

Tuesday July 30, 2019
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

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

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates
Engineer Steve Bouley was telephoned to participate remotely for a portion of the meeting.

Vice Chairman Bob Tucker opened the meeting at 7:00 p.m.

PUBLIC HEARING:

Proposed Amendments to Medway Site Plan Rules and Regulations:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice for the proposed amendments to the Site Plan Rules and Regulations.

The discussion of the proposed amendments will take place after the Board acts on the ANR Applications.

ANR PLAN - 4 AND 6 ROCKWOOD ROAD:

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

- ANR Application dated September 26, 2018, received July 16, 2019.
- ANR Plan of Land dated December 15, 2010, revised August 6, 2014 by Colonial Engineering.
- ANR Plan Review memo from Gino Carlucci, dated July 24, 2019.
- Email memo dated July 25, 2019 from Attorney Steve Kenney in response to Gino Carlucci's 7-24-19 review letter.

Attorney Steve Kenney representing the applicant explained that the petitioner is proposing to divide the land shown as Lot 4B so that Parcel A, containing 2,827 s.f., will be taken from the 4 Rockwood Road and conveyed to the owners of 6 Rockwood Road.

Consultant Carlucci communicated that the plan was prepared and dated December 15, 2010 with a revision date of August 6, 2014 by Colonial Engineering for Mark and Stacey Coyle. The plan does meet the requirements for the endorsement of an ANR plan.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to endorse the ANR Plan for 4 & 6 Rockwood Road as presented.

ANR PLAN -274 & 276 Village Street:

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

- ANR Application dated and received July 16, 2019.
- ANR Plan of Land dated July 15, 2019 by Colonial Engineering.
- ANR Plan Review memo from Gino Carlucci dated July 18, 2019
- Revised ANR Plan of Land dated July 15, 2019 by Colonial Engineering, last revised July 19, 2019 per Gino Carlucci's review comments.

Dan Merrikin of Legacy Engineering was present representing the applicant DTRT, LLC. The applicant is proposing to create two new unbuildable parcels (Parcels A & B) at 274 & 276 Village Street. With the assumption that the proposed development at 274 Village Street is approved, the two noted parcels will be swapped between the two owners.

Consultant Carlucci provided a review letter dated July 18, 2019 for the ANR application submitted by DTRT LLC of Truro and Keith and Judith Spinney. The plan was prepared by Colonial Engineering Inc. and dated July 15, 2019. There were two minor technical issues which were addressed and noted on the revised plan dated July 19, 2019. With the noted revisions, endorsement is recommended.

On a motion made by Matt Hayes and seconded by, Rich Di Iulio, the Board voted unanimously to endorse the ANR Plan for 274 & 276 Village Street dated July 19, 2019 as presented.

FIELD CHANGE – MEDWAY COMMUNITY CHURCH PARKING LOT:

Steve Bouley was called in remotely at 7:11 pm.

Pastor Carl Schultz was present.

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

- July 15, 2019 Tetra Tech Construction Report
- Medway Community Church endorsed site plan

Consultant Bouley explained that when the excavation work was being done for the stormwater basin, the contractor hit ledge. He instructed the contractor to remove 2' of ledge at the bottom of the stormwater basin #s and fill that area with sand.

Consultant Bouley wants to make sure the system is working correctly so it is recommended to change the long-term stormwater operation and maintenance plan for more frequent inspections and reporting of the future operation of the basin.

A letter will be sent to the applicant with the recommendations from Consultant Bouley.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to affirm the revised field change and amendments to the operation and maintenance plan as proposed by Consultant Bouley.

Consultant Bouley ended the remote call at 7:30 pm.

PUBLIC HEARING - SITE PLAN RULES AND REGULATIONS:

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

- Planning and Economic Development Board Rules and Regulation revised June 20, 2019.

The Board was made aware that the comments from the Board have been incorporated into the current document. The review of the document began on page 6.

Page 6 – Outside Consultant:

203-5 Use of Outside Consultants – This section has recently been added but the question discussed is whether the Administrative Site Plan Review Team can bring in consultants if needed. Would the Board would have to approve the estimate for consultant services for administrative site plan projects? There was a recommendation to include or increase the administrative filing fee.

Page 8 - Traffic Impact Assessment:

There was a request to include language regarding when traffic impact assessment is needed. This language would be included within section 403-G 1. Susy Affleck-Childs reported that she had received input from Tetra Tech for this section and she would incorporate it into the next draft.

Page 13 – Erosion and Sediment Control Plan:

This section will include measures for stormwater management which need to be put in place during construction.

Page 18 – F. Approval Criteria Findings:

The language here will include what the Board needs to consider regarding criteria as applicable to the proposal presented. The Board is not concerned with the number of waivers sought but more the justification for those requested and their merits.

Page 28 - 206-5 – Administrative Site Plan:

This section would be added and needs a whole re-write of the entire section. Barbara Saint Andre has provided some comments that will be incorporated into the next draft.

Page 31 – 207-9 Earth Filling & Grading:

This section is about prohibited materials when earth filling and grading. It was recommended that recycled concrete be included if it is certified clean fill. The first paragraph should not begin with “no”. It should be rewritten to include consistent language “shall not be”. There was also a suggestion to allow grounded asphalt, but do not include it in the list but if the applicant asks to use it, allow it. The Board would like to keep the term “building materials” included.

Page 35 B. Internal Site Circulation and Driveways:

The Board discussed that granite is the preferable curbing material for the entrance of a complex. The perimeter of the driveways shall be bounded with vertical granite curb and any other access areas should be granite. The roadway on internal structure of complex should have granite edging at the intersection of radius and after radius the edging can be Cape Cod berm. It is recommended to have vertical concrete or granite on the sidewalk areas. All corners need to be granite or Cape Cod berm. The Board would like to provide flexibility and allow the engineer or Board to assist with what is best for a site.

Item #4: Driveway Materials:

It was recommended to contact the Fire Chief about what should be used for fire lanes. Would impervious pavers be OK? It was suggested to remove the word bituminous.

207-13 Parking:

The Board would like the parking section to be consistent with the Zoning Bylaw. This needs to be checked. Susy will do so.

207-13 Electric Vehicle Charging Stations:

The Board discussed having a % of electric charging stations required based off the number of required parking spaces. Member Tucker will check with the Town of Middleborough for guidance. There was a suggestion to use the same formula as with handicap spots. All agree that this is something that should be discussed with the Building Inspector for input.

Susy suggested adding a new section to Development Standards regarding site irrigation. There was a suggestion to include the Town’s requirements regarding water conservation during the summer months. It has been indicated that there is a problem with water resources and a question was raised why we are encouraging irrigation wells. There needs to be a more in-depth conversation with the BOS, DPW, BOH and the State. There is some discussion about having private wells subject to the same regulations as those who connect to the Town water system.

Page 45: 208-3 – Modification to Approved Site Plans and Decisions:

Barbara Saint Andre indicates that modifications on a plan need to follow the same review procedure as the original permit. The *Zoning Bylaw* does not provide that the building commissioner can approve substantial changes. This would need to be handled as a modification. All in agreement.

Continuation:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to continue the hearing for the Rules and Regulations for Submission, Review and Approval of Site Plans for Tuesday August 13, 2019 at 7:35 pm.

ADJOURN:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 8:40 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



July 30, 2019

**Medway Planning & Economic Development Board
Special Meeting**

**Public Hearing – Proposed New Site
Plan Rules and Regulations**

- Public Hearing Notice dated July 11, 2019
- DRAFT Site Plan Rules and Regulations dated June 20, 2019



RECEIVED

JUL 11 2019

TOWN CLERK

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

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

July 11, 2019

NOTICE OF PUBLIC HEARING
Proposed Amendments to Medway Site Plan Rules and Regulations
Tuesday, July 30, 2019

Pursuant to the *Medway Zoning Bylaw* and G.L. ch. 40A, ***the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, July 30, 2019 at 7 p.m.*** to receive comments on proposed amendments to the *Medway Site Plan Rules and Regulations*, last amended December 3, 2002. The hearing will occur in Sanford Hall at Medway Town Hall, 155 Village ST, Medway, MA. The meeting room is accessible for individuals with physical disabilities.

The hearing pertains to a substantive revision of the *Site Plan Rules and Regulations* which include: general provisions, application procedures, major site plan review, minor site plan review, administrative site plan review, development standards, administration, and fees.

The complete text of the proposed new *Site Plan Rules and Regulations* will be on file with the Town Clerk and the Planning offices at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The proposed amendments will be posted online at the Planning and Economic Development Board's web page at the Town's web site – <https://www.townofmedway.org/planning-economic-development-board>. For further information or questions, please contact the Medway Planning office at 508-533-3291.

Interested persons or parties are invited to review the draft of the proposed amendments, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org. All written comments will be entered into the record during the hearing.

Andy Rodenhiser

Planning & Economic Development Board Chairman

To be published in the *Milford Daily News*

~~Monday~~, July 16, 2019 and Tuesday, July 23, 2019

Tuesday,

Telephone: 508-533-3291

Fax: 508-321-4987

Email: planningboard@townofmedway.org

REVISED DRAFT
June 20, 2019

TOWN OF MEDWAY

Planning & Economic Development Board Rules and Regulations

Chapter 200 - Site Plans

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

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

Amended: April 28, 2000

Amended: March 13, 2001

Amended: November 1, 2001

Amended: July 9, 2002

Amended: December 3, 2002

Amended: _____

Medway Planning and Economic Development Board

Andy Rodenhiser, Chairman

Robert K. Tucker, Vice-Chairman

Thomas A. Gay, Clerk

Richard Di Iulio

Matthew J. Hayes, P.E.

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

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TOWN OF MEDWAY

Planning and Economic Development Board

Rules and Regulations

Chapter 200 - Site Plans

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

ARTICLE I AUTHORITY

s. 201 – 1 **Adoption** - The Planning and Economic Development Board of the Town of Medway hereby adopts these *Rules and Regulations* to govern the submission, review, approval and modification of site plans pursuant to Section 3.5.5 of the *Zoning Bylaw*.

ARTICLE II GENERAL PROVISIONS

s. 202 – 1 **Purpose** – These *Rules and Regulations* provide for the uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the *Zoning Bylaw*. Their purpose is to guide Applicants, Town officials and boards, and others involved in the preparation, processing and review of site plans and the issuance of site plan approval and modifications thereto. These *Rules and Regulations* address the process for submission, review and processing of site plan applications including the delegation of administrative review to the Board's designee for review of small-scale projects; site development standards; review and approval criteria; issuance of site plan approvals; project conditions, limitations, safeguards and mitigation measures; procedures for modifying approved site plans; and decisions and fees.

s. 203 - 2 **Scope of Site Plan Review** –The *Zoning Bylaw* provides for three levels of Site Plan Review: Major Site Plan Review, Minor Site Plan Review, and Administrative Site Plan Review. See Section 3.5.3 of the *Zoning Bylaw* for applicability.

s. 202 - 3 **Requirement for Site Plan Review** – No building permit shall be issued for any use, site, or building alteration, or other improvement subject to Section 3.5 of the *Zoning Bylaw* unless an application for Site Plan Review has been prepared in accordance with the requirements of these *Rules and Regulations*, and unless such application has been approved by the Planning and Economic Development Board or its administrative designee in the case of projects subject to Administrative Site Plan Review.

s. 202 – 4 **Definitions** – Terms used in these *Rules and Regulations* shall have the meanings as set forth in the *Medway Zoning Bylaw* and G.L. c. 40A. Additional terms are defined below:

Agent: Individual(s) authorized by the Board to review plans and/or observe and inspect construction

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

Applicant: See definition in SECTION II Definitions of this *Zoning Bylaw*.

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

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

Developer: The individual or organization which will carry out the approved and endorsed site plan.

Rules and Regulations: Medway Planning and Economic Development Board *Rules and Regulations for Submission, Review and Approval of Site Plans*.

Team: Administrative Site Plan Review Team established by the Town Administrator and the Board.

s. 202 – 5 *Waivers of Site Plan Rules and Regulations*

A. The Board and the Administrative Site Plan Review Team may authorize waivers from strict compliance with these *Rules and Regulations* if it determines that:

- 1) the Rule or Regulation requested to be waived does not apply to the particular site or situation under review; or
- 2) that a waiver would permit a superior design; or
- 3) that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and approval as set forth herein; or
- 4) that a waiver is in the best interests of the Town; or
- 5) that a waiver is consistent with the purpose and intent of the *Zoning Bylaw* and these *Rules and Regulations*.

B. The Applicant for Site Plan Review shall submit a written request for waivers from the *Rules and Regulations* at the time of application on a Waiver Request form to be provided by the Board. Supplemental Waiver Requests may be submitted during the course of the Site Plan Review process. If an oral request for a waiver is made during the course of the Board's review, it shall also be submitted to the Board as a written request.

s. 202 – 6 *Permit Coordination* – When a development project requires other permits from the Board such as a special permit, land disturbance permit, or a scenic road work permit, the Board's review may be consolidated and run concurrently.

s. 202 - 7 *Validity* – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provisions which shall be held invalid. In all other respects these *Rules and*

Regulations shall stand. In the event of a conflict between these *Rules and Regulations* and the *Zoning Bylaw*, the provisions of the *Zoning Bylaw* shall control.

ARTICLE III SITE PLAN APPLICATION PROCEDURES

s. **203 - 1 Eligible Applicants** - An Applicant for Site Plan Review shall be as defined in the *Zoning Bylaw*. In the case where the Applicant is a person other than the record owner of the property, the Applicant shall submit, as part of the application, a written certification executed by the record owner of the property that the application is submitted with the knowledge and consent of the record owner.

s. **203 - 2 Pre-Application Review**

A. **Consultation with Town Staff** – A pre-application consultation between a prospective Applicant and the Town's Community and Economic Development staff is recommended. The purpose of any pre-application consultation is to provide the Applicant with an opportunity to discuss the design concept of the proposed development during the early stages of the design process and to avoid unnecessary technical deficiencies in the application with a view toward promoting efficiency in the forthcoming processing and review of the proposed development project. However, Town staff are not responsible for assuring the accuracy, correctness or thoroughness of any application provided for review during a pre-application consultation. Any opinion given to the Applicant by employees of the Town during a pre-application consultation is advisory only and shall not be binding on the Board or the Town

B. **Interdepartmental Project Review**

- 1) Prior to filing a site plan Application with the Board, prospective Applicants for Major Site Plan Review shall, and prospective Applicants for Minor Site Plan Review may, request that the Director of Community and Economic Development schedule a meeting with the Applicant and the Town's interdepartmental project review team. The purpose of such meeting is for the Applicant to brief representatives of Town departments on the proposed project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows Town officials to identify project issues and opportunities which may benefit from further municipal attention, coordination or assistance.
- 2) *Scope of Town Staff Review* - Any opinion or information given to the Applicant by employee of the Town during the Interdepartmental Meeting shall be considered advisory only and shall not be binding on the Board or the Town.

C. **Informal Pre-Application Meeting with the Board** – Prior to filing a site plan Application with the Board, prospective Applicants for a Major or Minor Site Plan Review may request an informal, pre-application meeting with the Board to review conceptual plans and discuss permitting procedures. The requested pre-application meeting shall occur during a regularly scheduled Board meeting. This meeting provides the Applicant and the Board with the opportunity to discuss the project's objectives, preliminary conceptual plan for the site, building design, and site amenities; review the Town's site plan review process and *Rules and Regulations*; identify possible requests for waivers from these *Rules and Regulations*; clarify what submittal items are required

based on the scope of the project; and develop a preliminary schedule for application submittal and plan review. Requests for a pre-application meeting with the Board shall be made through the Planning and Economic Development office. A pre-application meeting shall not serve as a substitute for any public hearing or meeting required for the development project. Any opinion or information given to the Applicant by an individual Board member or its consultants during a pre-application meeting shall be considered advisory only and shall not be binding on the Board or the Town.

s. 203 – 3 Official Receipt of Site Plan Application –The official site plan submission date is the date the site plan application is filed with the Board or Team, and the Town Clerk and is deemed complete in accordance with **s. 203-4** of these *Rules and Regulations*, whichever is later.

s. 203 - 4 Completeness Review - The Board or its Agent may, within twenty-one days of the date of receipt of a major or minor site plan application or the Team, within five days of receipt of an administrative site plan application, reject the application upon a determination that it does not satisfy the submission requirements of these *Rules and Regulations*. The Board or its Agent, or the Team shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* where the application is lacking. The Board or its Agent, or the Team shall provide a notice of its determination to the Town Clerk. When brought into conformity with the requirements of these *Rules and Regulations*, a site plan application previously deemed incomplete may be resubmitted for consideration by the Board or the Team without prejudice. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.

s. 203 - 5 Use of Outside Consultants

- A. The Board, at its sole discretion, may determine that the assistance of outside consultants such as engineers, lawyers, planners, urban or landscape design professionals, environmental consultants or other appropriate professionals is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. It is the Board's standard practice to do so. The Board may engage the services of outside consultants to assist in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal or other issues. The Board shall have full authority to select the outside consultants. If the Board determines that such services are required, the Applicant shall pay a *Site Plan Review Fee* as authorized in **s. 209 – 1 B.** of these *Rules and Regulations*.
- B. The minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or in a related field.
- C. The Applicant may appeal the selection of a particular outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The Applicant shall identify the specific grounds which the Applicant claims constitute the conflict of interest or how the consultant does not meet the

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minimum required qualifications. If no decision is made by the Board of Selectmen within thirty days following the filing of an appeal, the Board's consultant selection stands.

ARTICLE IV MAJOR SITE PLAN REVIEW

s. 204 - 1 Applicability – See Section 3.5.3 A of the *Zoning Bylaw*.

s. 204 – 2 Town Clerk Submittals - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Town Clerk during regular business hours:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all items as specified in *s. 204 – 5* of these *Rules and Regulations*.

s. 204 – 3 Planning and Economic Development Board Submittals - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Board:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in *s. 204 – 5* of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information wherever applicable:
 - 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;
 - 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;
 - 11) proposed mitigation measures;

- 12) list of other required local, state and federal permits and the status of each; and
- 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.

- D. One copy of the stormwater drainage report prepared in conjunction with the Post-Construction Stormwater Management Plan. The report shall be prepared in accordance with the most current standards of the MA Department of Environmental Protection (DEP) Stormwater Management Policy and Handbook and in conformance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance. The drainage calculations shall be based on the rainfall data from the National Oceanographic and Atmospheric Administration (NOAA) Atlas 14, as may be revised.
- E. One list of all parties in interest as defined in G.L. c. 40A, §11 within three-hundred feet of the subject site as appearing on the most recent tax records list maintained by the Assessor's office. The list shall be certified by the Board of Assessors of all applicable communities.
- F. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, etc.) and federal or state government agencies.
- G. A written *Development Impact Statement* which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent, reduce or mitigate adverse impacts.

The *Development Impact Statement* shall consist of the following four elements:

1) *Traffic Impact Assessment*

- a) A brief analysis of existing traffic safety and capacity issues and a summary of anticipated traffic impacts; or
- b) A full *Traffic Impact Assessment* is required if the project:
 1. proposes an additional twenty or more parking spaces; and
 2. contains frontage or proposes access on a public way; and
 3. includes uses expected to generate an additional **one hundred trips per day** based on the most recent edition of the Institute of Traffic Engineers publication *Trip Generation*.

The Board may require an Applicant to prepare a full *Traffic Impact Assessment* even if the project does not meet all of the above criteria, if the Board finds that such information is necessary for it to complete its review.

c) The *Traffic Impact Assessment* shall:

1. document existing traffic volumes, capacities, controls, sidewalk and road conditions, roadway geometrics, hazards and level of service on

Commented [A2]: Insert language recommended by Tetra Tech.

the site and streets adjacent to the site and intersections near the site including but not limited to conditions within one-quarter mile of the proposed project; and

2. describe the volume and effect of projected traffic generated by the proposed project (total and peak hour) and post project level of service (LOS); and
3. identify traffic management and structural improvements and mitigation measures, both on and off the site, to reduce any adverse impacts of the proposed project on traffic. These could include demand management strategies, traffic control measures as well as capacity enhancements.

2) *Environmental Impact Assessment*

- a) An *Environmental Impact Assessment* shall be required if the project involves one or more of the following characteristics:
 1. proposes an additional thirty or more parking spaces; or
 2. proposes a building footprint of fifteen thousand square feet or greater; or
 3. proposes to disturb twenty thousand square feet of land or greater; or
 4. proposes a project that is subject to the Town's Stormwater and Land Disturbance Bylaw.
- b) The *Environmental Impact Assessment* shall describe the impacts of the proposed development with respect to on-site and off-site environmental quality including:
 1. air and water quality;
 2. surface water and groundwater;
 3. flooding potential;
 4. increases in impervious surfaces;
 5. potential for erosion and proposed or existing control measures;
 6. noise levels;
 7. harmful or noxious emissions;
 8. damage or threat to wetlands and flood plain;
 9. smoke;
 10. odors;
 11. vibration;
 12. waste disposal; and
 13. off-site environmental drainage impacts.
- c) If the Applicant is required to file a full Massachusetts Environmental Policy Act (MEPA) certification with the Massachusetts Department of Environmental Protection, that document may serve to replace the *Environmental Impact Assessment* as may be required herein.

