic Development office. A pre-application meeting shall not substitute for any public hearing or briefing required for the subject project. The meeting shall be advisory only and shall not bind the Board in any fashion.

**s. 203 - 3     *Development Review Coordination*** – If requested by the Applicant , the Director of Community and Economic Development may schedule a meeting with the Applicant and representatives of various Town departments, boards and committees to occur before the actual filing of a site plan application. The purpose of such meeting is for the Applicant to brief Town departments, boards and committees on the project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities which may benefit from further municipal attention, coordination or assistance.

s. **203 - 4** *Eligible Applicants* - An application for site plan review shall be made in writing on a form provided by the Planning and Economic Development office. The Applicant may be the property owner, a tenant, or the prospective purchaser of the subject property. In the case where the Applicant is a person other than the record owner of the property, the Applicant is required to submit as part of the application a written certification executed by the record owner of the property that the Application is submitted with the knowledge and consent of the owner.

s. **203 - 5** *Official Receipt of Site Plan Application* -The official site plan submission date for major and minor site plan review is the date the site plan application is filed with the Town Clerk and the Board, unless the Applicant is notified by the Board within fourteen (14) days of submission that the application is incomplete. In such a case, the Application will be deemed to not have been submitted.

s. **203 - 6** *Completeness Review* - The Board or its Agent may, within fourteen (14) days of the date of receipt of the application, reject a site plan Application upon a determination that it does not satisfy the information/submission requirements of these *Rules and Regulations*. The Board or its Agent shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* where the application is lacking, and what remedies are required to make the application complete. The Board shall provide a notice of its determination to the Town Clerk. The Site Plan Filing Fee shall be retained by the Board and shall be applied to any future resubmission of the application. When brought into conformity with the requirements of these *Rules and Regulations*, a Site Plan application may be resubmitted for consideration by the Board without prejudice.

s. **203 - 7** *Use of Outside Consultants*

- A. Upon receipt of the Site Plan application, the Board may determine that the assistance of outside consultants such as engineers, lawyers, planners, urban or landscape design professionals or other appropriate professionals is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. It is the Board's standard practice to do so. The Board may engage the services of outside consultants to assist the Board in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal or other issues. The Board shall have full authority to select the outside consultants. If the Board determines that such services are required, the Applicant shall pay a *Site Plan Review Fee* as specified in **s. 208 – I B.** of these *Rules and Regulations*.
- B. The minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or in a related field.
- C. The Applicant may appeal the selection of a particular outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The Applicant must identify the specific grounds which the Applicant claims constitute the conflict of interest or how the consultant does not meet the minimum professional requirements. If no decision is made by the Board of Selectmen

within thirty days following the filing of an appeal, the Board's consultant selection stands.

**s. 203 – 8 Site Plans and Scenic Roads** – Any proposed site plan which has land with frontage on a Scenic Road so designated by the Town of Medway may also be subject to the *Rules and Regulations for the Review and Issuance of Scenic Road Work Permits*.

## **ARTICLE IV MAJOR SITE PLAN PROJECTS - Complete Site Plan Review**

### **s. 204 – 1 Town Clerk Submittals**

- A. The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours:
- 1) A copy of the original Site Plan Application form signed by the Applicant, property owner(s), and official representative, if any, on a form provided by the Board.
  - 2) One (1) set of the Site Plan prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 204 – 5**.
  - 3) One (1) copy of the storm drainage calculations including technical supporting documents, using the Rational Method (*for pipe sizing*) and Soil Conservation Service Method (*TR55 and/or TR 20 for Stormwater Management*).
  - 4) One (1) copy of the *Project Narrative* as specified in **s. 204 – 2, A. 6**.
- B. Filing of the application with the Town Clerk does not, of itself, constitute the official receipt date.

### **s. 204 – 2 Planning and Economic Development Board Submittals**

- A. The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:
- 1) The original Site Plan application form signed by the Applicant, property owner(s), and official representative, if any, on a form provided by the Board.
  - 2) Three (3) sets of the Site Plan (24" x 36") and one (1) set of the site plan (11" x 18") prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 204 – 4**.
  - 3) Two (2) copies of the storm drainage calculations including technical supporting documents, using the Rational Method (*for pipe sizing*) and Soil Conservation Service Method (*TR55 and/or TR 20 for Stormwater Management*). Pre-development and post-development drainage calculations must be prepared by a Registered Professional Engineer and summarized in table form for comparison purposes. The supporting documentation must be organized and submitted for review by the Board's engineering consultant to ensure conformance to these regulations. Tests pits and percolation tests must be performed to support

infiltration calculations and assumptions related to the Stormwater Management Design.

- 4) One (1) list of all abutters and parties of interest within 300' (do you want to go larger to 500'?) of the subject site as defined herein as appearing in the most recent tax list. The list shall be certified by the Board of Assessors of all applicable communities.
- 5) One (1) copy of all relevant approvals received to date from other Town boards and committees (*ZBA, Conservation Commission, Board of Health, etc.*) and other government agencies.
- 6) A written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information:
  - a) proposed construction or demolition
  - b) proposed uses
  - c) projected water and sewer demand
  - d) a list of other required local, state and federal permits and the status of each
  - e) the size of the proposed building(s) or additions
  - f) who the project is intended to serve
  - g) expected number of employees and/or occupants
  - h) hours of operation
  - i) number of parking spaces required and how this number was determined
  - j) calculation of existing and proposed lot coverage
  - k) an estimate showing the costs of all improvements planned including but not limited to building construction/renovation, paving, drainage, retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities and outdoor lighting
  - l) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application
- 7) A written *Development Impact Statement* which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts.

At its discretion, the Board, upon written request of the Applicant, and based on the Board's preliminary assessment of the scale and type of proposed development, 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:

a) *Traffic Impact*

1. A brief analysis of traffic safety and capacity issues and a brief summary of anticipated traffic impacts; or

2. A full *Traffic Impact Assessment* is needed if the project involves one or more of the following characteristics:
  - a. proposes an additional thirty (30) or more parking spaces;
  - b. contains frontage or proposes access on a public way;
  - c. includes uses expected to generate an additional 100 trips per weekday based on the most recent edition of the Institute of Traffic Engineers publication *Trip Generation*.

The Board may require an Applicant to prepare a full *Traffic Impact Assessment* even if the project does not meet any of the above criteria, if the Board believes it is in the Town's best interest to do so.

3. The *Traffic Impact Assessment* shall:
  - a. document existing traffic volumes, capacities, controls, sidewalk and road conditions, roadway geometrics, hazards and level of service on the site and streets adjacent to the site and intersections near the site including but not limited to conditions within one-quarter (1/4) mile of the proposed project;
  - b. describe the volume and effect of projected traffic generated by the proposed project (total and peak hour) and post project level of service (LOS)
  - c. identify traffic management and structural improvements and mitigation measures, both on and off the site, to reduce any adverse impacts of the proposed project on traffic. These could include demand management strategies, traffic control measures as well as capacity enhancements.

b) *Environmental Impact*

- 1) An *Environmental Impact Assessment* is needed if the project involves one or more of the following characteristics:
  - a. proposes an additional thirty (30) or more parking spaces;
  - b. proposes a building footprint of fifteen thousand (15,000) square feet or greater;
  - c. proposes to disturb thirty thousand (30,000) square feet of land or greater.
- 2) An *Environmental Impact Assessment* describes the impacts of the proposed development with respect to on-site and off-site environmental quality including:
  - a. air and water quality
  - b. surface water and groundwater
  - c. flooding potential
  - d. increases in impervious surfaces



- e. potential for erosion and proposed or existing control measures
  - f. noise levels
  - g. harmful or noxious emissions
  - h. damage or threat to wetlands and flood plan
  - i. visual environment.
  - j. smoke
  - k. odors
  - l. vibration
  - m. waste disposal
  - n. off-site environmental drainage impacts
- 3) If the Applicant is required to file a full Massachusetts Environmental Policy Act (MEPA) certification *with the Massachusetts Department of Environmental Protection* that document may serve to replace the *Environmental Impact Assessment* as may be required herein.
- c) *Community Impact*
- 1) A *Community Impact Assessment* evaluates the impacts of the proposed development on the community.
  - 2) A *Community Impact Assessment* includes:
    - a. the community's visual, architectural and historical character, especially that of neighboring properties;
    - b. the goals of existing community plans (*master plan, open space plan, etc.*); and
    - c. the quality of life of its residents;
    - d. existing and projected demand for municipal services, revenues to the Town, and fiscal or economic impacts
- d) *Parking Impact*
- 1) A *Parking Impact Assessment* is needed if the project proposes the addition of thirty (30) or more parking spaces.
  - 2) A *Parking Impact Assessment* documents existing parking conditions, evaluates off-site impacts of the proposed parking and proposed ways to mitigate any adverse parking impacts on the neighborhood.
  - 3) A *Parking Impact Assessment* shall:
    - a. identify existing off-site and on-street neighborhood parking conditions including streets likely to be affected by the development;
    - b. identify the expected impact of proposed parking on the neighborhood; and
    - c. propose mitigation measures including screening, creative parking lot design, use of alternative paving materials, and planting of trees for shading and buffer.

- 8) A letter from the Inspector of Buildings identifying the current *Zoning Bylaw* violations and non-conformities on the premises.
- 9) A *Construction Management Plan* (CMP) which includes the proposed construction sequence, timetable and methods for managing the construction process and minimizing the impacts of construction on public ways and to abutters. The CMP shall identify areas for parking, staging and stockpile areas for construction materials and earth removed from or brought onto the site. Such areas shall be located as far from existing private and public ways as practicable and visually screened to the maximum extent possible from such ways and surrounding residences or other buildings.
- 10) *Earth Removal Calculations* – Calculations of the volume of earth to be removed from the site shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts. When earth materials are to be removed from the site, a removal schedule shall be provided. This schedule must state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each removal vehicle, the travel routes to be taken by removal vehicles plus their approximate hours of operation and the clearing procedures to be used.
- 11) A copy of the latest recorded deed to the property(s) comprising the proposed development site.
- 12) A list of waivers from these *Rules and Regulations* being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Site Plan Waiver Request form supplied by the Board.
- 13) A list of waivers being requested from the *Medway Design Review Guidelines* and proposed compliance alternatives for meeting the *Medway Design Review Guidelines* provided on a Compliance Alternative Request form supplied by the Board.
- 14) ALL APPLICATION MATERIALS including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is [sachilds@townofmedway.org](mailto:sachilds@townofmedway.org).
- 15) A Site Plan Filing Fee as established in **s. 208 – 1 A.** of these *Rules and Regulations*.
- 16) A deposit toward the Site Plan Review Fee as established in **s. 208 – 1 B.** of these *Rules and Regulations*.

