

July 26, 2016
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

ALSO PRESENT:

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

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Tri Valley Commons Site Plan (72 Main Street) - Completion Status Report:

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

- Email communication dated May 5, 2016 from Susy Affleck-Childs to the Building Inspector Jack Mee.

Developer Rich Landry and new property owner Marianne Connaughton were present.

Mr. Landry indicated that the property has been sold to Marianne Connaughton but he is responsible for completing the work shown on the approved site plan. The remaining work will be completed in three weeks. This includes the wall, hydro-seeding and temporary fence. There will need to be an extension of time for the occupancy permit past early August. The final as-built plans will need to be reviewed by Tetra Tech. An irrigation system was installed but the Medway DPS will not allow them to connect since there is a mandatory water ban in effect. There is a company going to the site with a water truck to care for the landscaping. There was discussion about putting in a well if the water department will not allow him to connect to the Town's system. There may need to be a further conversation with the Department of Public Works.

Susy Affleck-Childs confirmed that the bond remains in place even with the change in ownership.

Tetra Tech will review and observe what is happening with the plants.

There is an outstanding invoice from the Board in the amount of \$2,500.00 for construction services. Rich Landry will send a check out tomorrow.

Rich Landry will follow-up with the DPS and will check to see if the irrigation system was specifically called out on the site plan.

Extension:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to recommend an extension of the temporary certificate of occupancy for Tri Valley Commons for ninety days from August 5, 2016.

Direct Tire (72 Main Street) – Construction Change

Direct Tire owner Barry Steinberg was present. He would like to relocate the storage unit behind the building to provide an easier way to remove tire casings. The trucks picking up the casings are having difficulty maneuvering. He proposes to have both Advance Auto and Direct Tire share one regular trash dumpster. The intent is to move the tire casings storage container to the right dumpster enclosure. He will install new, taller fencing to hide the container completely. The enclosure will extend easterly as well to accommodate the container. He will pay the expense of the dumpsters. There will be a fence around the unit. **(See Attached)** It was suggested that a letter be sent to the Board with the construction change order.

The Board did communicate that Advance Auto does not have permission to store outside. The decision states what they can and cannot do. The pallets will be where casing containers are and they could be picked up twice a week.

The Board agrees to let him go with the plans for the relocation of the tire casing storage unit.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to allow Direct Tire to relocate the storage container for tire casings and modify the fence height to completely screen the container on all four sides. (The height of the fence will be provided.

PEDB Meeting Minutes:

June 21, 2016 (See Attached)

On a motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from June 21, 2016.

157 Main Street – Learning Tree Center:

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

- Site Plan Decision – July 22, 2014
- Endorsed Site Plan August 19, 2014.
- May 26, 2016 email from Steve Hanson requesting a Certificate of Completion
- June 22, 2016 As-Built Plan and project certification prepared by Sullivan Land Surveying Co.
- July 21, 2016 Draft – PEDB Certificate of Site Plan Completion.

Developer Steve Hansen was present.

Susy Affleck-Childs reported that the site plan decision for this project did not require inspections by the Board's engineer.

Member Gay will do site visit within the next week and provide a report to the Board.

Site Plan Completion:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the site plan completion contingent upon no negative report from the inspection by member Gay.

NOTE – The Board signed the Certificate of Completion which will be held by Susy until she receives the report from Tom Gay.

2 Marc Rd – Site Plan Endorsement:

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

- Revised plan submittal letter from Dan Merrikin dated July 19, 2016.
- Revised site plan dated July 18, 2016.
- Review memo dated July 21, 2016 from Tetra Tech on revised site plan.
- Draft easement deed for 50' right of way easement on 9 Marc Road
- Easement plan dated July 21, 2016 for 9 Marc Road

The Board was made aware that the Conservation Commission issued an Order of Conditions on June 23, 2016. There was no appeal. The draft easement deed dated July 21, 2016 was forwarded to town counsel who has recommended a title run-down.

The Board of Selectmen will need to accept the easement which can be authorized at the November 2016 town meeting.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to endorse the site plan dated July 18, 2016 for 2 Marc Rd.

Construction Reports:

- The Board is in receipt of a construction report email dated 7-13-16 from Steve Bouley regarding the on-site meeting at Cumberland Farms. (**See Attached**)

Member Gay left the meeting at 7:51 pm.

Exelon Expansion Site Plan – Public Hearing Continuation

Andy Ogilvie of BETA Group joined the meeting.

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

- Letter dated July 13, 2016 from Eric Las of Beals and Thomas regarding traffic management.
- Mullin Rule Certification from Andy Rodenhiser for the May 3, 2016 hearing
- Revised draft decision dated July 22, 2016.

- Sign off note from the Fire Chief dated July 12, 2016.
- Sign off from Jeff Watson Police Department dated July 26, 2016.
- Review of noise abatement plans by Acentech dated July 26, 2016.

Amy Kewell clarified the reference points with the locations for where sound measurements were taken.

- R1 – 23 Summer Street, location
- R2 10 D Summer Street
- R3 5 Summer Street
- R4 3 West Street
- R533 West Street
- R6 55 Milford Street
- R7 Future residences

The following items in the decision were reviewed and discussed:

- Page 6: There needs to be the inclusion of the information provided at the July 26, 2016 meeting.
- Page 11: The section noted as Other Findings was suggested by Town Counsel.
- Page 15: Off-Site Mitigation will be deleted from this section.
- Page 16: Document Recording: The applicant notes that it is not required by statute to record a site plan and does not think this is necessary. The Board is fine with not having the applicant record the plan.
- Page 17: Construction traffic management is covered in the Host Community Agreement and it needs to be approved by the Chief of Police.
- Page 18: The timing for fuel deliveries will be changed to include “unless amended by the host agreement”. Also change the word “will” to “shall”.
- Page 20: The last bullet item #2 captures the safety protocols. It was recommended that the construction services estimate from the Town’s engineering consultant include time to become sufficiently trained to meet the protocols.
- Minor Revisions: Public Hearing convened March 22, 2016 and was continued April 26, where there was no quorum present.
- There was a letter from Beals and Thomas presented about the utility pole dated July 13, 2016. This will be included in the record.

There was discussion about the language regarding the restrictions on construction activities as written on page 16. The noise bylaw was referenced and it was noted that there is no definition of “significant noise” in the decision or Host Community Agreement. The sound level report was submitted. Tammy Sanford noted that Mass DEP also has a noise policy which needs to be adhered to. It was suggested that there needs to be a baseline established, but it is not enforceable if there is no definition of what constitutes “significant noise”. The recommendation

is to reference the construction management plan which shall include a definition of what constitutes significant noise levels between 6:00 and 8:00 am. This will be reviewed by the Town.

The Board discussed that unless the decision is voted tonight, there will need to be an extension of the action deadline past July 29, 2016. The applicant is not willing to grant an extension. They feel the corrections noted are not sufficient enough to warrant an extension. The Board would like to have a clean and corrected decision for review at its next meeting on August 9, 2016. After discussion, the applicant reiterated that it will not grant a deadline extension.

Findings:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted to approve the Findings (3 to 1). Bob Tucker abstained. Vote passes.

Decision:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to approve the Exelon decision with the amendments noted.

Close Hearing:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to close the public hearing for Exelon.

Pine Ridge – Project Completion

The Chairman communicated that he had a conversation with Paul Yorkis regarding Pine Ridge. The conversation included that the bond amount would not cover the amount of work needed to finish the project. The Chairman indicated his displeasure that the work was not completed. This was the end of conversation.

The Chairman indicated that Mr. Yorkis was provided an opportunity to come to the meeting tonight but a previous commitment made this impossible and he was not able to call in to discuss the matter.

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

- Notes on history of Pine Ridge, Candlewood Drive and Island Road dated July 22, 2016 prepared by Susy Affleck-Childs
- Email from DPS Director Tom Holder dated July 8, 2016 with attachments re: needed work to complete Candlewood Drive and Island Road.
- Series of emails between Susy Affleck-Childs and Paul Yorkis dated July 14, 2016
- Andy Rodenhiser letter dated July 18, 2016 to Paul Yorkis
- Paul Yorkis response letter dated July 18, 2016 to Andy Rodenhiser

The Board was provided with the history of the project along with the punch list items which need to be completed. The initial bond for Pine Ridge was put in place in March 2007 for \$70,953.00. The scope of work did include money for the emergency access but did not include the landscaping along Pine Ridge Drive and did not include the required work on Candlewood Drive. The bond was reduced in August 2011 to \$40,000 and it did not include anything for the emergency access. The whole idea was that the work was supposed to be completed prior to the

completion of Pine Ridge. There is no separate bond for Island Road. Candlewood Drive and Island Road were two separate subdivisions.

The Board suggested waiting for communication from the applicant with a time schedule.

It was suggested to look at the actions taken by the applicant and then explore the best options of the Town. There was a recommendation to put a timeframe for completion on the various items. The applicant is the process of securing estimates for Candlewood Drive and the Island Road work. Also, the Conservation Commission will meet on Thursday regarding an Order of Conditions for the emergency access work.

It was indicated that there is no money in a Candlewood construction services account, but they have been invoiced. The as-built plans for this will eventually need to be reviewed by the Board's engineering consultant. This is at the applicant's expense. A Certificate of Completion cannot be issued until this is done.

The Board would like the various decisions sent to them so they can review prior to the next meeting.

The Board would like to extend an invitation to the developer (John Claffey) and his representative (Paul Yorkis) to the August 9, 2016 meeting so they can provide an action plan for completion.

OTHER BUSINESS:

- There will be a meeting with the Economic Development Committee on August 10th or 16th.

ADJOURN:

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

The meeting was adjourned at 9:54 pm.

Respectfully Submitted,



Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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

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

MEETING NOTICE
Tuesday, July 26, 2016 @ 7:00 p.m.

LOCATION – Sanford Hall, Medway Town Hall, 155 Village Street

AGENDA

CALL TO ORDER

CITIZEN COMMENTS

APPOINTMENTS

- 7:05 p.m. Tri Valley Commons Site Plan – 72 Main Street
Completion Status Report
Marianne Connaughton and Rich Landry
- 7:20 p.m. Direct Tire - 72 Main Street
Construction change for outside tire storage
Barry Steinberg

PUBLIC HEARINGS

- 7:45 p.m. **Public Hearing Continuation – Exelon Expansion Site Plan**
Address: 34 West Street and 9 Summer Street
Applicant: Exelon West Medway LLC and Exelon West Medway II LLC
Focus Topic: Site Plan Decision

BUSINESS

1. Discussion re: Status of Pine Ridge/Candlewood/Island
2. Certificate of Site Plan Completion – Learning Tree Center, 157 Main Street
3. 2 Marc Road – Plan Endorsement
4. Reports – Staff, Consultants and Committee Liaisons
5. PEDB Members' Comments and Concerns
6. Review Correspondence/Communications
7. Consideration of PEDB meeting minutes – June 21, 2016

OTHER BUSINESS AS MAY COME BEFORE THE BOARD

EXECUTIVE SESSION – To discuss possible litigation regarding completion of the Pine Ridge open space residential development and the associated work for the completion of the Candlewood subdivision.

ADJOURN

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

*The listed agenda items are those reasonably anticipated by the Chair to be discussed at the meeting.
Public hearings cannot commence before the specified time. Appointment times are approximate and may be adjusted.
Not all of the listed items may in fact be discussed.
The Board may address and consider other matters not specified to the extent permitted by law.*

UPCOMING REGULAR PEDB MEETINGS

Regular Meetings – Tuesdays, August 9 & 23, September 13 & 27, 2016

UPCOMING SPECIAL MEETING

Monday, August 15, 2016 – With the Board of Selectmen, Conservation Commission,
Board of Water/Sewer Commissioners and the Department of Public Services



July 26, 2016

**Medway Planning & Economic Development Board
Meeting**

**Tri Valley Commons – Construction
Status**

- May 5, 2016 email communication from SAC to Jack Mee regarding PEDB's authorization for a 90 day temporary occupancy permit for Direct Tire at Tri Valley Commons. The reason behind the temporary occupancy permit was that some of the required site work was not completed. The temporary CO will expire in early August.

Since you last discussed TVC, the property where Direct Tire and Advance Auto are located has been sold to Marianne Connaughton of Needham, dba Thirty-Two Freemont Company. However, Rich Landry is responsible for completing the work shown on the site plan.

Both Marianne and Rich will attend the PEDB meeting to provide you with an update. I understand some work has been underway on the retaining wall.

NOTE – On July 14th, I invoiced Rich Landry for an additional \$2,500 in construction services funds. That has not yet been paid.

Another issue has been brought to my attention. An irrigation system for the landscaping was installed but is not operating. A well has not been dug nor has the irrigation system been connected to Town water due to the Town's water ban (no irrigation watering from May 1 – September 30) as required by Mass DEP. I am concerned, as is Barry Steinberg, that the grass and landscape plantings will not hold up without water and proper care. The site plan/special permit decision requires that landscaping shall be maintained in good condition.

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, May 05, 2016 10:59 AM
To: Jack Mee
Cc: Stephanie Mercandetti; Bridget Graziano; Steve Bouley ; 'Richard Landry'; 'John Kucich'; Andy Rodenhiser
Subject: Tri Valley Commons - Status of Project Completion
Attachments: 5-3-16 email Memo from Steve Bouley_TVC Punch List_2016-04-22(revised 2016-05-03).pdf

Hi Jack,

At its meeting on Tuesday, May 3, 2016, the Planning and Economic Development Board discussed the status of Tri Valley Commons. Participating in that discussion were PEDB Engineer Steve Bouley of Tetra Tech, developer Rich Landry and his engineer John Kucich of Bohler Engineering. The Board had available to it a series of photos of the site taken by Andy Rodenhiser on Saturday, April 30th, a report from Steve Bouley based on his site visit/inspection on May 2, and a report of Conservation Agent Bridget Graziano based on her May 2nd site visit/inspection.

The developer has made good progress on addressing a variety of site matters. However, the site work is NOT complete. There are some items that are being addressed this week. There are some activities such as the retaining wall that need more time. See attached report/updated punch list from Steve Bouley dated May 3, 2016 for further information.

The Board has an insurance bond for this development project in the amount of \$161,679 as established in late December 2015. It has not been adjusted since, nor has the applicant requested a reduction.

The Board voted to recommend to you that from its perspective, it would be acceptable for you to issue 90 day TEMPORARY Certificates of Occupancy for the two TVC buildings. However, if the developer needs more time beyond the 90 day period to complete the site work, he must come before the Board before the 90 day period expires to provide a status report and for the Board to reconsider project completion.

Thanks.

Susy

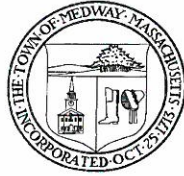
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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Town of Medway – A Massachusetts Green Community

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July 26, 2016

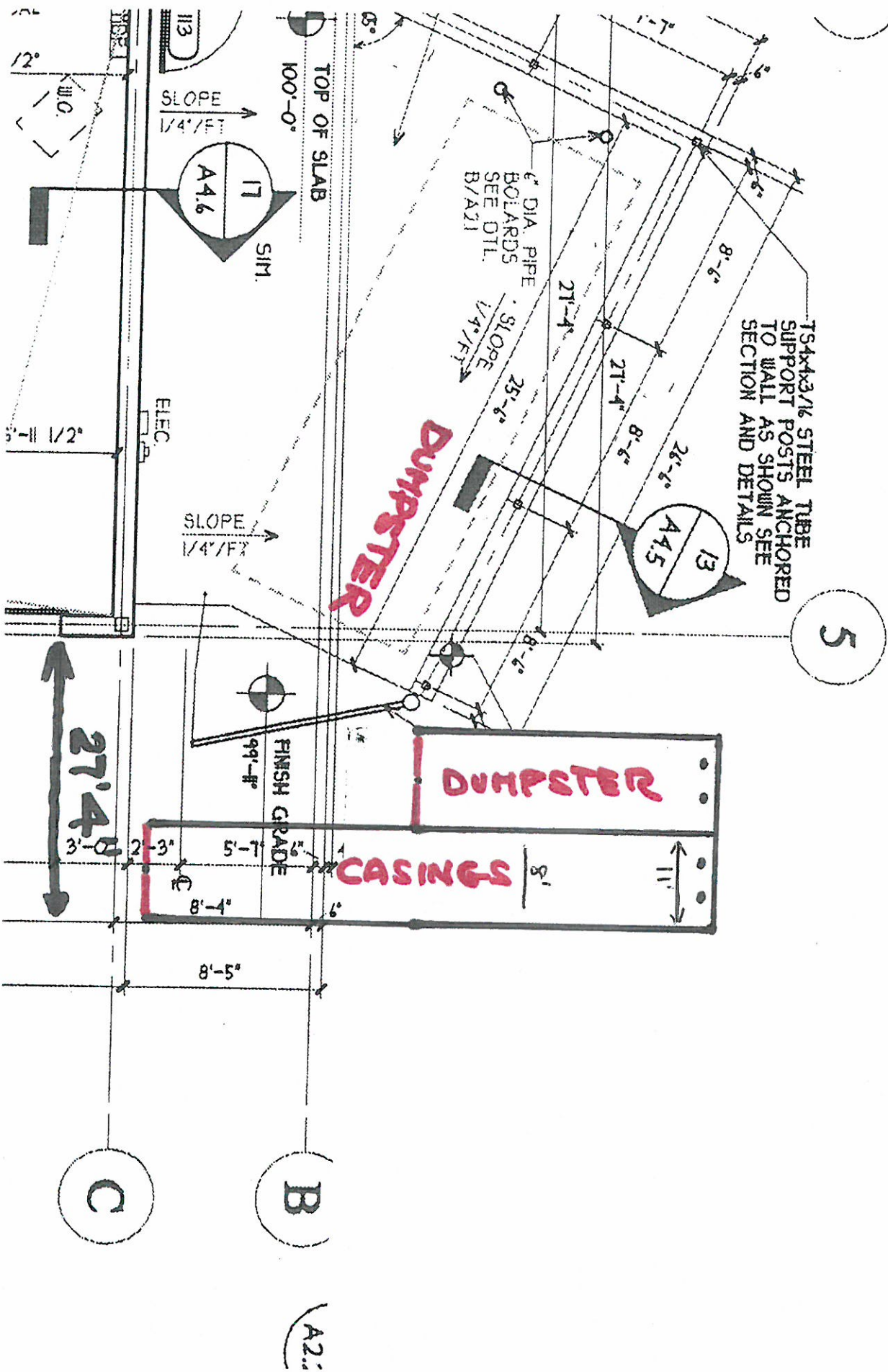
**Medway Planning & Economic Development Board
Meeting**

**Direct Tire – Relocation of Storage Unit
for Tire Casings**

Direct Tire owner Barry Steinberg wishes to rearrange the storage area behind the building to provide an easier way to remove tire casings. The trucks arriving at the store to unload the tire casings storage container are having difficulty maneuvering into correct position. Barry would like to relocate the existing tire casings storage container to where the northerly of the two regular dumpsters is presently located. The plan is for both Advance Auto and Direct Tire to share one regular trash dumpster. To accommodate the size of the tire casings storage container in the new location, the 11' wide dumpster area would be lengthened by extending it about 20' to the east. Mr. Steinberg proposes to install a taller east facing door to hide the height of the tire casing storage container in a style to match the existing dumpster doors. He has provided the attached drawings.

I have asked Barry to secure email notes from developer Rich Landry and new TVC owner Marianne Connaughton agreeing to this change.

I would recommend that you require Mr. Steinberg to also install nicer looking doors/gates in front of the area where the tire casings dumpster is presently located and to not permit any tire storage in that area. I also suggest that you require the taller fencing around the new location for the tire casings storage container to be installed around all 4 sides (not just the east facing side) in order to fully screen the container from view.











July 26, 2016
Medway Planning & Economic Development Board
Meeting

PEDB Meeting Minutes

- Draft minutes of June 21, 2016 special meeting with Sign Bylaw Review Task Force

NOTE – Minutes of the July 12th meeting are not yet complete. Amy has been on vacation and is preparing them from the video recording of the meeting. I will forward to you upon receipt and my review/edits.

June 21, 2016
SPECIAL MEETING
Medway Planning and Economic Development Board
Medway Senior Center – 76 Oakland Street
Medway, MA 02053

PEDB Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	X	X	X

ALSO PRESENT:

Matt Buckley, Design Review Committee and Sign Bylaw Review Task Force
Carol Gould, ZBA and Sign Bylaw Review Task Force
Jodi Kairit, Sign Bylaw Review Task Force
Dan Hooper, Sign Bylaw Review Task Force
Debbie Anderson, Sign Bylaw Review Task Force
Susy Affleck Childs, Planning and Economic Development Coordinator
Stephanie Mercandetti, Director of Community and Economic Development
Dave D'Amico, Deputy Director Department of Public Services
Jack Mee, Building Commissioner
Barbara Saint Andre, Town Counsel
Mary Weafer, Design Review Committee
Rachel Walsh, Design Review Committee
Ken Bancewicz, Economic Development Committee
Alissa Rodenhiser, Economic Development Committee
Jessica Chabot
Sreelatha Allam, Recording Secretary

Call to Order:

With a quorum present, the Planning and Economic Development Board meeting was called to order by Chairman Andy Rodenhiser at 7:10 p.m.

Sign Bylaw Workshop:

Stephanie Mercandetti provided an overview of the Sign Bylaw Review Task Force. In September 2015 the Planning and Economic Development Board approved the creation of Sign Bylaw Review Task Force. Intention was to have representation from various Medway Boards, at-large from business community, and residents. There have been six meetings of the Task Force to-date. Sign bylaw samples from other communities have been examined. Some initial information about Reed vs Gilbert, a recent Supreme Court case, was received. Discussions were held with the Building Commissioner regarding his take on the bylaw. Industry's perspective was sought from Northeast State Sign Foundation regarding signage types, technology used, and regulatory issues encountered. Research material was given to the Task Force. Potential public outreach in the form of survey, workshops, and focus groups was discussed.

Stephanie stated that the purpose of today's meeting is to get Town Counsel's perspective on sign regulations in consideration with developing new regulations. Discussion will include whether to keep the sign regulations within the zoning bylaw or consider including the sign regulations within the Town's general bylaws.