3) *Neighborhood Impact Assessment*

- a) A *Neighborhood Impact Assessment* evaluates the impacts of the proposed development on the adjacent neighborhood.
 - b) A *Neighborhood Impact Assessment* shall identify the project's impacts to:
 - 1. the neighborhood's visual, architectural and historical character;
 - 2. the goals of existing community plans (master plan, open space plan, housing production plan, etc.) applicable to the neighborhood;
 - 3. the quality of life of its residents; and
 - 4. the expected demand for municipal services.
- 4) *Parking Impact Assessment*
 - a) A *Parking Impact Assessment* is required if the proposed project includes the addition of thirty or more parking spaces.
 - b) The *Parking Impact Assessment* shall document existing parking conditions, evaluate off-site impacts of the proposed parking, and propose measures to mitigate any adverse parking impacts on the adjacent neighborhood.
 - c) The *Parking Impact Assessment* shall:
 - 1. identify existing off-site and on-street neighborhood parking conditions including streets likely to be affected by the development;
 - 2. identify the expected impact of proposed parking on the neighborhood; and
 - 3. propose mitigation measures including screening, creative parking lot design, use of alternative paving materials, and planting of trees for shading and buffer.
- H. A *Construction Management Plan (CMP)* which includes the proposed construction sequence, timetable, and methods for managing the construction process and minimizing the impacts of construction on public ways and to abutters. The CMP shall identify areas for parking, staging, and stockpile areas for construction materials and earth removed from or brought onto the site. Such areas shall be located as far from existing private and public ways as practicable and visually screened to the maximum extent possible from such ways and surrounding residences or other buildings. The CMP shall note hours of construction and deliveries associated with construction.
- I. *Earth Removal Calculations* of the estimated volume of soil, sod, loam, gravel, sand or other earth materials to be removed from the site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts. A removal schedule shall be provided. This schedule shall state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each removal vehicle, and the travel routes to be taken by removal vehicles and their approximate proposed hours of operation and the clearing procedures to be used.

NOTE - The extent of planned earth removal may be subject to Article IX, Removal of Earth Products of the Medway *General Bylaws*.

- J. *Earth Fill Estimates* of the volume of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand, gravel and other earth materials to be brought on site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts.
- K. A copy of an Order of Resource Area Delineation (ORAD) from the Medway Conservation depicting the approved wetland resource affecting the proposed project or a Determination of Applicability with a finding from the Conservation Commission that the proposed project is not within its jurisdiction.
- L. A copy of the latest recorded deed to the property(s) comprising the proposed development site to document proof of ownership.
- M. Requests for Waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Site Plan Waiver Request form supplied by the Board.
- N. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the internet. The email for such submittals is planningboard@townofmedway.org
- O. Copies of any previously issued land use permits or decisions from other Town boards or committee such as variances, special permits, orders of condition, demolition delay determinations, etc.
- P. A *Major Site Plan Filing Fee* as authorized by **s. 209 – 1 A.** of these *Rules and Regulations*.
- Q. A deposit toward the *Major Site Plan Review Fee* as authorized by **s. 209 – 1 B.** of these *Rules and Regulations*.

s. 204 – 4 Standards for Site Plan Preparation

- A. The site plan shall be prepared, stamped, signed and dated by qualified professionals including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.
- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements.
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.

E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, the Board's signature block, including *Decision* and plan endorsement dates, and the Town Clerk's no appeal certification.

s. **204–5 Site Plan Contents** – To be considered complete, a major site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below. The Board may require additional information, if necessary, to complete its review.

A. *Cover Sheet* – The cover sheet shall include the project name, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project street address, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Board Signature Block, and a complete index of drawings.

B. *Site Context Sheet*

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
- 2) Abutters' names and addresses with assessor's map/parcel references for properties within 300' of the development site
- 3) Lot lines with dimensions and easement areas for the development site.
- 4) Existing topography at two foot intervals from USGS survey maps or actual land survey of the development site.
- 5) All easements (utility, conservation and other) and rights-of-way on the development site.
- 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.

C. *Existing Conditions Sheet(s)*

- 1) The location of all *existing man-made features and infrastructure* on the site shall be delineated including but not limited to buildings and structures, streets, bridges, utility poles, utilities and underground infrastructure including water, gas, electric, cable, and telephone, fire hydrants and fire alarm boxes, wells, septic systems, sanitary sewers, utility easements and other property encumbrances, sidewalks, driveways, trails, farm roads, stone walls, fences, monuments, historic markers, milestones, wells, and stormwater drainage infrastructure including basins, sub-surface systems, leaching galleys, swales and other methods to dispose of stormwater; refuse and solid waste storage and

disposal facilities, and all entrances and exits on the site and within one hundred feet of the site.

- 2) Location and delineation of all *existing natural features* of the development site including but not limited to ledge or rock outcroppings, cliffs, sinkholes, ditches, all wetland resources as defined by the Wetlands Protection Act and Article 21 of the Medway General Bylaw including their associated buffers per state and local laws, and natural drainage courses and swales.
- 3) An *Existing Landscape Inventory* including a “mapped” overview of existing landscape features and structures including the specific identification of existing trees with a diameter of eighteen inches or greater at four feet above grade and any trees that will be beneficial for screening, all in order to determine their value for preservation.
- 4) Locations of all historically significant sites or structures on the site including but not limited to barns, other buildings, cellar holes, stone walls, earthworks, graves, any structure over fifty years of age, and any property listed on the National Register of Historic Places or included in a National Register Historic District or recognized by the Massachusetts Historical Commission

D. *Site Plan Information Sheets* – NOTE, site plan information sheets may be combined.

- 1) Location and dimensions of proposed buildings and structures including building setbacks from front, side and rear lot lines.
- 2) *Parking Plan* - Location and dimensions of proposed parking, including lot line setbacks, loading and unloading areas with traffic patterns, access lanes and curb radii. The *Parking Plan* shall be in conformance with the provisions of Section 7.1.1 of the *Zoning Bylaw*.
- 3) *Site Improvements* - Location and dimensions of proposed improvements and site amenities including but not limited to travel ways, roads, driveways, maneuvering spaces and aisles, fire lanes, parking areas, loading and unloading areas, utility boxes, curbs, curb cuts, wheel stops, bollards, bumpers, decorative and retaining walls, fences, outdoor lighting, open space areas, recreational areas, pedestrian areas, service entries, snow storage areas, facilities for waste disposal and storage, sidewalks, pedestrian and bike pathways with cross sections, design and materials details and dimensions, and easements.
- 4) *Site Grading* - Topography showing proposed grading contours at two foot intervals, limit of work, and limit of clearing.
- 5) **Erosion** and *Sediment Control Plan* – Erosion control measures shall be specified including sedimentation barriers, construction entrances, stabilizing materials to be used on site during and after construction, and temporary blocking of entrances when construction is not active. The *Erosion and Sediment Control Plan* shall be as specified in Section 26.7 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance.

Commented [A3]:

What about temporary stormwater managements measures during construction!?

NOTE – If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the Erosion and Sediment Control Plan shall be submitted to and be reviewed and acted on by the Conservation Commission and not to the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the Medway *General Bylaws*.

- 6) *Post-Construction Stormwater Management Plan* - The plan and the associated Long Term Operations and Management Plan shall comply with the requirements of Section 26.8 of Medway *General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollutant Discharge Elimination System (NPDES) requirements if applicable.

NOTE - If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the above noted *Post Construction Stormwater Management Plan* shall be submitted to and be reviewed and acted on by the Conservation Commission and not the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the Medway *General Bylaws*.

- 7) *Site Utilities Plan* – All proposed utilities, mechanisms, materials and layouts for refuse and trash disposal systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal and methods of solid waste storage and disposal.

8) *Landscape Plan*

- a) A *Landscape Plan* shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.
- b) The *Landscape Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography to be retained, particularly existing trees with a diameter of eighteen inches or greater at four feet above grade.
- c) The *Landscape Plan* shall indicate the areas of proposed excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a screened graphic used to represent expected tree canopy at maturity.
- d) The *Landscape Plan* shall specify a suitable maintenance program to ensure the viability and longevity of the landscape installation.

- 9) *Building Elevations and Architectural Plan* with dimensions and details of façade designs of each building from all directions including specifications on building style, architectural features, materials, and colors including awnings.
- 10) *Site Amenities Details* for benches, trash containers, dumpster enclosures, bollards, planters, fences, walls, bike racks, and any other forms of outdoor site amenities to be installed.
- 11) *Color Renderings* of the project and buildings shall be provided from at least four directions depicting proposed structures, signage, landscaping, site amenities, and common views of the completed project as viewed from a public way and adjacent properties. These may include 3D views of the site, buildings, and site improvements.
- 12) *Building Layout or Floor Plan* with the use of all areas labeled.
- 13) *Entry and Exit to Structures.* All means of entry and exit (main, service, emergency and mechanical) from the building including steps and ramps, designation of the primary entrance (front entrance) and loading docks and other access ways shall be shown.
- 14) *Master Signage Plan* with preliminary proposed designs, locations, materials, dimensions, and lighting for:
 - a) the proposed development sign and all business identification signage, both freestanding and attached; and
 - b) standards for tenant signs.
- 15) *Lighting Plan* prepared in conformance with Section 7.1.2 of the *Zoning Bylaw*.
- 16) Horizontal sight distances on the public way(s) at all entrances and exits in both directions.
- 17) A table outlining the proposed development's conformance with the *Zoning Bylaw* requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, maximum seating capacity, number of employees, and number of parking spaces including handicapped and employee spaces, and other items as appropriate for the applicable zoning district and proposed uses.
- 18) Locations of proposed fire hydrants, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.
- 19) Information quantifying on-site generation of noise and odors, if applicable.
- 20) Any proposed off-site roadway and traffic management improvements.
- 21) Other information the Board may determine as necessary.

s. 204 – 6 Review by Town Officials

A. Within fourteen days of the official site plan submission date, the Board shall transmit the site plan to the following boards, departments and committees, inform them of the public hearing schedule, and request their review and preparation of an advisory report to assist the Board with its review.

- 1) Building Department;
- 2) Conservation Commission;
- 3) Fire Department;
- 4) Police Department;
- 5) Assessors' Office;
- 6) Board of Health;
- 7) Department of Public Works;
- 8) Design Review Committee; and
- 9) Other departments and committees as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission.

B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within thirty days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.

C. Review by Zoning Enforcement Officer – The Building Commissioner shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public hearing date, to identify any current zoning violations existing at the site which may be addressed through the site plan review process.

s. 204-7 Public Hearing

A. The Board shall conduct a public hearing on the major site plan application in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The public shall have the opportunity to be heard, in person, or by agent or attorney, or in writing during the hearing.

B. *Public Notice* - The Board shall prepare the public hearing notice and post such notice in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The Board shall notify all parties in interest of the time, date and location of the public hearing as provided in G.L. c. 40A, §11.

C. *Appearance of Applicant at Public Hearing* – An Applicant may appear on his own behalf or be represented by a designated representative. It is the responsibility of the Applicant or the designated representative to present the site plan to the Board and public during the public hearing. Failure to appear at a public hearing could jeopardize approval of an application. In the absence of an appearance by the Applicant or

designated representative, the Board may decide the matter using the information it has received.

- D. The Board may continue the public hearing to other dates as may be needed.
- E. *Coordination with Other Permitting Authorities* – The Board shall make every reasonable effort to coordinate its review with other Town boards, committees or officials which have jurisdiction over other permits and approvals required for the project to proceed. If requested by the Applicant, coordinated or joint public hearings may be conducted to the extent allowed by law, recognizing that each permitting authority is subject to specific statutory decision requirements and that all such decision periods may not coincide.
- F. *Additional Information*
 - 1) During the course of the public hearing, the Board may require the Applicant to provide additional information if it finds that such information is necessary to properly act upon the application in question.
 - 2) Any items or plan revisions submitted by an Applicant in support of a previously filed application shall be submitted to the Board no less than ten business days before the date of the continued public hearing. However, in no case shall the Board allow new evidence or testimony to be admitted after the public hearing is closed.
 - 3) The Board may enter information into the record of the public hearing including but not limited to reports of outside consultants and comments from Town staff, boards and committees.
- G. The Board may keep the public hearing open during the preparation and deliberation of its *Decision*. However, the public hearing shall be closed after the Board's vote and before the *Decision* is filed with the Town Clerk.

s. **204–8** *Decision*

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its written site plan *Decision* with the Town Clerk within ninety calendar days from the official date of site plan application. Failure of the Board to take final action by filing its *Decision* with the Town Clerk within the prescribed time period shall be deemed constructive approval of the application. A copy of the *Decision* shall be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* - The deadline by which the Board shall file its *Decision* may be extended upon mutual agreement of the Board and Applicant when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto. Notice of the Board's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Board to the Town Clerk.
- C. Before the Board begins its deliberations on the *Decision*, the Applicant shall provide the Board a written document specifically describing how the proposed development, as

revised during the public hearing process, satisfies the site plan decision criteria established in **s. 204 – 8 F.** of these *Rules and Regulations*.

D. *Decision Options* - The Board may approve, approve with conditions, limitations, safeguards and mitigation measures, or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

E. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the *Decision*.

F. **Approval Criteria Findings** – In making its *Decision*, the Board shall consider the following criteria as applicable to the particular proposal:

- 1) The proposed buildings, uses and site improvements are appropriately located on the development site in relation to the terrain and the location and scale of buildings and site features on abutting sites.
- 2) The construction and/or renovation of buildings and site improvements and amenities are designed to reflect or be compatible with the *Medway Design Review Guidelines*.
- 3) Building and site designs reflect the character, materials and scale of existing buildings in the vicinity as well as *Master Plan* goals for the area.
- 4) Reasonable use is made of building location, grading and landscaping and other site features to reduce the visible intrusion of structures, parking areas, and outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operation of the establishment(s) from public views or from adjacent residential properties.
- 5) Private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.
- 6) Internal circulation, queuing and egress promote traffic safety, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.
- 7) Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and throughout the site.
- 8) Design and construction minimize, to the extent reasonably practical, the following environmental impacts:
 - a) the volume of cut and fill;
 - b) the number of trees to be removed with particular care taken with mature trees and root systems;
 - c) the visual prominence of man-made elements not necessary for safety;
 - d) the removal of existing stone walls;
 - e) the impacts on waterways and environmental resource areas;
 - f) soil erosion and pollution; and

Commented [A4]:

Add something about the number of requested waivers . . .

g) noise.

- 9) Pedestrian ways, access driveways, loading areas and vehicular and bicycle parking facilities are properly designed for public convenience, accessibility, and safety of customers, employees and the general public.
- 10) Design and construction, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).
- 11) Lighting on the site complies with Section 7.1.2 of the *Zoning Bylaw*.
- 12) The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.
- 13) The project's impact on abutting residential neighborhoods has been adequately mitigated. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.
- 14) The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.
- 15) Off-street loading facilities and methods for unloading vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) to be located on the site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view.
- 16) The project complies with the requirements of Section 26.8 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollution Discharge Elimination System requirements.
- 17) The effects and the impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and the community's character, values, amenities and appearance have been identified and evaluated and reasonable conditions, limits, safeguards and mitigation measures are established pursuant to **s. 204-8 G** of these *Rules and Regulations*.

G. *Approval Conditions, Limitations & Safeguards* - In a *Decision* to approve a site plan, the Board may waive provisions of these *Rules and Regulations* in accordance with **s. 202-5** of these *Rules and Regulations*. The Board may also require plan modifications, conditions, mitigation measures, limitations and safeguards which the Board finds are

consistent with Town bylaws, regulations, and standards, which may include but are not limited to the following measures:

- 1) Plan revisions;
- 2) Site and building design modifications;
- 3) Controls on the location and type of access to the site;
- 4) Controls on the number, type and time that service vehicles access the site;
- 5) Provision for open space or preservation of views;
- 6) Limitations on the hours of operation;
- 7) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements related to the development;
- 8) Conditions to minimize off-site impacts and environmental quality during construction;
- 9) Requirements for screening parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- 10) Conditions to mitigate adverse impacts on the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage;
- 11) Compliance measures including but not limited to construction observation and inspection, performance guarantees, and as-built plan submittals;
- 12) *Mitigation Measures* – Pursuant to Section 3.5.4 I. of the *Zoning Bylaw*, the Board may require reasonable mitigation measures to offset adverse impacts of the development on the community including off-site improvements up to a maximum value of six percent of the total development cost the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals and controls, or municipal services, sufficient to service the development project. This may also include donation and/or dedication of land for necessary right-of-way improvements.
13. The Board may include specific site maintenance requirements in the *Decision* including but not limited to construction timing, management of dust, rubbish and construction debris, maintenance of erosion and siltation control measures, maintenance of stormwater management facilities, daily site clean-up, tracking of construction materials off-site, and management of construction traffic.

- H. *Distribution of Notice of Site Plan Decision* - The Board will prepare and mail a Notice of site plan *Decision* to all parties in interest.

s. **204 – 9 Appeal** - Any person aggrieved by the Board's *Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk, as provided in G.L. c. 40A, section 17.

s. **204 – 10 Plan Endorsement**

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within ninety days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board for endorsement. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse a site plan until it is brought into compliance with the Board's *Decision* and the twenty day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's site plan *Decision*.
- C. If the Conservation Commission is the permitting authority for the Stormwater Management and Land Disturbance Permit required under Article XXVI of the Medway General Bylaws, the site plan presented for the Board's endorsement shall include the stormwater design as approved by the Conservation Commission. The Board will not endorse the site plan without such Conservation Commission approval.
- D. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- E. After endorsement, the Applicant shall provide two paper copies of the endorsed site plan to the Board. The Applicant shall also provide the endorsed plan in portable document format (PDF) format and in shape files compatible with MASS GIS requirements. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

s. **204 – 11 Recording** – The Applicant shall record the *Decision* at the Registry of Deeds and submit evidence of such recording to the Board and the Building Commissioner. No construction shall be allowed to begin at the subject site until such recording verification is presented.

ARTICLE V. MINOR SITE PLAN REVIEW

s. **205 - 1 Applicability** – See Section 3.5.3 A of the *Zoning Bylaw*.

s. **205 – 2 Town Clerk Submittals** - The Applicant shall deliver by hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.

- B. One set of the Site Plan prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 204 – 5** of these *Rules and Regulations*.

s. 205 – 3 Planning and Economic Development Board Submittals - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 205 – 5** of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information:
- 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;
 - 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;
 - 11) proposed mitigation measures;
 - 12) list of other required local, state and federal permits and the status of each; and
 - 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.
- D. A *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
- 1) Describe the existing stormwater drainage patterns and system on the site; and
 - 2) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
 - 3) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.

The Board may require more extensive drainage information (up to and including complete drainage system design and calculations) depending on the extent of the proposed site changes and the sensitivity of the site and its abutting properties. At the Board's discretion, it may require the Applicant to provide a full stormwater drainage analysis and design as specified in **s. 204-3 D** of these *Rules and Regulations*.

- E. One list of all parties in interest as defined in G.L. c. 40A, §11 as appearing in the most recent tax records list. The list shall be certified by the Board of Assessors of all applicable communities.
- F. One copy of the latest recorded deed to the property(s) comprising the proposed development site.
- G. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, etc.) and other federal and state government agencies.
- H. Requests for waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Site Plan Waiver Request form supplied by the Board.
- I. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org
- J. A *Minor Site Plan Filing Fee* as authorized in **s. 209-1 A.** of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
- K. A deposit toward the *Minor Site Plan Review Fee* as authorized in **s. 209 – 1 B.** of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
- s. **205 – 4 Standards for Site Plan Preparation** – See **s. 204 – 4** of these *Rules and Regulations*.
- s. **205 – 5 Site Plan Contents** – To be considered complete, a minor site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below. The Board may require additional information, if necessary, to complete its review.
 - A. *Cover Sheet* - The cover sheet shall include the project name, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project street address, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Board Signature Block, and an index of drawings.
 - B. *Site Context Sheet*
 - 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
 - 2) Abutters' names and addresses with assessor's references for properties within 300' of the development site.

- 3) Lot lines with dimensions and easement areas for the development site.
 - 4) Existing topography at two foot intervals from United States Geological Survey (USGS) survey maps or actual land survey of the development site.
 - 5) All easements (utility, conservation and other) and rights-of-way located on the development site.
 - 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.
- C. *Existing Conditions Sheet* – A plan showing all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.
- D. *Plot Plan*, certified by a land surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.
- E. *Site plan*, at a minimum scale of one inch equals forty feet, showing the following:
- 1) Property boundaries, dimensions of the site and a north arrow;
 - 2) Proposed use(s) of land and buildings;
 - 3) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
 - 3) Design features of the construction or renovation of buildings (s) and structures, including building elevations, materials, colors, etc.;
 - 4) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
 - 5) Site grading;
 - 6) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
 - 7) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
 - 8) Horizontal sight distances on the public way(s) at all entrances and exits in both directions;
 - 9) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
 - 10) Erosion and sediment control measures;
 - 11) Stormwater management facilities as noted in **s. 205 – 3 D.** of these *Rules and Regulations*; and
 - 12) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear

setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. 205 – 6 Review by Town Officials

- A. Within fourteen days of the official site plan submission date, the Board shall transmit one copy of the site plan to the following boards, departments and committees, inform them of the public review meeting with the Board, and request their review and preparation of an advisory report to assist the Board in its review.
- 1) Building Commissioner
 - 2) Conservation Commission
 - 3) Fire Department
 - 4) Police Department
 - 5) Assessor's Office
 - 6) Board of Health
 - 7) Department of Public Works
 - 8) Design Review Committee
 - 9) Others as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission
- B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within fourteen days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. Review by Zoning Enforcement Officer – The Building Commissioner shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public hearing date, to identify any current zoning violations existing at the site which may be addressed through the site plan review process.

s. 205 – 7 Public Review

- A. *Board Meeting* – Within thirty calendar days of the official site plan submission date, the Board shall consider the proposed Minor Site Plan Application as an agenda item at a duly posted Board meeting at which the Applicant shall present their proposed site plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing. The Board may continue its review and consideration to other meetings as may be needed.
- B. *Abutter Notice* - At least fourteen days prior to the date of the public meeting, the Board shall send, by first class mail, a notice of the time, date and location of the public review

meeting to all parties in interest as defined in G.L. c. 40A, §11. The notice shall include a brief description of the site plan project.