B. Filing of the application and plans with the Board does not, of itself, constitute the official receipt date.

s. **204 – 3 Standards for Site Plan Preparation**

- A. The site plan shall be prepared, stamped, signed and dated by qualified professionals including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional registered in the Commonwealth of Massachusetts.
- B. The site plan shall be drawn at a scale of one (1) inch equals forty (40) feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements.
- C. Sheet sizes shall be twenty-four (24) by thirty-six (36) inches.
- D. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- E. All site plan sheets are to be bound together in a complete set.
- F. All site plan sheets shall contain a referenced north arrow, sheet number, the Board's endorsement signature block including decision and plan endorsement dates, dates of plan revisions, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, the Town Clerk's no appeal certification, and other appropriate information.

s. **204 – 4 Site Plan Contents** – To be considered complete, a site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below. The Board may require additional information, if necessary, to complete its review.

- A. *Cover Sheet* – The cover sheet shall include the project name, name and address of owner, name and address of Applicant, name and address of engineering and other professional firms responsible for the plan, plan date, list of plan revision dates, project street address, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Board Signature Block, and an index of drawings/contents.
- B. *Site Context Sheet*
  - 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. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, sidewalks or other landmarks or other public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable. An aerial photograph with features labeled may serve as the Site Context Sheet.
  - 2) Abutters' names and addresses with assessor's references
  - 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 and flood plain zones.

C. *Existing Conditions Sheet(s)*

- 1) The location of all *existing man-made features and infrastructure* shall be delineated including but not limited to buildings and structures, streets, bridges, utility poles, utilities and underground infrastructure including water, gas, electric, sewer, cable, and telephone, fire hydrants and fire alarm boxes, wells, septic systems, storm and sanitary sewers, easements and other property encumbrances, driveways, trails, farm roads, rails, stone walls, fences, monuments, historic markers, milestones, wells, drainage fields, entrances, and exits on the site and within one hundred (100) feet of the site, including both sides to any abutting streets.
- 2) Location and delineation of all *existing natural features* of the site and within one hundred (100) feet thereof, including ledge/rock outcroppings, cliffs, sinkholes, ditches, swamps, all wetlands including their associated buffers per state and local laws, vernal pools, water bodies and natural waterways and watercourses including rivers, lakes, ponds and streams, natural drainage courses and swales, areas of high water table.
- 3) An *Existing Landscape Inventory* 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.
- 4) Locations of all historically significant sites or structures on the property including but not limited to barns, other buildings, cellar holes, stone walls, earthworks and graves and any structure over 50 years of age.
- 5) Location and design of existing stormwater systems, leaching galleys, swales, and other methods to dispose of surface water on site; refuse disposal systems, water service, sewage disposal and methods of solid waste storage and disposal.

D. *Site Plan Information Sheets*

- 1) Location and dimensions of proposed buildings and structures including building setbacks from front, side and rear lot lines.
- 2) *Parking Plan* - Location and dimensions of proposed parking, including lot line setbacks, loading and unloading areas with traffic patterns, access lanes and curb radii. The *Parking Plan* shall be in conformance with the provisions of Section 7.1.1 of the *Zoning Bylaw*.

- 3) Location and dimensions of proposed improvements and site amenities including travel ways, roads, driveways, maneuvering spaces and aisles, fire lanes, parking areas, loading facilities, curbs, curb cuts, bumpers, decorative and retaining walls, fences, outdoor lighting, open space areas, recreational areas, pedestrian areas, service entries, snow storage areas, facilities for waste disposal and storage, sidewalks, pedestrian and bike pathways with cross sections, design and materials details and dimensions, and easements.
- 4) *Site Grading* - Topography showing proposed grading contours at two (2) foot intervals, limit of work and limit of clearing.
- 5) *Erosion and Sediment Control Plan* – Erosion control measures shall be specified including sedimentation barriers, construction entrances, stabilizing materials to be used on site during and after construction, and temporary blocking of entrances when construction is not active.
- 6) *Stormwater Management Plan* - The following items shall be included: location and design of proposed stormwater drainage systems, including leaching galleys, swales, and methods to dispose of surface water on site including slopes, materials and surfaces. The plan shall comply with the requirements of Article XXVI of the Medway General Bylaws as well as the Massachusetts Stormwater Management Policy Standards and EPA’s NPDES and MS4 requirements.
- 7) *Site Utilities Plan* – All proposed utilities, mechanisms, materials and layouts for refuse/trash disposal systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal and methods of solid waste storage and disposal.
- 8) *Landscape Plan*
  - a) A *Landscape Plan* shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.
  - b) The *Landscape Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.
  - c) The *Landscape 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.
  - d) The *Landscape Plan* shall specify a suitable maintenance program to ensure the viability and longevity of the landscape installation.

- 9) *Building Elevations/Architectural Plan* with dimensions and details of façade designs of each building from all directions including specifications on style, materials, and colors including awnings. **Check with DRC on this language.**
- 10) *Site Amenities Details* for benches, trash container enclosures, trash cans, bollards, planters, fences, walls, etc. **MORE HERE**
- 11) *Color Renderings* of the project shall be provided from all directions depicting structures, signage, landscaping, site amenities, and common views of the developed site from a public way and other views helpful in illustrating the totality of the proposed development and associated site improvements. **Check with DRC on this language.**
- 12) *Building Layout/Floor Plan* with the use of all areas labeled.
- 13) *Entry/Exit to Structures.* All means of entry and exit (*main, service, emergency and mechanical*) from the building including steps and ramps, designation of the primary entrance (*front entrance*) and loading docks and other access ways shall be shown
- 14) *Master Signage Plan* which includes the proposed design, location, materials, dimensions and lighting for:
  - a) the proposed development sign and all building identification signage, both freestanding and attached; and
  - b) standards for tenant/business signs.
- 15) *Lighting Plan*
  - a) The *Lighting Plan* shall indicate the type, height and location of all proposed lighting fixtures and devices and the radius of light patterns, brightness and intensity of proposed lighting. The manufacturer's data and specifications for the proposed lighting fixtures shall be submitted.
  - b) The *Lighting Plan* shall indicate proposed lighting around all structures, driveways, driveway entrances, walkways, entrances, pathways and parking areas.
  - c) The *Lighting Plan* shall include a night lighting plan which specifies the times of illumination and the location of fixtures which shall be illuminated.
  - d) The *Lighting Plan* shall be prepared in conformance with Section 7.1.2 of the *Zoning Bylaw*.
- 16) Horizontal sight distances on the public way(s) at all entrances in both directions.
- 17) A table outlining the proposal's conformance with zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, maximum seating capacity, number of employees, and number of parking spaces

including handicapped and employee spaces, and other items as appropriate for the zone and proposed uses.

- 18) Locations of proposed fire hydrants, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.
- 19) Information quantifying on-site generation of noise and odors, if applicable.
- 20) Any proposed roadway and traffic management improvements.
- 21) Other information the Board may determine as necessary.

**s. 204 – 5 Review by Town Officials**

- A. Within fourteen (14) days of the official site plan submission date, the Board shall transmit one (1) copy of the Site Plan to the following Boards, departments and committees, inform them of the public hearing schedule, and request their review and preparation of an advisory report to assist the Board with its review.
  - 1) Inspector of Buildings/Zoning Enforcement Officer
  - 2) Conservation Commission
  - 3) Fire Department
  - 4) Police Department
  - 5) Assessor's Office
  - 7) Board of Health
  - 8) Department of Public Services
  - 9) Design Review Committee
  - 10) Other departments and committees as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission.
- B. Said Boards, departments and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within thirty (30) days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. The Inspector of Buildings/Zoning Enforcement Officer shall review the Site Plan application and all associated submittals for compliance with the *Zoning Bylaw* and provide written communication to the Board, prior to the first public hearing date. Said communication may include, but not be limited to the Inspector of Buildings/Zoning Enforcement Officer's findings and any questions or concerns that could be clarified during the site plan review process so as to avoid the need for subsequent site plan modifications after project approval and plan endorsement. The Inspector of Buildings' report shall also identify any current zoning violations existing at the site.

- D. *Development Review Coordination* – Unless such has occurred prior to application submittal and unless the Applicant declines in writing, the Board may schedule a meeting with the Applicant and representatives of the various Town Boards, departments and committees within thirty (30) days of receipt of the application. The purpose of such meeting is for the Applicant to brief Town Boards, departments and committees on the project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities which may benefit from further municipal attention, coordination or assistance.

**s. 204-6 Public Hearing**

- A. *Purpose* - The purpose of a public hearing is:
- 1) for the Applicant to present information to the Board to assist it in determining whether the development proposal meets the *Zoning Bylaw* and the *Site Plan Rules and Regulations*; and
  - 2) to provide abutters and parties of interest with the opportunity to learn about a proposed development project and to have their opinions heard by the Board as the decision making body.
- B. *General* – Within **sixty-five (65)** calendar days of the official site plan submission date, the Board shall commence a public hearing on the proposed site plan. The Board shall set the date, time and place of the public hearing, allowing adequate time for publication of legal notice, mailing to abutters, circulation of plans to consultants and other Town boards, committees and departments and receipt of reports therefrom. At the public hearing, the Applicant shall present their proposed site plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing. The Board may continue the public hearing as needed.
- C. *Public Hearing Notice* - The Board shall prepare and file a public hearing notice with the Town Clerk for posting in a conspicuous place in Town Hall and on the Town's web site for a period of not less than fourteen (14) days before the day of the hearing.
- D. *Abutter Notice* - The Board shall notify all abutters and parties of interest of the time, date and location of the public hearing. The notice shall include a brief description of the site plan project. Said notification shall be sent by first class mail at least fourteen (14) days prior to the date of the public hearing.
- E. *Legal Advertisement* - The Board shall provide notice of the public hearing by advertisement in a newspaper of general circulation in the community once in each of two successive weeks, the first publication to be not less than fourteen days before the public hearing. The cost of the advertisement shall be borne by the Applicant who shall be billed by the Board for same.
- F. *Appearance of Applicant at Public Hearing* – An Applicant may appear on his own behalf or be represented by an agent or attorney. It is the responsibility of the Applicant to present the Site Plan to the Board and public during the public hearing. Failure to appear at a public hearing could seriously jeopardize the success of an application. In the



absence of an appearance by the Applicant, the Board may decide the matter using the information it has received.