Town Counsel Barbara Saint Andre stated that signs are considered free speech and protected by the first amendment. Regulating free speech must be handled with great care. In the Reed vs. Gilbert case, the Supreme Court gave a narrow definition of content neutral. There is commercial and non-commercial signage and language that are acceptable according to federal law. Commercial speech is considered substantial state interest. Any time a bylaw is passed there must be a valid reason for it. Valid reasons could be aesthetics and traffic safety. They are considered to be in the state's interest but not *compelling* state interest. Commercial sign requirements, sign size change, flashing lights are considered as legitimate regulations. Permanent and temporary signs can be distinguished. There was discussion about having regulations based on the size of the sign. Barbara reiterated that there should be a good/valid reason for a regulation to go into effect. Any signage with religious and/or political speech has the highest scrutiny by the state. The Massachusetts Attorney General's office reviews new bylaws approved by town meeting. The Attorney General's office is usually sensitive to a community's needs during their review process. However their review process has become more stringent after the Reed case.

Susy Affleck-Childs asked if there are any communities that looked into making these changes. Barbara stated that there aren't many communities that have gone through changing bylaws for signs. With the above described legal restrictions and implications, the town needs to clearly think what is its end goal/ purpose when discussing/ crafting these regulations/bylaw. If a bylaw is drafted, it is very important that a statement of purpose is included. There are two ways a sign bylaw can be written - general vs zoning.

There was discussion on differences and merits of including sign regulations within the general bylaws vs zoning bylaws. General bylaws can be differentiated by property type. The advantage of moving to a general bylaw is that it needs a majority vote of Town Meeting to be approved whereas a zoning bylaw needs a 2/3 majority to be approved. Barbara stated that sign bylaws are difficult and different from town to town. Sunset provision within the regulations/bylaws can be difficult as well. On a question on agricultural exemptions, there is no specific language/ regulations. Area over 5 acres with a farm stand could be considered for agricultural exemption.

A motion was made by Rich Di Iulio and seconded by Matt Hayes to close the Planning and Economic Development Board Meeting. Approved unanimously.

The meeting was adjourned at 8:39 p.m.

Respectfully Submitted,

Sreelatha Allam
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

DRAFT



July 26, 2016

**Medway Planning & Economic Development Board
Meeting**

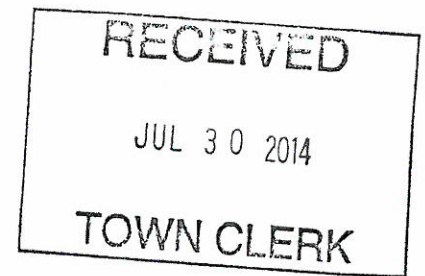
**157 Main Street – Learning Tree Center
Site Plan Completion**

- Site Plan Decision – July 22, 2014
- Endorsed site plan August 19, 2014
- May 26, 2016 email from Steve Hansen requesting a Certificate of Site Plan Completion
- June 22, 2016 As-Built Plan and project certification prepared by Sullivan Land Surveying Co, Natick, MA
- July 21, 2016 DRAFT – PEDB Certificate of Site Plan Completion

NOTE – The site plan decision for this project did not require inspections by the Board's engineer.



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



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

July 22, 2014

SITE PLAN DECISION
Learning Tree Center – 157 Main Street
APPROVED with Waivers and Conditions

Decision Date: July 22, 2014

Name/Address of Applicant: Stephen P. Hansen
24 Point Street
Natick, MA 01760

Name/Address of Property Owner: 157 Main Street Realty LLC
157 Main Street
Medway, MA 02053

Engineer: Sullivan Surveying Company
209 West Central Street
Natick MA 01760

Site Plan: 157 Main Street Site Plan, dated April 24, 2014

Location: 157 Main Street

Assessors' Reference: Map 48 Parcel 98

Zoning District: Agricultural Residential II

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

I. PROJECT DESCRIPTION - The applicant/property owner proposes to construct a two story, 52' x 40' addition (4,160 sq. ft.) to the back/south of the existing 1,352 sq. ft. child care facility. The addition will provide classroom space on the upper level and an indoor play area on the lower level. Planned site improvements include stormwater drainage, exterior lighting, landscaping, and measures to ensure protection of adjacent wetland resources. The site is .76 acres in size. The parcel has rights to use a 20 foot wide right of way on the adjacent property at 155 Main Street to Evergreen Street. The proposed use is a child care facility which is an exempt use under the Massachusetts Zoning Act so it is allowed in any zoning district in the community. However, it is subject to *"reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."*

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on July 22, 2014, on a motion made by Robert Tucker and seconded by Matthew Hayes, **voted by roll call to APPROVE with WAIVERS and CONDITIONS** as specified herein, the site plan application of Stephen Hansen of Natick, MA for an addition and site improvements at the Learning Tree Center at 157 Main Street. The vote was five in favor and zero opposed.

Planning & Economic Development Board Member

Thomas Gay	Vote
Matthew Hayes	AYE
Andy Rodenhiser	AYE
Karyl Spiller-Walsh	AYE
Robert Tucker	AYE

III. PROCEDURAL HISTORY

- A. May 21, 2014 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. June 5, 2014 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site
- C. June 9, 2014 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. May 7, 2014 - Public hearing notice mailed to abutters by certified sent mail.
- E. June 9 and 17, 2014 - Public hearing notice advertised in *Milford Daily News*.
- F. June 24, 2014 – Public hearing commenced. The public hearing was continued to July 8 and July 22, 2014 when the hearing was closed.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the Learning Tree Center at 157 Main Street included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:

1. Site Plan of Land in Medway, MA, dated April 24, 2014 prepared by Sullivan Surveying Company, LLC of Natick MA.
 2. Landscape Inventory & Plan prepared by Steve Hansen
 3. Stormwater Management Report dated May 22, 2014 prepared by Creative Land and Water Engineering, LLC of Framingham, MA
 4. Lighting Layout Plan dated May 2, 2014 prepared by RAB Lighting
 5. Mortgage Inspection Plot Plan in Medway, MA dated May 28, 2013 prepared by P.N. Associates, Inc.
- B. During the course of the review, the Applicant and its representatives submitted revised plans and a variety of other materials to the Planning and Economic Development Board as follows:
1. Updated Site Plan of Land in Medway, MA, revised May 21, 2014 prepared by Sullivan Surveying Company, LLC of Natick, MA
 2. Letter dated May 27, 2014 from Medway Inspector of Buildings John Emidy confirming that the scope of proposed work at 157 Main Street constitutes a *major site plan* pursuant to the Medway Zoning Bylaw.
 3. Quitclaim Deed conveying 157 Main Street from Michael and Jeannie Buxbaum to 157 Main Street Realty LLC, dated June 17, 2013, recorded at Norfolk County Registry of Deeds June 17, 2013 in Book 31442, Page 467.
 4. *Requests for Waivers from the Site Plan Rules and Regulations*, dated June 23, 2014 prepared by applicant Stephen Hansen.
 5. Checklist for Stormwater Report/Mass DEP prepared by Desheng Wang, P.E. dated July 1, 2014
 6. Building Addition drawings dated June 13, 2014, prepared by D & B Construction
 7. Revised Landscape Inventory and Plan prepared by Stephen Hansen.
 8. Updated Lighting Layout Plan dated June 26, 2014 prepared by RAB Lighting
 9. Updated Lighting Layout Plan dated July 10, 2014 prepared by RAB Lighting
- C. During the course of the review, a variety of other materials were submitted to the Planning and Economic Development Board or entered into the record by the Board:
1. Review Letter with recommendations dated June 23, 2014 from Medway Design Review Committee
 2. Memorandum dated July 7, 2014 from Medway Police Sergeant/Safety Office Jeffrey Watson
 3. Email communication dated June 9, 2014 from Medway DPS Director Thomas Holder
 4. Email communication dated June 11, 2014 from Fire Chief Jeff Lynch.

5. Order of Conditions dated June 12, 2014 from the Medway Conservation Commission for 157 Main Street
6. Photo of non-enclosed dumpster at the back of the property.

V. TESTIMONY - In addition to the site plan application materials as submitted and provided during the course of our review, the Planning and Economic Development Board received written or verbal testimony from:

- Brian Marchetti, P.E., of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letter dated June 18, 2014 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated June 19, 2014 and commentary throughout the public hearing process.
- Email communication dated June 18, 2014 from Paul and Kathleen Yorkis, owners of adjacent property at 159 Main Street.
- Letter dated June 2014 from Christine Riccio, Medway
- Letter dated June 23, 2014 from Kara Gulla, Medway
- Kristy Smith, 7 Iarussi Way, Medway – Verbal testimony (June 24, 2014)
- Stephen Hansen and Lauren Nigro (owner of Learning Tree Center) – Verbal comments provided at public hearings on June 24, July 8 and July 22, 2014.

VI. FINDINGS – The Planning and Economic Development Board must determine whether the proposed project constitutes a suitable development based on conformance with the purposes of Site Plan Review as specified in the *Zoning Bylaw* and with the various site development standards and criteria set forth in the *Site Plan Rules and Regulations*. The preceding *Special and General Conditions* included in this Decision shall assure that the Planning Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

The Planning and Economic Development Board, at its meeting on July 22, 2014, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted by roll call to approve the following **FINDINGS** regarding the site plan application for The Learning Tree Center at 157 Main Street. The motion was approved by a vote of five in favor and zero against.

A. ZONING BYLAW – Section V. C - Site Plan Review & Approval

- (1) Are the buildings, uses and site amenities properly located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods?

The project is an addition to the rear of the existing building. It is properly located since it needs to be attached to the existing building and the location to

the rear meets all setback requirements. The addition does not interfere with existing site features such as driveways, parking and play areas.

- (2) Are the construction and renovation of buildings and the installation of site amenities thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*?

The design of the addition has been reviewed by the Design Review Committee (DRC) in light of the Medway Design Guidelines, and the changes recommended by the DRC have been incorporated into the revised building and site design. Some of the changes include adding dormers, a cupola, and shutters and changing roof pitches.

- (3) Are adjacent and neighboring properties protected from nuisance and harmful effects caused by noise, fumes, and the glare of headlights and other light sources generated by uses on the development site?

As shown in the lighting plan dated July 10, 2014, there will be no spillage of light beyond the property boundaries. No fumes (other than from automobiles) will be generated on site. The existing driveways will be used for access and egress so no new headlight glare problem is created. Also, abutting uses on either side are commercial.

- (4) Are significant natural features on a development site (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest) preserved with as minimal site disturbance as possible?

As the site is already developed, disturbance of natural features is minimal. There are wetlands to the rear of the property. These will not be disturbed, and an Order of Conditions has been obtained from the Conservation Commission ensuring that any impacts are minimal.

- (5) Are off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view?

As a child care facility, it is the loading and unloading of children that constitute the primary cause of concern. The facility has dedicated parking spaces for loading and unloading of children. Also, the parking spaces as well as the egress and ingress plan have been reviewed by the Town's Consulting Engineer and Safety Officer, and the Safety Officer has recommended that traffic enter the site from Evergreen Street and exit onto Main Street (with right turn only allowed onto Main Street). These measures will minimize safety concerns.

- (6) Are facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site provided and adequately screened from public view?

The facility is served by Town sewer so it is handled adequately. As conditioned (See Condition #4A), a dumpster will be located on the site and adequately screened.

- (7) Are pedestrian ways, access driveways, loading and parking facilities properly designed for the convenience and safety of customers, employees and the general public?

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineer and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed.

- (8) Is convenient and safe access for fire-fighting and emergency rescue vehicles provided to and within the development site in relation to adjacent streets?

The site provides access from two streets. The plan has been reviewed and approved by the Town's Fire Chief and Safety Officer.

- (9) Are satisfactory methods for drainage of surface water to and from the development site provided?

The drainage plan has been reviewed by the Town's Consulting Engineer and has been found to meet applicable stormwater management standards, and is adequate for the site.

- (10) Are public ways and private drives properly designed to be constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site?

The public ways and private drives serving the site are already in existence and have been used for this use for several years. While the intensity of the use will be increased, the ways and drives have been reviewed by the Town's Consulting Engineer, DPS Director, Fire Chief and Police Chief, including the impact of the redeveloped Route 109. The Safety Officer has recommended a one-way traffic pattern through the site with ingress from Evergreen Street and egress onto Main Street via right-turn only. The one-way pattern will accommodate the increased use of the site.

- (11) Have the effects and 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 community economics, character, values, amenities and appearance been identified and evaluated?

Main Street (Route 109) and Evergreen Street are adequate for the proposed use. Municipal services are adequate to serve the proposed facility, which already exists but is being expanded. The quantity of on-site parking is adequate for the proposed use. Drainage is in compliance with Massachusetts Department of Environmental Protection Stormwater Management Guidelines for a redevelopment project. The site was designed to minimize impacts on environmental quality and water resources and the project has been issued an Order of Conditions from the Conservation Commission. No additional signage is proposed, but would be subject to review and compliance with the sign provisions of the Zoning Bylaw. Lighting is in compliance with the lighting provisions of the Zoning Bylaw as indicated in the lighting plan dated July 10, 2014. The building and site design has been approved by the Design Review Committee which has provided a positive Letter of Recommendation. The facility will not have a detrimental impact on community economics and may have a positive impact by expanding the child care service it provides. The amenities and appearance of the site will improve with the addition. As an existing use, this development expanding the use will not detract from the character and values of the area.

- (12) Have site design modifications been proposed and evaluated to lessen the negative and harmful impacts?

The site plan has been reviewed by Town officials and the Town's Consulting Engineers and Consulting Planner. Modifications were suggested and the applicant has responded positively to those comments with a revised plan. The revised plan has been reviewed and the applicant has addressed each of the comments received.

- (13) Have reasonable conditions, limits, safeguards and mitigation measures been established?

Specific reasonable conditions have been included in Sections VIII and IX of this Site Plan Decision.

- (14) Is the applicant providing sidewalks along the entire frontage of the subject property along existing Town ways (Main Street)

The applicant is not providing a sidewalk along the frontage of the property. However, sidewalks will be installed as part of the Route 109 redevelopment project so the installation of a sidewalk now that does not connect to anything would serve no useful purpose and would be a waste of resources.

B. ZONING BYLAW – SECTION V. USE REGULATIONS. Sub-Section P. Exempt Uses. 1. Child Care Facility

- (15) The structure and lot containing the child care facility shall meet the dimensional requirements (lot area; lot width; building height; front, side and rear yard setbacks; and lot coverage) for the zoning district in which the facility is to be

located unless the structure is a legally pre-existing, non-conforming building or structure.

The lot, existing structure and proposed addition meet the dimensional requirements of the Zoning Bylaw for the Agricultural Residential II zoning district.

- (16) Open Space – A fenced outdoor play area set back a minimum of fifteen (15) feet from any abutting land shall be provided.

A fenced play area suitably buffered from the abutting property already exists on the site. The abutting property owner of 159 Main Street has submitted a letter of no objection to this project.

- (17) Parking

- One off-street parking space with a minimum dimension of 8 x 18 feet shall be provided for every paid and unpaid employee, not resident on the premises so that there is no on-street parking for employees.
This requirement is met and there is no on-street parking proposed.
- No space shall be considered available for parking which reduces the effective width of a driveway providing access to the site/building.
No spaces are considered available for parking that reduces the effective width of the driveway.
- No parking area shall be located nearer than 15 feet of the property line of an adjoining residential lot
Parking spaces along the easterly side of the lot are less than 15 from the adjoining lot; however, the lot is not used for residential purposes and there is a line of mature shrubs on the abutting property that provides considerable screening.
- The 15 buffer area of an off-street parking area shall be substantially screened from abutting properties through the installation of suitable landscaping and/or fencing materials.
As noted above, the off-street parking area does not abut a residential lot so this requirement is not applicable.
- So as to not interfere with traffic patterns and flow, there shall be provided a separate on-site drop off and pick up parking area capable of accommodating at least the number of vehicles equal to 1/3 the licenses capacity of the child care facility. Such area shall be exclusive of drive aisles.
There is a separate on-site pick up and drop off area. The number of spaces provided is less than required to accommodate 1/3 of the projected license capacity of the expanded facility. However, Sub-Section P of SECTION V. of the Zoning Bylaw provides the Board with the discretion

to vary these requirements and the Board finds that the number of parking spaces provided for pick up and drop off is adequate considering the irregular timing for pick up and drop off.

- There shall be a separate entrance and exit areas for vehicles to access the parking and drop off/pick up areas.
The site plan, as conditioned (See Condition VIII. C), provides for a one-way traffic pattern through the site with an entrance from Evergreen Street and an exit on Main Street (right turn only).

- (18) Adequate provisions for on-site retention and treatment of stormwater shall be provided.

The drainage system for the site has been reviewed and approved as adequate under the Massachusetts Stormwater Management rules for redevelopment projects.

- (19) Lighting used to illuminate a parking area shall meet the provisions of SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, 3. B).

As shown on the revised lighting plan dated July 10, 2014, the project meets the lighting standards of Section V. USE REGULATIONS, Sub-Section B. Area Standards, 3. B.

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

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

As conditioned (See Condition VIII. C.), internal circulation will be in the form of a one-way traffic flow pattern with ingress from Evergreen Street and egress to Main Street as recommended by the Safety Officer. No backing onto a public way is needed.

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

The design of the addition has been reviewed and approved by the Design Review Committee and is not a departure from the character, materials and scale of buildings in the vicinity.

- (22) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

The addition is located directly behind the existing building so the visual intrusion is minimal. The outdoor facilities are mostly already existing to the rear of the building so the visual intrusion is minimal.

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

The Fire Chief has reviewed and approved the site design.

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

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

As a redevelopment project, the environmental impacts of the project are minimal. The most significant potential impacts have been addressed in the form of an Order of Conditions from the Conservation Commission. The stormwater management system has also been reviewed and approved by the Town's Consulting Engineer. Vary little visual impact will result since the addition is to the rear of the existing building and the outdoor elements already exist.

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

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineer and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed, and will use a one-way pattern entering from Evergreen Street and exiting on Main Street. As conditioned, internal site traffic directional signage shall be added to the plan further enhancing safety.

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

The design incorporates the existing natural and man-made visual features by locating the addition to the rear of the existing building and retaining most of the outdoor features as they are.

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

As shown on the revised lighting plan dated July 10, 2014, the project meets the lighting standards of Section V. USE REGULATIONS, Sub-Section B. Area Standards, 3. B., and there will be no glare on adjoining properties.

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

The Order of Conditions issued by the Conservation Commission ensures that the environmental resources of the site are protected. No cultural resources are impacted.

D. OTHER FINDINGS

- (29) *Due to the significant increase in capacity, the applicant agrees to manage the drop-off and pickup times for the children in order to minimize traffic backups that may impact Route 109. The one-way pattern will address this issue by ensuring that any queuing does not occur on Route 109.*
- (30) *Estimated new maximum capacity increase from 36 children to 80.*
- (31) *The existing building at 157 Main Street was constructed in 1983 as a child care facility and has been used exclusively for this purpose since then.*
- (32) *The deed for the subject property includes the right of the owner of the property to use the right-of-way on the adjacent property at 155 Main Street to connect to Evergreen Street.*

VII. WAIVERS – At its July 22, 2014 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted by roll call to approve granting waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002 EXEPT* for a waiver from *Section 204-5 A. Site Plan Contents Cover Sheet* which the Board did not approve. The Planning and Economic Development Board's action and reasons for granting or denying each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of five in favor and zero against.

SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. *204-3 A. 7) – A written Development Impact Statement shall be prepared. It 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. The Development Impact Statement shall address traffic, environmental, community and parking impacts.

The project is an expansion of an existing use on a site that is already developed. Increasing the building by 2080 square feet will have a minimal impact on the community so this requirement is waived.

2. 204-5 A. Site Plan Contents 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, current date, list of revision dates, project street address, project Assessor's Map and parcel number, zoning district classification, list of requested waivers from the Site Plan Rules and Regulations, Planning Board signature block and a list of drawings/contents

The information provided by the applicant includes most or all of the required information so it is not unreasonable to prepare a specific cover sheet with the required information. Therefore this waiver is hereby denied.

3. 204-5 B. Site Plan Contents Context Sheet – Items 1 – 6.

The applicant provided sufficient information about the context of the development. Therefore, due to the scale of the project, the requirement for a Context Sheet is waived.

4. 204-5 C. Site Plan Contents Existing Condition Sheet(s) – Items 1 - 5

The applicant provided sufficient information about existing conditions on the site such that the Board was able to fully understand what existing on site and how that was going to change. Therefore, due to the scale of the project, the requirement for an Existing Conditions Sheet is waived.

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

Very few trees are being disturbed by the addition which will be constructed in the current back yard of the existing building. Due to the scale of the project, a Landscape Architectural Plan prepared by a Landscape Architect would be of

little use. The applicant did provide information about the existing and proposed vegetation on the site. Therefore, this requirement is waived.

6. 204-5 D. 12) – *Site Plan Contents Signage Plan* - The plan shall include the design, location, materials, dimensions and lighting for a) the proposed development and all building identification both freestanding and attached; and b) standards for tenant signs.

The applicant has stated that there would be no change in signage for this project. Therefore, there is no need for a signage plan and this requirement is waived.

7. 204-5 D. 14) – *Site Plan Contents Horizontal Sight Distances* – Horizontal Sight distances shall be shown on the public ways at all entrances in both directions.

The driveway that exits onto Route 109 has existed for many years and is not being changed. The sight distance at the driveway is clearly adequate based on a site visit so there is no need to document this with a traffic engineer. This requirement is waived.

8. 204-5 D. 16) *Site Plan Contents – Fire Equipment* – Locations of proposed fire hydrants, fire alarm boxes, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.

No additional fire equipment is proposed and the Fire Department has approved the project so this requirement is waived.

9. 205-6 A. *Parking* – 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 and rail, should be incorporated into the design to screen parking areas and reduce their visual impact.