- C. *Public Review Notice* – At least fourteen days prior to the date of the public meeting, the Board shall file the public review notice with the Medway Town Clerk for official posting.

s. 205 – 8 *Decision*

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its *Minor Site Plan Decision* with the Town Clerk within sixty calendar days from the official date of site plan submission. Failure of the Board to take its final action by filing its *Decision* within such sixty day period shall be deemed constructive approval of said application. A copy of the *Decision* will also be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* – See **s. 204-8, B.** of these *Rules and Regulations*.
- C. The Board may approve, approve with conditions, limitations, safeguards and mitigation measures or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- D. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the site plan *Decision*.
- E. *Approval Criteria Findings* – In making its site plan *Decision*, the Board shall consider the criteria as set forth in **s. 204-7 F.** of these *Rules and Regulations*.
- F. *Approval Conditions, Limitations and Safeguards* – See **Section 204-7, G.** of these *Rules and Regulations*.

s. 205 – 9 *Appeal* - Any person aggrieved by the Board's *Minor Site Plan Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk as provided in G.L., c. 40A, section 17.

s. 205 – 10 *Plan Endorsement*

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's site plan *Decision*, before the Board endorses the site plan. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's *Decision*.

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

ARTICLE VI. ADMINISTRATIVE SITE PLAN REVIEW

- s. **206 - 1** *Applicability* – See Section 3.5.3 A of the *Zoning Bylaw*.
- s. **206 – 2** *Designated Agent for Administrative Site Plan Review* – Pursuant to Section 3.5.5. A. 2. of the *Zoning Bylaw*, the Town Administrator and the Board have established an *Administrative Site Plan Project Review Team* to be comprised of the following Town employees: Building Commissioner, Director of Community and Economic Development, and Planning and Economic Development Coordinator. The *Team* may consult with other Town employees on a case by case basis depending on the nature of the proposed site plan project.
- s. **206 - 3** *Administrative Site Plan Project Submittals* - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Medway Community and Economic Development Department office and the Town Clerk during regular business hours.
 - A. Two Administrative Site Plan Review Application forms with original signatures.
 - B. Two sets of the site plan (24" x 36") and three reduced size (11" x 17") sets of the site plan prepared in conformance with these *Rules and Regulations* including all applicable items as specified in s. **206 – 5** of these *Rules and Regulations* plus an electronic version.
 - C. One written *Project Description* of the proposed development including: current and proposed uses, proposed site improvements, construction, and demolition; existing and proposed means of vehicular and pedestrian access and egress; anticipated number of employees and occupants; methods and hours of operation; and timetable for project completion. The *Project Description* shall include but not be limited to building construction, renovation, paving, drainage, retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities, outdoor lighting, and proposed mitigation measures.
 - D. *Stormwater Drainage Evaluation* as specified in s. **205-3 D** of these *Rules and Regulations*.
 - E. One copy of all relevant approvals received to date from other Town boards and commissions (ZBA, Conservation Commission, Board of Health, etc.) and other government agencies.
 - F. A list of waivers being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, on a form provided by the Board.
 - G. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via

email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org

- H. A *Site Plan Filing Fee* as authorized in **s. 209 - 1 A.** of these *Rules and Regulations* and as specified in the Board's *Fee Schedule*.
- I. Filing of the application and plan does not, of itself, constitute the official receipt date. The Team shall review the application for completeness and notify the Applicant of any missing items within five business days of submission. In such a case, the application will be deemed to not to have been submitted. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.
- s. **206 - 4** *Standards for Site Plan Preparation* - See **s. 204 - 4** of these *Rules and Regulations*.
- s. **206 - 5** *Site Plan Contents*
 - A. *Existing Conditions Sheet* – A plan showing name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project street address, project Assessor's Map and Parcel number, zoning district classification, all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; scenic roads; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.
 - B. *Site plan*, at a minimum scale of one inch equals forty feet, showing the following:
 - 1) Property boundaries, dimensions of the site and a north arrow;
 - 2) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
 - 3) Site grading;
 - 4) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
 - 5) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
 - 6) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
 - 7) Erosion and sediment control measures;
 - 8) Stormwater management facilities as noted in **s. 205 - 3 D.** of these *Rules and Regulations*; and
 - 9) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. **206 - 6 Review Process** - Within fourteen calendar days of the official site plan submission date, the *Team* shall consider the administrative site plan application at a duly posted meeting at which time the Applicant may present its plan. The *Team* may consult with other Town officials and continue its review and consideration to other meetings as may be needed.

s. **206 - 7 Decision** - Following the *Team's* review, the *Team* shall prepare and file its *Administrative Site Plan Decision* with the Town Clerk within twenty-one calendar days from the official date of site plan submission. Failure of the *Team* to take its final action within the twenty-one day period shall be deemed constructive approval of said application. A copy of the *Decision* shall be provided to the Applicant. The deadline by which the *Team* shall file its *Decision* may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the *Team* agrees thereto. Notice of the *Team's* acceptance of the Applicant's request for a deadline extension shall be provided in writing by the *Team* to the Town Clerk.

s. **206 - 8 Appeal** - Any person aggrieved by the *Decision* of the *Administrative Site Plan Project Review Team* for a site plan project subject to Administrative Site Plan Review may appeal such *Decision* to the Board in writing within twenty days after the *Decision* is filed with the Town Clerk. The appeal shall be considered as an agenda item at a duly posted meeting of the Board at which the Applicant's appeal shall be heard.

s. **206 - 9 Plan Endorsement**

- A. In cases where the *Administrative Site Plan Project Review Team* approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the *Decision* is filed with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the *Team* to review for compliance with the *Decision*, before the *Team* endorses the site plan.
- B. The *Team* shall not endorse the site plan until it is brought into compliance with the provisions of the *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk. If appeal is made, endorsement shall not occur until after the Board's *Decision* addressing the appeal of the *Team's* site plan *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement.
- D. The *Team* shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

ARTICLE VII. DEVELOPMENT STANDARDS – Development projects requiring Site Plan Review shall be designed to the greatest extent feasible to comply with the following development standards. These standards are intended to achieve well designed projects without discouraging creative and/or innovative solutions to each site's particular features and challenges. Projects which do not meet these Standards are required to submit Waiver Requests with the application

s. 207 - 1 *Design Principles*

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

s. 207 – 2 *Site Design*

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

s. 207 – 3 *Architecture*

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

s. 207 – 4 *Energy Efficiency and Sustainability*

- A. New buildings should be positioned on the site to take advantage of the existing terrain and solar gains. Where possible, elongate the buildings on the east/west axis, maximize north and south exposures for daylighting, minimize east and west facing windows, and orient the most populated areas of a building to the north and south. Green roofs are encouraged.

s. 207 - 5 *Environmental Considerations*

- A. *General* - Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of water courses and water resources, topography, soil and noise shall be reviewed. The design of the proposed development shall minimize the destruction of trees and unique natural

features and the site plan shall show measures to minimize any adverse impacts on these elements.

- B. *Low Impact Development (LID)* – Applicants should utilize Low Impact Development (LID) management practices in site design and incorporate environmentally sensitive design in site landscape improvements and buildings when practicable.
- C. *Nuisance* - The proposed development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures.

s. **207 – 6 *Erosion and Sediment Control***

- A. Erosion and sediment control measures shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.7.
- B. The final slope of the land shall not exceed one foot vertical to three feet horizontal, unless retaining walls or other suitable stabilization methods as determined by the Board are provided.
- C. Permanent vegetation and other erosion control measures shall be installed as soon as possible after construction ends.
- D. All disturbed areas shall be permanently stabilized within six months of occupancy.

s. **207 – 8 *Site Clearing and Grubbing*** – See Section 7.4 of the *Medway Subdivision Rules and Regulations*.

s. **207 – 9 *Earth Filling & Grading***

- A. *Prohibited materials.* No solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive or flammable materials, **building materials**, construction and demolition debris, glass, metal, toxic, infectious, radioactive, corrosive or reactive materials or waste may be used as fill. Fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. Fill material shall also be free from organic material such as trees, stumps, and garbage, and shall contain fifteen percent or less of total organic carbon by lab analysis.
- B. *Permitted fill materials.* Fill materials shall include only clean sand, gravel, clay, stone, quarried rock, topsoil, borrow, rock, sod, loam, peat, humus, or other subsurface products free from solid waste, with an aggregate size of twelve inches or less. Recycled concrete that has been certified as clean fill may be used.
- C. *Final cover.* All filling shall be covered with a minimum of four inches of organic topsoil and shall be seeded and mulched to stabilize the fill material. Where filling is incidental to facilitate parking of vehicles, the fill material shall be covered by a suitable binding material to prevent airborne dust and erosion.

- D.
- E. *Additional Conditions.* The Board may set reasonable conditions including but not limited to hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted. The Board may also impose requirements for monitoring the type and distribution of fill on the subject site.
- F. Development sites shall not be used for the temporary storage of fill materials intended for use elsewhere.
- G. Projects involving site filling in excess of **two thousand** cubic yards shall submit a Soil Management Plan to the Board prior to the pre-construction meeting for review by the Town's Consulting Engineer. The Soil Management Plan shall include the following:
- a) Agreement that bills of lading in the form specified by the Board will be exclusively used for the transport and acceptance of earth materials for fill;
 - b) Complete descriptions of pre-fill environmental conditions and findings and sample locations;
 - c) Procedures for verification of fill material origin and acceptance;
 - d) Record keeping practices;
 - e) Site security, fill operation inspection and site control;
 - f) Transport routes, times and days of operation, locations of equipment parking and storage, and duration of fill activities;
 - g) Qualifications of applicant personnel responsible for adhering to the soil management plan;
 - h) Erosion, dust and stormwater controls and inspection and maintenance thereof;
 - i) Effects of the filling on groundwater recharge;
 - j) Quality assurance and quality control procedures including testing protocols
 - k) Emergency response and notification procedures, including telephone numbers and contact individuals and firms;
 - l) Total proposed earth material fill volume;
 - m) Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;
 - n) Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and
 - o) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.

s. **207 – 10 Site Maintenance During Construction**

- A. Any construction site is required to have a stone mat construction entrance for a minimum of fifty feet or as site constraints allow. The stone mat shall be maintained regularly to allow for proper reduction of sediment tracking onto adjacent roadways. In events where excessive mud is generated at the site, wheel washing stations may be required to further prevent sediment tracking onto Town ways.

- B. Construction of the approved development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures and remedies.
- C. Construction projects meeting the eligibility requirements of the U.S. Environmental Protection Agency (EPA) for a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) and the associated Stormwater Pollution Prevention Plan (SWPPP) shall file with the EPA and provide documentation of that filing to the Board. The SWPPP shall be retained on the construction site. Developers of approved site plan projects shall fulfill all responsibilities pertaining to their NPDES CGP and provide copies of all inspection and corrective action reports to the Board.
- D. Upon completion of all work on the ground, the Developer shall remove from the site and adjoining property, all temporary structures, all surplus material, debris, tree stumps, loose rocks, silt fences and synthetic erosion control measures unless authorized by an Order of Conditions to be left in place, and such rubbish which may have accumulated during construction, and shall leave the work site in a neat and orderly fashion.

s. 207 – 11 Pedestrian & Bicycle Access and Sidewalks

A. Pedestrian and Bicycle Access

- 1) Pedestrian ways shall be provided within the site to connect buildings with parking areas, other buildings, and site amenities.
- 2) For pedestrian safety and site design enhancement, on-site crosswalks between parking areas and the building (s) and where possible, on adjacent roadways shall be provided and have a change in materials and/or color, texture or pattern.
- 3) Pedestrian and bicycle circulation shall be maximized on and off site and shall be separated from motor vehicle circulation as much as practicable. Safe pedestrian and bicycle access to the site shall be provided by walkways or other means which ensure protection and separation from vehicular traffic.
- 4) Existing pedestrian ways shall be maintained or improved.
- 5) Where no pedestrian ways exist, the Applicant should create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, adjacent commercial developments and other surrounding uses.
- 6) Sidewalks and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).

B. Sidewalks

- 1) Five foot wide sidewalks shall be provided within parking areas. Where sidewalks abut parking areas, the sidewalk width may be increased by two feet to accommodate vehicular bumper overhang so as to not impede foot traffic.

- 2) For buildings where tenants may wish to use interior site sidewalks for temporary outdoor display purposes, sidewalks shall be increased in width such that at least five feet is maintained for pedestrian passage.
- 3) Pursuant to Section 5.5.4. I, c. of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of the subject property along existing public ways. See the *Zoning Bylaw* language for additional details.

s. 207 – 12 Traffic and Vehicular Circulation - The site plan must address safety and convenience of vehicular and pedestrian movement within the site as well as in relation to adjacent streets, properties or improvements.

A. Site Access - Curb Cuts, Entrance and Egress

- 1) The site shall be evaluated as a whole to determine the number of curb cuts to be allowed.
- 2) Curb cuts on public ways shall be minimized.
 - a) Curb cuts for contiguous commercial areas may be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the Applicant.
 - b) Wherever possible, existing driveways should be combined.
 - c) All proposed curb cuts within a commercial district or a contiguous commercial area shall be designed to enhance traffic flow on major streets and to minimize additional traffic circulation on neighboring residential streets in order to maximize safe vehicular movement and pedestrian safety.
- 3) The entrance shall be clearly delineated by granite curbing or other approved material along the entire radius of the opening, and extend at least twelve feet beyond each side along the gutter line of the road, and at least the first twenty-five feet of a driveway, and sloped at the end to prevent a vertical obstruction to exist.
- 4) The site design shall allow vehicles to enter, park and exit the property without difficulty. Arrows, signs, and/or pavement markings to control the traffic flow may be required. Consideration shall be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. Passenger vehicles and delivery vehicles should be segregated where possible.
- 5) Where possible and as appropriate to site conditions, curb cuts should be aligned with curb cuts on the opposite side of the road to create common junctions.
- 6) Curb cuts for entrance and exit driveways shall be located and designed so as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.

- 7) Where a site occupies a corner of two intersecting roads, curb cuts shall be located to the maximum distance practicable from the intersection. At a minimum, a curb cut should be located at least fifty feet from the point of tangency of the intersection.
- 8) Driveways shall be located so as to afford maximum safety, convenient ingress and egress and minimize conflict with the flow of off-site traffic.
- 9) 10) Driveways shall be located to maximize sight distances where the proposed driveway meets an existing way. Sight distances for turning movements to and from the development shall meet current minimum AASHTO standards and shall be clearly shown on the site plan.
- 11) Left-hand egress turns should be minimized.
- 12) Driveways should intersect the road at an angle of ninety degrees.
- 13) No part of any driveway shall be located within fifteen feet of a side property line when the property abuts a residential use.
- 14) 15) The slope of the paved entrance way should not exceed two percent for the first twenty-five feet measured perpendicular from the front property line.

B. Internal Site Circulation and Driveways

- 1) Where possible, adjoining parcels shall have unified access and promote inter-parcel circulation.
- 2) The perimeter of driveways shall be bounded with vertical granite curb or similar type of edge treatment.
- 3) Internal driveway width - Two way driveways shall be twenty-four feet wide. The width of one-way driveways shall be as determined by the Board based upon the angle of appurtenant parking.
- 4) Driveway materials – Asphalt bituminous or cement concrete or other durable materials shall be used for driveway paving. Pervious pavers or similar materials may be used for fire lanes. Driveways shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent streets from the driveway.
- 5) Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within the site with emphasis on the layout of parking and off-street loading and unloading areas, and the movement of people goods, and vehicles on access roads, on driveways and between buildings or structures within the site.
- 6) Provision should be made for safe and convenient pedestrian and traffic movement to connect with adjacent commercial sites.

D. Emergency Vehicle Access - The site shall be designed to provide adequate accessibility by fire, police, and emergency personnel, equipment and vehicles to each building. The access shall be maintained and kept in passable condition at all times.

Commented [A5]: Board wants to discuss this more.

Commented [A6]: Not sure about this, Fire Chief may want to comment.

- E. *Mitigation* - The Board may require the Applicant to provide mitigation where project-related increased traffic volume will create unsafe, or poor level of service conditions based on findings of the traffic study. Mitigation measures include but are not limited to the implementation of turning lanes, traffic signal installation and improvements, roadway improvements, sidewalks, and acceleration and deceleration lanes.

s. 207 – 13 Parking

- A. Parking shall be provided in full compliance with Section 7.1.1 of the *Zoning Bylaw*.
- B. Parking should to the maximum extent possible and located to the side and rear of the site. Placement of parking areas should not be near a high volume of traffic where it can obstruct traffic flow. Parking should not create a hazard to abutters, vehicles or pedestrians. Where parking is proposed adjacent to the street, plantings or appropriate fencing should be incorporated to screen parking areas and reduce their visual impact.
- C. *Pedestrian Protection* - Pedestrian walkways through parking areas may require protection (*barriers or bollards*) or crosswalk striping.
- D. *Designated Parking Areas* –Areas for compact cars and motorcycles may also be shown.
- E. *Asphalt Surface* - Parking areas shall have durable, all-weather paved surfaces. Hot mix asphalt surfacing should be a minimum of three and one-half inches over eight inches of gravel borrow or as required by site conditions.
- F. Adverse impacts of parking on abutters, residents or businesses in the area shall be mitigated.
- H. *Parking Spaces*
- 1) *Number of spaces* - See Section 7.1.1 of the *Zoning Bylaw* – Table 3 Schedule of Off-Street Parking Requirements.
 - 2) *Parking space design*
 - a) *Dimensional Standards* – See Section 7.1.1 E. 3. of the *Zoning Bylaw*. All handicap parking spaces shall comply with state and federal regulations.
 - b) *Angle parking* - In the event site constraints limit drive aisles to one-way travel, angled parking may be permitted. The Applicant shall provide analysis that proper maneuverability through the site can be achieved, stalls are of proper length to limit overhang into the drive aisle, and proper lane width is designed to provide suitable reverse turning movements. Pull through angle parking stalls shall not be allowed.
 - 3) *Location*
 - a) The location of parking spaces shall not impede proper traffic flow or the maneuvering of other vehicles. Parking spaces shall not be located in the following areas: building entrances, building exits, loading and unloading areas, pedestrian ways, and fire lanes.

- b) Parking spaces shall not be located within fifteen feet of the front, side and rear property lines.
- c) Parking spaces shall be located such that a vehicle backing out of a space does not impede traffic entering from a public traveled way within the first fifty feet into the site.
- d) Drive aisles should have a minimum paved width of twenty-four feet and provide for two-way traffic, and shall extend a minimum of five feet beyond the last parking space in any dead end parking row.

I. *Curbing*

- 1) The perimeter of the parking area shall be bounded with vertical granite curb, bituminous concrete curb, or cement concrete curb to delineate the parking lot and collect and direct stormwater runoff.
- 2) All curbing shall have a minimum radius of three feet and shall transition tangentially. No protruding angle points shall be allowed.

K. **Electric Vehicle Charging Stations – Industrial, commercial, and multifamily housing sites with ____ or more parking spaces shall provide parking areas with electric vehicle charging stations for employee, customer and resident use.**

Commented [A7]: See comment above. Should board mandate this as part of Site Plan Review or should this be included in parking section of the ZBL?? What sort of ratio of EV charging spaces/total spaces is appropriate? Needs some research.

s. **207 – 14 Loading and Unloading** - At the time of erection of any principal building or enlargement of any principal building or the establishment of any activity on open land, there shall be created adequate off-street loading and unloading areas as follows:

- A. One or more off-street loading and unloading areas shall be provided for any business that may be regularly serviced by delivery vehicles so that adequate areas are provided to accommodate all delivery vehicles expected at the premises at any one time.
- B. The location of off-street loading and unloading areas and facilities shall be designed with an adequate off-street maneuvering area so that it will not be necessary for delivery vehicles to use a public way to maneuver into a loading or unloading space and so that egress from such spaces will not require backing onto a public way.
- C. Loading and unloading areas shall in all cases be on the same lot as the use they are intended to serve unless there is common ownership of an adjacent property. In no case shall the required loading and unloading areas be part of the area used to satisfy the parking requirements of the *Zoning Bylaw*.
- E. Loading and unloading areas should be located at either the side or rear of each building to be removed from view and to mitigate noise impacts.
- F. Loading and unloading areas shall be designed to avoid traffic conflicts with vehicles which use the site or adjacent sites.
- G. Each loading and unloading area shall not be less than twelve feet in width and not less than sixty-five feet in length. Height clearance shall not be less than fourteen feet.