- G. *Public Comments* – Abutters and parties of interest are encouraged to attend the public hearing and provide comments to the Board. Comments may be provided verbally or in writing or via email addressed to the Board. Any party whether entitled to notice or not may appear in person or by agent or attorney to provide comments. All comments received shall be entered into the public record during the public hearing.
- H. *Public Hearing Continuation* – The Board may continue a public hearing if the Board determines that a continuation is necessary or appropriate to allow the Applicant or others to provide additional information. In such a case, the Chairman shall announce to those present, prior to the adjournment of the hearing for the night, the specific date, time and place where the hearing will be continued and the subject matter to be discussed at the continued hearing. The Board shall notify the Town Clerk of such continuation.
- I. *Coordination with Other Permitting Authorities* – If requested by the Applicant, the Board shall make every reasonable effort to coordinate its review with other Town Boards, committees or officials which have jurisdiction over other permits and approvals required for the project to proceed. Coordinated or joint public hearings may be conducted to the extent allowed by law, recognizing that each permitting authority is subject to specific statutory decision requirements and not all such decision periods coincide.
- J. *Additional Information* – During the course of the public hearing, the Board may require the Applicant to provide additional information if it finds that such information is necessary to properly act upon the application in question. Any items or plan revision submitted by an Applicant in support of a previously filed application shall be submitted to the Board no less than ten (10) business days before the date of the continued public hearing. However, in no case shall the Board allow new evidence or testimony to be admitted after the public hearing is closed.
- K. The Board may keep the public hearing open during the preparation and deliberation of its decision. However, the public hearing shall be closed before the decision is filed with the Town Clerk.

s. **204 – 7 Decision**

- A. *Deadline to File Decision* - Following the Board’s review, the Board shall prepare and file its written *Site Plan Decision* with the Town Clerk and the Inspector of Buildings within thirty (30) calendar days after the close of the public hearing and within ninety (90) calendar days from the official date of site plan submission. Failure of the Board to take final action by filing its Decision with the Town Clerk within the prescribed time period shall be deemed constructive approval of the application.
- B. *Deadline Extension* - The deadline by which the Board must file its *Decision* may be extended upon mutual agreement when the Applicant requests such an extension and the Board agrees thereto. The extension provides additional time for the Applicant to revise their plans to comply with these *Rules and Regulations*, and for the Board to review such

**Commented [SA1]:** [Gino notes that “expedited permitting” provides for a 180 day period. Why not use 180 days and reduce the administrative need for extensions since most larger projects take that long].

changes and prepare its Site Plan Decision. Notice of the Board's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Board to the Town Clerk.

- C. *Decision Options* - The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the Board's *Site Plan Decision*. If a special permit and site plan are being considered together, the required vote is a 4/5 majority. Only those members of the Board who were in attendance at the hearings, who participated remotely as approved by the Board Chairman, or who provided a Mullins Rule certification may vote.
- D. Before the Board begins its deliberations on the Site Plan Decision, the Applicant shall provide the Board a written document specifically describing how the proposed development, as revised during the public hearing process, satisfies the decision criteria established in **s. 204 – 7 F.**
- E. In reviewing the application and preparing its *Site Plan Decision*, the Board shall consider the information presented in the Site Plan application and all revisions thereto, reports of its outside consultants, comments from other Town boards, commissions and departments, the testimony presented at the public hearing, supplemental information provided by the Applicant during the course of the review, and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research during the public hearing process. In making its *Decision*, the Board shall consider the project's impacts and the Applicant's proposed methods of mitigating such impacts.
- F. *Approval Criteria Findings* – In making its *Site Plan Decision*, the Board shall determine whether the proposed project will constitute a suitable development based on conformance with the various standards and criteria as set forth in these *Rules and Regulations*. For an approval decision, the Board shall make affirmative Findings on the following criteria or shall determine that the criteria are not applicable to the particular proposal:
  - 1) The proposed buildings, uses and site features are properly and legally located on the development site in relation to the terrain and the location and scale of buildings and site features on abutting sites.
  - 2) The construction and/or renovation of buildings and site features are thoughtfully designed to reflect or be compatible with the *Medway Design Review Guidelines*.
  - 3) Building and site designs shall consider the character, materials and scale of existing buildings in the vicinity as well as Master Plan goals for the area.
  - 4) Reasonable use is made of building location, grading and landscaping and other site features to reduce the visible intrusion of structures, parking areas, and outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operation of the establishment(s) from public views or from adjacent residential properties.

- 5) Public ways and private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.
- 6) Internal circulation, queuing and egress are such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.
- 7) Convenient and safe access for fire-fighting and emergency vehicles is provided to each structure and throughout the site.
- 8) Design and construction shall minimize, to extent reasonable 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 impacts on waterways and environmental resource areas;
  - f) soil erosion and pollution;
  - g) noise.
- 9) Pedestrian ways, access driveways, loading areas and vehicular and bicycle parking facilities are properly designed and operated for public convenience, universal accessibility and public safety of customers, employees and the general public.
- 10) Design and construction shall, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).
- 11) Lighting on the site avoids glare on adjoining properties, and minimizes light pollution.
- 12) The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.
- 13) The project's impact on abutting residential neighborhoods has been adequately mitigated. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.
- 14) The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.

- 15) Off-street loading facilities and methods for unloading vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) to be located on the site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view.
- 16) Satisfactory methods for drainage of surface water to and from the development site are provided.
- 17) The effects and the impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and the community's character, values, amenities and appearance have been identified and evaluated. Reasonable conditions, limits, safeguards and mitigation measures are established. *See s. 204 – 7 F.*

G. *Approval Conditions, Limitations & Safeguards* - In a *Decision* to approve a site plan, the Board may waive certain standards and require certain modifications, conditions, mitigation measures, limitations and safeguards which the Board believes are in the Town's best interests. The Board's conditions, mitigation measures, limitations and safeguards shall become binding zoning requirements of the project and may include but are not limited to the following measure:

- 1) Plan revisions
- 2) Site and building design modifications
- 3) Controls on the location and type of access to the site
- 4) Controls on the number, type and time that service vehicles access the site
- 5) Provision for open space or preservation of views
- 6) Limitations on the hours of operation
- 7) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements;
- 8) Conditions to minimize off-site impacts and environmental quality during construction.
- 9) Requirements for screening parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- 10) Conditions to mitigate adverse impacts on the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.
- 11) Compliance measures including but not limited to construction observation/ inspection, performance guarantees and as-built plan submittals.

12) *Mitigation Measures* – The Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

- a) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/ controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Board for the relevant type of structure(s) and use (s).
- b) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.

G. *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by these *Rules and Regulations*. The Board may also disapprove a site plan where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

H. *Distribution of Notice of Site Plan Decision* - The Board shall prepare and mail a Notice of Site Plan Decision to all abutters and parties of interest by first class mail.

s. **204 – 8 Appeal** - Any person aggrieved by the Board's *Site Plan Decision* for a project subject to Major Site Plan Review may appeal such Decision to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings as provided for in MGL, chapter 40A, section 17.

s. **204 – 9 Plan Endorsement**

A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within sixty (60) days after the Board as filed its *Site Plan Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board for endorsement.

B. The Board shall not endorse a site plan until it is brought into compliance with the Board's *Site Plan Decision* and the twenty (20) day appeal period has elapsed following the filing of the Board's *Site Plan Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's *Site Plan Decision*.

- C. The Applicant shall provide an original MYLAR of the revised site plan for endorsement by the Board.
- D. The Applicant shall provide six (6) copies of the signed plan to the Board. The Applicant shall also provide the endorsed plan in pdf format and **format per Mass GIS**. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

**s. 204 – 10 Recording** – The Applicant shall record the Site Plan Decision and the original of the endorsed plan at the Registry of Deeds and submit evidence of such recording to the Board and the Inspector of Buildings. No construction shall be allowed to begin at the subject site until such recording verification is presented.

**Commented [SA2]:** [Gino Carlucci suggests not recording entire plan set. How about “. . . and the cover sheet, Layout and Materials Plan and/or such other plan sheets as the PEDB may specify.”]

## **ARTICLE V. MINOR SITE PLAN PROJECTS - Limited Site Plan Review**

### **s. 205 – 1 Town Clerk Submittals**

- A. The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Town Clerk:
- 1) The Minor Site Plan application form with original signatures.
  - 2) One (1) full size set of the Site Plans prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 205-4.**
  - 3) One (1) copy of a written Project Description as specified in **s. 205 – 2, A. 4)**
  - 4) One (1) copy of a Stormwater Drainage Evaluation as specified in **s. \_\_\_\_\_**
- B. Filing of the application with the Town Clerk does not, of itself, constitute the official receipt date.

### **s. 205 – 2 Planning and Economic Development Board Submittals**

- A. The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:
- 1) The Minor Site Plan application form with original signatures.
  - 2) Written determination from the Inspector of Buildings/Zoning Enforcement Officer that the proposed scope of work constitutes a Minor Site Plan Project.
  - 3) Four (4) full size (24” x 36”) and one (1) reduced size (11” x 17”) set of the Minor Site Plan prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 205 – 4.**
  - 3) One written *Project Description* of the proposed development including: current and proposed uses, proposed site improvements, construction and/or demolition; who the project is intended to serve; existing and proposed means of vehicular and pedestrian access and egress; anticipated number of employees and/or

occupants; methods and hours of operation; and timetable for project completion. The Project Description shall include but not be limited to building construction/renovation, paving, drainage retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities, outdoor lighting, and proposed mitigation measures.

- 4) One written *Stormwater Drainage Evaluation*. At a minimum, this evaluation shall consist of a letter signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
- Describe the existing stormwater drainage patterns/system on the site;
  - Identify how the proposed site plan work will impact the existing stormwater drainage patterns/system; and
  - Describe the location and design of proposed stormwater management techniques/methods to be used to dispose of added surface water resulting from the proposed site changes.

The Board reserves the right to require more extensive drainage information (up to and including complete drainage system design and calculations) depending on the extent of the proposed site changes and the sensitivity of the site and its abutting properties. At the Board's discretion, it may require the Applicant to provide a full stormwater drainage analysis and design.

- 6) One (1) list of all abutters and parties of interest as defined herein as appearing in the most recent tax list. The list shall be certified as valid by the Board of Assessors of all applicable communities.
- 7) One (1) copy of all relevant approvals received to date from other Town Boards and commissions (ZBA variances or special permits, Conservation Commission ANRAD or Order of Conditions, Board of Health, etc.) and other government agencies.
- 8) A list of waivers being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, on a form provided by the Board.
- 9) A list of waivers being requested from the *Medway Design Review Guidelines* and proposed compliance alternatives for meeting the *Medway Design Review Guidelines* provided on a Compliance Alternative Request form supplied by the Board.
- 10) A letter from the Inspector of Buildings identifying the current *Zoning Bylaw* violations and non-conformities on the premises.
- 11) A *Site Plan Filing Fee* as established in **s. 208-1 A**, of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
- 12) A deposit toward the *Site Plan Review Fee* as established in **s. 208 – 1 B**, of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.

- B. Filing of the application and plans with the Board does not, of itself, constitute the official receipt date.

s. 205 – 3 **Standards for Site Plan Preparation** – See s. 204 – 3 of these Rules and Regulations.

s. 205 – 4 **Site Plan Contents**

- A. *Locus Map* – A locus plan of the project area showing the street configuration, major land uses, major natural features, and zoning district boundaries within two thousand (2,000) feet of the perimeter boundaries of the site, at a minimum scale of one (1) inch equals eight-hundred (800) feet.
- B. *Existing Conditions Plan* – A plan showing all bearings and distances of property lot lines and existing structures/buildings as shown on the current Assessor's Maps; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; trash disposal facilities; impervious surfaces; significant landscape features, and wetlands and other resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one (1) inch equals one hundred (100) feet.
- C. *Plot Plan*, certified by a land surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.
- D. *Site plan*, at a minimum scale of one (1) inch equals forty (40) feet, showing the following:
  - 1) Proposed use(s) of land and buildings;
  - 2) Dimensions of proposed building(s) or other structures including height, setbacks from property line, and total square footage of building area;
  - 3) Design features of the construction or renovation of buildings (s) and structures, including, as appropriate, elevations, materials, colors, etc.
  - 4) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
  - 5) Locations and dimensions of any proposed easements, public or private rights-of-way, or other burdens.
  - 6) All parking and loading areas, including surface (at-grade) parking lots and parking structures, showing the number, location, and dimension of parking and loading spaces, driveways, other access ways, sidewalks and the like;
  - 7) Other proposed site features including, but not limited to topography, walls, fences, signs, utilities, trash disposal facilities, landscaping (including trees), impervious surface and drainage facilities, and natural features (including wetlands).