Some of the parking for this site is to the side but some is also in front of the site. However, this is an existing condition that is not being changed by this project. A stone wall across the front of site provides some screening of the parking. Due to the existing condition and the scale of the project, this requirement is waived.

VIII. SPECIFIC CONDITIONS – This approval is subject to the following *Specific Conditions*:

- A. **Plan Revisions** - Prior to endorsement, the site plan set for The Learning Tree Center shall be further revised as follows and submitted to the Planning and Economic Development Board for review and approval.

1. A Cover Sheet shall be provided to include all items specified in the *Site Plan Rules and Regulations* except that the signature box shall be for the Planning and Economic Development Board.
2. A detail showing an enclosure for the dumpster located behind the building shall be included in the final plan. The enclosure design shall be to the satisfaction of the Planning and Economic Development Board
3. The landscaping plan shall be further revised to specify the landscape plantings to be installed in the area behind the new addition and in the area on Main Street located between the playground fencing and the stone wall. The landscape plantings shall provide 4 season, evergreen screening and shall be non-invasive species.
4. The site plan shall be revised to show the following:
 - a. A location for dumpster
 - b. Location of on-site traffic directional signs
5. The cover sheet, site plan, landscaping plan, lighting plan, and building elevation plans shall be combined into one plan set with all sheets being the same size.

B. *Parking*

1. Customers and employees shall not park in the right-of-way access driveway from Evergreen Street. Contingent upon approval of the owners of 155 Main Street, *No Parking* signs and one way inbound traffic signs for the Learning Tree Center shall be installed in the right of way area on their property.
2. Handicap parking spaces shall be specifically designated and shall be in compliance with current ADA and Mass Architectural Access Board requirements.
3. The parking area closest to the main entry for Learning Tree Center Drop off parking area shall be clearly designated.

C. *Traffic Access/Egress*

1. The right of way off of Evergreen Street across the back of 155 Main Street shall be used for vehicular access to The Learning Tree Center.
2. Egress from the site shall be by right turn (eastbound) only onto Main Street

- D. *Signage* – Any changes in the free-standing signage for The Learning Tree Center and any proposal for additional signage shall be reviewed and approved by the Medway Design Review Committee before the Town issues any sign permit.

VIII. **GENERAL CONDITIONS OF APPROVAL**

- A. *Plan Endorsement* - Within thirty (30) days after the Planning and Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification reflecting all Conditions and required

revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. The Applicant shall provide one set of the revised site plan in its final form to the Planning and Economic Development Board for signature/endorsement. All plan sheets shall be bound together in a complete set.

- B. ***Fees*** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee required by the Planning and Economic Development Board; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning and Economic Development Board to withhold plan endorsement.

- C. ***During Construction***
1. The applicant shall take all measures necessary to ensue that no excessive dust leaves the premises during construction.
 2. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that loose gravel/dirt does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway within twenty-four (24) hours of its occurrence.
 3. All erosion and siltation control measures shall be installed and observed by the Planning and Economic Development Board's consulting engineer or the Conservation Agent prior to the start of construction, and maintained in good repair throughout the construction period.
 4. ***Construction Time*** - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
 5. ***Construction Traffic/Parking*** - All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways.
- D. ***Other Town Permits*** - The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.
- E. ***Construction Inspection***

1. Planning and Economic Development Board members, its staff and consultants, and other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.
2. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved plan. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.
3. In the event the applicant seeks an occupancy permit from the Town of Medway before all site plan work is satisfactorily completed (see VIII. General Conditions of Approval G. 2 herein), the Applicant shall establish a construction inspection account with the Medway Planning and Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Planning and Economic Development Board. The funds may be used at the Planning and Economic Development Board's discretion to retain professional outside consultants to:
 - inspect the site
 - identify what site plan work remains to be completed
 - prepare a bond estimate
 - conduct other reasonable inspections until the site work is completed and determined to be satisfactory
 - review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion* (see VIII. General Condition G. 3 herein).

Depending on the scope of professional outside consultant assistance that the Planning and Economic Development Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.

F. ***Plan Modification***

1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as site plan modifications pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw*.
2. Any work that deviates from an approved site plan shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to SECTION V. C. 10 of the *Medway Zoning*

Bylaw and such approval is provided in writing by the Planning and Economic Development Board.

3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including 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 Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

G. ***Plan Compliance***

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and any modifications thereto.
2. The Planning and Economic Development Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

H. ***Project Completion/Performance Security***

1. 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. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings to verify that the project, as constructed, conforms to the approved site plan and any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the costs of all remaining work.
3. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic Development Board and provide the ***Certificate*** to the Inspector of

Buildings. The *Certificate* serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The *Certificate* also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a *Certificate* of Site Plan Completion, the applicant shall:

- a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
 - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.
- I. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.
- J. **Conflicts** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the Medway Zoning Bylaw, the Bylaw shall apply.

X. APPEAL – Appeals if any, from this Decision shall be made to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.

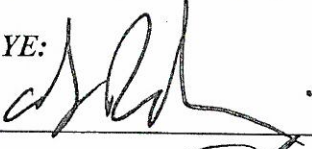
After the appeal period has expired, the applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.

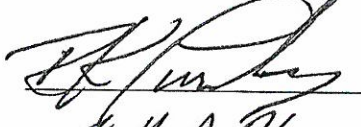
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**Medway Planning and Economic Development Board
SITE PLAN DECISION
Learning Tree Center Site Plan – 157 Main Street**

Approved by the Medway Planning & Economic Development Board:

AYE:








NAY:

ATTEST:



Susan E. Affleck-Childs
Planning & Economic Development Coordinator

7-29-2014
Date

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- 1: Cover sheet
- 2: Site plan by Sullivan Surveying
- 3: Landscaping Plan
- 4: Lighting Information (3 sheets)
- 5: Building Elevations (2 sheets)
- 6: Building Renderings
- 7: Dumpster Location
- 8: Dumpster Design

THE LEARNING TREE DAYCARE CENTER SITE PLAN
157 MAIN STREET MEDWAY, MA. 02053

OWNER: Stephen P. Hansen
24 Point Street
Natick, MA. 01760

APPLICANT: same
ENGINEERING CO.: Sullivan Surveying Company, LLC
209 West Central Street
Natick, MA. 01760
Tele: 508 655 0082

DESIGN: DB Construction
Ellis, Ma.

July 22, 2014

Engineering rev. 5/21/2014
5/20/2014

Design rev. 5/20/2014
6/13/2014

Lighting Plan: 5/22/2014
7/10/2014

157 Main Street
Map: 48 Loc: 98
Zoning: AR-11

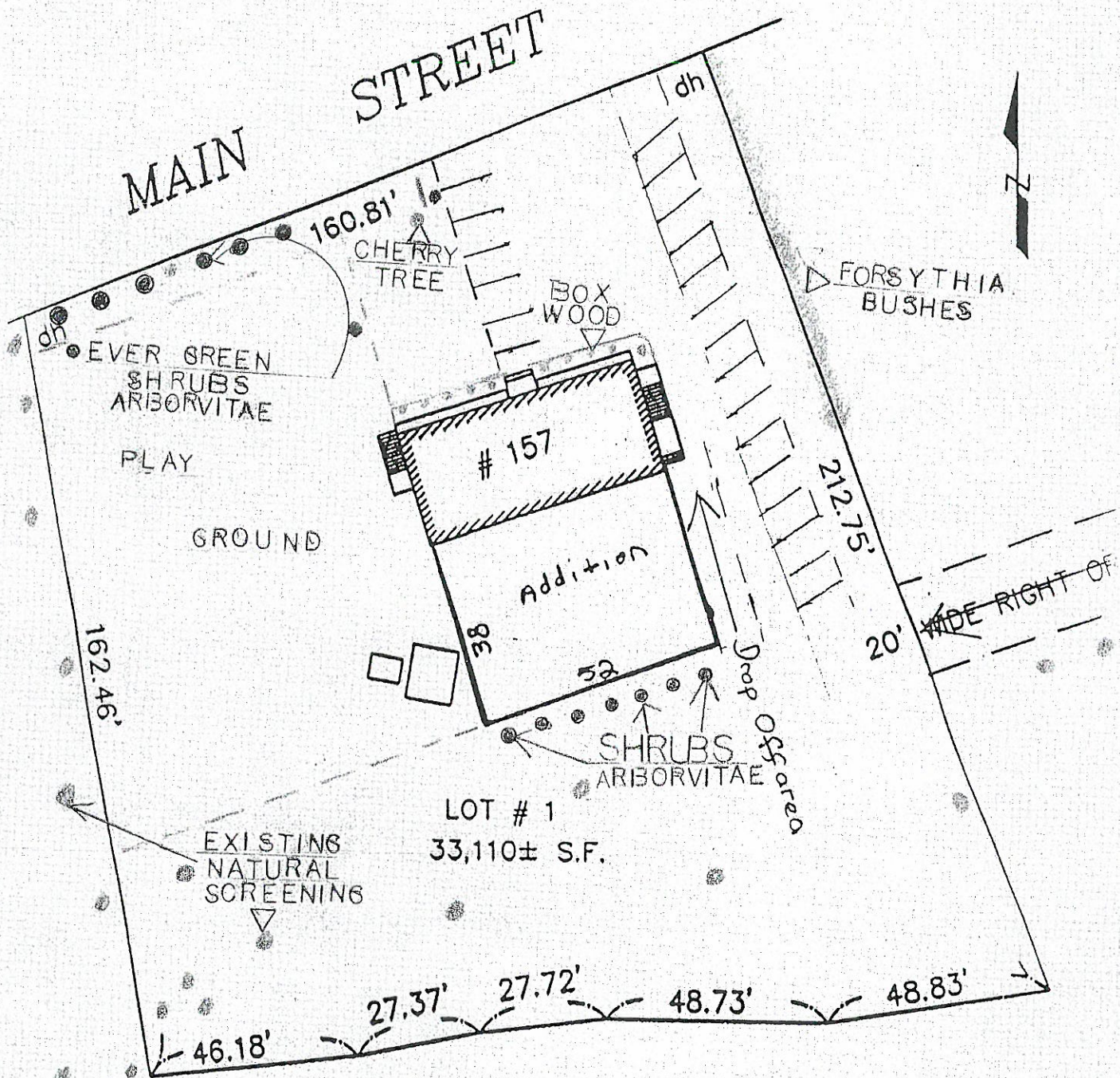
Approved Waivers from the Medway Site Rules and Regulations:
204-3A.7 Development Impact Statement
204-3B Site Plan Contents - Context Sheet
204-5B Site Plan Contents - Existing Conditions Sheet
204-5D.7 Site Plan Contents - Landscaping Architectural Plan
204-5D.12 Site Plan Contents - Signage Plan
204-5D.14 Site Plan Contents - Horizontal Sight Distances
204-5D.16 Site Plan Contents - Fire Equipment
205 - 6 A Parking

Planning Board:

Audy Rodenhiser
Thomas Gray
Matthew Hayes
Karyl Spiller-Walsh
Robert Tucker

Decision Date: July 22, 2014
Plan Endorsement Date: August 19, 2014

[illegible]



58-569

7-204

MADE TO: CHARLES RIVER BANK &
FIRST AMERICAN TITLE INS CO

THAT THE DWELLING SHOWN ON THIS PLAN IS LOCATED ON THE
SITE AS SHOWN AND CONFORMED TO THE DIMENSIONAL
THE ZONING BY-LAWS OF THE TOWN/CITY OF MEDWAY
TRUCTED OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION
RAL LAWS CHAPTER 40A SEC. 7.

MORTGAGE INSPEC

PLOT PLAN



Tel: (888) 722-1000 Fax: (888) 722-1232
WWW.RABWEB.COM

Filename: \\9AB-STORAGE-1\Docs\Sales\Applications Engineering\Job Files\WV\Holbrook Assoc\Hansen Electric\Framingham 10098\SV157 Main Street Medway\AGI files\157 Main Street Lighting Layout 050214C.AGI

Drawn By: Nigel Mcgregor

[illegible]



Tel: (888) 722-1000 Fax (888) 722-1232
WWW.RABWEB.COM

Filename: \\UAB-STORAGE-1\Doc\Sales\Applications Engineering\Job Files\Holtbrook Assoc\Hansen Electric\Framingham 100981517 Main Street Upgrading Layout 050214C.AGI

Drawn By: Nigel

[illegible]

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description	Pt5SpLr	Pt5SpTb	Meter Type
CalcPts Main Street Line	Illuminance	Fc	0.00	0.1	0.0	N.A.	N.A.	Readings Taken at 0'-0" AFG	10	10	Horizontal
CalcPts Parking	Illuminance	Fc	0.79	4.0	0.0	N.A.	N.A.	Readings Taken At 0'-0" AFG	10	10	Horizontal
CalcPts Perimeter Line	Illuminance	Fc	0.02	0.1	0.0	N.A.	N.A.	Readings Taken At 0'-0" AFG	10	10	Horizontal
CalcPts Playground	Illuminance	Fc	1.26	9.2	0.0	N.A.	N.A.	Readings Taken At 0'-0" AFG	10	10	Horizontal

Symbol	Qty	Label	Arrangement	Lum. Lumens	LLF	Description	Lum. Watts	Arr. Watts	Total Watts	Filename	Tag
	4	FXLED78SF	SINGLE	7674	1.000	78W LED	78.7	78.7	314.8	FXLED78 - Splitfitter - Cool - I	G
	2	WPLED2150	SINGLE	5329	1.000	Wallpack (TYPE II)	51.9	51.9	103.8	WPLED2150 - Cool - ITL80292JES	I

[illegible]

WPI FD2T50

* RAB Lighting, Inc. luminaire and product designs are protected under U.S. and international intellectual property laws. Patents issued or pending apply.

Filename: \\DAB-STORAGE-1\Docs\Sales\Applications Engineering\Job Files\WHL\Brook Assoc\Hansen Electric\Email\brok... .dlt

[illegible]



NO.	DESCRIPTION	BY	DATE

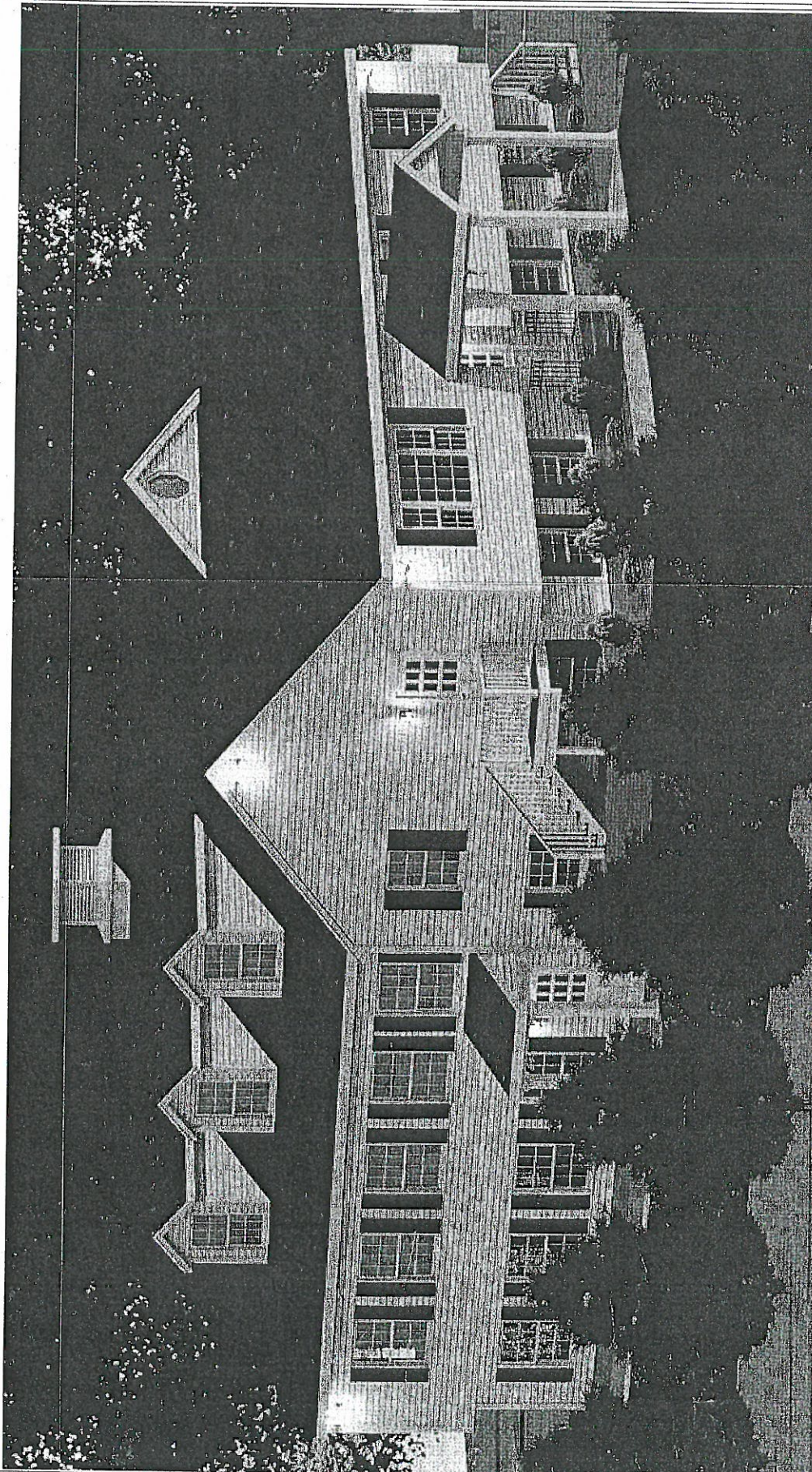
PROJECT DESCRIPTION:
157 MAIN STREET
MEDWAY, MA 02053

DRAWINGS PROVIDED BY:
D&B Construction
Bob Fogarty
bfogarty22@gmail.com
508-904-6394

DATE:
6/13/2014

SCALE:
N.T.S.

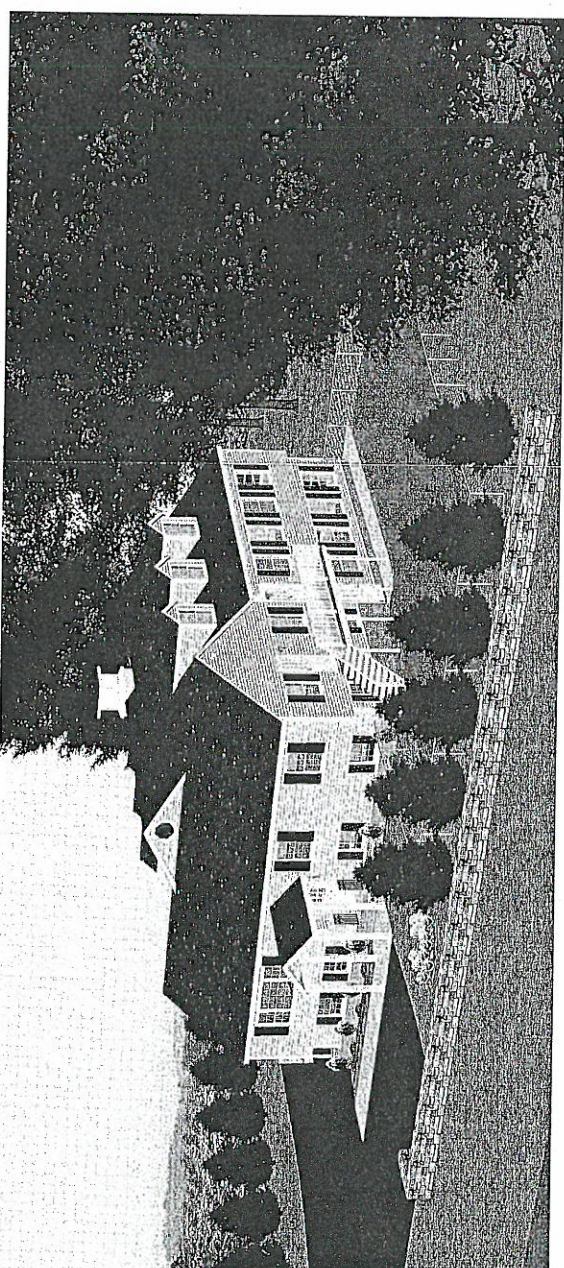
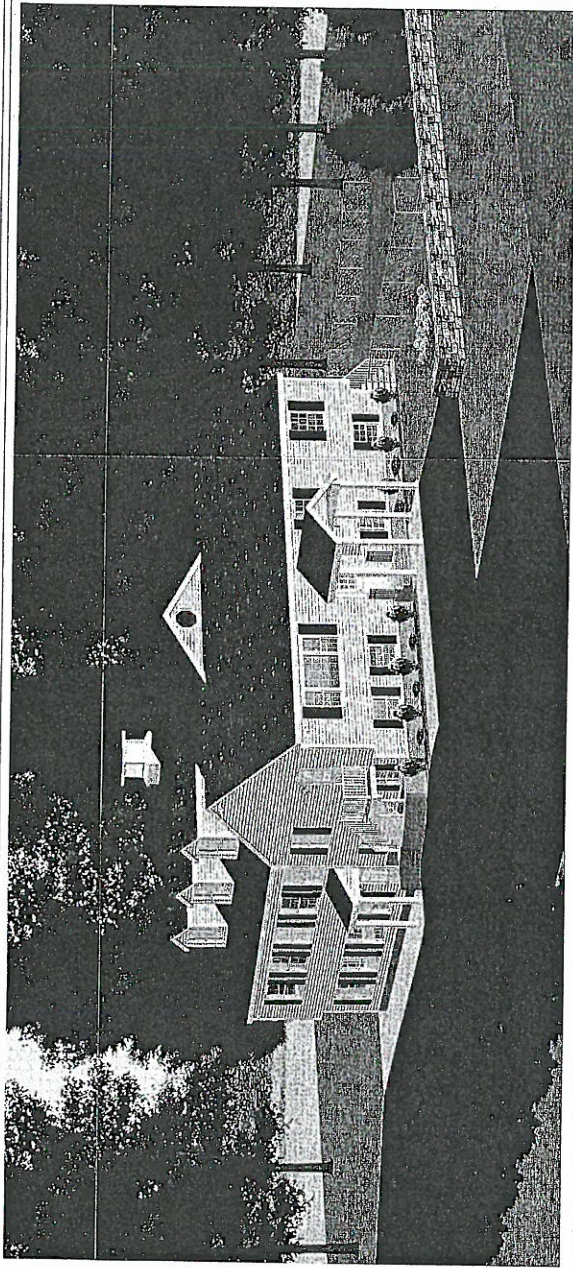
SHEET:
1