- H. Loading and unloading areas and spaces shall not encroach on parking spaces or maneuvering space, nor shall they obstruct access to fire hydrants, sprinkler connections, or fire or emergency vehicle lanes.
- I. Off-street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.
- J. Loading areas shall not face any residential area unless no other location is feasible.
- K. Loading areas are prohibited on the front façade of any building unless no other location is feasible.
- L. All service, loading and trash storage areas viewable from a public right of way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

s. 207 – 15 Stormwater Management

- A. The Post Construction Stormwater Management Plan shall incorporate Low Impact Development (LID) site planning and design strategies and best management practices to the maximum extent feasible, and shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.8, the current Massachusetts Stormwater Management Standards, and the DEP Stormwater Management Handbook Volumes I and II.
- B. Detention and retention basins shall be designed to be integrated into the site's topography and natural features such that the basin contours are softened and a naturalized appearance is achieved.
- C. Subsurface detention and infiltration systems shall be designed with access manholes and inspection ports to provide means to properly inspect and maintain the system. All subsurface detention and infiltration systems shall contain an internal "forebay" or pre-treatment chamber row which will allow treatment of first flush runoff prior to discharging stormwater to the remainder of the system and shall be designed to allow for proper access for inspection and maintenance.
- D. Infiltration measures shall be provided to mitigate post development increases in runoff resulting from proposed rooftops. Runoff from proposed rooftops throughout the site shall be directly routed to dedicated infiltration Best Management Practices (BMPs). Discharge of roof runoff directly to surface grade is strictly prohibited. If runoff is directed to infiltration BMPs which also mitigate surface runoff, the roof runoff shall be directly discharged to the BMP and not allowed to comeingle with untreated surface runoff prior to discharge to the BMP. Metal roofs shall be properly treated prior to infiltration if located within critical areas listed in the DEP Stormwater Management Handbook.
- E. Headwalls that are visible from a roadway or driveway shall be fabricated to have a natural stone appearance to the satisfaction of the Board.

- F. See **s. 207 – 20** of these *Rules and Regulations* for landscaping requirements around stormwater detention and retention areas.

s. 207 - 16 Water Supply and Sewage Disposal

- A. *Water Supply* - Unless proven to be unfeasible, all projects requiring site plan approval shall connect to the public water supply distribution system, except that connection to the public water supply system for on-site irrigation of landscaping is not permitted. Wells for irrigation are permitted through the Board of Health.
- B. *Sewage Disposal* – The proposed method of sanitary sewage disposal for all buildings and uses shall be shown on the site plan. It shall meet the applicable Town regulations for sewage disposal systems and connections whether it is an on-site septic system or connected to the public sewer system.

s. 207 – 17 Utilities

- A. All electric, telephone, cable TV, and other utilities shall be located underground to the extent feasible.
- B. Permanently installed generators shall be positioned on cement pads, be located to the rear of the site, and shall be fully screened or bermed to mitigate noise and appearance.
- C. Utilities shall be installed in accordance with Section 7.6 Utilities of the *Medway Subdivision Rules and Regulations*.
- D. Architectural features shall be incorporated into the building design to screen rooftop utilities.

s. 207 – 18 Solid Waste Removal - Dumpsters, Trash and Recycling Containers

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

s. 207 - 19 Outdoor Lighting

- A. Outdoor lighting shall comply with Section 7.1.2 of the *Zoning Bylaw*.
- B. For new construction, no overhead wiring for outdoor lighting is permitted.
- C. Light fixture design should comply with the *Medway Design Review Guidelines*.

s. 207 – 20 *Landscaping*

- A. *General* - Landscaping enhances the site, provides a pleasing environment and reduces the visual impact of the site on the surrounding areas. The Board requires that the Applicant provide sufficient landscape treatment to create adequate buffering for neighboring properties and provide positive visual impacts as provided herein. The preservation of existing trees and vegetation where feasible and appropriate in lieu of or in addition to new landscaping as required herein is permitted and encouraged.
- B. *Landscape Buffers* - The use of proportionally sized landscaped buffers and berms between the street and structures, between the street and parking areas, between the site and its neighbors, and throughout parking lots is encouraged to provide for more immediate visual screening and improved topographical variation.
- 1) Landscape buffers between the street and parking areas are required. Tree-lined sidewalks at the street front shall be included. Plantings along the front property line and access roads shall take into consideration sight distance criteria. Planting of new or replacement trees every twenty-five feet along both sides of an access road is required.
 - 2) Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.
- C. *Parking Areas*
- 1) Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking areas containing ten or more parking spaces to provide visual relief from expanses of pavement and vehicles and provide shade.
 - a) A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.
 - b) The ends of parking aisles that have more than fifteen parking spaces in length shall incorporate enclosing landscape islands at both ends of the rows. The width of such landscaped islands shall be at least four feet at the ends.
 - c) Where the length of parking aisles exceeds twenty-five spaces, intermediary landscaped islands shall be installed at regular intervals, not to be more than every thirteen spaces.
 - d) At least one deciduous shade or canopy tree of a minimum three inches caliper with a height of not less than twelve feet above grade shall be provided for every six parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. The Board

may waive this requirement in favor of the preservation of existing site trees.

- 2) Landscaping shall be provided around the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, and to provide parking areas with a reasonable measure of shade. Such vegetation shall be no less than five feet high at the time of planting.
- 3) Parking entrances at curb cuts shall be landscaped with a combination of trees, shrubs and flowering plants. These areas may also be used for signage pursuant to Section 7.2.4 F. 5 of the *Zoning Bylaw*. No trees or shrubs shall be planted in a manner that would obstruct sight line visibility for vehicles entering and exiting a site. The maximum height of vegetation, except trees, at full growth or any other physical object within the Sight Distance Triangles of a curb cut shall not exceed three feet in height.
- 4) To the maximum extent feasible, plant materials used in landscaped islands and in the perimeter of parking areas shall be drought resistant, salt tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
- 5) Landscaped areas should be designed to receive and accommodate stormwater runoff in accordance with the *Massachusetts DEP Stormwater Handbook* through the use of rain gardens and bio-retention areas.

D. *Screening and Buffers* – Where disturbance on the site is necessary beyond the building footprint, parking and access areas, or where the Board determines that additional plantings are needed to achieve four seasons of screening, the Landscape Plan shall include landscape plantings, berms, and/or manmade hardscape structures such as fences, stone walls and trellises sufficient to immediately screen one-hundred percent of the HVAC equipment, utilities, dumpsters, storage areas, truck loading areas, machinery, utility buildings, and accessory structures etc. from the view at any perimeter point on the site. The proposed plantings shall be of sufficient maturity to immediately integrate the building and site into its surroundings. The scale, extent and density of such landscape and hardscape treatment shall be determined by the size of the building, the extent of planned disturbance to the site's existing landscape, the adjacent uses, and the need for additional screening.

E. *Landscaping Around Stormwater Detention/Retention Areas* – Substantial landscaping shall be provided around stormwater detention and retention basins and shall be included in the design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize the visual impact of stormwater basins, such landscaping should include two staggered rows of suitable trees and shrubs. Landscaping shall be designed to not obstruct access to the stormwater basins for maintenance purposes.

F. Trees shall be non-invasive, deciduous hardwoods. The following species are preferred:

- 1) Red Oak - *Quercus borealis*
- 2) Pin Oak - *Quercus palustris*
- 3) Scarlet Oak - *Quercus coccinea*
- 4) Red Maple - *Acer rubrum*
- 5) Sugar Maple - *Acer saccharum*
- 6) Thornless Honey Locust - *Gleditsia triacanthos intemis*
- 7) London Plane Tree
- 8) Ginko (*Fruitless male*)
- 9) Swamp White Oak
- 10) Zelcova
- 11) Sweetgum (*Rotundiloba/fruitless*)
- 12) Linden

Smaller variety trees:

- 13) Crab Apple (*if insect and disease resistant*)
- 14) Kousa Dogwood
- 15) Serviceberry
- 16) Hendge Maple

Evergreen species:

- 17) Norway Spruce
- 18) Hemlock
- 19) Capitata Yew
- 20) Cedar

The Applicant may propose alternative trees that may be better choices for the particular site based on proximity to utility lines, sidewalks and pavement, area available for root growth, tolerance to salt, rooting characteristics, resistance to disease and insects, tolerance to root pruning, branching habit, fruit and seed production, and maintenance needs. The Board may seek the advice of the Medway Tree Warden to evaluate alternative tree proposals.

- G. *Tree Replacement* – All hardwood trees twenty-four inches or more in diameter that are to be removed from the site shall be replaced with new trees on the site. Wherever feasible, existing trees of eighteen inches or more in diameter should be preserved.
- H. *Tree Size* – New and replacement trees shall have a diameter of at least an average of two and one-half inches as measured four feet above finish grade and shall be a minimum of twelve feet in height.
- I. *Landscape Requirements* – To the maximum extent feasible, all additional landscaping shall be drought resistant, pest tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
- J. *Irrigation* – On-site wells, cisterns to capture rainfall, or private watering service is required to maintain landscaping installations. The Town does not permit connection to the Town's water service for landscape irrigation. Well locations shall be shown on the site plan and are subject to approval of the Medway Board of Health.

s. 207 – 21 Site Amenities

- A. When incorporated as part of a site plan or included as mitigation measures, the selection of types and materials for fencing, retaining walls, gates, benches, planters, bike racks, and other site amenities should comply with the *Medway Design Review Guidelines*.
- B. Proposed hardscape features and materials such as fences and stone walls shall be compatible with the design of the building. Vehicle sight lines shall not be affected by such landscape features or built hardscapes.

s. 207 - 22 Snow Removal – The site shall be designed to accommodate adequate snow storage for snow that is removed from the paved areas. The snow storage area(s) shall be located and graded such that the runoff from melting snow shall not enter the public way or wetland resource areas. Stored snow shall not affect visibility and sight distance of vehicles entering and exiting the site. Snow storage areas should safely accommodate a minimum volume equal to six inches over the entire site area subject to snow removal. The Board may condition a site plan decision to require removal of excess snow off-site.

s. 207 – 23 Outdoor Storage – To the maximum extent possible, outdoor storage of materials, goods, equipment and advertising, if permitted, shall be screened from view from adjacent and nearby streets and properties by suitable fencing and/or evergreen plantings. Check *Table 1 Schedule of Uses* of the *Zoning Bylaw* for areas where outdoor storage is permitted.

s. 207 – 24 Post Construction On-Going Maintenance – The Owner shall maintain site amenities, landscape installations, and stormwater management facilities in good condition throughout the life of the facility and to the same extent as shown on the endorsed site plan and in accordance with the approved long term stormwater operations and maintenance plan. Trees, shrubs, bushes and other landscape features shown on the plan which die or become diseased shall be replaced by the following planting season.

ARTICLE VIII ADMINISTRATION

s. 208 – 1 Preconstruction

- A. Pre-Construction Meeting - Prior to the commencement of any site work (earth removal, clearing of vegetation, mobilization of construction equipment, etc.) for an approved Major or Minor Site Plan project, the Developer, the site general contractor, and other representatives of the Developer shall attend a preconstruction meeting with the Planning and Economic Development Coordinator, Building Commissioner, Department of Public Works Director, Conservation Agent, or their designees, and other Town staff as may be determined appropriate, and the Town's Consulting Engineer.
 - 1) The Developer or general contractor shall request the pre-construction meeting at least one week prior to commencing any site work on the property by contacting the Planning and Economic Development office.

- 2) If applicable to the project, the Developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPPP) required by the U.S. Environmental Protection Agency (EPA) to the Town at or prior to the pre-construction conference.
- 3) The Developer shall also provide a detailed construction schedule, copies of other permits or approvals, emergency contacts list, etc.

~~B. Projects involving site filling in excess of two thousand cubic yards shall submit a Soil Management Plan prepared by a Massachusetts Licensed Site Professional (LSP) to the Board prior to the pre-construction meeting.~~

s. 208 – 2 Construction Inspections and Reporting

- A. At the Developer's expense, the Town's Consulting Engineer shall inspect infrastructure construction and the ongoing maintenance of such and provide regular site inspection reports to the Board and the Developer. See **s. 208-4 C.** of these *Rules and Regulations*. The Developer or its representatives shall notify the Town's Consulting Engineer at least 48 hours in advance of needed inspections.
- B. If a site plan project is required to file its own individual National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) with the U.S. Environmental Protection Agency (EPA), copies of all required reporting shall be forwarded to the Board for review during the construction term of the project.

s. 208 – 3 Modifications to Approved Site Plans and Decisions - Construction work shall comply with the approved site plan, unless the Developer requests approval of a modification to the site plan and/or *Decision* and such approval is provided pursuant to any one of the methods specified below:

- A. *On-Site Field Changes* – During construction, the Developer may be authorized to make limited, minor, on-site field changes to an approved site plan project based on unforeseen conditions, situations or emergencies necessitated by field conditions. These field changes shall not alter items which may affect the site's compliance with the *Zoning Bylaw* or these regulations. Prior to undertaking such field changes, the Developer and/or contractor shall discuss the possible changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial and so notify the Board. Otherwise, the Board shall review the request at a public meeting and determine whether the proposed field changes are acceptable based on the unforeseen conditions, situations or emergencies and whether other options are feasible. A written determination whether the field change is authorized shall be provided to the Developer and the Building Commissioner. Any approved field change shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plan.
- B. *Major Site Plan Projects*

1) *Plan Modification*

- a) Proposed modifications ~~(not including on-site field changes)~~ to a previously approved major site plan project shall be subject to review by the Board. ~~The Developer shall submit a letter to the Building Commissioner and the Board describing the proposed changes and the reasons for the proposed modifications. The Building Commissioner shall make a written determination if the proposed modifications are Substantial or Insubstantial as specified herein and provide such determination to the Developer and the Board. Substantial modifications require review by the Board with a formal public hearing process. Non-substantial modifications require review by the Board as an agenda item during a public meeting.~~
- b) ~~Substantial Modification Determination~~ To make a determination whether the proposed changes are *Substantial* or *Insubstantial*, the Building Commissioner shall consider the proposed changes as a whole. However, the following proposed changes will generally be considered as *Substantial*:
- ~~1. an increase in the height of a building;~~
 - ~~2. an increase in the size of a building footprint in excess of 10%;~~
 - ~~3. a change in the location of a building on the site (other than insignificant changes);~~
 - ~~4. changes or redesign of the stormwater management facilities if deemed significant by the Town's consulting engineer;~~
 - ~~5. changes in the location, dimensions and composition of buffer areas and screening measures; or~~
 - ~~6. any other changes, individually or as a whole that substantially change the site plan including but not limited to:~~
 - ~~a. reduction of site amenities;~~
 - ~~b. changes in the location and quantity of access and exits or curb cuts; or~~
 - ~~c. the layout and quantity of parking.~~
- c) The request for a *Substantial Modification* to a previously approved major site plan shall be subject to the same application and review process including a public hearing as provided in **s. 204 Major Site Plan Review** of these *Rules and Regulations* including the payment of plan modification filing fee and plan review fee. The Board shall issue its *Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Developer. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.
- d) ~~The request for an Insubstantial Modification to a previously approved major site plan shall be subject to the same application and review~~

Commented [A8]: I have always felt that a modification requires compliance with the same procedure as the original permit. The ZBL does provide that the BC can approve an insubstantial change, which is covered by Subsection A above. Anything else it seems to me should be handled as a modification.

process as provided in **s. 205 Minor Site Plan Review** of these *Rules and Regulations* including the payment of plan modification filing fee and plan review fee. The Board shall issue its *Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials, and the Developer. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as built plan.

- 2) *Decision Modification* – If the Developer proposes a modification to the original *Decision* for a major site plan project and the proposed modification pertains to a specific condition of approval of the original *Decision*, the Board shall conduct a public hearing on the proposed change. Otherwise, the Board may review and act on the proposed modification to the *Decision* at a public meeting without a public hearing. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, other Town officials, and the Developer, and made a permanent part of the project record.

C. *Minor Site Plan Projects*

1) *Plan Modification*

- a) The Developer shall submit a letter to the Building Commissioner and the Board describing the proposed changes to a previously approved minor site plan project and the reasons for the proposed modifications. If proposed modifications to a previously approved minor site plan project are such that the changes would result in the development meeting the criteria for Major Site Plan Review pursuant to Section 3.5.3.A.1. of the *Zoning Bylaw*, the modification shall be handled in accordance with the provisions for reviewing and approving a Substantial Modification to a Major Site Plan project as specified in **s. 208 – 3 B.** of these *Rules and Regulations*.
 - b) Modifications of minor site plan projects, other than insubstantial field changes as provided in Section 3.5.2.C of the *Zoning Bylaw*, require review by the Board as an agenda item during a public meeting. The request for a modification to a previously approved minor site plan shall be subject to the same application and review process for Minor Site Plan Review as described in **s. 205** of these *Rules and Regulations*, including the payment of fees. A written modification *Decision* shall be prepared by the Board and filed with the Town Clerk, Building Commissioner and other Town officials. Any modifications shall be made a permanent part of the approved site plan record and shown on the as-built plan presented for project completion.
- 2) *Decision Modification* – If a modification is needed to the original *Decision* for a previously approved minor site plan project, the Board may review and act on the

proposed modification at a public meeting without a public hearing. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, other Town officials, and the Developer, and made a permanent part of the project record.

D. *Administrative Site Plan Projects*

1) *Plan Modification*

- a) Proposed modifications to a previously approved administrative site plan project shall be subject to *Administrative Review* as described in **s. 206** of these *Rules and Regulations*. The Developer shall follow the same application and review process as provided herein including the payment of fees. Any modifications approved by the Administrative Site Plan Project Review Team shall be made a permanent part of the approved site plan record. A written modification *Decision* shall be prepared by the Administrative Site Plan Project Review Team and filed with the Town Clerk.
- b) The Administrative Site Plan Project Review Team may determine that a proposed modification to a previously approved administrative site plan project is such that the change would result in the development meeting the criteria for *Minor or Major Site Plan Review*. If so, the modification shall be handled in accordance with the provisions for reviewing and approving those categories of site plan by the Board.
- c) Appeal of an *Administrative Review Decision* to modify a previously approved administrative site plan project may be made to the Board within twenty days of the date the *Decision* was filed with the Town Clerk.

2) *Decision Modification* – If a modification is requested to the original *Decision* for an administrative site plan project, the Team may review and act on the proposed modification. A written *Decision* shall be filed with the Town Clerk.

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

s. 208 – 4 *Compliance*

A. *Occupancy Permit* - See Section 3.5.2 of the *Zoning Bylaw*.

- B. *Performance Security* - If a Developer seeks an occupancy permit before completion of the approved site improvements, the Developer may request that the Board accept a deposit of funds or other form of security acceptable to the Board and the Treasurer/Collector sufficient to assure the satisfactory completion of site improvements, landscaping and amenities, and off-site mitigation measures as shown on the approved plan. Whether to accept such security in lieu of completion of the project shall be determined by the Board in its sole discretion. The Board shall determine a reasonable and sufficient amount to cover the Town's cost to complete the work if the Developer fails to do so. The Town's consulting engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall include the cost to maintain the infrastructure, site improvements, amenities and off-site mitigation measures in the event the Developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount. A performance security agreement shall be executed by the Developer, the Board, and the surety.
- C. *Construction Inspection* – The Board may determine site inspections are necessary to ensure that the development project is constructed to comply with the approved site plan and *Decision*. It is their standard practice to do so. These shall be performed by Town staff, the Board's consultant or Agent, or a Board member. The Board may determine that the assistance of outside consultants is needed to monitor construction due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board's endorsement of the plan. See **s. 209 – I. C.** of these *Rules and Regulations*.

s. 208 – 5 Project Completion

- A. *Construction Deadline* - Site plan approval shall lapse after two years of the grant thereof, which shall not include such time required to pursue or await the determination of an appeal under **s. 204-9 or s. 205-9** herein, if construction has not commenced except for good cause. Upon receipt of a written request by the Developer filed at least thirty days prior to the date of expiration, the Board shall consider the request at a public meeting and may grant an extension for good cause. Such extension shall not exceed two years beyond the original expiration date of the site plan approval.
- B. *As-Built Plans*
- 1) Developers of *Major and Minor Site Plan Projects* shall provide an as-built plan stamped by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, which shall show actual as-built locations and conditions and any plan modifications authorized by the Board. See Section 6.7 of the *Medway Subdivision Rules and Regulations* for as-built plan requirements.

The as-built plan shall be accompanied by a certification from a Registered Professional Engineer that the site has been developed in substantial conformance with the approved site plan.

- 2) Developers of Administrative Site Plan Projects shall provide an as-built plan showing the as-built locations of the constructed site work.