**s. 205 – 5    *Review by Town Officials***

- A. Within fourteen (14) days of the official site plan submission date, the Board shall transmit one (1) copy of the Site Plan application to the following Boards, commissions, and departments, inform them of the public briefing date, and request their review and preparation of an advisory report to assist the Board in its review.
- 1) Inspector of Buildings/Zoning Enforcement Officer
  - 2) Fire Department
  - 3) Police Department
  - 4) Department of Public Services
  - 5) Design Review Committee
  - 6) Others as determined to be appropriate depending on the nature of the project.
- B. The Inspector of Buildings shall review the minor site plan application and all associated submittals or compliance with the *Zoning Bylaw* and provide written communication to the Board, prior to the public briefing date. Said communication may include, but not be limited to, the Inspector of Buildings' findings and any questions or concerns that could be clarified during the review process so as to avoid the need for subsequent plan modifications after the Site Plan is approved. The Inspector of Buildings shall include in his report any zoning violations existing at the site.
- C. At its discretion or at the request of the Applicant, the Board may schedule a meeting with the Applicant and representatives of the various Town Boards, departments and committees. The purpose of such a meeting is for the Applicant to brief Town Boards, departments and committees on the project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities, which may benefit from further municipal attention, coordination or assistance.

**s. 205 – 6    *Public Discussion/Briefing***

- A. *Board Meeting* – Within thirty (30) calendar days of the official site plan submission date, the Board shall consider the proposed minor site plan application as an agenda item at a duly posted Board meeting at which the Applicant shall present their proposed site plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing. The Board may continue its review and consideration to other meetings as may be needed.
- B. *Abutter Notice* – At least fourteen (14) days prior to the date of the public briefing, the Board shall send, by first class mail, a notice of the time, date and location of the public briefing to all abutters and parties of interest in the minor site plan project. The notice shall include a brief description of the site plan project.
- C. *Public Notice* – At least fourteen (14) days prior to the date of the public briefing, the Board shall file the public briefing notice with the Medway Town Clerk for official posting.

s. 205 – 7 *Decision*

- A. Following the Board's review, the Board shall prepare and file its *Minor Site Plan Decision* with the Town Clerk and the Inspector of Buildings. The Board's *Minor Site Plan Decision* shall be filed within **sixty (60) calendar days** from the official site plan submission date. The deadline by which the Board must file its *Minor Site Plan Decision* may be extended upon mutual agreement when the Applicant requests such an extension and the Board agrees thereto. Failure of the Board to take its final action by filing its decision within **such sixty (60) day** period shall be deemed constructive approval of said application.
- B. The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the Board's *Minor Site Plan Decision*. However, if the project also entails a special permit, an affirmative vote of four of the five members of the Board is required. A failure of the Board to achieve the required vote shall be deemed a denial of the application. Only those members of the Board who were in attendance at the public hearing or provided or provided a Mullins Rule certification may vote on an application.
- C. In reviewing the application and preparing its *Minor Site Plan Decision*, the Board shall consider the information presented in the application and all supplemental information provided by the Applicant during the course of the review; all reports of Town departments/boards and outside consultants; and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research.
- D. *Findings* - The Board shall determine whether the proposed project will constitute a suitable development based on conformance with the purposes of this Sub-Section and the various standards and criteria as set forth in **Section 204-7 Decision F. Approval Criteria Findings herein**. In making its *Minor Site Plan Decision*, the Board shall consider the project's impacts and the proposed methods of mitigating such impacts.
- E. *Approval* – A *Site Plan Decision* to approve may include but is not limited to the following provisions: waivers; conditions; limitations and safeguards including required plan revisions, design modifications, access controls, off-site improvements, construction observation/inspection, bonding or other performance guarantees, as-built plan submittals, site plan compliance mechanisms, and reasonable mitigation measures which the Board believes are in the Town's best interests.
- F. *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. The Board may disapprove a site plan where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The Board's *Minor Site Plan Decision* to disapprove a site plan shall state the reasons for such disapproval.

s. **205 – 8 Appeal** - Any person aggrieved by the Board's *Site Plan Decision* for a Minor Site Plan Project may appeal such *Site Plan Decision* to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings as provided for in MGL, chapter 40A, section 17.

s. **205 – 9 Plan Endorsement**

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within thirty (30) days after the Board has filed its Minor *Site Plan Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's *Site Plan Decision*, before the Board endorses the site plan.
- B. The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Site Plan Decision* and a twenty (20) day appeal period has elapsed following the filing of the Board's *Site Plan Decision* with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's *Site Plan Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- D. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

## **ARTICLE VI. Administrative Site Plan Review**

s. **206-1 Projects Subject to Administrative Site Plan Review** – Section 3.5.3. A. 3. of the *Zoning Bylaw* defines the type of projects subject to Administrative Site Plan Review.

s. **206-2 Designated Agent for Administrative Site Plan Review** – Pursuant to Section 3.5.5. A. 2. of the *Zoning Bylaw*, the Board hereby establishes an *Administrative Site Plan Project Review Team* to be comprised of the following Town employees: Inspector of Buildings, Director of Community and Economic Development, and Planning and Economic Development Coordinator. Other Town employees may be included on the Team on a case by case basis depending on the nature of the proposed site plan project.

s. **206-3 Administrative Site Plan Project Review Team Submittals**

- A. One (1) Administrative Site Plan Review application form with original signatures.
- B. One (1) full size (24" x 36") and three (3) reduced size (11" x 17") sets of the *Small Scale Minor Site Plan* prepared in conformance with these *Rules and Regulations* including all items as specified in s. 205 – 4.
- C. One written *Project Description* of the proposed development including: current and proposed uses, proposed site improvements, construction and/or demolition; who the project is intended to serve; existing and proposed means of vehicular and pedestrian access and egress; anticipated number of employees and/or occupants; methods and

hours of operation; and timetable for project completion. The Project Description shall include but not be limited to building construction/renovation, paving, drainage, retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities, outdoor lighting, and proposed mitigation measures.

- F. One (1) copy of all relevant approvals received to date from other Town Boards and commissions (ZBA variances or special permits, Conservation Commission ANRAD or Order of Conditions, Board of Health, etc.) and other government agencies.
- G. A list of waivers being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, on a form provided by the Board.
- H. A *Site Plan Filing Fee* as established in **s. 208-1 A.** of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
- I. Filing of the application and plans with the Board does not, of itself, constitute the official receipt date.

s. **206-5 Standards for Site Plan Preparation** - See s. **204 – 3.**

s. **206-6 Site Plan Contents**

s. **206-7 Review Process**

s. **206-8 Decision**

s. **206-9 Appeal** - Any person aggrieved by the *Decision* of the Administrative Site Plan Project Review Team for a Site Plan Project subject to Administrative Site Plan Review may appeal such *Decision* to the Board within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings.

s. **206-10 Plan Endorsement**

- A. In cases where the Site Plan Project Review Team approved or conditionally approved the proposed site plan, the Applicant, within thirty (30) days after the *Decision* is filed with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Site Plan Project Review Team to review for compliance with the *Decision*, before the Team endorses the site plan.
- B. The Team shall not endorse the site plan until it is brought into compliance with the provisions of the *Decision* and a twenty (20) day appeal period has elapsed following the

filing of the *Decision* with the Town Clerk and said Clerk has notified the Team that no appeal has been filed. If appeal is made, endorsement shall not occur until after the Board's decision addressing the Team's *Site Plan Decision*.

- C. The Applicant shall provide an original of the revised site plan for endorsement.
- D. The Team shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

**ARTICLE VII. DEVELOPMENT STANDARDS** – Development projects requiring site plan review shall be designed to the greatest extent feasible to comply with the following standards. These standards are intended to achieve exemplary, well designed projects without discouraging creative and/or innovative solutions to each site's particular features and challenges.

**s. 207 - 1 Design Principles**

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section B. Principles and Intentions
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section B. Principles and Intentions
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section B. Principles and Intentions

**s. 207 – 2 Site Design**

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section C. 1. Site Composition and C. 2. Building Orientation
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section C. 1 Site Composition and C. 2. Building Orientation
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section C. 1 Site Composition and Building Orientation

**s. 207 – 3 Traffic and Vehicular Circulation** - The site plan must address safety and convenience of vehicular and pedestrian movement within the site as well as in relation to adjacent streets, properties or improvements.

- A. *Site Access - Curb Cuts, Entrance and Egress*
  - 1) The site must be evaluated as a whole in determining the number of curb cuts to be permitted.
  - 2) Curb cuts on public ways shall be minimized.

- a) Curb cuts for contiguous commercial areas may be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the Applicant.
  - b) Wherever possible, existing driveways should be combined and/or existing commercial sites interconnected.
  - c) All proposed curb cuts within a commercial district or a contiguous commercial area shall be designed to enhance traffic flow on major streets and to minimize additional traffic circulation on neighboring residential streets in order to ensure safe vehicular movement and pedestrian safety.
- 3) Vehicles must be able to enter, park and exit the property without difficulty. Entrance from public ways must be clearly delineated. Multiple entrances are discouraged and generally will not be allowed. Arrows or signs, ground signs, building signs or painted lines on the ground to control the traffic flow may be required. Consideration must be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. In general, passenger vehicles and delivery vehicles should be segregated.
  - 4) Where possible, curb cuts shall be aligned with curb cuts on the opposite side of the road to create common junctions.
  - 5) Curb cuts for entrance and exit driveways shall be located and designed so as to achieve **maximum practicable distance** from existing and proposed access connections from adjacent properties.
  - 6) Where a site occupies a corner of two (2) intersecting roads, the curb cuts shall be as remote from the intersection as possible. No curb cut shall be located within **fifty (50) feet** of the point of tangency of the existing or proposed curb radius of that site. **Is this enough??**
  - 7) Driveways shall be so located and designed so as to discourage the routing of vehicular traffic to and through residential streets.
  - 8) Driveways shall be located to maximize sight distances where the proposed driveway meets an existing way. Sight distances for turning movements to and from the development shall meet current minimum AASHTO standards and shall be clearly shown on the site plan.
  - 9) **Driveway paved width??**
  - 10) **Driveway materials??**

B. *Internal Site Circulation and Driveways*

- 1) The driveway shall be located so as to afford maximum safety, convenient ingress and egress and minimize conflict with the flow of off-site traffic.

- 2) No part of any driveway shall be located within fifteen (15) feet of a side property line.
- 3) Driveways should intersect the road at an angle of ninety (90) degrees.
- 4) Where possible, adjoining parcels shall have unified access and promote inter-parcel circulation.
- 5) ~~Left hand turns and other turning movements shall be minimized.~~
- 6) The perimeter of the driveway shall be bounded with vertical granite curb or similar type of edge treatment.
- 7) Internal driveway paved width?? See s. 207 – 7 of these *Rules and Regulations*.
- 8) Driveway materials??