157 MAIN STREET MEDWAY RENOVATIONS

Table Of Contents

- | | |
|--------------------------|----------------------------|
| 1- COVER SHEET | 8- FOUNDATION PLAN |
| 2- OVERHEAD VIEW | 9- LOWER LEVEL FLOOR PLAN |
| 3- PERSPECTIVE VIEWS | 10- FIRST FLOOR FLOOR PLAN |
| 4- PERSPECTIVE VIEWS | 11- ROOF FRAMING PLAN |
| 5- FRONT/REAR ELEVATIONS | 12- ROOF CORNER LAYOUT |
| 6- EAST ELEVATION | 13- SECTION DETAIL |
| 7- WEST ELEVATION | 14- SECTION DETAIL |



PERSPECTIVE VIEWS
 Scale: Not To Scale



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:

PROJECT DESCRIPTION:
151 MAIN STREET
MEDFORD, MA 02053

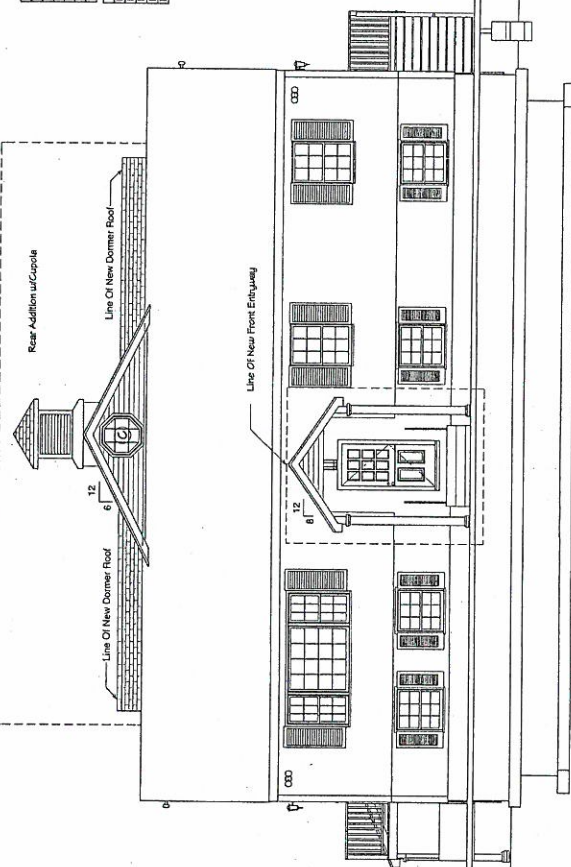
DRAWINGS PROVIDED BY:
Bob Fogarty
D&B Construction
Dfo@db22@hotmail.com
508-506-4534

DATE:
6/13/2014

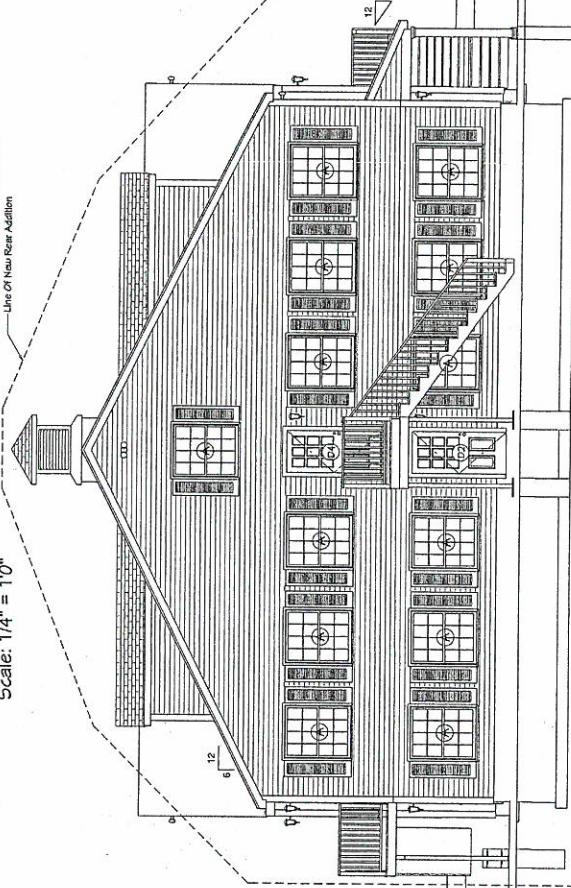
SCALE:

SHEET:
5

WINDOW SCHEDULE			
QTY	DOOR	WIDTH	HEIGHT
14	1	31.56 IN	42.59 IN
15	1	31.56 IN	42.59 IN
16	1	31.56 IN	42.59 IN
17	1	31.56 IN	42.59 IN
18	1	31.56 IN	42.59 IN
19	1	31.56 IN	42.59 IN
20	1	31.56 IN	42.59 IN
21	1	31.56 IN	42.59 IN
22	1	31.56 IN	42.59 IN
23	1	31.56 IN	42.59 IN
24	1	31.56 IN	42.59 IN
25	1	31.56 IN	42.59 IN
26	1	31.56 IN	42.59 IN
27	1	31.56 IN	42.59 IN
28	1	31.56 IN	42.59 IN
29	1	31.56 IN	42.59 IN
30	1	31.56 IN	42.59 IN
31	1	31.56 IN	42.59 IN
32	1	31.56 IN	42.59 IN
33	1	31.56 IN	42.59 IN
34	1	31.56 IN	42.59 IN
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37	1	31.56 IN	42.59 IN
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39	1	31.56 IN	42.59 IN
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41	1	31.56 IN	42.59 IN
42	1	31.56 IN	42.59 IN
43	1	31.56 IN	42.59 IN
44	1	31.56 IN	42.59 IN
45	1	31.56 IN	42.59 IN
46	1	31.56 IN	42.59 IN
47	1	31.56 IN	42.59 IN
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49	1	31.56 IN	42.59 IN
50	1	31.56 IN	42.59 IN
51	1	31.56 IN	42.59 IN
52	1	31.56 IN	42.59 IN
53	1	31.56 IN	42.59 IN
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100	1	31.56 IN	42.59 IN

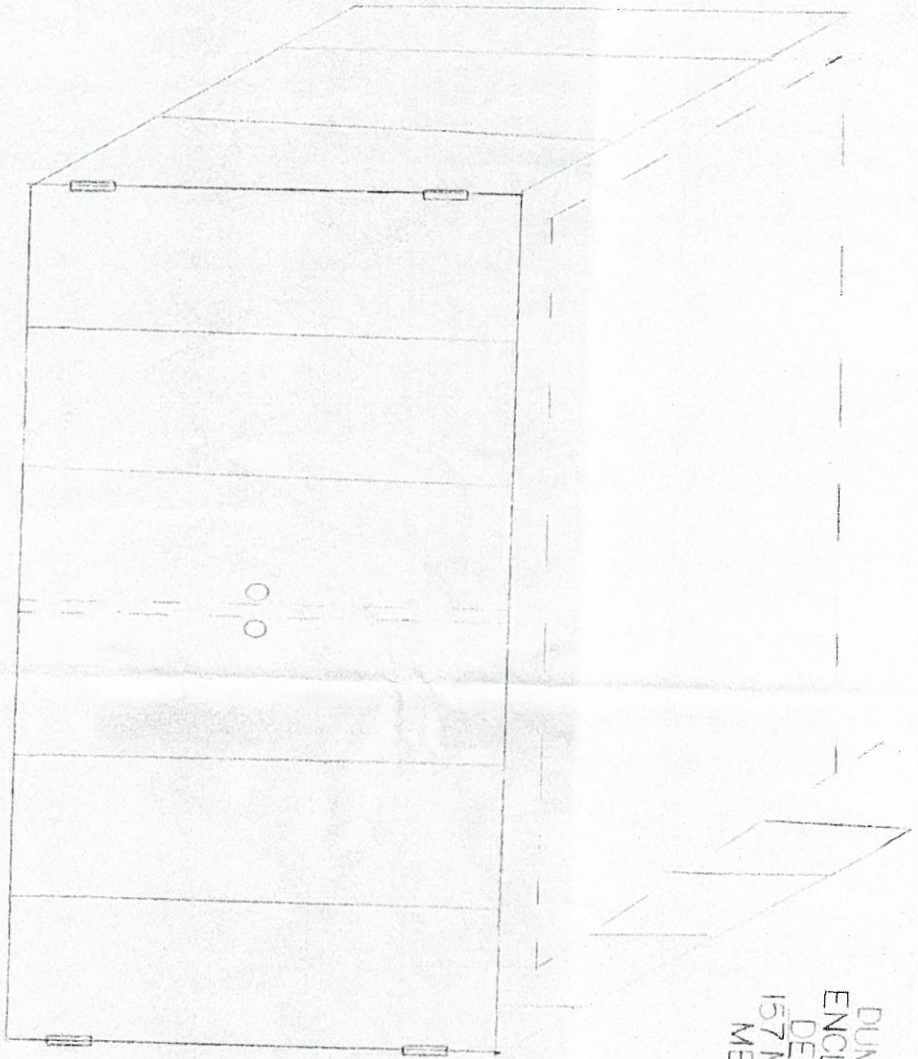


FRONT ELEVATION
Scale: 1/4" = 10"



REAR ELEVATION
Scale: 1/4" = 10"

DUMPSTER
ENCLOSURE
DESIGN
157 MAIN STREET
MEDWAY MA



Susan Affleck-Childs

From: Stephen Hansen <steve@mwappraisal.com>
Sent: Thursday, May 26, 2016 9:39 AM
To: Susan Affleck-Childs
Cc: thelearningtreedaycare@verizon.net
Subject: 157 Main Street Medway

Hi Suzy, I am requesting a letter of compliance on 157 Main Street. The project is 100 percent complete. Jack Mee the building commissioner is waiting for this letter in order to close out the file. Thank you in advance for your assistance. Stephen Hansen

SULLIVAN SURVEYING
COMPANY, LLC
500 WEST CENTRAL ST.
MATTUCK, MASS. 01760
PHONE: 508-655-0002
FAX: 508-655-0003

AS-BUILT PLAN OF LAND IN MEDWAY, MASS.

OWNER / APPLICANT :
157 MAIN STREET REALTY, LLC
157 MAIN STREET
MEDWAY, MA 02053

DEED REFERENCE :
BOOK 31443, PAGE 467
NORFOLK COUNTY REGISTRY OF DEEDS
ASSESSORS MAP REFERENCE :

MAP 48 PARCEL 98
ZONING CLASSIFICATION : AR-II, AUDD

NOTE : THIS DOCUMENT HAS BEEN PREPARED
BY SULLIVAN SURVEYING COMPANY, LLC
WHICH TAKES A COPYRIGHT NOTICE
COPYING OF ANY SUBSTANTIAL PORTION
OF A REGISTERED MAP WITHOUT THE
PERMISSION OF THE COPYRIGHT OWNER
IS UNLAWFUL.



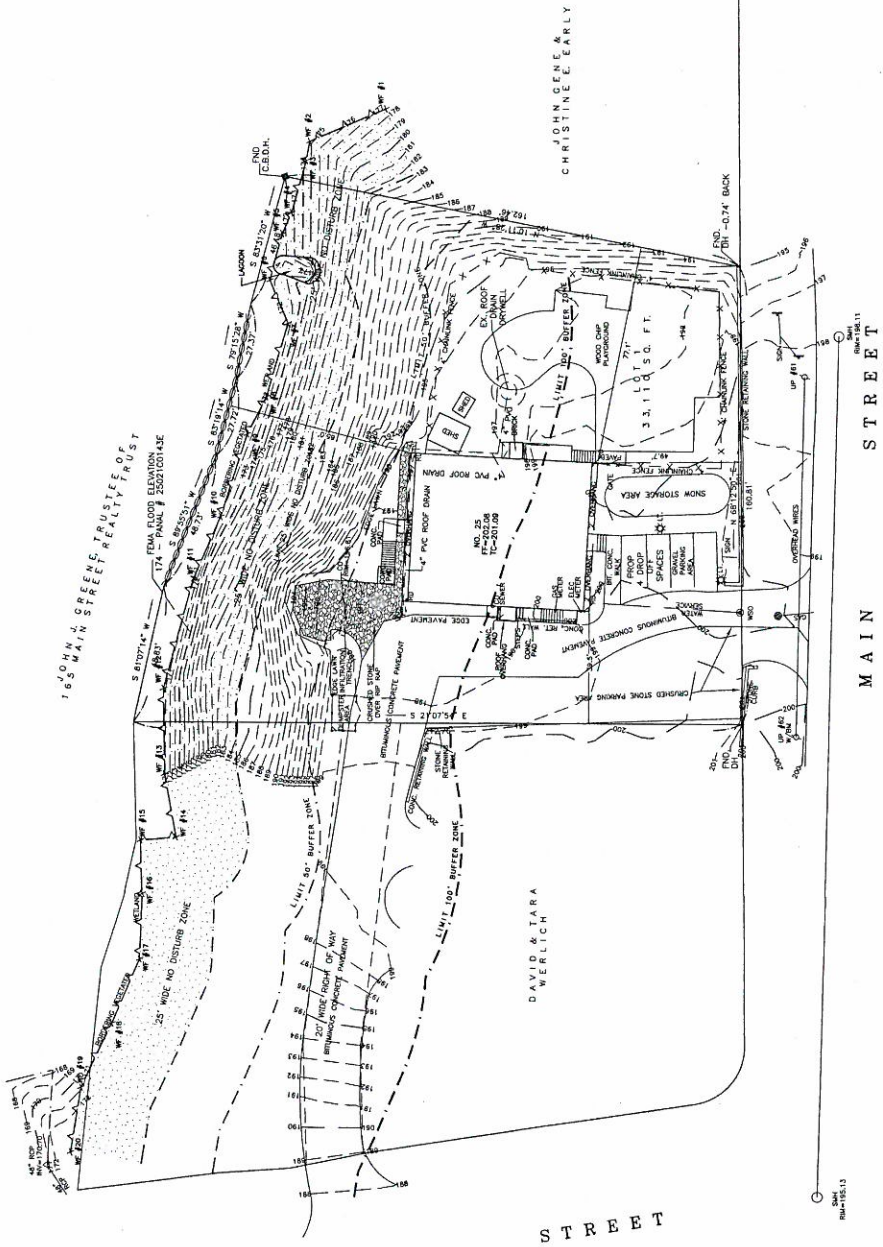
JOSEPH E. SULLIVAN
REG. PROF. LAND SURVEYOR
I CERTIFY THAT THE CONSTRUCTION SUBSTANTIALLY
CONFORMS WITH THE ORDER OF CONDITIONS AND
THE APPROVED PLAN.



JOSEPH E. SULLIVAN
REGISTERED PROFESSIONAL ENGINEER
STATE OF MASSACHUSETTS
No. 10150

NO.	DESCRIPTION	DATE

SCALE : 1" = 20'
DATE: JUNE 23, 2016
DRAWN BY : R.M.M.
CHECKED BY : J.E.S.
SHEET 1 OF 1
DRAWING NO. 37,060A



NOTE:
BY ORDERED BY CREATIVE LAND
MANAGEMENT ASSOCIATES, LLC
SOUTH BORO, MA ON APRIL 7, 2014.
BM - SET SPIKE IN UTILITY POLE #42
OPPOSITE LEFT FRONT LOT CORNER
ELEV. 251.27' - NAVD83

ZONING REQUIREMENTS		
	REQ.	PROPOSED
MIN. LOT AREA	22,500 S.F.	33,110 S.F.
MIN. FRONTAGE	150 FT.	160.81 FT.
MIN. FRONT SETBACK	35 FT.	49.7 FT.
MIN. SIDEYARD SETBACK	15 FT.	39.5 FT.
MIN. REARYARD SETBACK	15 FT.	65.0 FT.





TOWN OF MEDWAY
Planning and Economic Development Board

DRAFT – July 21, 2016

Certificate of SITE PLAN Completion

The Medway Planning and Economic Development Board has received a request dated May 26, 2016 from Stephen Hansen, applicant and contractor for the Learning Tree Center site plan project at 157 Main Street, for the Medway Planning and Economic Development Board to issue a *Certificate of Completion* for the following site plan development:

Project Name: Learning Tree Center

Project Location: 157 Main Street, Medway, MA

Assessor's Map/Parcel Numbers: Map 48/Parcel 98

Title of Site Plan: *Site Plan of Land in Medway, MA*

Drawn by: Joseph R. Sullivan, PLS - #18846/Commonwealth of Massachusetts
Richard M. Mainville, PE - #28323/Commonwealth of Massachusetts

Date of Plan: April 24, 2014, last revised May 30, 2014 with building rendering dated June 13, 2014 by D & B Construction

Date of Site Plan Decision: July 22, 2014

Date of Site Plan Endorsement: August 19, 2014

Applicant's Name: Steven P. Hansen

Applicant's Address: 24 Point Street, Natick, MA

Property Owner: 157 Main Street Realty, LLC
157 Main Street
Medway, MA

Project Status

- OK** Inspection/CO - Inspector of Buildings: *A temporary CO was issued on April 9, 2015. Final CO has not yet been issued. NOTE – The Building Department’s Annual Inspection Certificate is contingent upon the PEDB’s Certificate of Site Plan Completion.*
- OK** CONCOM Certificate of Compliance - *Issued July 14, 2016*
- OK** As-Built Plan - *Dated 6-22-2016 by Sullivan Survey, LLC of Natick MA. Plan includes a certification of completion of site plan work.*
- OK** Treasurer’s Certification of Taxes Paid: *Confirmed July 20, 2016.*

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Date

Planning & Economic Development Board Certification

The above noted site plan project has been fully and satisfactorily completed in accordance with the requirements of the Planning Board’s *Site Plan Rules and Regulations* applicable to this project, the application submitted for approval of this development, the Site Plan Decision and all conditions of approval, the endorsed Site Plan, all conditions subsequent to approval of the site plan due to any amendment, modification, or revision of the Site Plan or Decision, all of the provisions set forth in any performance guarantee and any amendments thereto and the following additional documents (if any) (hereinafter “approval instruments”).

All existing methods for securing the construction of approved site plan work are hereby released. Specify details of security. ***NOT APPLICABLE***

Planning and Economic Development Board Members

_____ Member	_____ Date
_____ Member	_____ Date
_____ Member	_____ Date
_____ Member	_____ Date
_____ Member	_____ Date



July 26, 2016

**Medway Planning & Economic Development Board
Meeting**

2 Marc Road Site Plan Endorsement

- Revised plan submittal letter from Dan Merrikin dated July 19, 2016
- Revised site plan dated July 18, 2016
- Review memo dated July 21, 2016 from Tetra Tech on revised site plan. All set.
- Draft easement deed
- Easement plan dated July 21, 2016

Taxes are paid in full on the property. The Conservation Commission issued its Order of Conditions on June 23, 2016. The Town Clerk issued a Certificate of No Appeal on June 20, 2016. All is in order for you to endorse.

I received the draft easement deed on July 21, 2016 and immediately forwarded it to Town Counsel for review. Town meeting has to vote to authorize the BOS to accept the easement, so that can be handled at the November 2016 town meeting.

Merrikin Engineering, LLP

Consulting Engineers

730 MAIN STREET
SUITE 2C

MILLIS, MA 02054

TELEPHONE (508) 376-8883

July 19, 2016

Medway Planning and
Economic Development Board
Town of Medway
155 Village Street
Medway, MA 02053

Ref: 2 Marc Road
Medical Marijuana Cultivation Facility

Dear Members of the Board:

Please find enclosed the following:

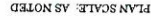
- ✓ A check in the amount of \$14,509.00 as a deposit on the funds required to pay for the peer reviewer's construction inspection activities; and
- ✓ A revised site plan incorporating the changes required in your decision as follows:
 - Cover Sheet: The waiver list has been updated the rendering and photometrics plan added to the legend and plan set;
 - The plans have been updated with a final revision date of July 18, 2016;
 - A bike rack detail has been added to sheet 7;
 - Layout Note 5 on sheet 3 was added requiring any chain link fence to be black, vinyl coated;
 - The light pole details on sheet 7 were revised to specify black color;
 - Note that a minor change was made by shifting the handicap spaces one space left so the access aisle aligns with the main entrance door.

Do not hesitate to contact me if you have any questions or comments.

Sincerely,

Daniel J. Merrikin P.E.

cc: File



WETLAND RESTORATION AREA NOTES:

2. RESERVE TOPSOIL EXCAVATED FROM SWALES TO USE IN TOPSOIL IN THE WETLAND RESTORATION AREA.
3. EXCAVATE RESTORATION AREA TO 2' HIGHER BELOW FINISHED GRADE.
4. INSTALL SALVAGED LOAM.
5. SEED BOTTOM OF RESTORATION AREA WITH WETLAND SEED MIX.
6. PLANT A TOTAL OF 30 SHRUBS (12"x18" INSTALLATION).
7. PLANT A VARIETY OF THE FOLLOWING SPECIES:
 1. SPICED ALDER
 2. VITICULM
 3. SWEET PEPPERBUSH
 4. SOUTHERN ARBOWOOD

5. INSTALL A 6" HIGH BERM BETWEEN THE RESTORATION

- EXISTING WOODY SPECIMENS IN THE SWALE SYSTEMS MAY BE TRANSPLANTED INTO THE RESTORATION AREA IF APPROVED BY THE CONSERVATION AGENT.
- ALL PLANT SPECIES SHALL BE APPROVED BY THE CONSERVATION AGENT PRIOR TO INSTALLATION. RESTORATION AREA CONSTRUCTION SHALL BE INSPECTED BY A WETLAND SCIENTIST.