C. *Certificate of Site Plan Completion: Major and Minor Site Plan Projects*

- 1) Before Board issues a *Certificate of Site Plan Completion*, the following items must be completed or provided to the satisfaction of the Board:
 - a) Receipts to document cleaning of the stormwater system
 - b) A signed statement from the Developer and/or Owner committing to the ongoing maintenance of the stormwater management facilities per the Post Construction Stormwater Management Plan and replacement of landscaping.
 - c) Removal of erosion controls
 - d) Full stabilization of the site
 - e) Off-site improvements
- 2) Upon completion of all required improvements as shown on the approved Site Plan, including any off-site mitigation measures, the Developer's engineer shall submit a letter verifying completion to the Board. The letter shall certify that the project, as constructed, substantially conforms to the approved site plan and that any provisions of the *Decision* including construction of any required on and off-site improvements have been completed.
- 3) The Board's Agent or a Board member shall conduct a final inspection of the site within thirty days of the filing of the Developer's engineer's letter with the Board and provide a written report and punch list to the Board and Developer identifying any remaining work to be completed.
- 4) The Board shall determine if all work has been completed in substantial conformance with the Site Plan approval. The Board may consult with its Consulting Engineer, the Conservation Commission, Department of Public Services, Building Commissioner, Treasurer/Collector and other Town boards, committees and departments to help it determine whether the project is complete and all obligations to the Town are fulfilled including payment of taxes and fees. If so, the Board, at its next regularly scheduled meeting, shall sign a *Certificate of Site Plan Completion* to document that the project as constructed has been completed, in its opinion, in conformance with the approved site plan and any conditions, including construction of any required on and off-site improvements. If a *Certificate of Site Plan Completion* is not signed, a complete list of work to be completed on or off-site in compliance with the approved site plan and *Decision* shall be provided to the Developer.

D. *Certificate of Site Plan Completion: Administrative Site Plan Projects*

- 1) Upon completion of all required improvements as shown on the approved Site Plan, the Developer shall contact the Community and Economic Development office to request a *Certificate of Site Plan Completion*.
- 2) A Team member or the Board's Agent shall inspect the site to determine if the project has been completed in substantial conformance with the approved scope of work and all conditions. The Team may consult with other Town boards, committees and staff to help with its determination. If so, the Team, shall sign a *Certificate of Site Plan Completion*. If not, a complete list of work to be completed in accordance with the approved site plan and *Decision* shall be provided to the Developer.

ARTICLE IX FEES

s. **209 – 1 Fee Structure** – The Board shall adopt a *Fee Schedule*, which shall specify the amount of filing and other applicable fees.

A. *Site Plan Filing Fee* - A non-refundable *Site Plan Filing Fee* as specified in the Board's *Fee Schedule* shall be remitted to the Board at the time the site plan application is filed with the Board.

B. *Site Plan Review Fee*

- 1) *Applicability* – A *Site Plan Review Fee* may be established by the Board for review of the site plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the review of the proposed project. The *Site Plan Review Fee* shall not be a fixed amount but will vary depending on the nature and scale of the project and the expected costs to be incurred by the Board. See the Board's *Fee Schedule*.
- 2) *Fee Payment* - The Applicant shall remit a deposit toward the *Site Plan Review Fee* at the time the site plan application is submitted pursuant to the Board's *Fee Schedule*. The balance shall be remitted by the Applicant upon receipt of an invoice from the Board, prior to the substantive review of the application by the outside consultants, and before the public hearing or meeting commences. Failure to pay the full *Site Plan Review Fee* before the public hearing or meeting begins may delay the public review process and constitute grounds for the Board's denial of the proposed site plan.
- 3) *Additional Review Fees* – If the expense of the consultant(s)' review of the site plan exceeds the original estimate or should the services of additional outside consultants be required after the initial *Site Plan Review Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. The Board shall prepare a new estimate for additional plan review services and remit same to the Applicant. The Applicant's failure to pay plan review fees in their entirety shall constitute grounds for the Board to deny approval and endorsement of the plan.

C. *Construction Services Fee*

- 1) *Applicability* – The Board may establish a *Construction Services Fee* for the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the inspection of the construction and on-going maintenance of the development's infrastructure and the review of any legal documents associated with performance security and project completion. The *Construction Services Fee* shall not be a fixed amount but will vary with the scale of the project and the expected costs to be incurred by the Board.
- 2) *Fee Payment* - The Applicant shall remit the *Construction Services Fee* to the Board before the site plan is endorsed. Failure to pay the *Construction Services Fee* may constitute grounds for the Board to not endorse the site plan.
- 3) *Additional Fees* – If the expense of the consultant(s)' services exceeds the original estimate, or should the services of additional outside consultants be required after the initial *Construction Services Fee* has been expended, the Developer shall be required to pay all additional fees incurred to cover the additional cost. The Board shall prepare a new estimate for additional construction services and remit an invoice to the Developer for payment.

D. ***Other Costs and Expenses*** - All expenses for professional plan reviews, ancillary report reviews, supplemental studies, advertising, publication of notices, and all other expenses in connection with Site Plan Review and construction including plan or decision modification fees shall be borne by the Applicant and/or Developer.

s. **209 – 2 *Payment of Fees***

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

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

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

Attest:

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

A true copy attest:

_____	_____
Maryjane White	Date
Town Clerk	

DRAFT



July 30, 2019

**Medway Planning & Economic Development Board
Special Meeting**

ANR Plan for 4 & 6 Rockwood Road

- ANR application dated September 26, 2018, received July 16, 2019
- ANR Plan of Land dated December 15, 2010, revised August 6, 2014 by Colonial Engineering
- ANR Plan Review letter from Gino Carlucci, dated July 24, 2019.
- Email memo dated July 25, 2019 from Steve Kenney in response to Gino Carlucci's 7-24-19 review letter

LAND SUBDIVISION – FORM A

Application for Endorsement of Plan Believed Not to Require Subdivision Approval (ANR) Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

*This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations.
Please complete this entire Application.*

*Submit two (2) signed originals of this Application, one copy of the ANR Plan, and one Project Explanation
to the Town Clerk who will date stamp both Applications.*

*Provide one original ANR Application date stamped by the Town Clerk, one Project Explanation, eight
copies of the ANR Plan, an electronic version of the ANR plan and the appropriate ANR Filing Fee
to the Medway Planning & Economic Development office.*

*The Applicant certifies that the information included in this Application is a true, complete and accurate
representation of the facts regarding the property under consideration.*

*In submitting this application, the Applicant and Property Owner authorize the Planning & Economic
Development Board and its agents to access the site during the plan review process.*

*The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and
provide a recommendation to the Planning & Economic Development Board. A copy of that letter
will be provided to you.*

***You or your duly authorized agent is expected to attend the Board meeting
when the ANR Plan will be considered to answer any questions and/or submit such
additional information as the Board may request.
Your absence may result in a delay in its review.***

September 26, 2018

TO: The Planning & Economic Development Board of the Town of Medway, MA

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Plan Title: Plan of land in Medway, MA Scale 1"=40' Date: Dec. 15, 2010 Revised August 6, 2014

Prepared by: Colonial Engineering Inc.

P.E. or P.L.S registration #: 30466 Plan Date: 12/15/10, Rev. 08/06/14

PROPERTY INFORMATION

ANR Location Address: 4 Rockwood Road

The land shown on the plan is shown on Medway Assessor's Map # 4 Parcel # 53-4A

Total Acreage of Land to be Divided: 62,311 S.F.

Subdivision Name (if applicable):

Medway Zoning District Classification: AR I

Frontage Requirement: 180' Area Requirement: 44,000 S.F.

Is the road on which this property has its frontage a designated **Medway Scenic Road**? No

The owner's title to the land that is the subject matter of this application is derived under deed from: Timothy B. Shalvey and Cathleen E. Shalvey to Mark T. Coyle and Stacey F. Coyle dated August 6, 2005 and recorded in Norfolk County Registry of Deeds, Book 22798 Page 139 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: Mark T. Coyle and Stacey F. Coyle

Applicant's Signature: _____

Address: 4 Rockwood Road
Medway, MA 02053

Telephone: _____ Email: _____

The Applicant hereby appoints Stephen J. Kenney to act as its Agent/ Official Representative for purposes of submitting this application for endorsement of this ANR Plan.

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: Mark T. Coyle and Stacey F. Coyle

Owner's Signature: _____

Address: 4 Rockwood Road
Medway, MA 02053

Telephone: _____ Email: _____

ENGINEER or SURVEYOR INFORMATION

Name: Colonial Engineering Inc.

Address: 11 Awl Street
Medway, MA 02053

Telephone: 508-533-1644 Email: _____

ATTORNEY INFORMATION

Name: Stephen J. Kenney, Kenney & Kenney

Address: 181 Village Street
Medway, MA 02053

Telephone: 508-533-6711 Email: sjk@kenney-law.com

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- ☐ 1. The accompanying plan does not show a division of land.
- ☒ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on Rockwood Road (name of way(s), which is:
- ☒ a. A public way. Date of street acceptance: _____
- ☐ b. A way certified by the Town Clerk as being maintained and used as a public way. (Attach Town Clerk's certification)
- ☒ c. A way shown on a definitive subdivision plan entitled Definitive Subdivision of Cedar Farms II that was previously endorsed by the Planning and Economic Development Board on 12-9-86 and recorded at the Norfolk County Registry of Deeds on 4-24-87. Provide detailed recording information: Plan No. 428A1987
Plan Book 352
- ☐ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ☒ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: _____
- Parcel A on the plan is not to be considered a buildable lot and is to be conveyed to the owners of 6 Rockwood Road, Medway, MA 02053
- Also, no new ways or streets

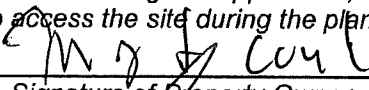
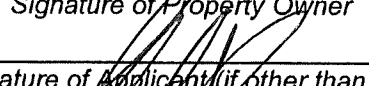
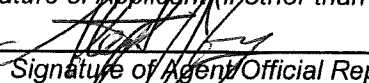
SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81P for endorsement of an Approval Not Required Plan, herewith submits this application and Approval Not Required Plan to the Medway Planning and Economic Development Board for review and endorsement.

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize Stephen J. Kenney, Esq. to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Approval Not Required Application.)

In submitting this application, I authorize the Board, its consultants and agents, and Town staff to access the site during the plan review process.

 _____ Signature of Property Owner	<u>5/18/19</u> _____ Date
 _____ Signature of Applicant (if other than Property Owner)	_____ Date
 _____ Signature of Agent/Official Representative	<u>6-18-19</u> _____ Date

ANR PLAN FILING FEE

\$250 plus \$100 per lot or parcel for a plan involving three (3) or more lots/parcels, not to exceed a maximum of \$750.

Please prepare two checks: one for \$100 and one for the balance.
Each check should be made payable to: Town of Medway

Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

- _____ 2 signed original ANR applications (FORM A)
- _____ 2 full size prints of ANR plan
- _____ Electronic version of ANR plan – A flash drive may be provided or a PDF of the plan may be emailed to: planningboard@townofmedway.org
- _____ 2 copies of the Project Explanation
- _____ Application/Filing Fee (2 checks) – Check with PEDB office for amounts.

ANR Application/Filing Fee Paid:

Amount: _____ Check # _____

Amount: _____ Check # _____

Explanation of Proposed Proposal to Divide Land

The Petitioner is proposing to divide the land shown as Lot 4B on the proposed plan so that Parcel A, containing 2,827 S.F., will be taken from the 62,311 S.F. and conveyed to the owners of 6 Rockwood Road, so that Parcel A will then become a portion of the land known as 6 Rockwood Road. The reason for this is to allow for more land to the owners of 6 Rockwood Road to the side of their pool and to alleviate any possible zoning encroachments.



PGC ASSOCIATES, INC.

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

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: July 24, 2019

RE: Coyle ANR on Rockwood Street

I have reviewed the ANR plan submitted for endorsement by Mark and Stacey Coyle of Medway. The plan was prepared by Colonial Engineering Inc. of Medway, and is dated December 15, 2010 with a revision date of August 6, 2014. The plan creates a Parcel A of 2827 square feet from a lot with an existing house on it. The remaining lot (Lot B) is shown as having 62,311. The explanation in the application says that Parcel A is "taken from" a lot of 62,311 square feet. Thus, it is not clear if the original lot area is 62,311 or 65,138 square feet.

The plan meets the technical and substantive requirements of the Rules and Regulations.

I recommend that the lot area be clarified (and the plan amended if necessary) and that the plan be endorsed by the Board.

Susan Affleck-Childs

From: Stephen Kenney <sjk@kenney-law.com>
Sent: Friday, July 26, 2019 9:50 AM
To: Susan Affleck-Childs
Subject: RE: 4-6 Rockwood Road

Thanks suzie

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Friday, July 26, 2019 8:31 AM
To: Steve Kenney <sjk@kenney-law.com>
Cc: 'Paul F. DeSimone ' <Colonial.Eng@verizon.net>
Subject: RE: 4-6 Rockwood Road

Thanks very much for the clarification. All is good.

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

From: Steve Kenney [<mailto:sjk@kenney-law.com>]
Sent: Thursday, July 25, 2019 1:44 PM
To: Susan Affleck-Childs
Cc: 'Paul F. DeSimone '
Subject: 4-6 Rockwood Road

Suzie,

Thank you for your email of yesterday. I have reviewed Gino's comments. I am attaching a copy of the plan of record which shows that the lot was originally 65,138 sq.ft less the 2,827 sq. ft. leaves a remaining lot size of the 62,311 sq. ft. I apologize for the explanation being a bit confusing. In any event, the original lot area was 65,138 sq. ft. and the remaining lot area will be 62, 311 sq. ft. If there are any other questions please let me know. If not I will see you on Tuesday evening at 7:05 pm.

Thanks

Steve

Stephen J. Kenney, Esq.
Stephen J. Kenney, Esq.
Kenney & Kenney
181 Village Street
Medway, MA 02053

Statement of Confidentiality

*The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately **notify** the sender by reply e-mail or phone and **delete** this message and its attachments, if any.*



July 30, 2019

**Medway Planning & Economic Development Board
Special Meeting**

ANR Plan for 274 & 276 Village Street

- ANR application dated and received July 16, 2019
- ANR Plan of Land dated July 15, 2019 by Colonial Engineering
- ANR Plan Review letter from Gino Carlucci, dated July 18, 2019
- REVISED ANR Plan of Land dated July 15, 2019 by Colonial Engineering, last revised July 19, 2019 per Gino Carlucci's review comments



dan@legacy-ce.com

508-376-8883(o)

508-868-8353(c)

730 Main Street

Suite 2C

Millis, MA 02054

July 16, 2019

Medway Planning Board
155 Village Street
Town Offices
Medway, MA 02053

Ref: ANR Application
274 & 276 Village Street (Map 59 Parcels 54 & 55)

Dear Members of the Board:

On behalf of the applicant, DTRT, LLC, we are pleased to submit the enclosed Form A Application to create two new unbuildable parcels (Parcels A & B) at 274 & 276 Village Street by modifying the two buildable lots (B-1 & B-2) into two new buildable lots (C-1 & C-2). Lot C-2 has the required frontage on a public way and area and Lot C-1 has the benefit of a frontage variance that was issued in 1984 allowing the existing frontage of 112.54 feet. Assuming the proposed development at 274 Village Street is approved, the two parcels will be swapped between the two owners. Please find the following enclosed in support of the application:

- Two signed ANR Applications (Form A);
- Two full-size copies of the site plan;
- A copy of the 1984 Variance; and
- Two checks for the total filing fee of \$650.00 (\$100 & \$550), both payable to the Town of Medway.

An electronic copy has also been submitted via email. Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.
Presidentc: File



Planning & Economic Development Board - Town of Medway, MA
LAND SUBDIVISION – FORM A

***Application for Endorsement of Plan
Believed Not to Require Subdivision Approval (ANR)***

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway *Subdivision Rules and Regulations*.
Please complete this entire Application.

Submit two (2) signed originals of this ANR Application, two copies of the ANR Plan, an electronic version (PDF) of the ANR plan, two Project Explanations, and the appropriate ANR application/filing fee checks to the Medway Planning and Economic Development office, 155 Village ST, Medway, MA 02053.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.

A copy of that letter will be provided to you. Revisions to the plan may be needed.

**You or your duly authorized agent is expected to attend the Board meeting
when the ANR Plan will be considered to answer any questions and/or submit such
additional information as the Board may request.**

Your absence may result in a delay in the Board's review and decision.

_____, July 16 _____, 20 19

TO: *The Planning & Economic Development Board of the Town of Medway, MA*

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

PROPERTY INFORMATION

ANR Location Address(es): 274 & 276 Village Street

The land shown on the plan is shown on Medway Assessor's Map # 59 Parcel(s) # 54 & 55

Total Acreage of Land to be Divided: 4.6 acres

Subdivision Name (if applicable): n/a

Medway Zoning District Classification: Agricultural Residential II

Frontage Requirement: 150' Area Requirement: 22,500 s.f.

Is the road on which this property has its frontage a designated **Medway Scenic Road**? Yes

The owner's title to the land that is the subject matter of this application is derived under deed from: Miklos & Rosalie Hidy / Keith & Judith Spinney to George Dowley / Keith & Judith Spinney dated 12/14/1984 / 06/27/2003 and recorded in Norfolk County Registry of Deeds, Book 6563 / 19198 Page 42 / 100 or Land Court Certificate of Title Number n/a, Land Court Case Number n/a, registered in the Norfolk County Land Registry District Volume n/a, Page n/a.

ANR PLAN INFORMATION

Plan Title: 274 & 276 Village Street ANR Plan of Land in Medway, MA

Prepared by: Colonial Engineering, Inc.

P.E. or P.L.S registration #: 30466 Plan Date: July 15, 2019

APPLICANT INFORMATION

Applicant's Name: DTRT LLC

Address: P.O. Box 95
Truro, MA 02666

Telephone: 781-223-1312 Email: lrucki51@gmail.com

PROPERTY OWNER INFORMATION

(If different than the applicant or if the plan shows a land swap between two adjacent properties)

Property Owner's Name: DTRT LLC Keith & Judith Spinney

Address: P.O. Box 95 276 Village Street
Truro, MA 02666 Medway, MA 02053

Telephone: lrucki@gmail.com keithspinney2004@yahoo.com
781-223-1312 Email:

ENGINEER or SURVEYOR INFORMATION

Name: Paul Desimone

Address: 11 Awl Street
Medway, MA 02053

Telephone: 508-533-1644 Email: colonial.eng@verizon.net

ATTORNEY INFORMATION

Name: n/a

Address:

Telephone: Email:

OFFICIAL REPRESENTATIVE INFORMATION

Name: Daniel Merrikin, P.E., Legacy Engineering LLC

Address: 730 Main Street, Suite 2C

Millis, MA 02054

Telephone: 508-376-8883 Email: dan@legacy-ce.com

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

1. The accompanying plan does not show a division of land.
* see below regarding Lot C-1
- X* 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on
Village Street (name of way(s), which is:
- X a. A public way. Date of street acceptance: County: 03/23/1922
- _____ b. A way certified by the Town Clerk as being maintained and used as a public way. (Attach Town Clerk's certification)
- _____ c. A way shown on a definitive subdivision plan entitled _____
_____ that was previously endorsed by the Planning and Economic Development Board on _____ and recorded at the Norfolk County Registry of Deeds on _____
Provide detailed recording information: _____

- _____ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____
and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- X 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: Lot C-1 has the benefit of a frontage variance dated August 1, 1984 and recorded in Book 6510, Page 482.

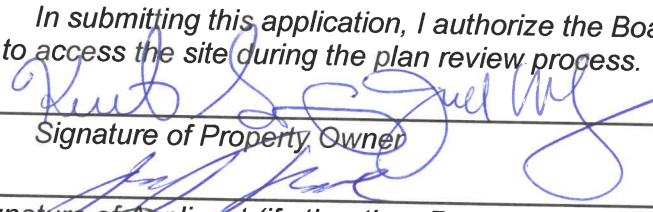
SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81P for endorsement of an Approval Not Required Plan, herewith submits this application and Approval Not Required Plan to the Medway Planning and Economic Development Board for review and endorsement.

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize Daniel Merrikin to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Approval Not Required Application.)

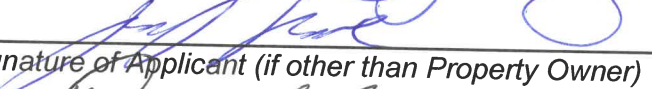
In submitting this application, I authorize the Board, its consultants and agents, and Town staff to access the site during the plan review process.



Signature of Property Owner

7/1/19

Date



Signature of Applicant (if other than Property Owner)

7/1/19

Date



Signature of Agent/Official Representative

2019-07-16

Date

ANR PLAN FILING FEE

\$250 plus \$100 per lot or parcel for a plan involving three (3) or more lots/parcels,
not to exceed a maximum of \$750.