**Commented [SA3]:** Note. TT has recommended this be deleted.

C. *Traffic Flow*

- 1) The slope of the paved entrance way shall not exceed two (2) percent for the first twenty-five (25) feet measured perpendicular from the front property line.
- 2) Plantings should be evaluated to ensure adequate sight distance is not affected. The maximum height of vegetation, except trees, at full growth or any other physical object shall not exceed three (3) feet in height to assure sight distance visibility from a vehicle.
- 3) The entrance shall be clearly delineated by granite curbing or other approved material along the entire radius of the opening and extend at least twelve (12) feet beyond each side along the gutter line of the road, and sloped at the end to prevent a vertical obstruction to exist.
- 4) Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within and connecting to the adjacent sites and ways, with particular emphasis on the layout of parking, off-street loading and unloading, and on the movement of people, goods, and vehicles upon access roads within the site, between buildings or structures, and between buildings and vehicles.

D. *Emergency Vehicle Access*

- 1) The site shall be designed to provide adequate accessibility by fire, police, and emergency personnel, equipment and vehicles and shall be maintained and kept in passable condition at all times.
- 2) The Applicant must receive written approval of the Police and Fire Departments and provide such to the Board. The Board will not act on a site plan application without such approvals from the Police and Fire Departments.

E. *Mitigation* - The Board may require the Applicant to provide mitigation where project-related increased traffic volume will create unsafe, or poor level of service conditions. Mitigation measures include but are not limited to the implementation of turning lanes,

traffic signal improvements, roadway improvements, sidewalks, and acceleration and deceleration lanes.

**s. 207 – 3 Pedestrian & Bicycle Access and Sidewalks**

**A. Pedestrian and Bicycle Access**

- 1) Pedestrian-friendly connections shall be provided along sidewalks and in front of the stores and within the site.
- 2) Sidewalk areas shall be provided within larger parking lots.
- 3) For pedestrian safety and site design enhancement, on-site crosswalks between parking areas and the building (s) and where possible, on adjacent roadways shall be provided and have a change in materials and/or color. Sidewalk pavers such as cobblestones, bricks or textured concrete shall be incorporated into all crosswalks.
- 4) Pedestrian and bicycle circulation shall be maximized on and off site and shall be separated from motor vehicle circulation as much as practicable. Safe pedestrian and bicycle access to the site must be provided by walkways or other means which ensure protection and separation from vehicular traffic.
- 5) Existing pedestrian ways shall be maintained or improved.
- 6) Where no pedestrian ways exist, the Applicant shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, and other surrounding uses providing safe access to the nearest existing pedestrian facility or sidewalk.
- 7) Pedestrian access shall be designed to comply with ADA requirements.

**Commented [SA4]:** TT notes that this is rarely done anymore.

- B. Sidewalks** – Sidewalks shall be provided along the entire frontage of the subject property along existing Town ways, including the frontage of any lots held in common ownership with the parcel(s) within five (5) years prior to the submission of the application for site plan review and approval. In those instances where the Board determines that sidewalk construction is not feasible or practical, the Board shall require that the Applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Works.

**s. 207 – 4 Drainage and Stormwater Management.**

- A.** The site shall be prepared and graded in such a manner that its development shall ensure proper protection of the roadway and adjacent properties. The Applicant shall furnish evidence that adequate provisions have been made for the proper drainage of surface and underground waters.
- B.** Any private drainage system that must be connected to the public drainage system must not exceed the predevelopment contributions from the site to the roadway drainage



system, unless the applicant can demonstrate that there are no other suitable means of discharge.

- C. Low Impact Development techniques such as swales and rain gardens shall be utilized when feasible. Roof runoff shall be recharged in drywells separately from pavement runoff to the maximum extent feasible.
- D. *Stormwater Management* - The following stormwater management design requirements shall be followed:
  - 1) Pipes and grates shall be designed to accommodate peak flow from the twenty-five (25) year storm without surcharge;
  - 2) Stormwater management facilities shall be designed to safely accommodate the one hundred (100) year storm event;
  - 3) Best Management Practices shall be implemented in accordance with the DEP Stormwater Management Policy.
- E. Drainage structures shall be installed to adequately address stormwater in accordance with DEP's Stormwater Management Policy and Best Management Practices.
- F. Stormwater Best Management Practices (BMPs) shall be designed according to Massachusetts DEP Stormwater Handbook (latest version)
- G. Detention and retention basins shall be designed to be integrated into the site's topography and natural features such that the basin contours are softened and a naturalized appearance is achieved.
- H. Headwalls that are visible from a roadway or driveway shall be fabricated with natural stone appearance to the satisfaction of the Board.
- I. See **s. 207 – 10 Landscaping E.** for landscaping requirements for stormwater detention and retention areas.
- s. **207 – 5 Erosion Control** - The Applicant shall provide adequate treatment of the slopes to prevent erosion.
  - 1) The final slope of the land shall not exceed one (1) foot vertical to three (3) feet horizontal, unless retaining walls or other suitable stabilization methods as determined by the Board are provided.
  - 2) Permanent vegetation and other erosion control measures shall be installed as soon as possible after construction ends.
  - 3) All disturbed areas shall be permanently stabilized within six (6) months of occupancy. **[30 days unless winter?]**
- s. **207 – 6 Utilities**
  - A. All electric, telephone, cable TV, and other such utilities shall be located underground.

- B. Permanently installed generators shall be located to the rear of the site and shall be fully screened.
- C. Utilities shall be installed in accordance with Section 7.6 Utilities of the *Medway Subdivision Rules and Regulations*.

s. **207 – 7     *Parking***

- A. Parking shall be provided in compliance with Section 7.1.1 of the *Zoning Bylaw*.
- B. Parking lots should be located to the side or rear of the lot. Placement of parking areas should not be near a high volume of traffic where it can obstruct traffic flow. Parking should be hidden to the maximum extent possible and located near the side and rear of the site. Parking should not create a hazard to abutters, vehicles or pedestrians. Where or when parking does exist near the street, plantings or appropriate fences, i.e. picket or post & rail, should be incorporated into the design to screen parking areas and reduce their visual impact.
- B. *Pedestrian Protection* - Pedestrian walkways through parking areas may require protection (*barriers or bollards*) or crosswalk striping.
- C. *Designated Parking Areas* – Designated employee parking area, customer parking areas, and delivery areas as required in Section 7.1.1 of the *Zoning Bylaw* should be separated and shown on the plan.
- D. *Asphalt Surface* - Parking areas are strongly encouraged to have an asphalt surface. Bituminous concrete surfacing should be a minimum of three and one-half (3½) inches over eight (8) inches of gravel borrow.
- E. Appropriate parking areas for emergency vehicles shall be provided.
- F. Adverse impacts of parking on abutters, residents or businesses in the area or on the character of the neighborhood shall be mitigated satisfactorily.
- G. *Parking Spaces/Stalls*
  - 1) General - The location of the parking stalls shall not impede proper traffic flow or the maneuvering of other vehicles.
  - 2) Number of spaces/stalls - A sufficient number of lined, well-located parking spaces/stalls must be provided in accordance with the *Zoning Bylaw*.
  - 3) Space/stall design
    - a) All standard care parking spaces/stalls shall be a minimum of nine (9) feet wide by a minimum of eighteen (18) feet long, except that handicap stalls shall be in accordance with the current ADA; standards. Each handicapped space/stall must be identified on the ground surface and by a sign. When considering minimum dimensions, stall size may include a maximum of two (2) feet of bumper overhang at the front of the stall where car bumpers can overhang landscaped areas without impacting adjacent planting.

b) Wheel stops are required at the head of each car stall where a space/stall abuts a walkway, pedestrian way, or special site feature such as an abrupt change in grade. Acceptable materials include pre-cast concrete, granite, or like materials. All wheel stops shall be properly anchored into the ground and located approximately twenty-four (24) inches from the head of a car space/stall.

c) End stalls shall be a minimum of ten (10) feet wide.

4) Location

a) Parking spaces/stalls shall not be located in the following areas: building entrances, building exits, loading dock areas, pedestrian ways and fire lanes.

b) The spaces/stalls shall not be located within fifteen (15) feet of the front, side and rear property lines.

c) Parking spaces/stalls shall be located such that a vehicle backing out of a space does not impede traffic entering from a public traveled way within the first fifty (50) feet into the site.

d) Parking aisles shall extend a minimum of five (5) feet beyond the last stall in any dead end parking row.

H. *Curbing*

1) The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

2) All curbing that extends into the travelled way shall have a minimum radius of three (3) feet and shall transition tangentially. No protruding angle points shall be allowed.

I. *Travel Lanes* in the parking area shall be a minimum of twenty-four (24) feet wide.

J. **Something re: provision of electric vehicle charging stations**

s. **207 – 8 Loading and Unloading - NEW SECTION** At the time of erection of any principal building or enlargement of any principal building or the establishment of any open use of land, there shall be created be adequate off-street loading/unloading spaces as follows:

A. One or more off-street loading/unloading areas shall be provided for any business that may be regularly serviced by delivery vehicles so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time.

B. Off-street loading/unloading areas/facilities shall be arranged to be provided with adequate off-street maneuvering area so that it will not be necessary for delivery vehicles to use a public roadway to maneuver into a loading/unloading space and so that egress from such spaces will not require backing onto a public way.

- C. Delivery vehicles shall not park on a public way while loading, unloading or waiting to do so.
- D. Loading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of the *Zoning Bylaw*.
- E. Loading/unloading areas shall be located at either the side or rear of each building to be removed from view to the greatest extent possible.
- F. Loading/unloading areas shall be designed to avoid traffic conflicts with vehicles which use the site or adjacent sites.
- G. Each loading space shall not be less than 12' in width and not less than 45' in length. Height clearance shall not be less than 14'.
- H. Loading/unloading areas and spaces shall not encroach on customer parking, employee parking, or maneuvering space nor shall they obstruct access to fire hydrants or sprinkler connections.
- I. Off-street loading/unloading areas, maneuvering areas, and passageways established in connection with such facilities shall be paved with plant mix asphalt, double surface treatment, or other equally satisfactory hard surface paving and shall be provided with adequate drainage facilities.
- J. Loading/unloading zones shall be located in areas removed from view and where sound from back up alarms will not be audible to residential abutters.

s. **207 - 9 Snow Removal** – The site must be designed to accommodate adequate snow storage for snow that is plowed from the paved areas. The snow storage area must be located and graded such that the runoff from melting snow will not enter the public way or runoff to wetland resource areas and so that the piled snow will not affect visibility and sight distance of vehicles entering and exiting the site. Snow storage areas should safely accommodate a minimum volume equal to six (6) inches over the entire site area subject to snow removal

s. **207 - 10 Outdoor Lighting**

- A. Outdoor lighting shall comply with Section 7.1.2 of the *Zoning Bylaw*.
- B. Adequate lighting shall be provided to ensure safe movement of persons and vehicles as well as for security purposes. However, lighting shall be strictly limited to the minimum necessary for these purposes.
- B. Lighting shall be provided around all structures, driveways, driveway entrances, walkways, entrances, pathways and parking areas.
- C. Lighting, including lighting on the exterior of a building and lighting in parking areas, shall be arranged to minimize glare and light spillover such that neighboring properties are not disturbed. Lighting should be directed onto the site. No light fixture shall be taller than twenty (20) feet in height. Overly bright lighting must be avoided. Foot-candle readings at neighboring residential property lines shall not exceed 0.01-foot candles at any elevation.