- HIGH VEGETATED
RESTORATION
OF PARENT SHALE

EXISTING SWALE MAINTENANCE NOTES:

- SWALE MAINTENANCE SHALL OCCUR DURING DRY PERIODS (JULY AND AUGUST) WHEN THERE IS NO RAINFALL.
- TEMPORARY STRAPABLE CHEEKS SHALL BE INSTALLED IN THE SWALES TO BE SCHEDULED TO AVOID SIGNIFICANT RAINFALL EVENTS.
- ALL EXISTING SHOULDER VEGETATION SHALL BE REMOVED FROM THE EXISTING SHOULDER. THE SHOULDER AND AREA ALONG THE EXISTING SHOULDER SHALL BE REMOVED FROM THE BOTTOM OF THE EXISTING SHOULDER TO THE ORIGINAL LAND LAYER AND TO THE INVERT OF THE SWALE. THERE SHALL BE NO REMAINING VEGETATION IN ANY OF SOILS AND REMOVED FROM THE SITE. REPLACE WITH A 6" NEW GRASS SEED.
- ALL DISTURBED SWALE BOTTOMS AND SIDES SHALL BE SHAPED AND RE-LOAMED AS NEEDED.
- SWALE SHOULDER AND ONE FOOT OF SIDEWALKS SHALL BE SEEDED WITH A MIXED SEED.
- SWALE SHOULDER AND ONE FOOT OF ADJACENT SHOULDER AREAS SHALL BE SEEDED WITH A MIXTURE WHEN DRYER THAN MAX. PROBABILITY OF RAINFALL.
- INTERVALS. CHEEKS SHALL BE COMPRSED OF A ROW OF 2 4" DIA. ONE FOOT WIDE.
- SWALES SHALL BE MAINTAINED IN ACCORDANCE WITH THE OPERATIONS AND MAINTENANCE PLAN SHALL BE REGULARLY MONITORED AS

UTILITY NOTES:

2. DOMESTIC WATER SERVICE SHALL BE TYPE K COPPER IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEDWAY AUTHORITY SHALL VERIFY THE DOMESTIC, IRRIGATION AND FIRE WATER SERVICE PIPE SIZE REQUIREMENTS FOR THE PROPERTY.
3. DRAINAGE PIPING SHALL BE NOTED FOR FWD LOADING (AND H2S OR EQUAL)
4. THE FIRE PUMP, PRIOR TO CONSTRUCTION, WITH THE REQUIREMENTS OF THE MEDWAY SEWER AND WATER DEPARTMENT. CLEANOUTS SHALL BE POSITIONED IN THE FINAL LOCATION.
5. THE ELECTRIC COMPANY SHALL DETERMINE THE FINAL LOCATION AND DESIGN OF THE ELECTRIC SERVICE AND THE GAS COMPANY SHALL DETERMINE THE FINAL LOCATION AND DESIGN OF THE GAS SERVICE.
6. THE MEDWAY AUTHORITY SHALL ESTABLISH REPUTATION AND EXPERIENCE WILL BE LICENSED BY THE ROAD AS TRAIN LAYERS AUTHORIZED TO PERFORM THE

100

SITE ADDRESS:
2 MARC ROAD
MAP AND PARCEL
MAPS 24 & 33
PARCELS 24-015, 24-016, & 33-015
ZONING CLASSIFICATION:
INDUSTRIAL I
OVERLAY DISTRICTS:
GROUNDWATER PROTECTION DISTRICT
OWNER & APPLICANT:
ELLEN REALTY TRUST
730 MAIN STREET
MILLS, MA 02054
DATE APPROVAL ISSUED:
PLAN ENDORSEMENT DATE:



PLAN SCALE: 1" = 40'

PLAN DATE: MARCH 30, 2016

PLAN DATE: MARCH 30, 2016		REVISION	DATE	BY
		REVISIONS PER TOWN COMMENTS	2016-05-18	D.J.M.
		REVISIONS PER TOWN COMMENTS	2016-05-25	D.J.M.
		ADD FIRE HYDRANT & GENERATOR PAD	2016-06-07	D.J.M.
		FLANNING BOARD DECISION REVISIONS	2016-07-18	D.J.M.

354-D63

MEDWAY, MA

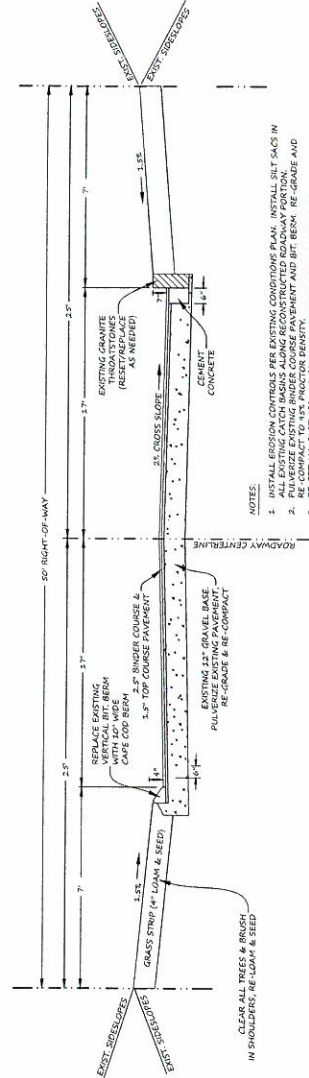
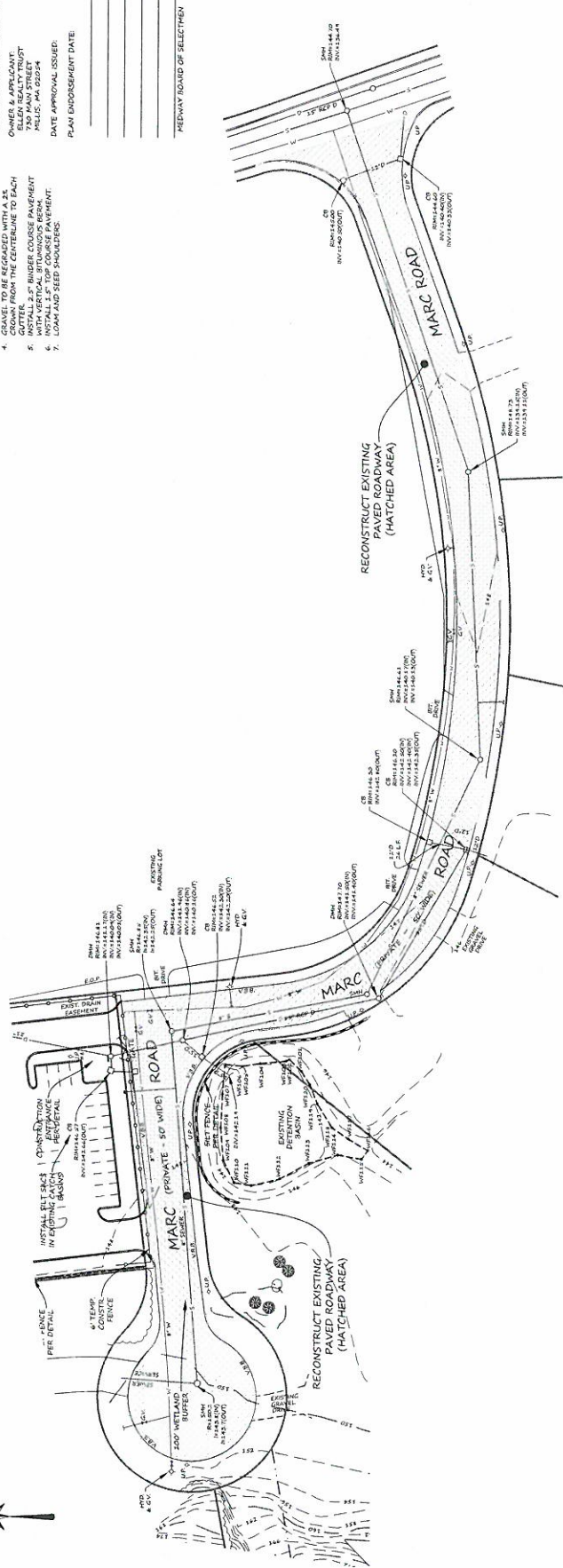
PLAN DATE: MARCH 30, 2016	
REVISION	DATE
TOWN COMMENTS	2016-05-18
TOWN COMMENTS	DJM
DESIGN & GENERATOR PAD	2016-05-25
DESIGN REVISIONS	DJM
	2016-06-07
	DJM
	2016-07-18
	DJM

PLAN SCALE: 1" = 50'

The plan view shows a horizontal bridge structure. A section of the bridge, 40 feet long, is highlighted in white. The total length of the bridge is 120 feet. The scale is 1 inch equals 50 feet.

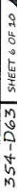
SITE ADDRESS:
2 MARC ROAD
MAP AND PARCEL:
MAP 24-016, & 33-003
PARCELS 24-016, 24-016, & 33-003
ZONING CLASSIFICATION:
INDUSTRIAL I
OVERLAY DISTRICTS:
GROUNDWATER PROTECTION DISTRICT
OWNER & APPLICANT:
ELLEN REALTY TRUST
730 MAIN STREET
MELLS, MA 02054
DATE APPROVAL ISSUED:
PLAN ENFORCEMENT DATE:

1. EXISTING BITUMINOUS BERM LOCATIONS TO BE OFFSET STAKED PRIOR TO RECONSTRUCTION.
2. ALL EXISTING CATCH BASINS TO BE PROTECTED WITH SILT SACS PRIOR TO RECONSTRUCTION.
3. EXISTING PAVED ROADWAY (HARC ROAD AND JAYAKI ROAD) TO BE PULVERIZED, INCLUDING THE BITUMINOUS BERM, PRIOR TO BE REGRADED WITH A 2% GRADE FROM THE CENTERLINE TO EACH GUTTER.
4. INSTALL 3-5" HINDER COURSE PAVEMENT WITH VERTICAL BITUMINOUS BERM.
5. INSTALL 1.5" TOP COURSE PAVEMENT.
6. LOAM AND SEED SHOULDERS.



NOTES:

TYPICAL ROADWAY RECONSTRUCTION CROSS SECTION



G-1

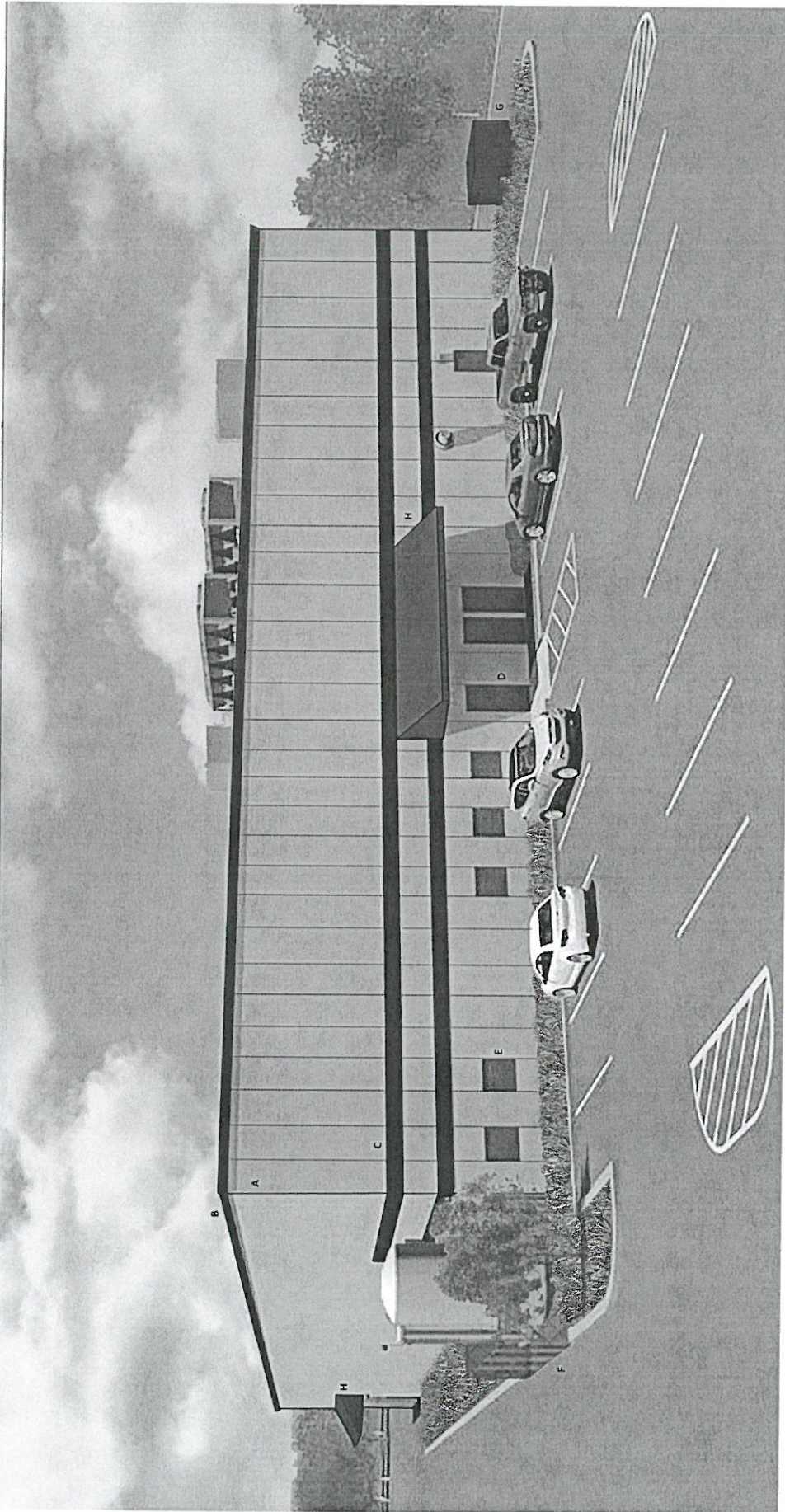
SHEET 4 OF 10

PROJECT NO.
SCALE

SHEET TITLE
SITE RENDERING

ROSENFELD
MEDWAY
CULTIVATION FACILITY
2 MARC ROAD, MEDWAY, MASSACHUSETTS

KEENAN + KENNY ARCHITECTS, LTD.
100 Main Street
Framingham, Massachusetts 01901
508-840-0070, info@keenan-kenny.com
www.keenan-kenny.com



MATERIALS LEGEND:

- A. INSULATED METAL PANEL (I.M.P.) EXTERIOR WALLS
- B. METAL ROOF TRIM BY I.M.P. MANUFACTURER
- C. PAINTED STRIPE ON I.M.P.
- D. HOLLOW METAL DOORS
- E. 3'-6" X 3'-6" WINDOWS, ALIGNED WITH I.M.P. SEAMS
- F. CO2 TANK & FENCE
- G. TRANSFORMER ON 8'-0" X 8'-0" CONCRETE PAD
- H. CANVAS AWNING

DATE:
JULY 18, 2016

REVISIONS

Statistics									
Description		Symbol	Avg	Max./Min	Avg/Max	Min	Max		
Building Lighting	+	0.3 fc	N/A	N/A	0.0:1	0.0 fc	18.0 fc		
Parking Lot Lighting	+	0.4 fc	N/A	N/A	0.0:1	0.0 fc	10.2 fc		

SHEET 10 OF 10

Luminaire Schedule									
Label	Symbol	QTY	Manufacturer	Number of Luminaires	Lumens per Luminaire	Wattage	Building Option	Finish	Catalog Number
A		23	LSI INDUSTRIES	1	4916-013	55.8	Building Option	WMC-LED-HO-WW-UE	PWM-LED-HO-WW-UE
D		2	Visionaire Lighting LLC	1	4539-175	36.4	31-1/2" Hx L X 15" In-W, 31-1/4" LUMINAIRE	WMC-LED-10_4CIES	WMC-1-T3-33C-3-4K-UWV
D2		1	Visionaire Lighting LLC	1	4539-175	72.8	31-1/2" Hx L X 15" In-W, 31-1/4" LUMINAIRE	WMC-LED-10_4CIES	WMC-1-T3-33C-3-4K-UWV
			Visionaire Lighting LLC	1	4539-175	36.4	31-1/2" Hx L X 15" In-W, 31-1/4" LUMINAIRE	WMC-LED-10_4CIES	WMC-1-T3-33C-3-4K-UWV
			Visionaire Lighting LLC	1	4539-175	36.4	31-1/2" Hx L X 15" In-W, 31-1/4" LUMINAIRE	WMC-LED-10_4CIES	WMC-1-T3-33C-3-4K-UWV

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Wednesday, July 20, 2016 1:10 PM
To: Susan Affleck-Childs
Subject: RE: 2 Marc Road Site Plan - Pre-Endorsement Work

Hi Susy,

The plan titled "2 Marc Road, Site Plan of Land in Medway, Massachusetts" dated March 30, 2016 and revised July 18, 2016 was reviewed against the decision titled "Special Permits and Site Plan Decision, Ellen Realty Trust/CommCan – 2 Marc Road" dated June 28, 2016. We have found that all necessary plan changes documented in the decision have been addressed by the applicant. Please let me know if you need anything else, thanks.

Steve

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Tuesday, July 19, 2016 1:39 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: FW: 2 Marc Road Site Plan - Pre-Endorsement Work

Hi Steve,

Attached is the site plan for 2 Marc Road that has been submitted for endorsement. See attached cover letter and revised plan.

I have also attached the Decision.

Please review the revised plan to determine if everything specified in the Decision has been incorporated.

The plan is for the PEDB to endorse this next Tuesday night.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

From: Daniel Merrikin [<mailto:dan@merrikinengineering.com>]

Sent: Tuesday, July 19, 2016 1:15 PM

To: Susan Affleck-Childs

Subject: Re: 2 Marc Road Site Plan - Pre-Endorsement Work

Here is the plan. I'll be over later with a hard copy and the check.

The easement plan will come in the next day or two.

Thanks

Dan

Dan

Yours Truly,

Daniel J. Merrikin, P.E.

Partner

Merrikin Engineering LLP

730 Main Street
Suite 2C
Millis, MA 02054

Office: 508-376-8883
Mobile: 508-868-8353

On Mon, Jul 18, 2016 at 12:20 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi,

Just wanted to touch base. I need to receive the revised plans soon so to give Tetra Tech to do a quick review. Also, I need the draft easement and plan to allow a future road extension.

Thanks.

Any response from Tom on your email from last week. I believe he is on vacation this week.

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

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From: Daniel Merrikin [mailto:dan@merrikinengineering.com]

Sent: Monday, July 11, 2016 9:30 AM

To: Susan Affleck-Childs

Subject: Re: 2 Marc Road Site Plan - Pre-Endorsement Work

Yes we are. I'll get you some information next week to look over.

Dan

Yours Truly,

Daniel J. Merrikin, P.E.

Partner

Merrikin Engineering LLP

730 Main Street

Suite 2C

Millis, MA 02054

Office: 508-376-8883

Mobile: 508-868-8353

On Mon, Jul 11, 2016 at 7:51 AM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

You are most welcome!

Are you still on track for the PEDB to endorse at its July 26th meeting!?!?

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

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From: Daniel Merrikin [mailto:dan@merrikinengineering.com]
Sent: Friday, July 08, 2016 2:58 PM
To: Susan Affleck-Childs
Subject: Re: 2 Marc Road Site Plan - Pre-Endorsement Work

Thanks

Dan

Yours Truly,

Daniel J. Merrikin, P.E.

Partner

Merrikin Engineering LLP

730 Main Street

Suite 2C

Millis, MA 02054

Office: 508-376-8883

Mobile: 508-868-8353

On Thu, Jul 7, 2016 at 1:54 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Dan,

Attached is a pre-endorsement checklist to guide you in preparations for plan endorsement.

Cheers.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

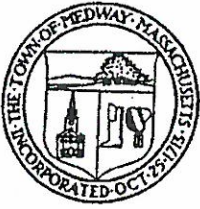
508-533-3291

sachilds@townofmedway.org

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MEDWAY TOWN CLERK

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
(508) 533-3204 • FAX: (508) 533-3287
mwhite@townofmedway.org

MARYJANE WHITE, CMMC

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

CERTIFICATE

I, TOWN CLERK OF THE TOWN OF MEDWAY, HEREBY CERTIFY THAT
NOTICE OF THE DECISION OF THE MEDWAY PLANNING BOARD HAS
BEEN RECEIVED IN THE MATTER OF:

ELLEN REALTY TRUST/CommCan – 2 MARC ROAD

IT WAS RECEIVED AND FILED IN THIS OFFICE ON THE FOLLOWING:
JUNE 29, 2016

..... AND NO APPEAL WAS
RECEIVED DURING THE NEXT TWENTY DAYS AFTER SUCH RECEIPT AND
RECORDING OF SAID DECISION.

DATED AT MEDWAY, MASSACHUSETTS..... JULY 20, 2016

A TRUE COPY
ATTEST.....

Maryjane White

TOWN CLERK

QUITCLAIM DEED

ELLEN ROSENFELD, Trustee of the **ELLEN REALTY TRUST**, u/d/t dated June 16, 1989, recorded with the Norfolk County Registry of Deeds in Book 8346, Page 623,

for consideration of less than One Hundred and 00/100 (\$100.00) Dollars

grant to THE TOWN OF MEDWAY, ACTING BY AND THROUGH ITS WATER AND SEWER COMMISSION, Town Hall, Village Street, Medway, Norfolk County, Massachusetts

with QUITCLAIM COVENANTS

A perpetual Right of Way over the land described in Exhibit A for such uses as roads and ways are commonly used in the Town of Medway, including without limitation, the right but not the obligation to construct, inspect, repair, remove, replace, operate and forever maintain said right-of-way, and to do all the acts incidental to the foregoing. Grantor reserves the right to use said right-of-way in any manner which does not interfere with Grantee's easement.

For title of Grantor, see Deed recorded with the Norfolk County Registry of Deeds at Book 8379, Page 83.

WITNESS our hands and seals this _____ day of July, 2016.