Please prepare two checks: one for \$100 and one for the balance.
Each check should be made payable to: Town of Medway

Fee approved 11-2-06

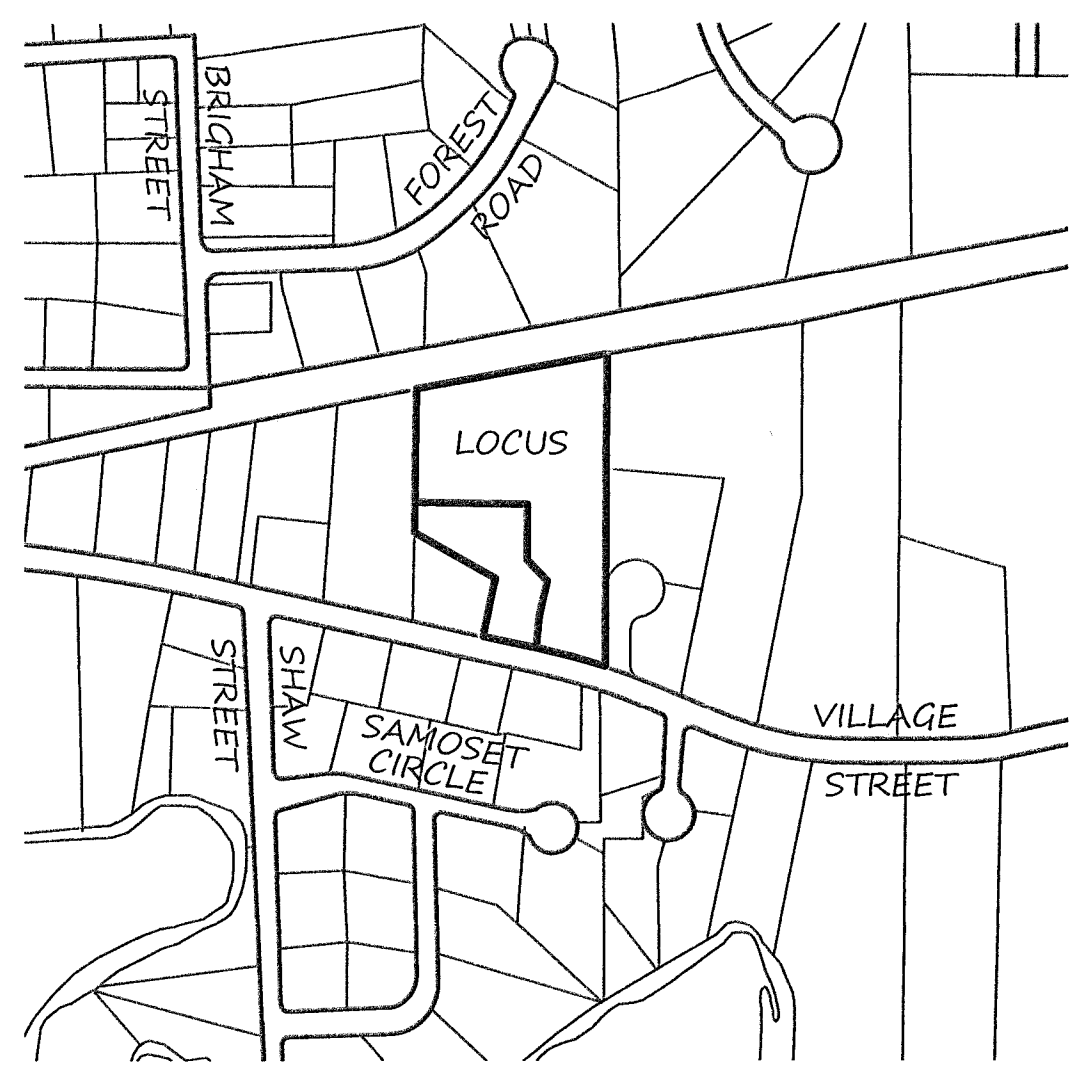
APPLICATION CHECKLIST – All items must be submitted

- _____ 2 signed original ANR applications (FORM A)
- _____ 2 full size prints of ANR plan
- _____ Electronic version of ANR plan – A flash drive may be provided or a PDF of the plan may be emailed to: planningboard@townofmedway.org.
- _____ 2 copies of the Project Explanation
- _____ Application/Filing Fee (2 checks) – Check with PEDB office for amounts.

ANR Application/Filing Fee Paid:

Amount: _____ Check # _____

Amount: _____ Check # _____



LOCUS MAP
PLAN SCALE: 1"=400'



NOTES:

1. PARCEL A IS PLANNED TO BE COMBINED WITH LOT C-2. PARCEL B IS PLANNED TO BE COMBINED WITH LOT C-1.
2. ALL EXISTING BUILDINGS ON PARCEL 59-55 ARE TO BE DEMOLISHED, INCLUDING THE SHED LOCATED ON THE PROPOSED LOT LINE.
3. REFER TO A GRANT OF VARIANCE DATED AUGUST 1, 1984 RECORDED IN BOOK 6510, PAGE 482 FOR A FRONTAGE VARIANCE APPLICABLE TO LOT C-1. THE PROPOSED CHANGE IN LOT CONFIGURATION DOES NOT AFFECT THE LOT'S FRONTAGE.

FOR REGISTRY USE

ZONING REQUIREMENTS:

ZONE: AGRICULTURAL RESIDENTIAL II
MIN. LOT AREA: 22,500 S.F.
MIN. FRONTAGE: 150'
MIN. FRONT SETBACK: 35'
MIN. SIDE SETBACK: 15'
MIN. REAR SETBACK: 15'
MAX. LOT SHAPE FACTOR: 22

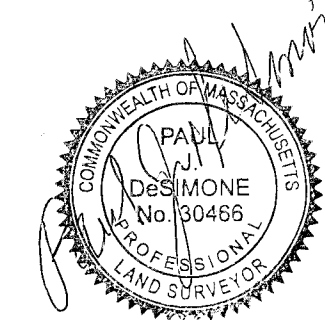
LOT C-3:
AREA: 28,483 S.F.
PERIMETER: 790.15'
SHAPE FACTOR: 21.9

LOT C-2:
AREA: 39,930 S.F.
PERIMETER: 906.58'
SHAPE FACTOR: 20.6

LOT C-1 & PARCEL B:
AREA: 32,407 S.F.
PERIMETER: 794.49'
SHAPE FACTOR: 19.5

LOT C-2 & PARCEL A:
SAME AS FOR LOT C-2

BEING A SUBDIVISION OF LAND SHOWN AS MAP 59 PARCEL 54 & 55 AS SHOWN IN PLAN BOOK 315 PAGE 1166.



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

DATE: 7/15/19
REGISTERED LAND SURVEYOR

MAP AND PARCEL:
59-54 (#276)
59-55 (#274)

ZONING CLASSIFICATION:
AGRICULTURAL RESIDENTIAL II

DEED/PLAN REFERENCES:
DEED BOOK 6563 PAGE 42 (#274)
DEED BOOK 19198 PAGE 100 (#276)
PLAN BOOK 315 NO. 1166 OF 1984

OWNERS:
DTRT, LLC
P.O. BOX 95
TRURO, MA 02666

KEITH & JUDITH SPINNEY
276 VILLAGE STREET
MEDWAY, MA 02053

APPLICANT:
DTRT, LLC
P.O. BOX 95
TRURO, MA 02666

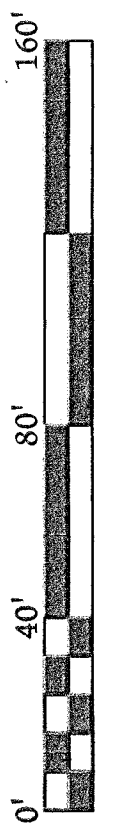
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

MEDWAY PLANNING BOARD

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

THE PROPERTY IS NOT CLASSIFIED AS EITHER 61A OR 61B LAND.

PLAN SCALE: 1" = 40'



PLAN DATE: JULY 15, 2019

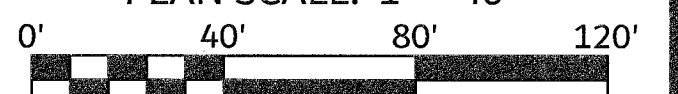
REVISION

274 & 276 VILLAGE STREET
ANR
PLAN OF LAND
IN
MEDWAY, MA

COLONIAL ENGINEERING, INC.

P.O. BOX 95
MEDWAY, MA 02053
508-533-1644

PLAN SCALE: 1" = 40'



SHEET 1 OF 1

6510

482

NOT
AN
OFFICIAL
COPY

NOT
AN
OFFICIAL
COPY

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

In the Matter of:

Miklos & Rosalie Hidy
Petitioners

REQUEST FOR SPECIAL PERMIT
AND
VARIANCE

Hearing : August 1, 1984
Decision: August 1, 1984

OPINION OF THE BOARD

Members Present: John F. DelPrete, Jr., Chairman
Marilee Stewart, Clerk
Francis Boczanowski, Alternate

TOWN OF MEDWAY
RECEIVED
AUG 22 1984
.....A.M.P.M.
TOWN CLERK

20-DAY APPEAL DATE:
SEPT 11, 1984

THE WRITTEN OPINION WAS DELIVERED BY MRS. STEWART ON AUGUST 9, 1984

REFER TO PLAN NO. 1166 / 1984 PL. BOOK 311

RECEIVED RECORDED
1984 OCT -2 11:05

NOT
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OFFICIAL
COPY

NOT
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OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA, acting under the Zoning By-Laws of the Town of Medway and G.L. c40A, as amended, in which the petitioners, Micklos and Rosalie Hidy, seek a variance to divide their property at 276 Village Street, Medway, into two lots, one of which would lack the necessary frontage.

Following the giving of notice as required by law, a public hearing was held on Wednesday, August 1, 1984 at 8:00 P.M. by the Zoning Board of Appeals (hereinafter the Board) in the Hearing Room of the Medway Town Hall.

The petitioners were present in support of their petition and were also represented by Attorney Frank J. Gross of Norfolk, Massachusetts.

Briefly, Mr. Gross explained that the property, consisting of approximately $4\frac{1}{2}$ acres, a single family residence and a health club, had been on the market for several years but no buyers had been found who wanted both the house and the health club. A buyer had been found for the health club and the owners therefore wish to divide the property into two lots. Lot B-I would consist of 43,616 square feet and a single family residence, but would have only 112.54 square feet of frontage, less than the 150 feet of frontage required in Agricultural-Residential District II. Lot B-II would consist of 3.59 acres and an existing health club and have the required 150 feet of frontage.

It was pointed out that due to age and health, the owners are no longer able to operate the health club and a hardship exists in selling the property as a total package. Several town residents spoke in favor of granting the petition and one abuttor expressed concern as to increased traffic. The proposed buyer of the property was there and stated that he did not expect any changes in the present operation.

The Board noted that on July 21, 1981 the petitioners had come before the Board for a special permit to be allowed to sell the health club. The petition was necessary at that time since one of the conditions given on April 9, 1968, at which time the petitioners were seeking a permit to operate a health club in an ARII zone, was that ownership of the club could not be transferred. The Board granted permission on July 21, 1981 to allow the health club to be

6510

484

Hidy

NOT
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OFFICIAL
COPY

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OFFICIAL
COPY

-2-

August 1, 1984

sold, but as that was not acted on within two years, it became null and void.

The Board unanimously found that granting the petition:

1. Would be necessary to relieve a substantial hardship due to finding a suitable buyer for both the residence and the health club;
2. Would not cause substantial detriment to the neighborhood;
3. Would not nullify or substantially derogate from the intent or purpose of the By-Law.

Therefore, the Board voted unanimously to grant the petition in the following manner:

1. A variance was approved to divide the lot into two (2) lots as presented;
2. A special permit was granted which would allow the petitioners to sell the existing health club (refer to Board's decision of April 9, 1968 and July 21, 1981).

The Board hereby makes a detailed record of all its proceedings relative to this petition; sets forth its reasons for its decision and findings; incorporates by reference any plans received by it; directs that this decision be filed in the Office of the Town Clerk and be made a public record, and, that notice of this decision be made forthwith to each party in interest.

A true copy of the record.

Attest:

Maryanne White
Town Clerk

John F. DelPrete, Jr.
John F. DelPrete, Jr., Chairman

Marilee Stewart
Marilee Stewart, Clerk

Francis Boczanowski
Francis Boczanowski, Alternate

Medway, Mass.

Sept 12 1984

NOT AN OFFICIAL COPY
 NOT AN OFFICIAL COPY
 TOWN OF MEDWAY
 MEDWAY, MASSACHUSETTS 02053
 TEL. (617) 533-6059

485



FRANCIS D. DONOVAN
 Town Clerk and Registrar

C E R T I F I C A T I O N

I, Town Clerk of the Town of Medway, hereby certify
 that notice of the decision of the Zoning Board of Appeals
 of the Town of Medway in the matter of

MIKLOS & ROSALIE HIDY.....

was received and filed in this office onAugust 22, 1984
 and no appeal was received during the twenty days next
 after such receipt and recording of said decision.

Dated at Medway, Mass ...September 12, 1984

ATTEST: *Maryjane White*.....
 Agt. Town Clerk



PGC ASSOCIATES, INC.

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

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: July 18, 2019

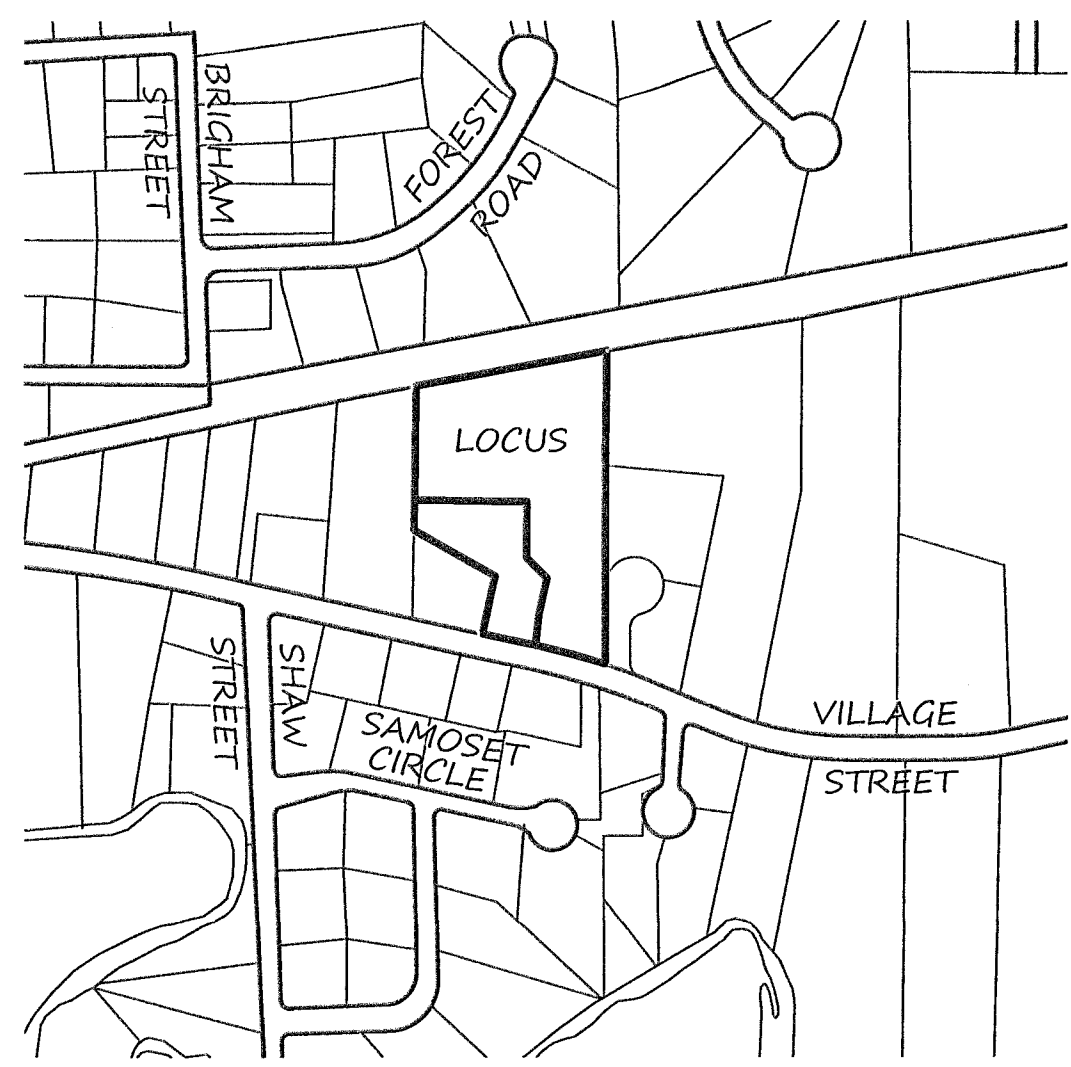
RE: DTRT-Spinney ANR on Village Street

I have reviewed the ANR plan submitted for endorsement by Legacy Engineering on behalf of owners DTRT LLC of Truro and Keith and Judith Spinney of Medway. The plan was prepared by Colonial Engineering Engineering, Inc. of Medway, and is dated July 15, 2019. The plan adjusts the lot line between 2 parcels resulting a lot of 37,758 square feet with an existing house and a vacant (after razing existing buildings) lot of 152,219 square feet. Lot C-1 (with existing house) has a frontage variance from ZBA and the frontage is not affected by this plan.

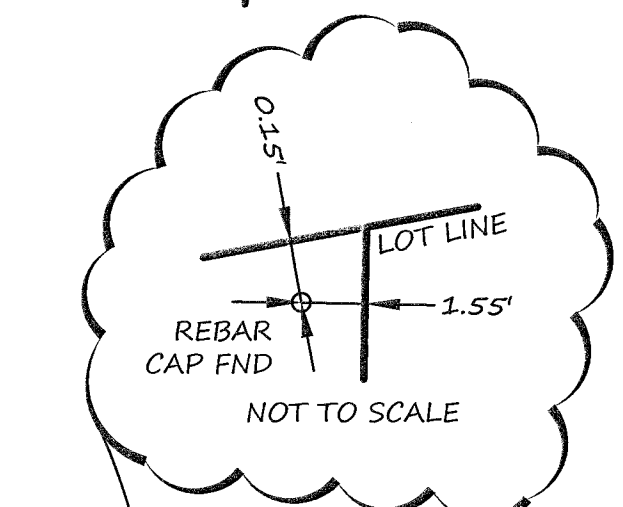
.
I have comments as follows:

1. Section 3.2.3 requires that all zoning classifications, including overlay districts, with dimensional requirements be shown on the plan. The property is within the Multi-Family Overlay district but this is not shown on the plan.
2. Section 3.2.7 requires that scenic roads be indicated. Village Street is not indicated as a scenic road.

I recommend that the technical deficiencies be corrected and that the plan be endorsed by the Board.



LOCUS MAP
PLAN SCALE: 1"=400'



N/F TOWN OF MEDWAY

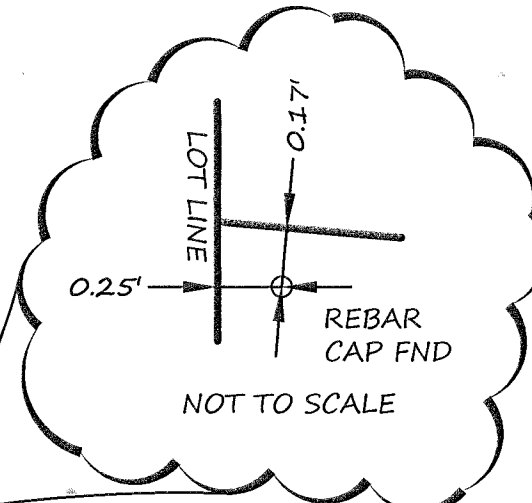
CAP FND

APPROXIMATE
SEPTIC LOCATION

PROPOSED
LOT C-2
3.49 ACRES±
152,219 S.F.±

LIMIT OF BORDERING
VEGETATED WETLANDS

w/f WAYNE BRUNDAGE
ASSESSORS PARCEL 59-57
268 VILLAGE STREET



REBAR
CAP FND

PARCEL A
0.13 ACRES±
5,858 S.F.±
(NOT A BUILDING LOT)

EXISTING
LOT LINE

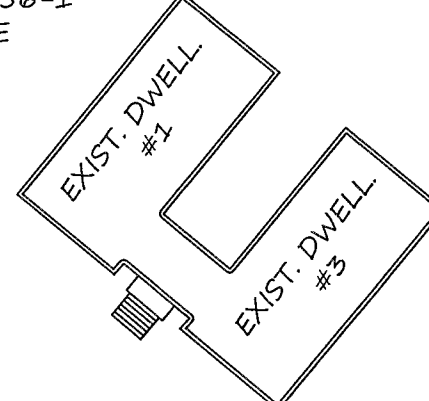
PROPOSED
LOT LINE

PROPOSED
LOT C-1
0.87 ACRES±
37,758 S.F.±

PROPOSED
LOT LINE

PARCEL B
0.09 ACRES±
3,924 S.F.±
(NOT A BUILDING LOT)

w/f PAPAYA PROPERTIES, LLC
ASSESSORS PARCEL 59-56-1
1 & 3 BEDELIA LANE



EXISTING
SHED TO BE
DEMOLISHED

w/f EUGENE F. POND
ASSESSORS PARCEL 59-53
278 VILLAGE STREET

SEPTIC
SYSTEM

EXISTING
DWELLING #276

EXISTING
GYM #274

BEDELIA LANE
(PRIVATE- 50' WIDE)

APPROXIMATE
SEPTIC LOCATION

w/f RUSSEL S.
SANTORO
ASSESSORS 59-56
272 VILLAGE STREET

EXIST.
DWELL.
#272

VILLAGE
STREET
(PUBLIC- 50' WIDE)
(SCENIC ROAD)

w/f WILLIAM SALTZMAN
ASSESSORS PARCEL 59-49
277 VILLAGE STREET

w/f PAUL LONGBARDI
ASSESSORS PARCEL 59-50
275A VILLAGE STREET

w/f JOHN & AUDREY MCRURY
ASSESSORS PARCEL 59-51
275 VILLAGE STREET

w/f LEVEON BROWN
ASSESSORS PARCEL 69-02
6 SAMOSET CIRCLE

SB/DH
FND

NOTES:

1. PARCEL A IS PLANNED TO BE COMBINED WITH LOT C-2. PARCEL B IS PLANNED TO BE COMBINED WITH LOT C-1.
2. ALL EXISTING BUILDINGS ON PARCEL 59-55 ARE TO BE DEMOLISHED, INCLUDING THE SHED LOCATED ON THE PROPOSED LOT LINE.
3. REFER TO A GRANT OF VARIANCE DATED AUGUST 1, 1984 RECORDED IN BOOK 6510, PAGE 482 FOR A FRONTAGE VARIANCE APPLICABLE TO LOT C-1. THE PROPOSED CHANGE IN LOT CONFIGURATION DOES NOT AFFECT THE LOTS' FRONTAGE.