- D. Lighting shall be provided at the lowest brightness and intensity levels possible while still allowing for safe emergency nighttime access and will take into account the uses of the site and the respective opening hours of businesses.

**s. 207 – 11 Landscaping**

- A. *General* - Landscaping enhances the site, provides a pleasing environment and reduces the visual impact of the site on the surrounding areas. The Board requires that every effort be made by the Applicant to provide as much landscape treatment as possible. The Board requires substantial planting islands in parking areas to break up the "sea of asphalt" appearance.

- B. *Landscape Buffers* - The use of proportionally sized landscaped buffers and berms between the street and structures, between the street and parking fields, between the site and its neighbors, and throughout parking lot islands is encouraged to provide for more immediate visual screening and improved topographical variation.

- 1) Landscape buffers between the street and parking areas are required. Tree-lined sidewalks at the street front shall be included. Plantings along the front property line and access to ways should take into consideration sight distance criteria. Planting of new or replacement trees every twenty-five (25) feet along both sides of an access road is required. Said trees shall be non-invasive, deciduous hardwoods from the list below:

- a) Red Oak - *Quercus borealis*
- b) Pin Oak - *Quercus palustris*
- c) Scarlet Oak - *Quercus coccinea*
- d) Red Maple - *Acer rubrum*
- ~~e) Silver Maple - *Acer saccharinum*~~
- f) Sugar Maple - *Acer saccharum*
- g) Thornless Honey Locust - *Gleditsia triacanthos intemis*
- ~~h) Green Ash - *Fraxinus pennsylvanica*~~
- i) London Plane Tree
- j) Ginko (Fruitless male)
- k) Swamp White Oak
- l) Zelcova
- m) Sweetgum (Rotundiloba/fruitless)
- n) Linden

Smaller variety trees may include:

- o) Crab Apple (if insect and disease resistant)
- p) Kousa Dogwood
- q) Serviceberry
- r) Hengde Maple

Other trees may be proposed and accepted by the Board. The Applicant may propose alternative trees that may be better choices for the particular site based on proximity to utility lines, sidewalks and pavement, area available for root growth, tolerance to salt, rooting characteristics, resistance to disease/insects,

tolerance to root pruning, branching habit, fruit and seed production, and maintenance needs. The Board shall seek the advice of the Medway Tree Warden for alternative tree proposals.

- 2) Four (4) season evergreen landscape buffers between the site and adjoining properties may be required. If a commercial site abuts residentially used property then four (4) season visual and sound buffers shall be required and shall protect the residential area to the greatest extent possible. If an industrial site abuts residentially used property, then then at **least fifty (50) feet** of either supplemented existing woodland or dense, native vegetation shall be employed to buffer the proposed use from the residential area. Vegetation in buffer areas may be supplemented with earth berms of a reasonable height and quality fencing using wood or other materials approximating wood. Where buffers are required, one (1) native evergreen tree of at least six (6) feet in height shall be planted six (6) foot on center. If woodlands currently exist on the site as a natural buffer, they shall be incorporated into the plan. Recommended evergreen species include:
  - a) Norway Spruce
  - b) Hemlock
  - c) Arbor Vitae
  - d) Capitata Yew
  - e) Cedar
- 3) Perimeter Landscaping – Perimeter landscaping shall be provided around all parking lots and the entire site. Siting of the building on the lot shall impact the area of landscaping required. This landscaping shall provide four (4) seasons of screening. **MORE SPECIFICS NEEDED HERE.**

- C. *Parking Areas* - Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking areas containing  or more parking spaces to provide shading. At least one deciduous tree of a minimum two and one-half (2 1/2) inches caliper in diameter shall be provided for every six (6) parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. The Board may waive this requirement in lieu of the preservation of existing site trees.
- D. *Screening/Buffers* – Where disturbance on the site is necessary beyond the building footprint, parking and access areas, or where the Board determines that additional plantings are needed to achieve four (4) seasons of screening, the Landscape Architectural Plan shall include landscape plantings and other manmade hardscape structures such as fences, stone walls and trellises sufficient enough to immediately screen one-hundred (100) percent of the HVAC equipment, utilities, dumpsters, storage areas, truck loading areas, machinery, utility buildings, and accessory structures etc. from the view at any perimeter point on the site. The proposed plantings shall be mature enough to immediately integrate the building and site into its surroundings. The scale, extent and density of such landscape and hardscape treatment shall be determined by the size of the building, the extent of disturbance to the site's existing landscape, the adjacent uses, and the need for additional screening. No drainage areas or detention basins shall be considered part of the required buffer or perimeter landscaping.

- E. *Stormwater Detention/Retention Areas* – Substantial landscaping shall be provided around detention and retention basins and shall be included in the overall design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize visual impact, such landscaping shall include two staggered rows of suitable trees and shrubs. Landscaping shall be designed as to not obstruct access to the stormwater basins for maintenance purposes.
- F. The Applicant shall guarantee the health of all landscape plantings for **one** calendar year after planting. Replacement plantings shall also be guaranteed for **one** year from the date of planting. Guarantee shall be in the form of a performance bond equal to **10%** of the replacement value of site landscaping
- G. *Tree Replacement* – The total diameter of all trees over ten (10) inches in diameter that are to be removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees. The replacement trees may be placed on or off site as recommended by the Board
- G. *Tree Size* – New and replacement trees shall be a minimum of **two and one half (2.5)** inches in diameter as measured four (4) feet above finish grade and a minimum of ten (10) feet in height.
- H. *Landscape Requirements* – All additional landscaping, including grass, shrubs, flowers, etc. shall be of the highest quality and shall meet the following requirements:
- 1) indigenous to the area or certified as “non-invasive” by a professional horticulturist
  - 2) drought-tolerant
  - 3) pest-tolerant
- I. *Hardscape* - Proposed hardscape features and materials such as fences and stone walls shall be consistent with New England architectural style. Sight lines for all accesses, vehicle and otherwise, shall not be affected by such landscape features or built hardscapes.
- J. *Invasive Species* – Whenever feasible, existing invasive species of flora shall be permanently removed from the site using accepted horticultural practices.
- s. **207 – 12 Public Space** – A minimum of ten percent of a site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

s. **207 – 13 Site Amenities**

**NEW SECTION - fencing, retaining walls, gates, benches, fieldstone walls, planters, bike racks, etc. Refer to Design Review Guidelines?**

s. **207 – 14 Dumpsters and trash and recycling containers**

- A. Dumpsters and recycling and trash containers/areas shall be located to the rear of the site such that their view from roadways is minimized.
- B. Dumpsters and recycling and trash containers/areas shall be fully screened on all sides and to the full height of the dumpster/container by suitable fencing.
- C. Egress to dumpsters and trash removal and recycling service areas shall provide for the efficient removal with a minimum of backing up required by the service vehicles.

**s. 207 – 15 Outdoor storage and displays**

**NEW SECTION**

- A. Outdoor storage of materials, goods, and equipment shall be completely screened from view from adjacent and nearby streets and properties.

**s. 207 – 16 Architecture**

- A. Commercial Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section D. Architectural Guidelines
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section D. Architectural Guidelines
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section D. Architectural Guidelines

**s. 207 – 17 Energy Efficient Site and Building Design**

- A. New buildings should be sited to take advantage of the existing terrain, wind breaks and solar gains.
- B. Building materials should be carefully chosen to provide balance among natural resource sustainability, operating efficiency, energy conservation, durability and aesthetics.

**s. 207 -18 Environmental Considerations**

- A. *General* - Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of water courses and water resources, topography, soil and noise shall be reviewed. The design of the proposed development shall minimize the destruction of unique natural features and the site plan shall show measures to minimize any adverse impacts on these elements.
- B. *Low Impact Development (LID)* - Applicants are encouraged to utilize Low Impact Development (LID) management practices in site design and to incorporate environmentally sensitive design in site landscape improvements and buildings when practicable.
- C. *Nuisance* - The proposed development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures.



- s. **207 – 19 Site Clearing and Grubbing** – See Section 7.4 of the *Medway Subdivision Rules and Regulations*.
- s. **207 – 20 Site Clean Up**
- A. During construction, the developer shall keep the site free of rubbish that may be carried by wind or rain off the site to abutting properties or onto public ways.
- B. Upon completion of all work on the ground, the developer shall remove from the site and adjoining property, all temporary structures, all surplus material, debris, tree stumps, loose rocks, silt fences and synthetic erosion control measures, and such rubbish which may have accumulated during construction, and shall leave the work site in a neat and orderly fashion.
- s. **207 – 21 Construction Standards** - The requirements and construction standards of the *Rules and Regulations for the Subdivision of Land in Medway* shall be adhered to in matters not covered specifically by these *Site Plan Rules and Regulations*. Design and construction details not covered by either the *Site Plan Rules and Regulations* or the *Subdivision Rules and Regulations* shall follow accepted engineering, construction, and landscape architectural practices.

## **ARTICLE VIII ADMINISTRATION**

- s. **208 – 1 Modifications to Approved Site Plans** - Any construction work that deviates from an approved site plan shall be a violation of the *Zoning Bylaw*, unless the Applicant requests approval of a site plan or decision modification and such approval is provided in writing by the Board pursuant to any one of the three methods specified below:
- A. **On-Site Construction Changes** – During construction, Applicants may make limited on-site changes to an approved site plan project based on unforeseen conditions, situations or emergencies necessitated by field conditions. Such on-site construction changes shall be subject to *Administrative Review* by the *Administrative Site Plan Project Review Team* established pursuant to s. [REDACTED] herein. Prior to undertaking such on-site alterations, the Applicant shall submit a letter and drawings to the Planning and Economic Development Coordinator and the Inspector of Buildings describing the proposed changes and what conditions, situations or emergencies necessitate such changes. The *Team* shall determine whether the proposed changes are acceptable based on the unforeseen conditions, situations or emergencies and whether other options are feasible. A written determination whether the change is authorized shall be provided to the Applicant. An Applicant may appeal an *Administrative Review* decision for an on-site construction change to the Board within twenty (20) days of the date the decision was issued to the developer. Any approved on-site construction change shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plan.
- B. **Administrative Site Plan Projects**
- 1) **Plan Modification**

- a) Proposed modifications to a previously approved administrative site plan project shall be subject to *Administrative Review* as described in s. \_\_\_\_ herein. The Applicant shall follow the same application and review process as provided herein including the payment of fees. Any modifications approved by the Administrative Site Plan Project Review Team shall be made a permanent part of the approved site plan record. A written modification decision shall be prepared by the Planning and Economic Development Coordinator and the Inspector of Buildings and filed with the Town Clerk. Appeal of an *Administrative Review* decision to modify a minor site plan project may be made to the Planning and Economic Development Board within twenty (20) days of the date the decision was issued to the Applicant.
  - b) The Administrative Site Plan Project Review Team may determine that a proposed modification to a previously approved administrative site plan project is such that the change would result in the development meeting the criteria for *Minor or Major Site Plan Review*. If so, the modification shall be handled in accordance with the provisions for reviewing and approving those categories of site plan.
- 2) *Decision Modification* – If a modification is needed to the original decision for an administrative site plan project, the Team may review and act on the proposed modification at a public meeting without a public hearing.