Ellen Rosenfeld, Trustee
Ellen Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

July _____, 2016

On this _____ day of July, 2016, before me, the undersigned notary public, personally appeared Ellen Rosenfeld, proved to me through satisfactory evidence of identification, which were Driver's Licenses, to be the persons whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

_____, Notary Public
My Commission Expires:

ACCEPTANCE OF RIGHT-OF-WAY

We, the Selectmen of the Town of Medway acting as roadway commissioners, pursuant to Massachusetts General Laws Chapter 83, Section 1, do hereby signify our approval of the acceptance of the right-of-way on behalf of the Town of Medway, Massachusetts, which right-of-way is more fully described in the foregoing Easement Deed.

Dated at Medway, Massachusetts this _____ day of _____, 2016.

Glenn Trindade, Chair

Maryjane White, Vice Chair

Richard D'Innocenzo, Clerk

Dennis Crowley, Member

John Foresto, Member

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this _____ day of _____, 2016, before me, the undersigned notary public, Glenn Trindade, Maryjane White, Richard D'Innocenzo, Dennis Crowley and John Foresto, personally appeared, proved to me through satisfactory evidence of identification, which were _____, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Members of the Board of Selectmen for the Town of Medway.

Notary Public

My Commission Expires: _____

EXHIBIT A
LEGAL DESCRIPTION

RIGHT-OF-WAY

Beginning at a point on the westerly sideline of Marc Road, said point being 174.46' along a curve with a radius of 75.00', from a point of curvature on the sideline of said Marc Road, said point coinciding with a northeasterly lot line of land of the Ellen Realty Trust, thence;

Running along the westerly sideline of Marc Road along a curve to the left with a radius of 75.00', for a distance of 56.81', to a point, thence;

Turning and running S 79°-31'-51" W, for a distance of 328.62', to a point on the westerly property line of said land of Ellen Realty Trust, thence;

Turning and running N 07°-59'-40" W, for a distance of 50.05' along the westerly property line of said land, to a point at the corner of said land, thence;

Turning and running N 79°-31'-51" E, for a distance of 302.47', along the northerly boundary of said land, to the point of beginning.

Meaning and intending to describe the area within the "Proposed 50' Right-of-Way" as shown on a plan entitled "2 Marc Road Right-of-Way Plan of Land in Medway, MA," prepared by Paul J. Desimone, dated July 20, 2016, to be recorded herewith.

PARCEL
 348 933 3.1
 3.45 ACRES

LOT 1
 NIF MEK LLC
 4 MARC ROAD
 (ASSESSORS PARCEL 1-4487)

LOT 2
 NIF EDWARD & DONNA BARNES
 (ASSESSORS PARCEL 30-051)

LOT 3
 NIF DOUGLAS & MARLEEN GIBSON
 (ASSESSORS PARCEL 31-051)

LOT 4
 NIF MORTGAGE ELECTRONIC
 4 MORTGAGE ELECTRONIC WAY
 (ASSESSORS PARCEL 31-051)

MARC ROAD
 (PRIVATE 50' WIDE)

COFFEE STREET
 (100' WIDE - PUBLIC COUNTY LAYOUT 1936)

PRIVATE (50' WIDE - PRIVATE - COUNTY LAYOUT 1936) WAY

PROPOSED 50' RIGHT-OF-WAY

EXIT DRAIN EASEMENT

PR

PROGRESS
PRINT

PAUL J. DESIMONE
PROFESSIONAL LAND SURVEYOR
403 MAHAN CIRCLE
MEDWAY, MA 02053
508-533-1644

SHEET 2 OF 2

2 MARC ROAD
RIGHT-OF-WAY
PLAN OF LAND
IN
MEDWAY, MA

For Registry Use

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

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS IN THE COMMONWEALTH OF MASSACHUSETTS.

REGISTERED LAND SURVEYOR

N/F JOHN D. LALLY
35 COFFEE STREET
ASSESSORS PARCEL 32-025)

N/F ELLEN REALTY TRUST
150 MAIN STREET, MILLIS, MA
JAMESON PARK, N. 100

N/F MORTGAGE ELECTRONIC
47 COFFEE STREET, MILLS, MA
(617) 888-8888

1/1 F DOUGLAS & MARLEEN GIBSON
45 COFFEE STREET, MILLIS, MA
(ASSESSORS PARCEL 32-031)

J/F EDWARD & DONNA BARNES
43 COFFEE STREET, MILLIS, MA



July 26, 2016
Medway Planning & Economic Development Board
Meeting

CONSTRUCTION REPORTS

- 7-13-16 email from Steve Bouley re: on-site meeting at Cumberland Farms re: landscaping

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Wednesday, July 13, 2016 1:30 PM
To: Susan Affleck-Childs
Cc: Andy Rodenhiser ; Jack Mee; Stephanie Mercandetti; Thomas Cacciola; Guthman, Frank
Subject: Cumberland Farms Landscaping Meeting

Hi Susy,

Frank and I met with the Landscaper (Chris Connors-Greenscape Inc.) and a rep from Cumberland Farms (Frank Carney). We had a great discussion and came to the following conclusions:

1. Everyone was in agreement that certain plants were missing in areas. However, the landscaper did say some of the planting beds are over crowded as designed and that certain plants will not survive once they grow to maturity if planted to the plan. I asked the landscaper to review the entire site and specify which areas he believes are too dense and/or require revision and to write a memo or have some written correspondence with Cumberland Farms regarding the issue.
2. I then asked for Cumberland Farms to contact their LA to determine if indeed the site conditions warrant revising the site plan to include a lesser amount of shrubs and small ground cover and that the correct plants are placed in areas where they will survive. They are aware that any changes to the plan must go through the Board for approval.
3. I asked for the larger items such as the trees that were missing to be installed per the plan.

I must say the site looks a lot better than it did just a month ago now that it is being watered. There are two larger evergreens along the Rt. 109 side of the site that are struggling due to the prolonged period of lack of water. The landscaper said he is going to monitor those trees but said they may have to be replaced at a later time if they don't take to watering and fertilizing. I suggest, barring a plan change, that we revisit the site in the early fall to check on how the watering and treatments have helped the landscaping through the summer.

Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, EIT | Project Engineer
Direct: 508.786.2382 | Main: 508.786.2200 | Fax: 508.786.2201
steven.bouley@tetrattech.com

Tetra Tech, Inc. | Water, Environment and Infrastructure
Marlborough Technology Park | 100 Nickerson Road, Suite 200 | Marlborough, MA 01752 www.tetrattech.com

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July 26, 2016

**Medway Planning & Economic Development Board
Meeting**

Exelon Expansion Site Plan

- Letter dated July 13, 2016 from Eric Las of Beals and Thomas re: traffic management plan
- Mullins Rule Certification from Andy Rodenhiser for the May 3, 2016 Exelon public hearing
- REVISED draft decision dated July 22, 2016. This is based on revisions made by Attorney Amy Kwesell and me after the July 12th hearing which was subsequently reviewed and edited by Town Counsel Barbara Saint Andre. The version provided incorporates most of those edits, but a few questions remain.

NOTE – I expect to receive a letter on Tuesday from James Barnes of Acentech, the Town's sound consultant, as follow-up from the last hearing. I will forward that to you upon receipt.

Susan Affleck-Childs

From: Eric Las <elas@bealsandthomas.com>
Sent: Wednesday, July 13, 2016 2:38 PM
To: Susan Affleck-Childs; AOgilvie@BETA-Inc.com
Cc: Sanford, Tammy D:(GenCo-Pwr); 'Amy E. Kwesell'; Mary Kate Schneeweis
Subject: Exelon - Utility Pole Protection
Attachments: 790 Response BETA Memo 01_042916.pdf

Susy—To bring closure to the question that arose last night regarding the protection of the utility pole at the intersection of West Street and Beech Street, please note that MDM Transportation Consultants, Inc. provided the following response in its April 29, 2016 response (attached) to BETA Group, Inc.'s peer review comment on this topic:

BETA Comment T8: "Work with the Town and affected utility companies to relocate the utility pole in the center of the intersection of West Street and Beech Street. This existing feature represents a potential safety hazard which should be addressed before applying 130 additional trips through the intersection."

Exelon Response: Given that the construction employee parking area is a temporary parking lot and there are no known safety issues based on a review of MassDOT crash data, the relocation of the existing utility pole in the center of the West Street and Beech Street intersection is not warranted. However, Exelon will work with the Town to identify temporary measures such as jersey barriers and pavement markings to protect the utility pole during the construction period and will document specific agreed measures in the Traffic Management Plan (TMP) in coordination with Medway officials prior to the start of construction which will outline a delivery schedule. This requirement is described fully in the Host Community Agreement that was negotiated with the Town and approved by unanimous vote of the Board of Selectman (See Section 13 of the HCA for additional details).

We understand that BETA Group, Inc. will review the Traffic Management Plan upon its completion as a condition of the Site Plan Approval. We acknowledge that the utility pole protection measures would be advanced through the TMP process and be reviewed by BETA. Accordingly, we request that the Site Plan Decision reflect this understanding. Thank you. -Eric

Eric J. Las, PE, LEED AP

Principal



BEALS + THOMAS

144 Turnpike Road, Southborough, MA 01772
508.366.0560 ext. 4865 f: 508.366.4391
elas@bealsandthomas.com | www.bealsandthomas.com



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

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

DRAFT – July 22, 2016

SITE PLAN DECISION
Exelon West Medway – 34 West Street & 9 Summer Street
with Waivers and Conditions

Decision Date:

Name/Address of Applicant: Exelon West Medway LLC
Exelon West Medway II, LLC
300 Exelon Way
Kennett Square, PA 19348

Name/Address of Property Owner: Exelon West Medway LLC
Exelon West Medway II, LLC
300 Exelon Way
Kennett Square, PA 19348

Engineer: Beals and Thomas, Inc.
114 Turnpike Road
Southborough, MA 01722

Site Plan: *West Medway II Facility*, February 9, 2016, last revised June 17, 2016, prepared by Beals and Thomas, Inc.

Location: 34 West Street and 9 Summer Street

Assessors' Reference: 66-012, 66-013, 56-001, 56-002, 56-003 and 56-004

Zoning District: Agricultural-Residential II and Industrial II

I. PROJECT DESCRIPTION

Exelon West Medway, LLC and Exelon West Medway II, LLC (the "Applicant" or "Exelon") has sought major site plan approval to construct a new fast-starting peak facility with associated infrastructure and site improvements at Exelon West Medway, LLC's existing power generation facility (the "Project") at 34 West Street and 9 Summer Street in Medway, MA, Parcels 66-012, 66-013, 56-001, 56-002, 56-003 and 56-004 (the "Property").

For purposes of this Decision, the term "Applicant" shall also mean any assignees of and successors to the Applicant.

The Project includes the construction of two 100-megawatt (MW) turbines (200 MW total) and associated appurtenances including two 160-foot tall stacks; advanced emissions control equipment, natural gas compressors; a trailer mounted demineralizer system; aboveground storage tanks for ultra-low sulfur diesel oil (ULSD) (1 million gallons), service water (500,000 gallons), demineralized water (450,000 gallons) and a fully diked aqueous ammonia storage tank (12,000 gallons) including unloading areas; transformers and electrical interconnection facilities; a 236' by 66' administration and warehouse building; and a perimeter access road (the "Facility"). The Facility will be constructed on approximately 13 acres of the 94-acre Property to the south of the existing three-turbine 135 MW power plant at 9 Summer Street and 34 West Street owned by the Applicant. The installation of a new, approximately 3,000 linear foot gas pipeline, a 14-foot by 15-foot building to contain gas flow control and metering equipment, and a 12-foot by 16-foot building to contain gas monitoring and analysis equipment will be located on the abutting land owned by Eversource. The Facility will run on natural gas using ULSD as a limited source of back-up fuel. The Project will interconnect with the abutting Eversource switchyard by an approximately 1200 linear foot overhead circuit line. The resultant energy will be distributed to the Southeast Massachusetts/Rhode Island ISO area. The Facility will include a 55-foot high sound wall around the power block, a 25-foot high sound wall around the gas compressors and potentially a 20-foot high sound wall along the property line between the Property and 5 Summer Street. Primary site access/egress is to be provided by the existing curb cut on Summer Street and access to the Facility will be controlled via a motorized security gate. Emergency access is being provided via an existing curb cut off of West Street. In addition, the Project plans include the construction/installation of stormwater management facilities, extensive landscaping, lighting and parking areas.

II. BACKGROUND

On March 13, 2015, pursuant to G.L. c. 164, § 69J¼, Exelon filed with the Massachusetts Energy Facilities Siting Board ("Siting Board" or "EFSB") a Petition to Construct and on March 19, 2015, pursuant to G.L. c. 40A, § 3, Exelon filed with the Department of Public Utilities ("Department" or "DPU") a petition for certain exemptions from the Zoning Bylaw of the Town of Medway ("Zoning Bylaw") ("Zoning Exemption Petition"). Specifically, Exelon requested exemptions from provisions of the Zoning Bylaw to allow for the construction of the Facility's exhaust stacks, which are needed to meet state and federal air quality standards, and two sound walls, which are needed to meet state and local noise requirements. A decision on both the Petition to Construct and Zoning Exemption is expected from the EFSB in the near future.

On April 30, 2015, Exelon filed an Environmental Notification Form ("ENF") with the office of the Massachusetts Environmental Policy Act ("MEPA"). Comments were submitted and on June 19, 2015, the Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form was filed. On September 30, 2015, a Draft Environmental Impact Report ("DEIR") was filed and comments were submitted. On November 13, 2015, a Certificate of the Secretary of Energy and Environmental Affairs on the Exelon's DEIR was filed. Finally, on February 1, 2016 a Final Environmental Impact Report ("FEIR") was filed and a certificate was issued on March 18, 2016 by the Secretary of Energy and Environmental Affairs finding that all feasible measures have been taken to avoid or minimize impacts to the environment by the Project.

On August 24, 2015, Exelon filed air permit applications consisting of a Prevention of Significant Deterioration Permit Application and Major Comprehensive Plan Approval Application which are currently under review by the Massachusetts Department of Environmental Protection ("MassDEP").

On April 25, 2016, Exelon filed a Notice of Intent ("NOI") with the Medway Conservation Commission in accordance with both the Massachusetts Wetland Protection Act (M.G.L. c. 131, §40) and the Town of Medway Wetlands Protection Bylaw. Activities subject to the Commission's jurisdiction are limited to alteration of bordering vegetated wetlands ("BVW") (conversion of forested wetland to shrub wetland) and Riverfront Area ("RFA") (2.7% of on-site RFA), trenching and backfilling 140 square feet of BVW to install a 10 linear section of gas pipeline, temporary alteration to isolated vegetated wetlands ("IVW") and buffer zones during construction and minor filling of BVW for the electrical interconnection. To mitigate for the minor loss of BVW, Exelon proposed an on-site replication area with greater than a 1:1 ratio of replication. On July 14, 2016, the Medway Conservation Commission voted to issue an Order of Conditions for the Project.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on _____, on a motion made by _____ and seconded by _____, **voted to** _____ with **WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of a dual-fuel, simple-cycle, quick-start peaking power plant capable of generating 200 megawatts along with associated site improvements, drainage, parking and landscaping on a 13 acre portion of the site located at 34 West Street and 9 Summer Street as shown on *West Medway II Facility*, February 9, 2016, last revised June 17, 2016 to be further revised as specified herein.

The vote was _____ by a vote of ____ in favor and ____ opposed.

NOTE – Member Thomas A. Gay recused himself from all hearings.

NOTE – Chairman Andy Rodenhiser was absent from the May 3, 2016 public hearing but provided a certification pursuant to General Laws chapter 39, §23D which was entered into the record during the July 26, 2016 public hearing.

Planning & Economic Development Board Member

Richard Di Iulio
Matthew Hayes

Vote

Andy Rodenhiser
Robert Tucker

IV. PROCEDURAL HISTORY

- A. April 7, 2015 – Applicant and development team met with Medway department heads and officials for an informal, pre-application discussion.
- B. February 9, 2016 – Site plan application and associated materials filed with the Medway Planning & Economic Development Board (“PEDB” or the “Board”) and the Medway Town Clerk
- C. February 17, 2016 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. February 24, 2016 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- E. February 24, 2016 – The Applicant, its engineers and attorney met with Medway’s Internal Development Review Team.
- F. February 26, 2016 - Public hearing notice mailed to abutters by certified sent mail
- G. March 7, 2016 – The Applicant and members of its development team met with the Design Review committee as referred by the Planning and Economic Development Board. Additional meetings were held with the Design Review Committee on April 4, 2016, May 25, 2016, June 6, 2016, and June 27, 2016.
- H. March 8 and March 14, 2016 - Public hearing notice advertised in *Milford Daily News*.
- I. April 26, 2016 - Public hearing was opened (no quorum present) and continued to May 3, May 10, May 24, June 14, June 28, July 12 and [REDACTED] when a decision was rendered and the hearing was closed.
- J. May 3, 2016 - Board votes to approve the Applicant’s request to extend the action deadline to July 9, 2016.
- K. June 28, 2016 – Board votes to approve Applicant’s request to extend the action deadline to July 29, 2016.

All members voting on this decision were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D. All matters of record were available for public review in the office of the Planning and Economic Development Board for all times relevant thereto.

V. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the proposed Exelon expansion project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed in February 2016.

1. Site Plan Application dated February 9, 2016 with Project Narrative and Development Impact Statement, property ownership documentation, and certified abutters' lists from the Town of Medway and the Town of Bellingham.
 2. *West Medway II Facility, 9 Summer Street (site plan)* dated February 9, 2016 prepared by Beals and Thomas of Southborough, MA
 3. *Stormwater Management Report for West Medway II, 9 Summer Street, Medway, MA* including an operations and maintenance plan, dated February 9, 2016 prepared by Beals and Thomas
 4. *Traffic Information Report* compiled by MDM Transportation Consultants, Inc. and Epsilon Associates
 5. *Requests for Waivers* from the *Medway Site Plan Rules and Regulations*, dated February 9, 2016 prepared by Beals and Thomas
 6. *Final Environmental Impact Report, West Medway II*, dated February 1, 2016, prepared by Epsilon Associates of Maynard, MA
 7. Permit Approvals Received to Date:
 - a) Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form, dated June 19, 2015
 - b) Order of Resource Area Delineation, Medway Conservation Commission, dated September 10, 2015
 - c) Certificate of the Secretary of Energy and Environmental Affairs on the Draft Environmental Impact Report, dated November 13, 2015.
- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant and its representatives:
1. Letter dated April 25, 2016 from Theresa M. Feuersanger, Eversource Energy, with authorization for Exelon to operate in the Eversource easement area on the subject property and her signature on the site plan application.
 2. *Stormwater Management Report for West Medway II, 9 Summer Street, Medway, MA* including an operations and maintenance plan, prepared by Beals and Thomas, dated February 9, 2016 and UPDATED April 20, 2016
 3. Letter dated April 21, 2015 from Eric Las of Beals and Thomas re: submittal of revised site plan.
 4. *West Medway II Facility, 9 Summer Street (site plan)* dated February 9, 2016 prepared by Beals and Thomas of Southborough, MA, REVISED April 21, 2016
 5. *West Medway II Facility, 9 Summer Street (site plan)* dated February 9, 2016 prepared by Beals and Thomas of Southborough, MA, REVISED June 17, 2016
 6. *Water Supply & Demand Assessment in Relation to Exelon Power "West Medway II" project for Town of Medway, MA*, dated October 5, 2015 prepared by Kleinfelder of Cambridge, MA
 7. Letter dated May 23, 2016 from Eric Las of Beals and Thomas in response to the May 18, 2016 memorandum from the Design Review Committee to the Planning and Economic Development Board
 8. Email dated June 6, 2016 from Eric Las of Beals and Thomas with photo renderings showing several color schemes for the Exelon buildings, noise wall and tanks.

9. Letter dated June 17, 2016 from Eric Las of Beals and Thomas in response to PGC Associates March 17, 2016 review letter and BETA Group's May 8, 2016 review letter
10. Email dated June 20, 2016 from Eric Las of Beals and Thomas providing documents from OHI Engineering, Inc. of Mansfield, MA pertaining to a Utility – Related Abatement Measure (URAM) on the Exelon property – Letter and URAM Plan dated June 17, 2016
11. Letter dated June 28, 2016 from Amy Kwesell of Rubin and Rudman in response to the DRC review memo dated June 28, 2016.
12. Supplemental Requests for Waivers of the *Medway Site Plan Rules and Regulations*, prepared by Beals and Thomas dated July 7, 2016
13. Letter dated July 12, 2016 from Eric Las of Beals and Thomas in response to PGC Associates July 1, 2016 review letter and BETA Group's July 7, 2016 review letter of the revised Exelon site plan.
14. Stormwater Management Report Addendum – Natural Gas Service Lateral Metering Facility, dated June 17, 2016
15. Restoration and Vegetation Management Plan – Gas Pipeline Interconnection Crossing for Notice of Intent, dated June 2016, prepared by Beals and Thomas
16. Riverfront Restoration and Vegetation Management Plan – Summer Street Access Drive for Notice of Intent, dated June 2016, prepared by Beals and Thomas
- 17.