FOR REGISTRY USE

ZONING REQUIREMENTS:

ZONE: AGRICULTURAL RESIDENTIAL II
MIN. LOT AREA: 22,500 S.F.
MIN. FRONTAGE: 350'
MIN. FRONT SETBACK: 35'
MIN. SIDE SETBACK: 15'
MIN. REAR SETBACK: 15'
MAX. LOT SHAPE FACTOR: 22

LOT C-1:
AREA: 28,483 S.F.
PERIMETER: 790.15'
SHAPE FACTOR: 21.9

LOT C-2:
AREA: 39,930 S.F.
PERIMETER: 906.58'
SHAPE FACTOR: 20.6

LOT C-1 & PARCEL B:
AREA: 32,407 S.F.
PERIMETER: 794.49'
SHAPE FACTOR: 19.5

LOT C-2 & PARCEL A:
SAME AS FOR LOT C-2

BEING A SUBDIVISION OF LAND SHOWN AS MAP 59 PARCEL 54 & 55 AS SHOWN IN PLAN BOOK 315 PAGE 1166.

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

DATE: 7/22/19
Paul J. Delmonico
REGISTERED LAND SURVEYOR

MAP AND PARCEL:
59-54 (#276)
59-55 (#274)

ZONING CLASSIFICATION:
AGRICULTURAL RESIDENTIAL II
MULTIFAMILY OVERLAY DISTRICT

DEED/PLAN REFERENCES:
DEED BOOK 6563 PAGE 42 (#274)
DEED BOOK 19198 PAGE 100 (#276)
PLAN BOOK 315 NO. 1166 OF 1984

OWNERS:
DTRT, LLC
P.O. BOX 95
TRURO, MA 02666

KEITH & JUDITH SPINNEY
276 VILLAGE STREET
MEDWAY, MA 02053

APPLICANT:
DTRT, LLC
P.O. BOX 95
TRURO, MA 02666

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

MEDWAY PLANNING BOARD

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

THE PROPERTY IS NOT CLASSIFIED AS EITHER 61A OR 61B LAND.

PLAN DATE: JULY 15, 2019

REVISION
DATE BY
2019-07-19 D.J.M.

274 & 276 VILLAGE STREET
ANR
PLAN OF LAND
IN
MEDWAY, MA

COLONIAL ENGINEERING, INC.
P.O. BOX 95
MEDWAY, MA 02053
508-533-1644

PLAN SCALE: 1" = 40'

0' 40' 80' 120'

SHEET 1 OF 1



July 30, 2019

**Medway Planning & Economic Development Board
Special Meeting**

**Field Change – Medway Community
Church Parking Lot**

At the very end of the July 23rd meeting, Steve Bouley provided a brief update about construction at the Medway Community Church site. In making the previously approved changes to stormwater basin #1, the contractor hit ledge. Steve directed them to remove 2' of ledge at the bottom of stormwater basin #1 and fill that area with sand.

I have updated the agenda for the July 30th meeting to include discussion of this field change. I want to make sure that the Board has a complete understanding of what has transpired and Steve Bouley's additional recommendation for changes to the long term stormwater operation and maintenance plan for more frequent inspections and reporting of the future operation of the basin. Pastor Carl Schultz will attend the meeting; project engineer Matt Barry is on vacation.

- July 15, 2019 Tetra Tech construction report
- Medway Community Church endorsed site plan

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Medway Community Church	Date 7/15/2019	Report No. 13
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18009	Sheet 1 of 2
Contractor Rodenhiser Excavating, Inc. (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 75°F P.M.

FIELD OBSERVATIONS

On Monday, July 15, 2019, Steven Bouley, P.E. from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. Observations

- A. General site conditions: Site is dry and undulating and in the process of being filled to subgrade elevation. Construction entrance from Slocumb Place appears to be functioning as designed. Straw wattle is installed around the site perimeter and is in good condition.
- B. Contractor has begun excavation for proposed Basin 1 and has hit ledge in the eastern portion of the excavation. It appears the rock is fractured and easily removed by ripping method and is being removed in boulder sized pieces and stockpiled on-site for later export off-site. Additionally, water not visible in the excavation. TT asked the design engineer Matt Barry with Tata & Howard to provide minimum two feet separation from top of ledge to bottom of system, backfill that depth with sand and to also provide updated mounding analysis to determine if the groundwater mound below the basin will extend into the basin during the 100-year event. TT also recommends the PEDB require additional post-construction monitoring of the system after project is complete to determine if the basins are functioning as designed since the impact of the ledge is unknown at this time. Monitoring should occur in a dry period a minimum 72 hours after 0.5"+ storm events to determine if basin is properly dewatering. We recommend a minimum one-year time period after final completion of the Project for this monitoring.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer			
Laborers	2	Loader	1	Vib. Roller	1		
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	2	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	2	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	3	Screener	1		
		Tri-Axle Dump Truck					
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Steven Bouley, P.E.	10:00 AM – 11:00 AM

NOTE: Please use reverse side for remarks and sketches

Project Medway Community Church	Date 7/15/2019	Report No. 13
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

- C. Contractor in process of installing drain infrastructure on the northern portion of the site. Structures are being installed on crushed stone for proper bedding. Pipe is being bed and backfilled with crushed stone where possible due to current grades at the site. Site is in the process of being filled with suitable, screened on-site material, processed material will be imported for completion of the parking lot base.
- D. Basin 2 remains in a state where the filter fabric at the top of the system is exposed. The contractor should backfill this area to decrease likelihood of UV degradation of the fabric (if the fabric is not UV resistant). TT asked the design engineer regarding UV resistance of the fabric.

2. Schedule

- A. Contractor plans to continue installing drainage infrastructure throughout the project site. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. New Action Items

- A. Design engineer to provide updated information regarding basin changes for the record.
- B. TT recommends the PEDB require post-construction Monitoring of both basins. Monitoring should occur in a dry period a minimum 72 hours after 0.5"+ storm events to determine if basin is properly dewatering. We recommend a minimum one-year time period after final completion of the Project for this monitoring.
- C. Design engineer to provide documentation of filter fabric UV resistance.

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A

MEDWAY COMMUNITY CHURCH

11 SLOCUMB PLACE
MEDWAY, MASSACHUSETTS

9 & 11 SLOCUMB PLACE
SITE IMPROVEMENTS

APPROVED WAIVERS

9 SLOCUMB PLACE:
11 SLOCUMB PLACE:

ASSESSORS: MAP 47 LOT 079
ASSESSORS: MAP 47 LOT 078

ZONING DISTRICT: VILLAGE RESIDENTIAL
ZONING DISTRICT: AR-II

SITE PLAN RULES AND REGULATIONS

- 204-3, 7 - (DEVELOPMENT IMPACT STATEMENT) TO NOT SUBMIT THE DEVELOPMENT IMPACT STATEMENT.
- 204-4, B - (SITE PLAN SCALE) TO SHOW A SCALE OF 1"=20' RATHER THAN THE REQUIRED SCALE OF 1"=40'.
- 204-5, C, 3 - (EXISTING LANDSCAPE INVENTORY) TO NOT SHOW TREES BETWEEN 12" AND 18" (TREES 18" AND LARGER SHOWN). ONLY SHOW TREES WITHIN THE SETBACKS.
- 204-5, D, 7 - (LANDSCAPE ARCHITECTURE PLAN) SHALL NOT BE PREPARED BY A PROFESSIONAL LANDSCAPE ARCHITECT LICENSED IN THE COMMONWEALTH OF MASSACHUSETTS.
- 205-3, B, 2 - (INTERNAL SITE DRIVEWAYS) SHALL BE LOCATED WITHIN 15' OF A SIDE PROPERTY LINE (BOTH PROPERTIES OWNED BY MEDWAY COMMUNITY CHURCH).
- 205-3, C, 1 - (TRAFFIC FLOW) PAVED ENTRANCE SHALL BE 6 PERCENT SLOPE FOR THE FIRST 25'.
- 205-6, G, 4b - (PARKING SPACES/STALLS) ALLOW SPACES/STALLS TO BE LOCATED WITHIN FIFTEEN (15) FEET OF THE SIDE PROPERTY LINES AT #9 SLOCUMB PLACE.
- 205-6, H - (CURBING) THE PERIMETER OF THE PARKING AREA SHALL BE BOUND BY BITUMINOUS CAPE COD BERM UNLESS OTHERWISE NOTED.
- 205-9, C - (PARKING AREAS) TO NOT INSTALL ONE DECIDUOUS TREE PER EVERY SIX (6) PROPOSED PARKING SPACES.
- 205-9, F - (TREE REPLACEMENT) REMOVED TREES GREATER THAN 10" IN DIAMETER SHALL NOT BE REPLACED.

CONTRACT NO. 1



LOCATION PLAN
NO SCALE

SHEET INDEX

- C-1 - EXISTING CONDITIONS
C-2 - PROPOSED CONDITIONS
C-3 - PROPOSED GRADING
C-4 - DRAINAGE PLAN
C-5 - LIGHTING PLAN
C-6 - PHOTOMETRIC PLAN
C-7 - LANDSCAPING PLAN
C-8 - DETAIL SHEET 1
C-9 - DETAIL SHEET 2
EC-1 - EROSION AND SEDIMENT CONTROL PLAN



APPEAL STATEMENT

I HEREBY CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD WAS RECEIVED AND RECORDED AT THIS OFFICE AND THAT NO NOTICE OF APPEAL WAS FILED IN 20 DAYS FOLLOWING SAID RECEIPT AND RECORDING.

MARYJANE WHITE, TOWN CLERK:

DATE:

NOVEMBER 19, 2018

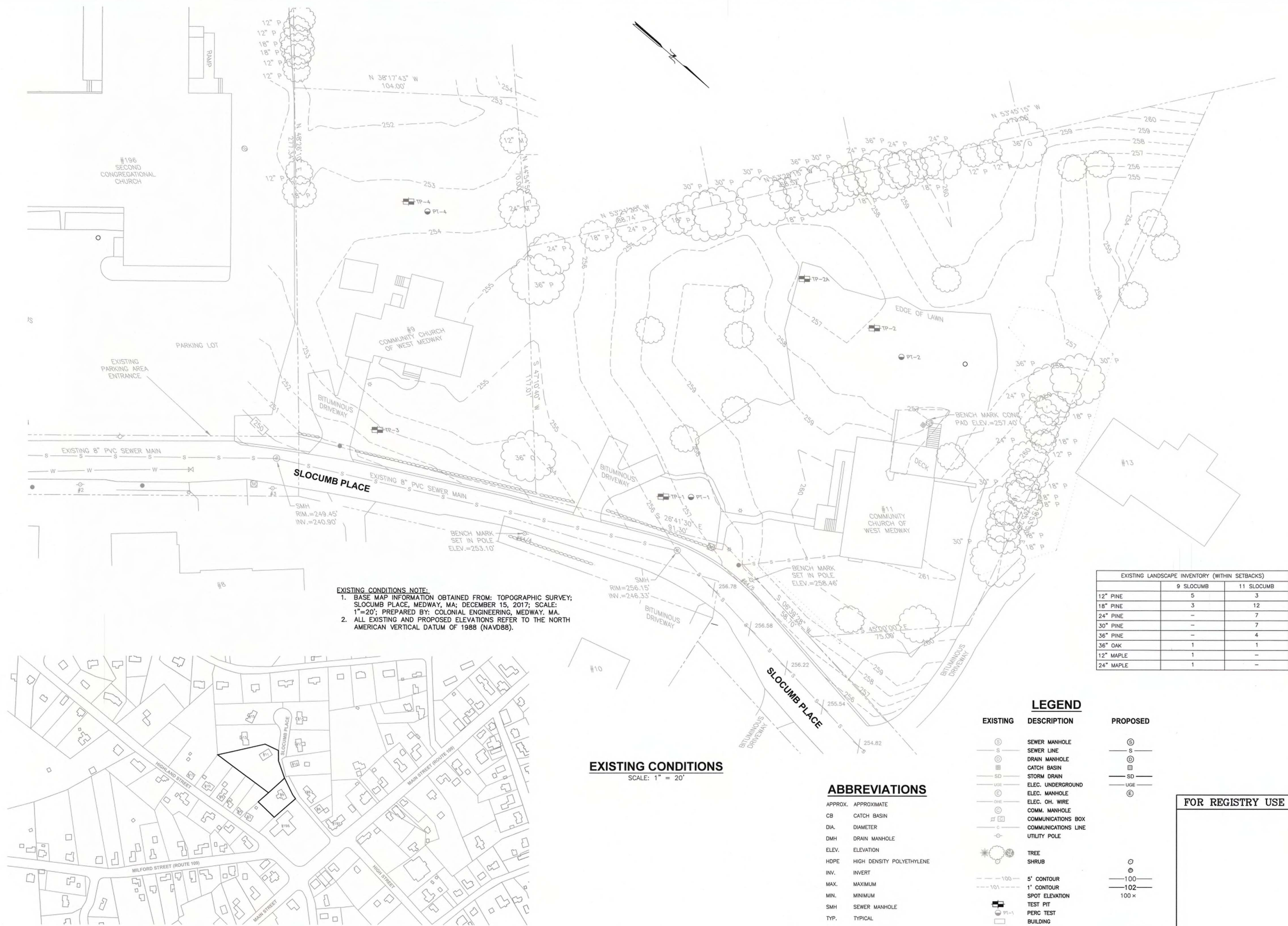


TATA & HOWARD, INC.
67 FOREST STREET
MARLBOROUGH, MA 01752

PLANNING AND ECONOMIC DEVELOPMENT BOARD SUBMITTAL

ANDY RODENHISER, CHAIRMAN
BOB TUCKER, VICE-CHAIRMAN
THOMAS A. GAY, CLERK
MATTHEW HAYES, P.E.
RICHARD DI IULIO

DECISION DATE	ENDORSEMENT DATE
9-11-2018	11-27-2018
9-11-2018	11-27-2018
9-11-2018	11-27-2018



EXISTING CONDITIONS NOTE:
1. BASE MAP INFORMATION OBTAINED FROM: TOPOGRAPHIC SURVEY;
SLOCUMB PLACE, MEDWAY, MA; DECEMBER 15, 2017; SCALE:
1"=20'; PREPARED BY: COLONIAL ENGINEERING, MEDWAY, MA.
2. ALL EXISTING AND PROPOSED ELEVATIONS REFER TO THE NORTH
AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

EXISTING CONDITIONS
SCALE: 1" = 20'

ABBREVIATIONS

APPROX. APPROXIMATE
CB CATCH BASIN
DIA. DIAMETER
DMH DRAIN MANHOLE
ELEV. ELEVATION
HDPE HIGH DENSITY POLYETHYLENE
INV. INVERT
MAX. MAXIMUM
MIN. MINIMUM
SMH SEWER MANHOLE
TYP. TYPICAL

LEGEND

EXISTING	DESCRIPTION	PROPOSED
	SEWER MANHOLE	
	SEWER LINE	
	DRAIN MANHOLE	
	CATCH BASIN	
	STORM DRAIN	
	ELEC. UNDERGROUND	
	ELEC. OH. WIRE	
	COMM. MANHOLE	
	COMMUNICATIONS BOX	
	UTILITY POLE	
	TREE	
	SHRUB	
	5' CONTOUR	
	1' CONTOUR	
	SPOT ELEVATION	
	TEST PIT	
	PERC TEST	
	BUILDING	
	SILT SOCK	
	SIGN POST	

EXISTING LANDSCAPE INVENTORY (WITHIN SETBACKS)		
	9 SLOCUMB	11 SLOCUMB
12" PINE	5	3
18" PINE	3	12
24" PINE	-	7
30" PINE	-	7
36" PINE	-	4
36" OAK	1	1
12" MAPLE	1	-
24" MAPLE	1	-

SITE CONTEXT
SCALE: 1" = 200'

MINOR SITE PLAN APPLICATION

OWNER/APPLICANT:
MEDWAY COMMUNITY CHURCH
11 SLOCUMB PLACE
MEDWAY, MA 02053

PROPERTY ADDRESS:
9 & 11 SLOCUMB PLACE
MEDWAY, MA 02053
ASSESSORS MAP 47 LOTS 079 & 078

Planning & Econ. Devt. Board Submitter	7/24/18
Planning & Econ. Devt. Board Re-submitter	8/22/18
Planning & Econ. Devt. Board Re-submitter	9/19/18
Planning & Econ. Devt. Board Re-submitter	11/19/18
Description	
Date	
Rev.	

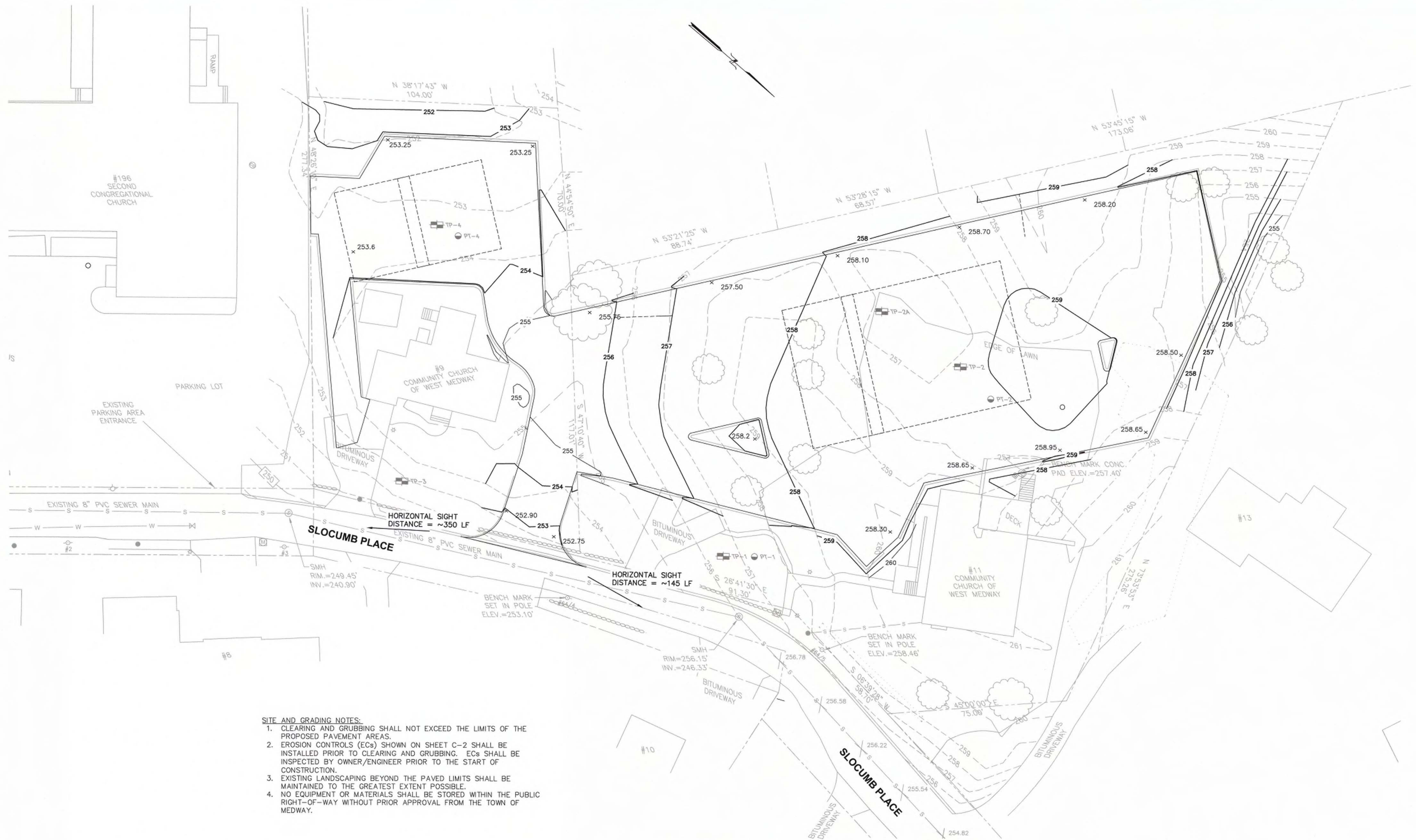
EXISTING CONDITIONS
NOT FOR CONSTRUCTION