C. *Minor Site Plan Projects*

- 1) *Plan Modification*
- a) Proposed modifications to a previously approved minor site plan project shall be subject to *Administrative Review* as described in s. \_\_\_\_ herein. The Applicant shall follow the same application and review process as provided herein including the payment of fees. A written modification decision shall be prepared by the Planning and Economic Development Coordinator and the Inspector of Buildings and filed with the Town Clerk. Any modifications approved by the Administrative Site Plan Project Review Team shall be made a permanent part of the approved site plan record. Appeal of an *Administrative Review* decision to modify a minor site plan project may be made to the Planning and Economic Development Board within twenty (20) days of the date the decision was issued to the Applicant.
  - b) If a proposed modification to a previously approved minor site plan project is such that the change would result in the development meeting the criteria for *Major Site Plan Review*, the modification shall be handled in accordance with the provisions for reviewing and approving a Substantial Modification to a Major Site Plan Project as specified in s. \_\_\_\_ herein.

- 2) *Decision Modification* – If a modification is needed to the original decision for a minor site plan project, the Board may review and act on the proposed modification at a public meeting without a public hearing.

E. *Major Site Plan Projects*

1) *Plan Modification*

- a) Proposed modifications to a previously approved major site plan project shall be subject to review by the Board. The developer shall submit a letter to the Inspector of Buildings and the Planning and Economic Development Board describing all proposed changes and the reasons for the modification. The Inspector of Buildings shall make a written determination if the proposed modifications to a previously approved major site plan project are *Substantial* or *Not Substantial*. Substantial modifications require review by the Board with a formal public hearing process. Non-substantial modifications require review by the Board during a public meeting.
- b) *Substantial Modification Determination* – To make a determination whether the proposed changes are Substantial or Not Substantial, the Inspector of Buildings will consider a variety of project elements, including but not limited to the following changes or additions:
  1. an increase in the height of the building
  2. an increase in the size of the building footprint in excess of 10%
  3. the location of the building on the site
  4. the location and quantity of access and exits/curb cuts
  5. the layout and quantity of parking
  6. the location, dimensions and composition of buffer areas and screening measures
  7. the composition and quantity of landscaped areas and materials
  8. the location and design of site amenities
  9. overall appearance of the building(s) including materials, fenestration and distinctive architectural elements
- c) An Applicant for a *Substantial Modification* to a previously approved Major Site Plan shall follow the same application and review process as provided herein for Major Site Plan Review including the payment of fees. The Board shall issue its decision and file such with the Town Clerk and the Inspector of Buildings. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.
- d) An Applicant for a *Not Substantial Modification* to a previously approved Major Site Plan shall follow the same application and review process as provided herein for Minor Site Plan Review including the payment of fees. The Board shall issue its decision and file such with the Town Clerk and the Inspector of Buildings. Any modifications approved by the

Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

- 2) *Decision Modification* – If a developer proposes a modification to the original decision for a major site plan project and the proposed modification pertains to a specific condition of approval of the original decision, the Board shall conduct a public hearing. Otherwise, the Board may review and act on the proposed modification to the site plan decision at a public meeting without a public hearing.

F. ***Modifications to previously constructed developments***

- 1) Those that meet the criteria specified herein for a Minor Site Plan Project are subject to \_\_\_\_\_
- 2) Those that meet the criteria specified herein for a Major Site Plan Project are subject to \_\_\_\_\_.

- G. *Coordination with other Town Boards/committees* – If an Order of Conditions from the Medway Conservation Commission or other permit or approval imposes conditions inconsistent with an approved site plan, the Applicant shall apply for an amendment to the site plan and/or decision pursuant to **s. \_\_\_\_\_** herein.

- H. *Modification Expenses* - Whenever additional reviews by the Board, its staff or consultants are necessary due to proposed modifications, the Applicant shall be billed and be responsible for the supplemental costs incurred including site plan filing fees, plan review fees, and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Board may reduce the scope of the required review and waive part of the Filing and Review Fees. Supplemental fees must be paid in full before the Board approves site plan modifications.

**s. 208 – 2 Plan Compliance**

- A. *Occupancy Permit* - An Applicant shall construct the building and site improvements in compliance with the approved and endorsed site plan. No occupancy permit shall be granted by the Inspector of Buildings for any project subject to site plan review and approval until the Board has signed a *Certificate of Completion* pursuant to **s. 207 – 3 C** herein or suitable security/performance guarantee is provided to the Town of Medway, to the Board's satisfaction, to cover the costs of the remaining work and ensure site plan compliance.

B. *Performance Security*

- 1) As a condition of site plan approval, the Board may require that the Applicant provide security with the Town in such form and amount as the Board determines to secure the satisfactory completion of all or any part of the work authorized or required under the approved site plan and decision.

- 2) If an Applicant seeks an occupancy permit before project completion, the Applicant may request that the Board accept a deposit of funds or other form of security acceptable to the Board and the Treasurer/Collector sufficient to assure the satisfactory completion of the approved infrastructure, site improvements, amenities and off-site mitigation measures as shown on the approved plan. The Board shall determine a reasonable and sufficient amount to cover the Town's cost to complete the work if the developer fails to do so. The Town's consulting engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Mass Department of Transportation. The estimate shall include the cost to maintain the infrastructure, site improvements, amenities and off-site mitigation measures in the event the developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A twenty-five percent (25%) contingency shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Inspector of Buildings of the approved amount.

- C. *Construction Inspection* – The Board may determine site inspections are necessary to ensure that the development project is constructed to comply with the approved plan and decision. These shall be performed by the Board, Town staff, the Board's consultant or its designee. The Board may determine that the assistance of outside consultants is needed to monitor construction due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Observation/Inspection fee prior to the Board's endorsement of the plan.

s. 208 – 3 ***Project Completion***

- A. *Construction Deadline* - Site plan approval shall lapse after **one (1) year** of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the Applicant or its assignees within **two (2) years** of the date of plan endorsement unless otherwise specified in the Site Plan decision. Upon receipt of a written request by the Applicant filed prior to the date of expiration, the Board may grant an extension for good cause. Such extension shall not exceed two years beyond the original expiration date of the site plan approval.
- B. *As-Built Plans* - Developers of **Major Site Plan Projects** shall prepare an as-built plan stamped by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, which shall show actual as-built locations and conditions and any plan modifications authorized by the Board. See *Medway Subdivision Rules and Regulations* for as-built plan requirements.
- C. *Certificate of Completion: Major and Minor Site Plan Projects*
  - 1) Upon completion of all required improvements as shown on the approved Site Plan, the Applicant's engineer shall submit a letter to verify completion to the

Board. The letter shall certify that the project, as constructed, conforms to the approved site plan and that any provisions of the Site Plan Decision including construction of any required on and off-site improvements have been completed.

- 2) The Board, or its agent, shall conduct a final inspection of the site within thirty (30) days of the filing of the letter with the Board.
- 3) The Board shall determine if all work has been completed to the satisfaction of the Town of Medway. The Board shall consult with the Conservation Commission, Department of Public Services, Treasurer/Collector and other Town Boards, committees and departments to help it determine whether the project is complete and all obligations to the Town are fulfilled. If so, the Board, at its next regularly scheduled meeting, shall sign a *Certificate of Completion* to verify that the project as constructed has been completed in conformance with the approved site plan and any conditions, including construction of any required on and off-site improvements. A *Certificate of Completion* ends the Board's involvement with the site plan project. If a *Certificate of Completion* is not signed, a complete list of work to be completed on or off-site in compliance with the approved site plan and decision shall be provided to the Applicant.

D. **Completion: Administrative Site Plan Projects – Do we want/need a certificate of completion????**

s. **208 – 4 Penalties** - Any Applicant, individual, property owner or business entity who violates or permits a violation of an approved site plan and its associated decision is subject to fines and enforcement pursuant to Section 3.1 of the *Zoning Bylaw*.

s. **208 – 5 Amendments to Rules and Regulations** – These *Site Plan Rules and Regulations* may be amended from time to time by majority vote of the Board. A public hearing on revisions to these *Rules and Regulations* shall be held with appropriate notice in compliance with state statute and local Bylaws.

s. **208 - 6 Validity** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall provide to be invalid for any reason, such invalidity shall only affect the part of such provisions which shall be held invalid and in all other respects these *Rules and Regulations* shall stand. In the event of a conflict between these Rules and Regulations and the *Zoning Bylaw*, the provisions of the *Zoning Bylaw* shall apply.

## ARTICLE IX FEES

s. **209 – 1 Fee Structure** – The Board shall adopt a *Fee and Bond Schedule*, which shall specify the amount of filing, other applicable fees, and minimum bond amounts for all development projects.

A. **Site Plan Filing Fee** - A non-refundable *Site Plan Filing Fee* shall be remitted to the Board at the time the application is filed with the Board.

B. **Site Plan Review Fee**

- 1) *Applicability* – Pursuant to M.G.L. Chapter 40, 22F, as adopted by the Medway Town Meeting on October 16, 2000, a *Site Plan Review Fee* may be established by the Board for review of the site plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the review of the proposed project. The *Site Plan Review Fee* shall not be a fixed amount but will vary with the costs incurred by the Board.
- 2) *Fee Payment* - The Applicant shall remit a deposit toward the *Site Plan Review Fee* at the time the Site Plan Application is submitted. The balance shall be remitted by the Applicant upon receipt of an invoice from the Board, prior to the substantive review of the application by the outside consultants and before the public hearing. Failure to pay the *Site Plan Review Fee* may constitute grounds for the Board's denial of the proposed site plan.
- 3) *Additional Review Fees* – If the expense of the consultant(s)' review of the site plan exceeds the original estimate or should the services of additional outside consultants be required after the initial *Site Plan Review Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. The Board shall prepare a new estimate for additional plan review services and remit same to the Applicant. The Applicant's failure to pay plan review fees in their entirety shall be reason for the Board to withhold approval and endorsement of the plan.

D. *Construction Services Fee*

- 1) *Applicability* – Pursuant to M.G.L Chapter 40, 22F, as adopted by the Medway Town Meeting on October 16, 2000, the Board may establish a *Construction Services Fee* This fee shall be the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the inspection of the development project and the review of any legal documents associated with project completion. The *Construction Services Fee* shall not be a fixed amount but will vary with the costs incurred by the Board.
- 2) *Fee Payment* - The Applicant shall remit the *Construction Services Fee* to the Board before the site plan is endorsed. Failure to pay the *Construction Services Fee* may constitute grounds for the Board to not endorse the site plan.
- 3) *Additional Fees* – If the expense of the consultant(s)' services exceeds the original estimate or should the services of additional outside consultants be required after the initial *Construction Services Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the additional cost. The Board shall prepare a new estimate for additional construction services and remit same to the Applicant.