MORE HERE . . . check all meeting packets

- C. Review Letters Provided by the Board's Consultants
 1. Gino Carlucci, PGC Associates - Site plan review letter dated March 17, 2016 re: February 9, 2016 site plan
 2. Gino Carlucci, PGC Associates – Site plan review letter dated July 1, 2016 re: REVISED site plan dated June 17, 2016
 3. Greg Lucas, BETA Group – Traffic study review letter dated April 20, 2016
 4. Andrew Ogilvie, BETA Group – Site plan review letter dated May 8, 2016 re: February 9, 2016 site plan
 5. Andrew Ogilvie, BETA Group – Site plan review letter dated July 7, 2016 re: REVISED site plan dated June 17, 2016
- D. Documentation Provided by Town staff and boards
 1. Host Community Agreement dated October 22, 2015 between the Town of Medway and Exelon West Medway II, LLC
 2. DRC Review Letter dated June 27, 2016
 3. Updated DRC Review Letter dated July 12, 2016
 4. Letter dated June 8, 2016 from Marielle Stone, Massachusetts Department of Environmental Protection re: on-site wells for Exelon
 5. Medway Conservation Commission Order of Conditions dated July 14, 2016.
 6. Letter from Fire Chief Jeff Lynch dated [REDACTED]
 7. Letter from Police Sergeant Jeff Watson dated [REDACTED]

- VI. TESTIMONY** - In addition to the site plan application materials as submitted and provided during the course of our review, the Planning and Economic Development Board heard and received verbal or written testimony from:

Professional/Consultants' Testimony during the Public Hearings:

Gino Carlucci, AICP, PGC Associates, Town of Medway Consulting Planner
Andrew Ogilvie, BETA Group, Town of Medway Engineering Consultant
Greg Lucas, Senior Traffic Engineer, BETA Group
James D. Barnes, Acentech, Town's noise consultant
Eric Las, PE, Beals and Thomas, engineer for the Applicant
Amy Kwesell, Rubin and Rudman, LLP, attorney for the Applicant
Tammy D. Sanford, Project Development Manager at Exelon Generation
Robert Tynan, Project Director at Exelon Generation
Robert O'Neal, Epsilon Associates, Inc., Applicant's noise consultant
Robert J. Michaud, MDM Transportation Consultants, Inc., Applicant's traffic engineer
Dr. Peter A. Valberg, Gradient, Applicant's consultant on electric and magnetic fields ("EMF")
James Borrebach, OHI Engineering, Inc., Applicant's Licensed Site Professional ("LSP")

Citizen and Abutter Testimony at Public Hearings:

Adam Houser, 14 Little Tree Road
Sue Rorke, 34 Ellis Street
Brian Adams, 2 Milford Street
William McDermotte, 39 Populatic Street
Douglas Sibley, 403 Village Street
Joseph Palladino, 8 Old Summer Street
Jay Srinivasan, 5 Fox Run Road
Charlie Myers, 9 Curtis Lane
Dave Blackwell, 2 Milford Street
Richard Blethen, 411 Village Street

Other Testimony at Public Hearings

Matt Buckley - Chairman, Town of Medway Design Review Committee
Jeff Lynch - Town of Medway Fire Chief
Thomas Holder - Director, Town of Medway Department of Public Services
Susan Affleck-Childs - Town of Medway Planning and Economic Development Coordinator
Jeff Watson - Safety Officer, Town of Medway Police Department
Michael Boynton - Town Administrator, Town of Medway
John Foresto, Chairman, Town of Medway Board of Selectmen

Written Communications from Abutters/Residents

Letter dated March 3, 2016 from Attorney Barry Queen on behalf of owner of 33 West ST
Email communication dated March 23, 2016 from resident Adam Houser

VII. FINDINGS – The Planning and Economic Development Board must determine whether the proposed project constitutes a suitable development based on conformance with the various site development standards and criteria set forth in the *Site Plan Rules and Regulations*.

The Planning and Economic Development Board, at its meeting on _____ 2016, on a motion made by _____ and seconded by _____, voted to _____ the following **FINDINGS** regarding the site plan application for the Exelon Expansion project at 34 Summer Street and 2 Marc Road. The motion was _____ by a vote of _____ in favor and _____ opposed.

Site Plan Rules and Regulations Findings – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

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

The internal circulation is adequate for employees and deliveries. There is no public access to the site. The Applicant has presented that in an unlikely and worst case scenario, the Facility will accept fuel deliveries 22 hours per day with no fuel deliveries during the roadway peak hours. Under this worst case operational scenario with both the existing and proposed facilities experiencing peak operating conditions, the Site would generate 8 truck trips per hour (4 entering and 4 exiting trips) and approximately 176 truck trips per day (approximately 88 entering and 88 exiting). This anticipates that six trucks per hour would be delivering fuel to both the existing station and the new Facility. The primary fuel truck staging area has been identified along the on-site roadway and the potential truck staging areas can accommodate 6 fuel oil delivery trucks in the primary staging area and up to an additional 13 trucks in the overflow staging area. Access to the site is via Route 126/Summer Street, a state highway. There will be no vehicles, including delivery trucks, backing up onto a public way. The on-site circulation, including fueling stations, have been reviewed by the Town's consulting engineer, the Police Safety Officer and the Fire Chief and no issues have been identified.

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

The Facility is an expansion of existing peak power generating facilities already on site. The size of the structures associated with the Facility are in scale with other industrial structures in the Industrial II zoning district. The design of the Facility went through several review sessions with the Design Review Committee and many of its recommendations were incorporated into the revised design of

the landscaping and screening proposed for the water tanks, administration building, 55-foot sound wall, 20-foot sound wall and stacks. The landscaping has been designed specifically to screen the Facility. Building, sound wall and tank colors were chosen to blend into the natural features of the area to the extent feasible. Therefore, the Board finds this criterion is met.

- (3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

This Project is an expansion of an existing power plant and is integrated with the existing facility by sharing an internal driveway off of Summer Street. The proposed location of the Facility on the property is, in large part, due to the site's existing wetland areas and utility easements. The photorealistic renderings demonstrate that the Project will be visible only from limited vantage points on public ways. The proposed landscaping has been designed to maintain a naturalistic appearance, with minimized tree clearing along property boundaries to screen the proposed Facility from the abutting properties to the maximum extent practicable. The Project plan also includes a landscaped berm and fencing is to provide a substantial buffer between the residentially zoned and used property to the southeast and south to reduce the visible impact of the Project. Parking areas are away from the street. The Board finds that the buildings, uses and site amenities are properly located to reduce visible intrusion. Therefore, the Board finds this criterion is met.

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

Access to the Facility and its equipment is provided by a 24-foot wide perimeter access road with sufficient width for fire and safety vehicle access. There is also a 12-foot wide gravel emergency access road connecting to West Street. The Fire Chief has reviewed and approved the plans. Therefore, the Board finds this criterion is met.

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

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

The project is an expansion of an existing developed site so environmental impacts are minimal. The volume of cuts and fills is minimized. Trees that will be

removed will be replaced according to the landscape plan and the landscaping has been designed with native vegetation to reduce the visual prominence of man-made elements and buildings on the site. The existing stone wall will be dismantled and the stones preserved to be re-used on-site. The drainage plan complies with Massachusetts Stormwater Guidelines and has been reviewed by the Town's Consulting Engineer and Department of Public Services. An erosion control plan will minimize soil pollution and erosion during construction. The Project is subject to noise requirements set by MassDEP. The Applicant has demonstrated that its noise modeling is accurate and conservative and that by implementing the maximum amount of mitigation measures possible, any noise impacts are minimized. The noise modeling has been reviewed by the Town's noise consultant. The Project meets the requirement of the MassDEP Noise Policy, DAQC 90-001 ("MassDEP Noise Policy") which limits a source to a 10 dBA increase over the ambient sound measured at the property line and at the nearest inhabited residence, as well as prohibiting a "pure tone" condition. Further, the Project meets the noise section of the Town of Medway Zoning Bylaw, Section 5(B)(2)(b). Therefore, the Board finds this criterion has been met.

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

The plan has been reviewed by Town Public Safety Officials as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Walkways are provided within the site. Parking is provided adjacent to walkways across the front and rear of the administration building. There is no public access to the site. Therefore, the Board finds this criterion is met.

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

As an existing industrial developed site, there are no visually prominent natural features on the site. There is an existing fieldstone wall on the site and the Applicant has agreed to preserve the stones for future reuse on site. Therefore, the Board finds this criterion is met.

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

The lighting plan complies with the Design Review Guidelines and consists of the minimum lighting necessary for safety and security. The lighting plan incorporates LED fixtures provided around all structures and access ways with no fixture over 20 feet in height. Additionally, all fixtures are Dark-Skies compliant and light spill will not exceed 0.01 foot-candles at neighboring residential property lines. There will be no off-site glare from the site and the lighting will comply with the lighting section of the Zoning Bylaw. Therefore, the Board finds this criterion is met.

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

The Project is subject to numerous state and federal environmental regulations and oversight. The limit of work is reasonable and as an expansion project, the site plan will not cause substantial damage to the environment. Reasonable measures are included to minimize any impacts. Therefore, the Board finds this criterion is met.

Other Findings - The Applicant has entered into a Host Community Agreement (HCA) with the Town. The HCA provides for the following:

1. Pursuant to the HCA, paragraph 6(A)(1), the Applicant has agreed to pay to the Town each year of the Term of the HCA the sum of fifteen thousand dollars (\$15,000) for the purpose of providing fire, emergency management services, police and first responder training on responses to the Facility and adjoining parcels.
2. Pursuant to the HCA, paragraph 6(A)(2) and (3), as mitigation for the storage of fuel oil at the Property, the Applicant shall provide the Town the sum of six hundred and fifty thousand dollars (\$650,000) for the purchase, acquisition, and equipping of a foam and structural firefighting appliance vehicle as well as the training of personnel thereon. Additionally, the Applicant has paid the Town with funds up to \$100,000 to purchase a dry-chemical firefighting vehicle.
3. Pursuant to the HCA, paragraph 6(A)(4), the Applicant has paid the Town with fifty thousand dollars (\$50,000) to assist with emergency management and preparedness.
4. Pursuant to the HCA, paragraph 6(D), the Applicant has agreed to a Property Value Security Fund which will provide security in the event that a party that is the owner of a residential property located within three hundred (300) feet of the boundaries of the Site prior to the date that the EFSB approves construction of the Project (an "Abutter") experiences a material reduction in the value of their home directly attributable to the Facility and can reasonably demonstrate such reduction pursuant to the provisions of the HCA, Exelon shall compensate such Abutter in the amount of the diminution in property value, up to a maximum of twenty-five thousand dollars (\$25,000) per property.
5. Pursuant to the HCA, paragraph 6(F), the Applicant has agreed to set up an Energy Conservation Awareness Fund whereby the Applicant shall contribute a sum of twenty thousand dollars (\$20,000) to the Town for each year of the Term of the HCA. Such funds may be utilized by the Medway Public Schools, the Medway Energy Committee, and the Town, for purposes related to energy conservation awareness, including, but not limited to, public awareness and education, energy efficiency expenses and programs, energy grants and support

Commented [SA1]: This section has been moved out of the Conditions section of the site plan decision per Town Counsel recommendation.

for Medway's activities as a "Green Community" approved by the Massachusetts Department of Energy Resources.

VIII. WAIVERS – At its July 12, 2016 meeting, the Planning and Economic Development Board, voted to approve waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. **Section 204-4. B. Standards for Site Plan Preparation** – The site plan shall be drawn at a scale of 1" = 40' or such other scale that has been approved in advance by the Planning Board and that clearly and adequately represents the proposed improvements

EXPLANATION - The Applicant has requested a waiver from this requirement and instead has provided the site plan at a scale of 1" = 60'. The proposed facility is located on 13 acres of the 94 acre site. A scale of 1" = 60' will allow the entire development site to fit onto one plan sheet. This will facilitate review by the Board and its consultants and result in a more efficient and straight-forward review process. This scale will also make it easier for citizens and residents to review the site plan posted online.

BOARD ACTION – On a motion made by Robert Tucker and seconded by Matthew Hayes, the Board voted 4 in favor and 0 opposed to approve the waiver.

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

EXPLANATION - The Applicant has requested a waiver from this requirement as a complete inventory of the site's existing landscape is not warranted. The Applicant has identified 21 evergreen and 87 deciduous trees with a 10 inch or greater diameter at breast height (DBH) that would be removed as a result of the Project. Given the 13 acre size of the proposed Project, the extent of proposed tree clearing is extremely limited. Accordingly, a full Existing Landscape Inventory will provide limited additional information to the Board.

The Applicant proposes a robust landscaping plan and has worked with the Design Review Committee to increase the number of proposed trees and shrubs in the landscaping plan from 265 to a total of 285, and increase the height of many plantings.

Further, the Town's peer review consultant, BETA Group Inc., indicated in a letter dated June 7, 2016 that they would take no exception to a waiver from this requirement

BOARD ACTION – On a motion made by Richard Di Iulio and seconded by Matthew Hayes, the Board voted 4 in favor and 0 opposed to approve the waiver.

DEVELOPMENT STANDARDS

3. **Section 205-6(H) Curbing** – The perimeter of parking areas shall be bounded with vertical granite curb or similar edge treatment.

EXPLANATION – The Applicant has requested a waiver from this requirement and instead proposes to use bituminous concrete for the curbing. Bituminous concrete is appropriate for the proposed parking lot, as the Project is located on a private site within an industrial zone that will have gated access and is not open to the public. Furthermore, the proposed parking area will not be visible from a public way.

BOARD ACTION – On a motion made by Richard Di Iulio and seconded by Matthew Hayes, the Board voted 4 in favor and 0 opposed to approve the waiver.

4. **Section 205-9 F. Tree Replacement** – The total diameter of all trees over 10 inches in diameter removed from the site shall be replaced (on or off-site) on a 1:1 basis with trees that equal the total breast height diameter of the removed trees.

EXPLANATION - The Applicant has requested a waiver from this requirement and instead has provided a more limited but nonetheless robust landscape plan that will provide substantial screening of the proposed facility. The proposed landscaping plan includes the planting of 148 new trees and 137 shrubs. The proposed landscaping consists of native vegetation and has been designed to maintain a naturalistic appearance, with minimized tree clearing along property boundaries to screen the proposed Facility to the maximum extent practicable. To screen the proposed Facility as viewed from West Street, the proposed landscaping plan includes fourteen white pine trees in the 6-foot to 7-foot height range and thirteen larger white pine trees in the 10-foot to 12-foot range. Additionally, the area will be planted with other evergreen trees including spruce and cedar trees in the 6-foot to 7-foot height range, along with deciduous and flowering trees to provide a variety of species in an effort to create a more natural landscape. A total of approximately fifty additional trees are proposed in the area that will be used for temporary construction parking along West Street (and are subject to agreement by Eversource, which possesses an easement over this area). While this area is within the Eversource easement area, Exelon has agreed to consult with Eversource regarding this additional vegetative screening. As explained at the public hearing, further screening along West Street is limited due to the presence of overhead wires and associated wire zones related to the existing switchyard.

BOARD ACTION – On a motion made by Robert Tucker and seconded by Matthew Hayes, the Board voted 4 in favor and 0 opposed to approve the waiver.

ZONING BYLAW

5. **Section 7.1.1 I. 1. Bicycle Spaces** – The minimum required number of bicycle

spaces shall be one per twenty motor vehicle spaces unless waived during the Site Plan Review.

EXPLANATION – The Applicant has requested a waiver from this provision. Due to safety and security concerns, the Applicant does not allow bicycles on the Property.

BOARD ACTION – At its July 12, 2016 meeting, on a motion made by Matthew Hayes and seconded by Robert Tucker, the Board voted 4 in favor and 0 opposed to grant the waiver.

IX. SPECIFIC CONDITIONS – The *Specific Conditions* included in this Decision shall assure that the Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

A. **Plan Endorsement** – Unless this *Decision* is appealed, within sixty days after the Board has filed its *Decision* with the Town Clerk, the site plan set for West Medway Exelon II facility at 34 West Street and 9 Summer Street, dated February 9, 2016, last revised June 17, 2016, prepared by Beals and Thomas shall be further revised to reflect all Conditions and required revisions, including those as follows, and shall be submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide a mylar set of the revised Plan in its final form to the Board for its signature/endorsement. All Plan sheets shall be bound together in a complete set.

Commented [SA2]: Final plan does not need to be a mylar unless it is to be recorded.

B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the June 17, 2016 site plan set shall be revised as follows:

1. The cover sheet shall prominently display a final plan revision date.
2. All approved waivers shall be listed on the cover sheet of the plan presented for endorsement.

C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the June 17, 2016 Site Plan set.

1. Revise the site plan notes to indicate that any barbed wire on top of the black chain link fencing shall also be black.
2. The existing stone wall will be dismantled and the stones preserved to be re-used on-site. A new stone wall is to be shown on the Site Plan within the Eversource easement area south of the proposed interconnection area and southwest of the termination of the proposed berm and labeled "proposed stone wall, subject to approval and permission from Eversource." Additionally a stone wall is to be shown on the Site Plan in the vicinity of the Summer Street entrance outside of any wetland buffer zone and labeled "alternative or additional location for proposed stone wall."

D. ~~If any state or federal permit is in conflict with this Decision or requires changes to the approved plan herein, the Applicant is required to notify the Board to~~

Commented [SA3]: Moved this to Section X. B. 2

~~determine if a modification is needed to the endorsed Site Plan and/or the Decision.~~

- E. ~~If there is any conflict or discrepancy between this Decision and the Host Community Agreement dated October 13, 2015 (the "HCA") between the Town and the Applicant, the Applicant is required to notify the Board to determine if a modification is needed to the endorsed Site Plan and/or the Decision.~~

Commented [SA4]: Moved this to Section X. B. 3

- F. **Off-Site Mitigation** – The Applicant has entered into a Host Community Agreement with the Town agreed to the following:

Commented [SA5]: Town Counsel recommended NOT including the HCA within the section on Site Plan Conditions

1. Pursuant to the HCA, paragraph 6(A)(1), the Applicant has agreed to pay to the Town each year of the Term of the HCA the sum of fifteen thousand dollars (\$15,000) for the purpose of providing fire, emergency management services, police and first responder training on responses to the Facility and adjoining parcels.
2. Pursuant to the HCA, paragraph 6(A)(2) and (3), as mitigation for the storage of fuel oil at the Property, the Applicant shall provide the Town the sum of six hundred and fifty thousand dollars (\$650,000) for the purchase, acquisition, and equipping of a foam and structural firefighting appliance vehicle as well as the training of personnel thereon. Additionally, the Applicant has paid the Town with funds up to \$100,000 to purchase a dry chemical firefighting vehicle.
3. Pursuant to the HCA, paragraph 6(A)(4), the Applicant has paid the Town with fifty thousand dollars (\$50,000) to assist with emergency management and preparedness.
4. Pursuant to the HCA, paragraph 6(D), the Applicant has agreed to a Property Value Security Fund which will provide security in the event that a party that is the owner of a residential property located within three hundred (300) feet of the boundaries of the Site prior to the date that the EFSB approves construction of the Project (an "Abutter") experiences a material reduction in the value of their home directly attributable to the Facility and can reasonably demonstrate such reduction pursuant to the provisions of the HCA, Exelon shall compensate such Abutter in the amount of the diminution in property value, up to a maximum of twenty-five thousand dollars (\$25,000) per property.
5. Pursuant to the HCA, paragraph 6(F), the Applicant has agreed to set up an Energy Conservation Awareness Fund whereby the Applicant shall contribute a sum of twenty thousand dollars (\$20,000) to the Town for each year of the Term of the HCA. Such funds may be utilized by the Medway Public Schools, the Medway Energy Committee, and the Town, for purposes related to energy conservation awareness, including, but not limited to, public awareness and education, energy efficiency expenses and programs, energy grants and support for Medway's activities as a

~~“Green Community” approved by the Massachusetts Department of Energy Resources.~~

- D. **Fees** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town’s engineering, planning or other consultants; and
 2. any construction inspection fee that may be required by the Planning and Economic Development Board; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Applicant’s failure to pay these fees in their entirety shall be reason for the Planning and Economic Development Board to withhold plan endorsement.

- E. **Document/Plan Recording** - Within thirty days of recording the Decision and the associated Plan, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred. Need to discuss this with the Board. Site plans are usually not recorded. Do you want to have the decision and site plan recorded due the nature and scope of the project? If not, this section is not needed.

Commented [A6]: Town Counsel does not think it is necessary to record the site plan.

- F. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. **Construction Time** – In compliance with the HCA, paragraph 12, the Applicant’s activities related to construction of the Facility that generate significant noise levels shall be limited to the hours between 8:00 a.m. and 4:00 p.m. Monday through Friday and Saturday between 9:00 am and 3:00 pm, except as may otherwise be approved by the Town and with the exception of work that necessarily has a longer required continuous duration than normal construction hours allow, such as a concrete pour. Construction work at the site includes truck/vehicular and machine start-up and movement. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings.
 2. The Applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
 3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not

create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.

4. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
5. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
6. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2, b).

G. **Construction Traffic Management**

1. Pursuant to the Host Community Agreement, the Applicant shall develop a Traffic Management Plan with Medway Town officials including but not limited to the Medway Fire Chief, Medway Police Safety Officer, Medway Town Administrator and Town of Medway Consulting Engineer. The Traffic Management Plan shall include provisions for the on-site parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways. The Traffic Management Plan shall also provide for the Applicant to take temporary measures to address the potential safety hazard from the utility pole in the center of the intersection of West and Beech Streets. Such measures may include jersey barriers and/or pavement markings to protect the utility pole during the construction period. The Board and the Town's Consulting Engineer shall review the Traffic Management Plan and all utility pole protection measures.
2. All construction and operations-related heavy truck traffic shall only access the Facility via Hartford Avenue in Bellingham to Summer Street in Medway, unless otherwise identified in the Traffic Management Plan which shall be subject to the approval of the Town's Chief of Police.
3. Medway police details will be utilized as may be required or directed by the Town during construction and operation of the Facility to ensure the safety of the surrounding area at Summer Street.
4. During construction, any deviations from this Traffic Management Plan must be submitted for approval to the Medway Chief of Police for his approval, not to be unreasonably withheld.

H. **Fuel Deliveries**

1. The Applicant shall not schedule fuel deliveries during morning (7:00 am to 8:00 am) and evening (5:00 am to 6:00 pm) rush hours.
2. Fuel trucks shall access the Facility only via Hartford Avenue in Bellingham to Summer Street in Medway.

I. **Site Lighting**

1. Lighting shall not exceed the maximum allowed as specified in SECTION V. USE REGULATIONS of the Medway Zoning Bylaw, Sub-Section B. Area Standards, Paragraph 7 Exterior Lighting.
2. The standing light poles will be painted black and the wall mounted lights on the 55-foot sound wall will be painted white consistent with the approved lighting plan, Sheets C7.1 and C7.2.
3. The Applicant shall notify the Board upon completion of the site lighting installation. After said notification, the Board shall have one year to review illumination. During this review period, the Board reserves the right to require adjustment of the number and/or intensity of the exterior light fixtures if it determines that spill-over onto adjacent properties is occurring.

- J. **Fencing** – The fencing will be black vinyl (or other coating) chain link (including the barbed wire on the top of the fencing) at the project entrance and along abutting residences and standard galvanized diamond mesh elsewhere, as shown on the approved plan, Sheet C3.1.

K. **Exterior colors**

1. The 20-foot L-shaped sound wall located on the Property line of 5 Summer Street, the 55-foot sound wall surrounding the power block and the 25-foot sound wall surrounding the gas compressors will be painted Luna (TCI, 9416-9503M).
2. The water tanks will be painted Federal Standard 10219 (R=146, G=121, B=103).
3. The administration building walls will be painted Federal Standard 10059 (R=94, G=80, B=76) and the roof of the administration building will be off-white in color to provide a high albedo surface that will reduce summertime energy needs for building cooling systems.
4. The two stacks will be painted ASA-70 Grey.

L. **Landscape Maintenance**

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after one year after the occupancy permit is issued, the Town's Consulting Engineer or the Inspector of Buildings shall conduct

an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Inspector of Buildings may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

M. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Zoning Bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 96 hours after the conclusion of the storm event.

N. ***Construction Oversight***

1. Construction Account
 - a) Inspection of stormwater infrastructure, roadway and utility construction, installation of site amenities including landscaping by the Town's engineering consultant and the review of legal documents pertaining by performance security by Town Counsel is required. Prior to plan endorsement, the Applicant shall establish a construction account with the Planning and Economic Development Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
 - b) Prior to plan endorsement, the Applicant shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
 - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.

2. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site for compliance with the endorsed site plan and the provisions of this Decision only after notice and clearance by Facility personnel and after complying with all Facility safety protocols.
3. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
4. The Applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the site work shown on the approved plan. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

X. **GENERAL CONDITIONS OF APPROVAL** - The *General Conditions* included in this Decision shall assure that the Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

- A. **Other Permits** – This permit does not relieve the Applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The Applicant or its contractor or assigns shall obtain, pay and comply with all other required Town permits.
- B. **Plan Modification**
 1. This Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies, commissions or departments shall be submitted to the Planning and Economic Development Board for review as site plan modifications.
 2. If any state or federal permit is in conflict with this Decision or requires changes to the approved plan herein, the Applicant is required to notify the Board to determine if a modification is needed to the endorsed Site Plan and/or the Decision.
 3. If there is any conflict or discrepancy between this Decision and the Host Community Agreement dated October 13, 2015 (the "HCA") between the Town and the Applicant, the Applicant is required to notify the Board to determine if a modification is needed to the endorsed Site Plan and/or the Decision.
 4. Any work that deviates from an approved site plan shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a

plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Planning and Economic Development Board.

5. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including 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 Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

C. Plan Compliance

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and any modifications thereto.
2. The Planning and Economic Development Board or its agent(s) may use all legal options available to it, including referring any violation to the Inspector of Buildings/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. This Decision, including the Conditions of Approval, is enforceable under Section 3.1. F. of the *Medway Zoning Bylaw* and violations or non-compliance are subject to the appropriate fine or other penalty.

D. Performance Security

1. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings/Zoning Enforcement Officer that the Project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining site work.
2. If performance security is required pursuant to X. D. 1 herein, the Applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Treasurer/ Collector and Town Counsel. The Board may require that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
 - a) the date by which the developer shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
 - c) procedures for collection upon default.

3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site work including installation of stormwater management facilities and utilities, landscaping, fencing and all site amenities as specified in the Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so. This provision does not apply to the power generation equipment including but not limited to two simple-cycle GE LMS100 combustion turbine generators (“CTGs”), pollution control equipment including Selective Catalytic Reduction (“SCR”) and CO oxidation catalyst in modules downstream of each CTG, two 160-foot tall stacks, the natural gas compressors, aboveground storage tanks for ULSD, water, demineralized water and aqueous ammonia, transformers and generators.
4. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the site work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town’s Consulting Engineer of the cost to complete the work plus a twenty-five percent (25%) contingency.
5. Final release of performance security is contingent on project completion.

E. **Project Completion**

1. Site plan approval shall lapse after one year of the grant thereof if construction has not commenced except for good cause. Approved site plans shall be completed by the Applicant within two years of the date of plan endorsement. The pendency of a required permit for the Project or an appeal of any of the required permits or approvals for the Project will toll the aforementioned time periods. Upon receipt of a written request by the Applicant filed at least thirty days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to issuance of a final occupancy permit, the Applicant shall secure a **Certificate of Site Plan Completion** from the Planning and Economic Development Board and provide the **Certificate** to the Inspector of Buildings. The **Certificate** serves as the Planning and Economic

Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate** of Site Plan Completion, the Applicant shall:

- a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
- b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.
- c) Be current with the Town of Medway for any taxes/fees associated with these parcels or other property owned by the Applicant in the Town of Medway.

F. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

G. **Conflicts** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the Medway Zoning Bylaw, the Bylaw shall apply unless waivers were granted by the Board.

XI. APPEAL – Appeals if any, from this Decision shall be made to the court within twenty days of the date the Decision is filed with the Town Clerk as provided in General Laws chapter 40A, §17. After the appeal period has expired, the Applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.

###

Medway Planning and Economic Development Board
SITE PLAN DECISION
Exelon West Medway II – 34 West Street and 9 Summer Street

Approved by the Medway Planning & Economic Development Board: _____

AYE:

NAY:

ATTEST:

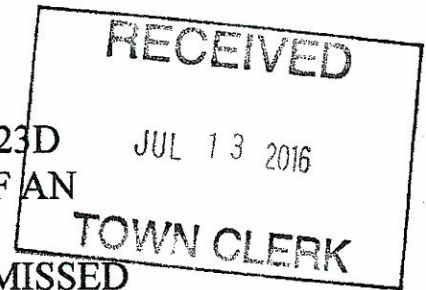
Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

COPIES TO: Michael Boynton, Town Administrator
Michelle Grenier, Interim Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Tom Holder, Department of Public Services
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Safety Officer
Tammy Sanford, Exelon
Amy Kwezell, Rubin and Rudman
Eric Las, Beals and Thomas
Andrew Ogilvie, BETA Group
Gino Carlucci, PGC Associates

Town of Medway, Massachusetts

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDICATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION



Note: This form can only be used for missing one single public hearing session.
This cannot be used for missing more than one hearing session.

I, Andy Rodenhiser (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of Planning & Economic Dev.
2. I missed a public hearing session on the matter of
Exelon
which was held on May 3, 2016

3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) is/are applicable):

- a. ☐ audio recording of the missed hearing session; or
- b. ☒ video recording of the missed hearing session; or
- c. ☐ a written transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 12 day of July, 2016.

[Signature]
Signature of Board Member

Received as part of the record of the above matter:

Date: 7-12-2016

By: Susan E. Goffbeck-Childs

Position: Planning & Economic Development Coordinator



July 26, 2016
Medway Planning & Economic Development Board
Meeting

Pine Ridge/Candlewood

The Board last spoke with Paul Yorkis via speaker phone during its meeting on June 28th. Andy will report on a conversation he had with Paul Yorkis on July 13th. Attached are a variety of documents for you to review.

- Notes on history of Pine Ridge, Candlewood and Island Drive dated 7-22-16 prepared by SAC
- Email dated 7-8-16 with attachments from DPS Director Tom Holder re: needed work for Candlewood Drive and Island Road. This was Tom's follow-up from a site visit on 6-30-16. I forwarded this to Paul Yorkis on 7-11-16.
- Series of emails between Susy Affleck-Childs and Paul Yorkis dated 7-14-16
- Andy Rodenhiser letter dated 7-18-16 to Paul Yorkis
- Paul Yorkis response letter dated 7-18-16 to Andy Rodenhiser

The Board needs to discuss next steps. One of the key questions is whether you are willing to release the Pine Ridge bond before the Candlewood work is completed. It may be appropriate to go into Executive Session for that discussion if you wish to discuss litigation.

Pine Ridge Condo Development

Developer – John Claffey

20 unit townhouse condo development located off Candlewood Drive which is off of Farm Street

14.43 acres of open space to be conveyed to the Medway Conservation Commission

OSRD Special permit – Issued 12/20/2005

OSRD Certificate of action – Issued 6/22/2006

OSRD Definitive plan – Endorsed 9/26/2006

Initial subdivision bond (3/1/2007) was for \$70,953. That amount did not include the landscaping along Pine Ridge Drive nor the required Candlewood Drive work nor the standard 20% contingency. It did include \$9,500 for the emergency access between Candlewood and Island Drive.

Bond reduction on 8/9/2011 to the minimum required \$40,000. The bond estimate did not specifically call out any amount for completion of the emergency access between Candlewood and Island Drive even though that work had not been completed.

Pine Ridge Project Status – 4/22/16 Tetra Tech Punch list

1. Proposed line striping and stop line has not been painted.
2. As-Built plan of the development to be submitted for review.
3. It is recommended the applicant clean the drainage system. Cleaning includes removing sediment and debris from catch basin structures, pipe and detention facilities.
4. Erosion control should be removed upon receiving Certificate of Compliance from Medway Conservation Commission.
5. The proposed 4'-wide walking path in the open space area requires re-clearing as navigating the path is difficult. The path is inconsistent and markers are not present to direct pedestrians through the area.

Also, developer John Claffey needs to convey to the Town (through the Conservation Commission) the Pine Ridge open space parcel and any associated easements to allow for public access to the open space parcel and use of several parking spaces.

Candlewood Drive Subdivision

Original Applicant – Ellen Rosenfeld

16 lot conventional subdivision located off of the west side of Farm Street, Candlewood Drive, and Parcel A (1.37 acre drainage parcel and connector land to Island Drive)

Subdivision Certificate of Action – Issued 3/22/1993

Subdivision Plan – Endorsed 9/14/11993. Recorded on 1/5/1994 in Plan Book 419, Plan 9A and 9B.

Ellen Rosenfeld sold the permitted subdivision to Vincent Manzelli/Marvin Development on 1/5/1994. Mr. Manzelli constructed the roadway and houses.

Vincent Manzelli/Marvin Development sold Candlewood Drive and Parcel A to John Claffey. Recorded on 1/24/2006 in Book 23335, Page 269.

Remaining bond = \$38,000.

Island Drive Subdivision

Original applicant – Ellen Rosenfeld

6 lots plus Island Road located off of the north side of Village Street.

Definitive Subdivision Plan was endorsed on 4/27/1993 and recorded on 5/7/1993 in Plan Book 413, Plan #260. Lot lines were revised via an ANR plan recorded on 8/30/1993 in Plan Book 416, Plan #574.

Ellen Rosenfeld sold house lots to Vincent Manzelli/Marvin Development on 9/14/1993. Recorded 9/24/1993 in Plan Book 10114, Page 184. It appears that Ellen Rosenfeld retained ownership of the roadway and reserved a 30' drainage and utility easement shown on the adjacent land.

Vincent Manzelli/Marvin Development sold Island Drive to John Claffey. Recorded on 1/24/2006 in Book 23335, Page 269.

No bond.

Compiled 7-22-16 by sac

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Monday, July 11, 2016 3:54 PM
To: Paul Yorkis
Subject: FW: Candlewood Drive / Island Road
Attachments: Candlewood - Island Punchlist for Plans 7-7-16.pdf; Candlewood Plan (1).pdf; Candlewood Plan (2).pdf; Island Road Plan.pdf; 14-CANDLEWOOD-IMPROV CANDLEWOOD (1) - from Pine Ridge plan.pdf; Candlewood Plan (1).pdf

Hi Paul,

See email note below and attachments from Tom Holder from last Friday.

Best,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

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From: Thomas Holder
Sent: Friday, July 08, 2016 10:15 AM
To: Susan Affleck-Childs
Subject: Candlewood Drive / Island Road

Hi Susy – On Thursday July 30th, representatives from DPS and the Candlewood Drive/Island Road/Pine Ridge Developer met on site to inspect the remaining improvement work necessary to satisfy the Town's street acceptance requirements. A detailed site walk on that morning yielded the attached information.

Please see attached:

1. Punchlist associated with (3) Site Plans
2. (3) Site Plans identifying locations to have improvement work performed.

3. 2006 Engineering Drawing of Candlewood Drive

All parties agreed that the performance of the work identified on the attached punchlist, work noted on the attached 2006 Plan, as well as work necessary to fulfill the Conservation Commission's Order of Conditions (not attached) would enable the subject areas to be considered for acceptance.

Please let me know if additional information is needed.

Thanks.

Tom

Thomas Holder | Director
Department of Public Services

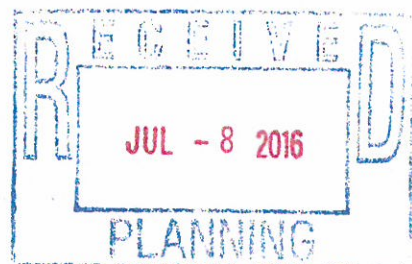
Town of Medway
45B Holliston Street
Medway, MA 02053
508-533-3275

Candlewood Drive Street Acceptance Improvements

- Crack seal road surface throughout road limits.
- Drain frames & covers must be replaced with heavy duty. Cement brick collars need to be replaced to allow for new frames. (Drain numbers 1,2,3,5,6,7)
- Podge bricks of Catch Basin structures. (Catch Basin numbers 1,2,5,8,9*,12,13,16)
*Cement outside of frame
- Fill & Patch Sinkhole
- Mill & overlay cross trenches. (Numbers 1-8)
- Podge lift holes (Catch Basin 16)
- Build Invert on Drain 2.
- Cement around pipes(Drain 8, Catch Basins 13,15)
 - Note: Cellar drains into Catch Basins 10,11,13 & Drain 11
 - Note: Surveyor to plot all utilities on plan, as built.

Island Road Street Acceptance Improvements

- Cement podge Catch Basin collar (Catch Basins 1,2, Drain 1)
- Cement pipe connections (Catch Basins 1,2, Drain 1)
- Podge entire structure (Catch Basin 3)
- Crack seal entire street and sidewalks.
- Replace sewer covers with standard heavy duty sewer frames and covers.(Sewers 2,3,4)
- Replace street sign & post.



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JUL - 8 2016
DARTMOUTH



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- ## Candlewood Basins

- Basin 1
Basin 2
Basin 3
Basin 4
Basin 5
Basin 6
Basin 7
Basin 8
Basin 9
Basin 10
Basin 11
Basin 12
Basin 13
Basin 14
Basin 15
Basin 16

- ## Candlewood Sewer

- ☐ Sewer 1
- ☐ Sewer 2
- ☐ Sewer 3
- ☐ Sewer 5
- ☐ Sewer 4

- Candlewood Misc.

- Sinkhole**

Candlewood Drive/Island Road

Island Basins

- Basin 1
- Basin 2
- Basin 3

Island Sewer

- Sewer 1
- Sewer 2
- Sewer 3
- Sewer 4

Island Misc.

- ☆ Street Sign



RECEIVED
JUL - 8 2016
PLANNING

Candlewood Drive

Candlewood Drains

- ◇ Drain 1
- ◇ Drain 2
- ◇ Drain 3
- ◇ Drain 4
- ◇ Drain 5
- ◇ Drain 6
- ◇ Drain 7
- ◇ Drain 8
- ◇ Drain 9
- ◇ Drain 10
- ◇ Drain 11

Candlewood Trenches

- └ Trench 1
- └ Trench 2
- └ Trench 3
- └ Trench 4
- └ Trench 5
- └ Trench 6
- └ Trench 7
- └ Trench 8

Candlewood Sidewalk Patch

- └ Patch 1
- └ Patch 2
- └ Patch 3
- └ Patch 4
- └ Patch 5
- └ Patch 6



Susan Affleck-Childs

From: PGYORKIS@aol.com
Sent: Thursday, July 14, 2016 10:11 AM
To: Susan Affleck-Childs
Cc: Stephanie Mercandetti
Subject: Re: FW: Candlewood Drive / Island Road

Susy,

I will not be there. I will be out of town. I received the information from you and am in the process of getting quotations. You can schedule a meeting without asking me if I can attend but all that does is create bad feelings.

Paul G. Yorkis

In a message dated 7/14/2016 10:06:19 A.M. Eastern Daylight Time, sachilds@townofmedway.org writes:

Good morning,

I am writing to let you know that we will include an item on the agenda for the July 26th PEDB meeting for a further update from you on schedule, etc. for completion of the Pine Ridge and Candlewood/Island work and Hartney Acres work. I am scheduling that appointment for 8:30 pm. Please plan to attend.

Thank you.

Susy Affleck-Childs

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

sachilds@townofmedway.org

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Monday, July 18, 2016 11:30 AM
To: 'PGYORKIS@aol.com'
Cc: Stephanie Mercandetti; Andy Rodenhiser
Subject: RE: FW: Candlewood Drive / Island Road
Attachments: 7-18-16 AR letter to Paul Yorkis re Pine Ridge and Candlewood.pdf

Hi Paul,

Andy Rodenhiser asked me to forward to you the attached letter in response to our email communications last week about the July 26th PEDB meeting.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – A Massachusetts Green Community

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

July 28, 2016

Mr. Paul Yorkis
Patriot Real Estate
159 Main Street
Medway, MA 02053

RE: Completion of Pine Ridge and Candlewood subdivision

Dear Paul,

I am writing to follow-up on the email communication last week between Susy Affleck-Childs and you in which she informed you that the Planning and Economic Development Board will discuss the completion status of Pine Ridge and Candlewood subdivision at its upcoming meeting on July 26th.

Based on our conversation that took place in the parking lot behind the town offices after the Redevelopment Authority meeting on July 13th, I'm required to update the Planning and Economic Development Board about that discussion regarding the Candlewood work.

I will inform the PEDB of our conversation at our next meeting on July 26th and have asked Susy Affleck-Childs to create an agenda item for a more formalized discussion. I felt it important for Susy to communicate the date to you as early as possible. I'm sorry if that's not a good time for you. Perhaps John Claffey could attend in your absence. If no representative is able to attend then we would welcome a conference call. It's certainly not unprecedented. Perhaps you could provide a schedule for completion of all the outstanding items prior to that meeting. That's also not an unprecedented request!

The Board's urgency should not be a surprise to you. We first began communicating with you about project completion in August 2014. In October 2014, you indicated that the work would be completed by the end of April 2015. That did not occur. I remember last September having similar conversations with you regarding the scheduled completion and hearing from you that the window for the 2015 construction season was closing and that the work would get completed in the spring of 2016. Then this spring we learned that a Notice of Intent had not yet been filed with the Conservation Commission and that consequently, no work can commence until an Order of Conditions is issued. Now it's July and it's still not complete although we do understand the Conservation Commission will consider the Notice of Intent at its July 28th meeting.

I feel a particular sense of urgency associated with the nature of the issues you communicated as they relate to the Town's security (as bond holder) and the Town's potential exposure to expenses for legal and construction costs. The concerns that Board members are likely going to have pertain to the bond and the cost to complete the Candlewood work that was a specific condition of the approval for the Pine

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

Ridge development. The permitting for Pine Ridge goes back to 2005 and 2006. The Board and the residents of the adjacent Candlewood neighborhood have been very patient.

I would like to memorialize to you that the punch list of repairs and items requiring improvement or upgrade that are being required of you, on behalf of developer John Claffey, was prepared by the people you requested - Tom Holder, the Director of Medway's DPS and Jimmy Smith, the Highway Superintendent. When this was discussed with you via telephone at the June 28th PEDB meeting, you specifically insisted that the Board not send a representative of Tetra Tech, the Town's consulting engineer, to meet on-site with Mr. Holder and Mr. Smith to review the improvement items. You even refused to pay for it if we sent Tetra Tech to that meeting/site visit, predicated your assertion against Tetra Tech's involvement with the Candlewood work on a discussion with the Board that took place years earlier.

The Board honored your request to not include Tetra Tech. That may not be the case going forward. The Board may want its engineer to review the punch list - the items that are yet to be completed or even started. This cost will likely be associated with a required action predicated on the developer's failure to complete these items under the terms of the decision which allowed Pine Ridge to be developed.

The Board could also take action to rescind its approval or ask the zoning enforcement officer to investigate the violations of the conditions of the special permit. We will likely seek the advice of counsel and then decide.

The Board may feel it's not an urgent matter and decide to wait for a more convenient time for all, but that determination will be made at our next meeting on July 26th. If the Board is ok having the discussion without you there, then that's how it will be. This is not about your feelings.

The discussion may end up being an executive session anyway. I won't know until the Board is briefed and we are afforded an opportunity to discuss this.

The patience of the Board on all of these matters is evaporating as quickly as the construction season is.

Respectfully,

A handwritten signature in black ink, appearing to read "Andy Rodenhiser", with a long horizontal line extending to the right.

Andy Rodenhiser
Chairman

Susan Affleck-Childs

From: PGYORKIS@aol.com
Sent: Monday, July 18, 2016 12:56 PM
To: andy@rodenhiser.com
Cc: Susan Affleck-Childs; Stephanie Mercandetti; Thomas Holder
Subject: Candlewood/Island Road, Pine Ridge

July 18, 2018

Mr. Andy Rodenheiser
Chairman
Town of Medway
Planning & Economic Development Board
155 Village Street
Medway, MA 02053

Dear Mr. Rodenheiser:

I am in receipt of your letter dated July 28, 2016 received via email on July 18, 2016.

I met with Mr. Holder and Mr. Smith and Mr. Boczanowski on Thursday June 30. Mr. Holder indicated that he would have his summary list and plan hopefully to me by Tuesday July 5. On Friday July 8 I called Mr. Holder's office asking about the list and it was sent to me by Ms. Affleck-Childs on Monday July 11.

I am in the process of obtaining written quotations from contractors to do the work described in Mr. Holder's list.

When I have all of the estimates and after I have discussed the information with Mr. Claffey and Mr. Holder, I will be in a better position to provide both a schedule and information related to costs to you and the members of the P&EDB.

A representative from the P&EDB consulting engineer would have added nothing to the site visit.

A call to see if I was available to attend the meeting could have been made but was not.

Sincerely,

Paul G. Yorkis