E. *Other Costs and Expenses* - All expenses for professional plan reviews, ancillary report reviews, supplemental studies, advertising, publication of notices, postage and mailings and all other expenses in connection with site plan review and construction including plan or decision modification fees shall be borne by the Applicant .

s. 209 – 2 *Payment of Fees*

- A. Fees paid by the Applicant shall be by check made payable to the **Town of Medway** and submitted to the Planning and Economic Development office.
- B. When the *Site Plan Review Fee* and *Construction Services Fee* are received by the Board pursuant to this section, they shall be deposited with the Town Treasurer in special accounts for these purposes established pursuant to M.G. L. c. 44, Section 53G. Expenditures from the special account may be made without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific project or projects for which a fee has been or will be collected from the Applicant. Accrued interest may also be spent for this purpose.
- C. At the completion of the project, any excess amount in the plan review and construction accounts, including interest, attributable to a specific project shall be repaid to the Applicant or the Applicant's successor in interest. Upon request, a final report of said account shall be made available to the Applicant or the Applicant's successor in interest. For the purpose of these *Rules and Regulations*, any person or entity claiming to be the Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

\*\*\*\*\*

These *Site Plan Rules and Regulations* were adopted by a voice vote of the Medway Planning and Economic Development Board following proper legal notice published twice in the *Milford Daily News* and a copy thereof filed with the Town Clerk. These amended *Rules and Regulations* take effect on the date of Planning and Economic Development Board's approval.

**Originally adopted:** April 14, 1998  
**Amended:** April 25, 2000  
**Amended:** March 13, 2001  
**Amended:** November 1, 2001  
**Amended:** July 9, 2002  
**Amended:** December 3, 2002  
**Amended:**

**Attest:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

\_\_\_\_\_  
Date

**A true copy attest:**

\_\_\_\_\_  
Maryjane White  
Town Clerk

\_\_\_\_\_  
Date





**January 30, 2018**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Wingate Farm Subdivision**

At the January 9, 2018 meeting, you discussed the cost associated with having Tetra Tech review the work completed on site against the modified Wingate Farm Plan endorsed by the Board in November 2005 and the current Subdivision Rules and Regulations. Tetra Tech's estimate was \$1,470 for those services. **See attached.** At the time, I informed you that there was \$2,191.75 remaining in the Wingate Farm construction account. This balance reflected Tetra Tech's services through 12/1/17. The Board decided that additional funds did not need to be sought from the property owner and that Tetra Tech's work in the amount of \$1,470 could be undertaken and paid for from existing funds. Any future work would need additional construction observation funds from the owner.

HOWEVER, Tetra Tech has informed us that there is approximately only \$1,350 remaining according to their records. This lower balance is due to the cost of services Tetra Tech provided in December for which the PEDB has not yet been billed including Steve's 12/7 site inspection and preparation of the associated punch list and bond estimate. The balance of \$1350 in the Wingate Construction Account is not sufficient for Tetra Tech to complete the scope of work. **Please review the attached series of emails between Steve Bouley and Susy.**

<b>Date:</b>	December 14, 2017	<b>Amendment No.:</b>	001
<b>Project:</b>	Wingate Farm	<b>Project No.:</b>	143-21583-17009
<b>To:</b>	Ms. Susan Affleck-Childs	<b>Amendment 001 Cost Estimate</b>	
<b>Co./Dept.:</b>	Medway PEDB	<b>Fee:</b>	\$ 1,400.00
<b>Address:</b>	155 Village Street Medway, MA 02053	<b>Expenses:</b>	\$ 70.00
		<b>Total:</b>	<b>\$ 1,470.00</b>
		<b>Revised Total Project Cost Estimate</b>	
		<b>Fee:</b>	\$ 4,340.00
		<b>Expenses:</b>	\$ 744.00
		<b>Total:</b>	<b>\$ 5,084.00</b>
			Estimated Date of Completion 2018

## SCOPE OF SERVICES

### Scope Change Descriptions

**Task 5:** TT will review the previously approved plans against current PEDB Rules and Regulations (Chapter 100), review stormwater against current MA DEP Stormwater Management Standards, Town Stormwater Bylaw and good engineering practice and provide a comment letter to the PEDB. TT will also attend one (1) public hearing for presentation of the review letter to the Medway PEDB. The table below reflects expected costs and changes to our original contract for this project. (additional 10 hours at \$140/hr)

Task	Task Description	Initial Contract	Revision 1	Project Total
1	Documentation Reivew	\$140.00	-	\$140.00
2	Punch List/Bond Estimate	\$2,800.00	-	\$2,800.00
3	As-Built Review	\$1,260.00	-	\$1,260.00
4	Meeting Attendance	\$560.00	\$420.00	\$980.00
5	Design Review	-	\$980.00	\$980.00
	<i>Sub-Total</i>	\$2,940.00	\$1,400.00	\$4,340.00
	<i>Expenses</i>	\$674.00	\$70	\$744.00
	<b>Total Fee</b>	<b>\$3,614.00</b>	<b>\$1,470.00</b>	<b>\$5,084.00</b>

Please execute this change order to our existing Contract Agreement authorizing us to proceed with the above scope of service at the stated estimated cost. No work will be performed under this change order until it is signed and returned to Tetra Tech. Upon execution by both parties, this change order becomes part of our original Contract Agreement dated July 7, 2017.

Tetra Tech Authorization		Client Authorization (please sign and return)	
By:	Sean P. Reardon, P.E. 	By:	
Title:	Vice President	Title:	
Date:	December 14, 2017	Date:	

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\PROJMGMT\CONTRACTS\ICOS\ICO 001\_MEDWAY\_WINGATE FARM\_2017-12-14.DOCX

## Susan Affleck-Childs

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**From:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Sent:** Tuesday, January 23, 2018 11:03 AM  
**To:** Andy Rodenhiser  
**Cc:** Susan Affleck-Childs  
**Subject:** RE: Wingate Farms

Hi Andy,

We should be able to complete what is needed with the change order (\$1,470) plus what we have remaining in the original budget (approx. \$1,350) depending on what we see from their traffic engineer regarding the sight distance issues and if the revised plans are sufficiently produced. The applicant should be made aware that I go through every regulation during review so the designer should read every regulation and ensure that those items are placed on the plans, that will ultimately make my job easier and thus drive down cost to the applicant.

Steve

---

**From:** Andy Rodenhiser [mailto:Andy@rodenhiser.com]  
**Sent:** Monday, January 22, 2018 7:18 PM  
**To:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Cc:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Subject:** Re: Wingate Farms

Steve,  
How much more is needed?

Andy Rodenhiser  
President  
Rodenhiser Plumbing, Heating, A/C and Electrical

On Jan 22, 2018, at 5:03 PM, Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Thanks Steve.

Will discuss with Andy.

*Susy*

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

Town of Medway – *A Massachusetts Green Community*

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**From:** Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]

**Sent:** Monday, January 22, 2018 4:49 PM

**To:** Susan Affleck-Childs

**Cc:** Andy Rodenhiser

**Subject:** RE: Wingate Farms

Hi Susy,

Traffic volumes are expected to drop with the change in use of the lots, more in line with an ANR application due to the number of house lots being used for residential. They are proposing to essentially use what was approved in the original design but adding flashers to the signage for better awareness of the intersection. I also suggested additional clearing along the frontage and possibly a mirror on the opposite side of the roadway to help as much as possible with sight distances.

I just got off the phone with Paul, and he stated he spoke with Sgt. Watson and said he liked the plan but wanted to take a final look at a few other documents before making a final decision. He agreed that he will need something from his traffic engineer for us to review for conformance.

I'm showing approx. \$1,350 remaining on the project based on charges incurred (calls with Paul, additional site meeting and revised bond estimate/punch list) since 11/14/17 (last date on the most recent invoice). I don't believe a full review of an updated plan set, review of sight distance mitigation (whatever that may be from their engineer) and attendance at hearing(s) will be attainable with what we have remaining.

Let me know how you would like to proceed, thanks.

Steve

---

**From:** Susan Affleck-Childs [<mailto:sachilds@townofmedway.org>]

**Sent:** Monday, January 22, 2018 3:58 PM

**To:** Bouley, Steven <[Steven.Bouley@tetrattech.com](mailto:Steven.Bouley@tetrattech.com)>

**Cc:** Andy Rodenhiser <[andy@rodenhiser.com](mailto:andy@rodenhiser.com)>

**Subject:** RE: Wingate Farms

Hi Steve,

Thanks for forwarding this to me. Is there a broad stroke description of their proposal for sight distance mitigation?

At the last PEDB meeting on January 9<sup>th</sup>, the Board discussed the additional \$1,470 in funds needed for Wingate Farm based on your 12/14/17 proposal. The Board definitely wants the

work done. However, Karyl and Gene are not in a position to pay the additional funds right now.

I informed the Board that there was \$2,191.75 remaining in the Wingate Farm construction account based on the 12/6/17 TT invoice. The Board wants the work included in the scope of your 12/14/17 proposal to be undertaken but paid for out of existing funds.

Let me know if this is a problem.

Susy

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

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**From:** Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]

**Sent:** Monday, January 22, 2018 3:38 PM

**To:** Paul Yorkis

**Cc:** Karyl Walsh; Susan Affleck-Childs

**Subject:** Wingate Farms

Hi Paul,

Have you heard anything back from Sergeant Watson regarding your proposal for sight distance mitigation at Wingate? Curious to hear his opinion. I spoke with a few traffic engineers around the office regarding the option. We collectively decided that an opinion from your traffic engineer on the matter may be the best route since we will need a qualified individual to make that assessment and we can then react to it. A memo or letter may suffice depending on what they think.

The change of the project from the proposed riding arena to the house lots will reduce traffic volumes exiting the driveway which would work in your favor, particularly since now you wouldn't have traffic exiting that is unaware of the intricacies of the intersection. Whereas, a homeowner who makes the trip everyday will be aware of any issues with exiting the driveway much like the Walsh's have been doing for years without any reported issues by them. You may also be able to post a mirror on an opposing tree or pole to help see over the crest.

As you know, Timber Crest is a much larger development so some scalability between the two developments may be achievable here. In addition to your proposal I also suggest additional clearing along the frontage of the property to aid sight lines as much as possible exiting the driveway. Also, clearly delineating the edge of the driveway will help once the project is complete to help keep vehicles exiting as south as possible when exiting.

Let me know regarding Sgt. Watson's thought on the subject and we can take it from there, thanks.

Steve

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

Direct: 508.786.2382 | Main: 508.786.2200 | Fax: 508.786.2201

[steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

**Tetra Tech, Inc. | United States Infrastructure (USI) Division**

Marlborough Technology Park | 100 Nickerson Road, Suite 200 | Marlborough, MA 01752 [www.tetrattech.com](http://www.tetrattech.com)

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