TATA & HOWARD
67 FOREST STREET
MARLBOROUGH, MA 01752
(508) 303-9400

FOR REGISTRY USE ONLY:

T&H NO.: 5328
DATE: NOVEMBER 2018
SCALE: AS NOTED

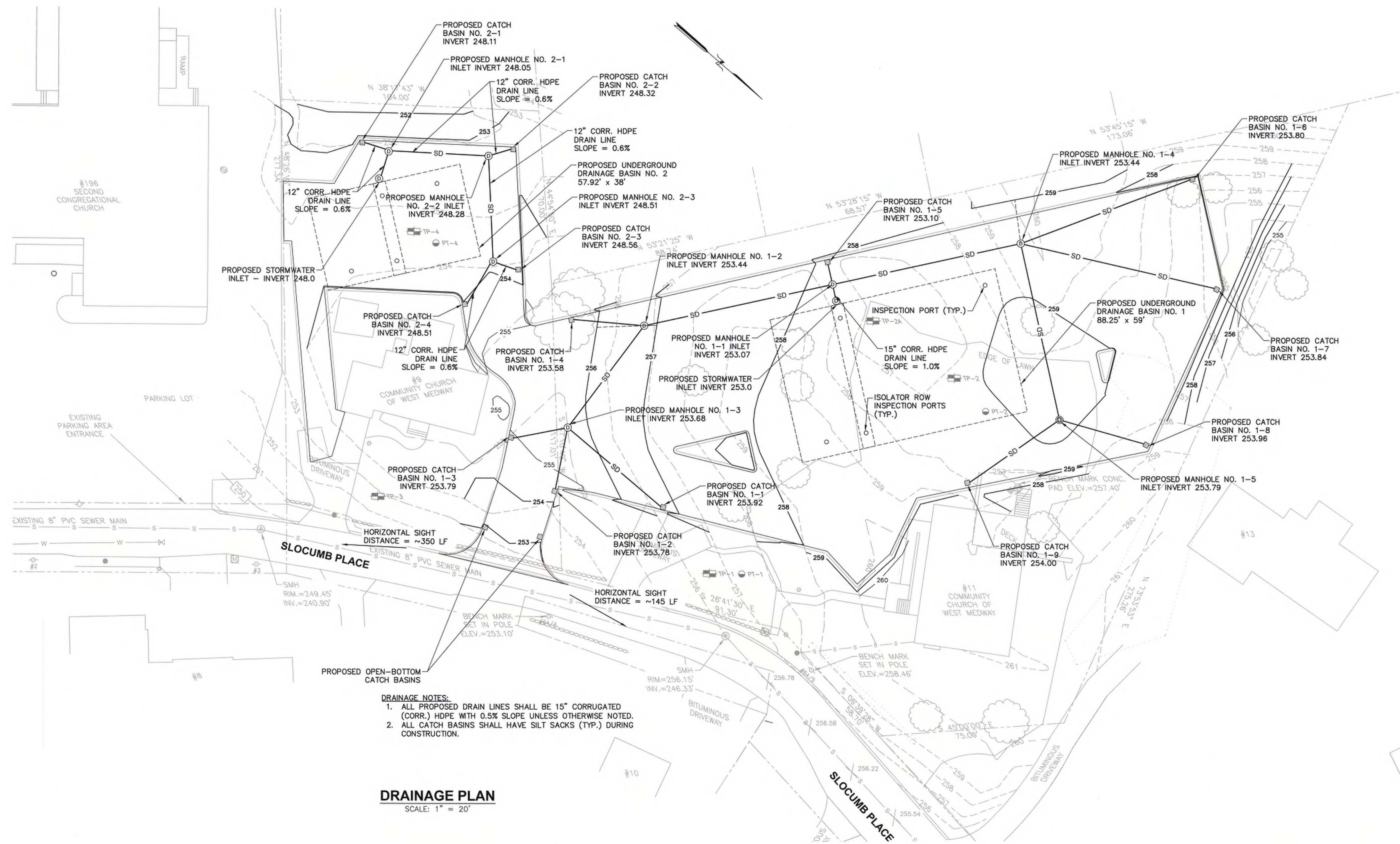


- SITE AND GRADING NOTES:**
1. CLEARING AND GRUBBING SHALL NOT EXCEED THE LIMITS OF THE PROPOSED PAVEMENT AREAS.
 2. EROSION CONTROLS (ECs) SHOWN ON SHEET C-2 SHALL BE INSTALLED PRIOR TO CLEARING AND GRUBBING. ECs SHALL BE INSPECTED BY OWNER/ENGINEER PRIOR TO THE START OF CONSTRUCTION.
 3. EXISTING LANDSCAPING BEYOND THE PAVED LIMITS SHALL BE MAINTAINED TO THE GREATEST EXTENT POSSIBLE.
 4. NO EQUIPMENT OR MATERIALS SHALL BE STORED WITHIN THE PUBLIC RIGHT-OF-WAY WITHOUT PRIOR APPROVAL FROM THE TOWN OF MEDWAY.

PROPOSED GRADING
SCALE: 1" = 20'

FOR REGISTRY USE ONLY:

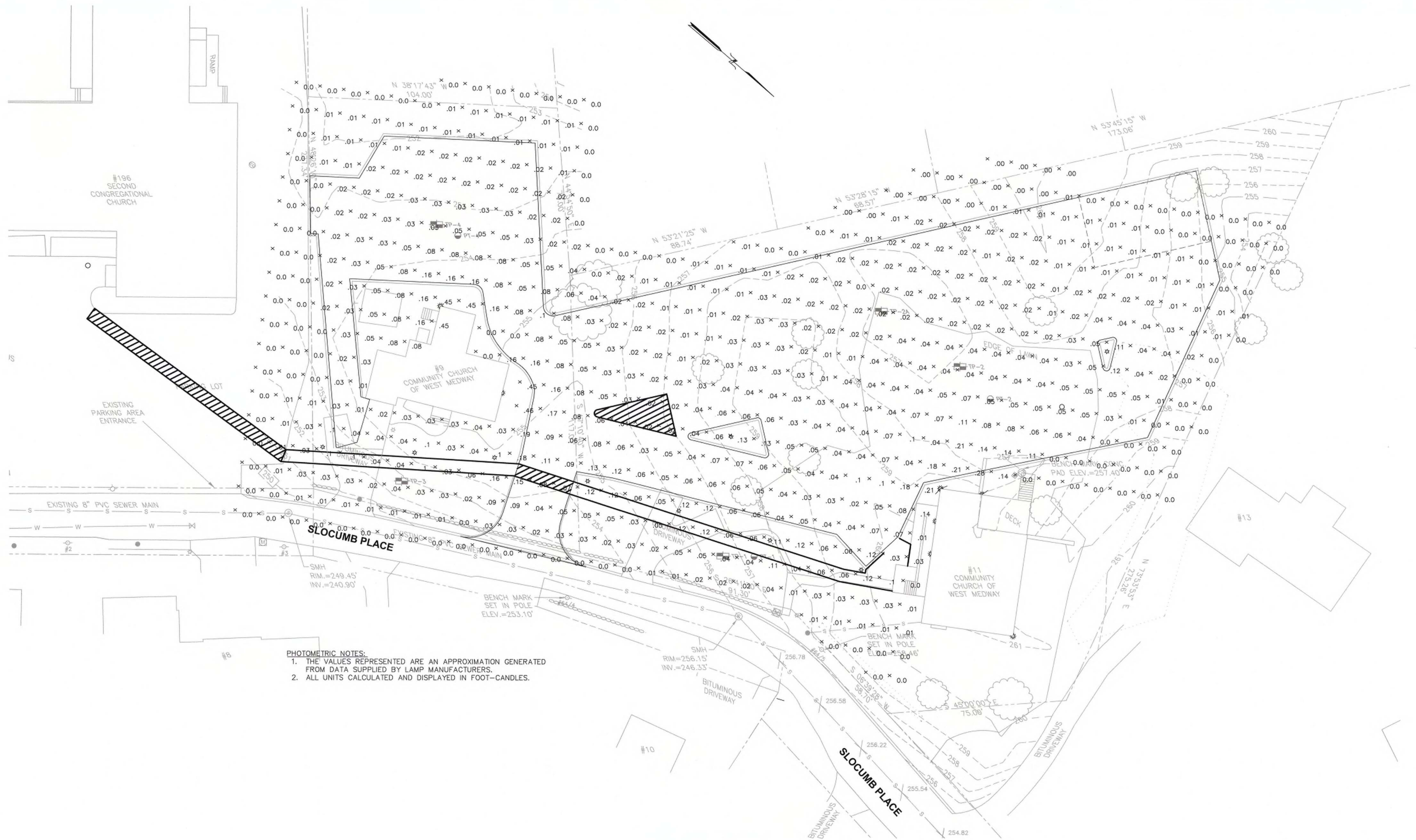
T&H NO.: 5328 DATE: NOVEMBER 2018 SCALE: AS NOTED		C-3
TATA & HOWARD 67 FOREST STREET MARLBOROUGH, MA 01752 (508) 303-9400		
PROPOSED GRADING NOT FOR CONSTRUCTION		
MINOR SITE PLAN APPLICATION		
OWNER/APPLICANT: MEDWAY COMMUNITY CHURCH 11 SLOCUMB PLACE MEDWAY, MA 02053		
PROPERTY ADDRESS: 9 & 11 SLOCUMB PLACE MEDWAY, MA 02053 ASSESSORS MAP 47 LOTS 079 & 078		
DESIGNED BY: MB CHECKED BY: SL APPROVED BY: JAO		



- DRAINAGE NOTES:**
1. ALL PROPOSED DRAIN LINES SHALL BE 15" CORRUGATED (CORR.) HDPE WITH 0.5% SLOPE UNLESS OTHERWISE NOTED.
 2. ALL CATCH BASINS SHALL HAVE SILT SACKS (TYP.) DURING CONSTRUCTION.

DRAINAGE PLAN
SCALE: 1" = 20'

MINOR SITE PLAN APPLICATION	
OWNER/APPLICANT: MEDWAY COMMUNITY CHURCH 11 SLOCUMB PLACE MEDWAY, MA 02053	PROPERTY ADDRESS: 9 & 11 SLOCUMB PLACE MEDWAY, MA 02053 ASSESSORS MAP 47 LOTS 079 & 078
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Planning & Con. Dept. Board Submitted	Description
7/24/18	
8/22/18	
9/6/18	
11/19/18	
	Date
	Rev.
DRAINAGE PLAN NOT FOR CONSTRUCTION	
FOR REGISTRY USE ONLY:	
TATA & HOWARD 67 FOREST STREET MARLBOROUGH, MA 01752 (508) 303-9400	
T&H NO.: 5328	
DATE: NOVEMBER 2018	
SCALE: AS NOTED	
C-4	



PHOTOMETRIC NOTES:
1. THE VALUES REPRESENTED ARE AN APPROXIMATION GENERATED FROM DATA SUPPLIED BY LAMP MANUFACTURERS.
2. ALL UNITS CALCULATED AND DISPLAYED IN FOOT-CANDLES.

PHOTOMETRIC PLAN
SCALE: 1" = 20'

MINOR SITE PLAN APPLICATION

OWNER/APPLICANT:
MEDWAY COMMUNITY CHURCH
11 SLOCUMB PLACE
MEDWAY, MA 02053

PROPERTY ADDRESS:
9 & 11 SLOCUMB PLACE
MEDWAY, MA 02053
ASSESSORS MAP 47 LOTS 079 & 078

Planning & Econ. Eval. Report Summary	7/24/16
Planning & Econ. Eval. Report for Applicant	8/22/16
PHEDS Supplemental Information Summary	9/2/16
Planning & Econ. Eval. Report Endorsement	11/19/16
Description	
Date	
Rev.	

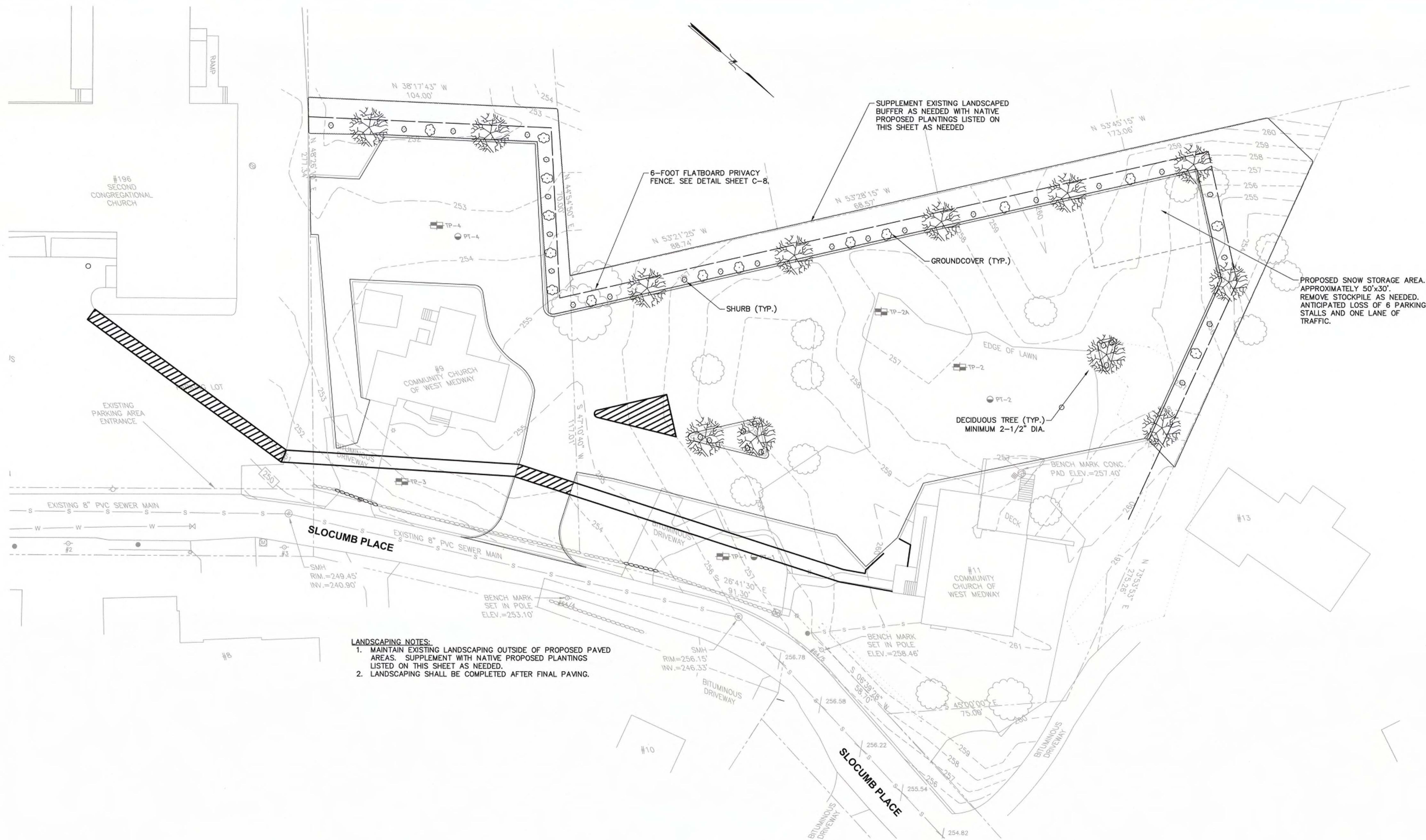
PHOTOMETRIC PLAN
NOT FOR CONSTRUCTION



T&H
TATA & HOWARD
67 FOREST STREET
MARLBOROUGH, MA 01752
(508) 303-9400

T&H NO.: 5328
DATE: NOVEMBER 2018
SCALE: AS NOTED

FOR REGISTRY USE ONLY:



LANDSCAPING NOTES:
1. MAINTAIN EXISTING LANDSCAPING OUTSIDE OF PROPOSED PAVED AREAS. SUPPLEMENT WITH NATIVE PROPOSED PLANTINGS LISTED ON THIS SHEET AS NEEDED.
2. LANDSCAPING SHALL BE COMPLETED AFTER FINAL PAVING.

LANDSCAPING PLAN
SCALE: 1" = 20'

PROPOSED PLANTINGS (NATIVE)	
LATIN NAME	COMMON NAME
JUNIPERUS VIRGINIANA	EASTERN RED CEDAR
THUJA OCCIDENTALIS	ATLANTIC WHITE CEDAR (NOT DEER RESISTANT)
TSUGA CANADENSIS	EASTERN WHITE HEMLOCK
PINUS STROBUS	WHITE PINE
PICEA SPP.	SPRUCE
ILEX VERTICILLATE	WINTERBERRY (GROUNDCOVER)
TAXUS CANADENSIS	CANADA YEW (SHRUB)

MINOR SITE PLAN APPLICATION

OWNER/APPLICANT:
MEDWAY COMMUNITY CHURCH
11 SLOCUMB PLACE
MEDWAY, MA 02053

PROPERTY ADDRESS:
9 & 11 SLOCUMB PLACE
MEDWAY, MA 02053
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7/24/18
8/22/18
9/6/18
11/19/18

Planning & Econ. Dev. Board Submittal
Planning & Econ. Dev. Board Review
Planning & Econ. Dev. Board Review
Planning & Econ. Dev. Board Review

7/24/18
8/22/18
9/6/18
11/19/18

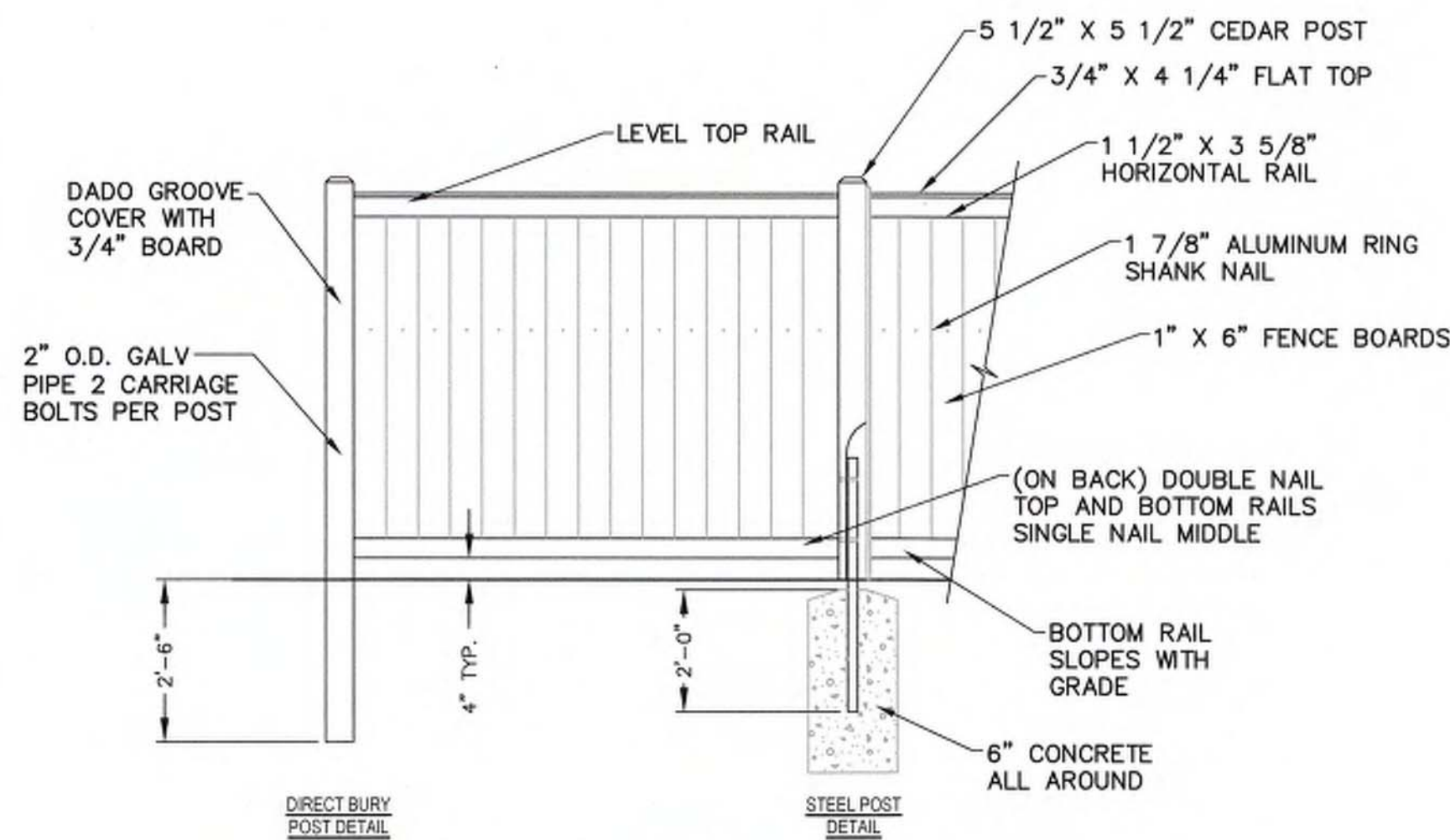
Planning & Econ. Dev. Board Submittal
Planning & Econ. Dev. Board Review
Planning & Econ. Dev. Board Review
Planning & Econ. Dev. Board Review

LANDSCAPING PLAN
NOT FOR CONSTRUCTION

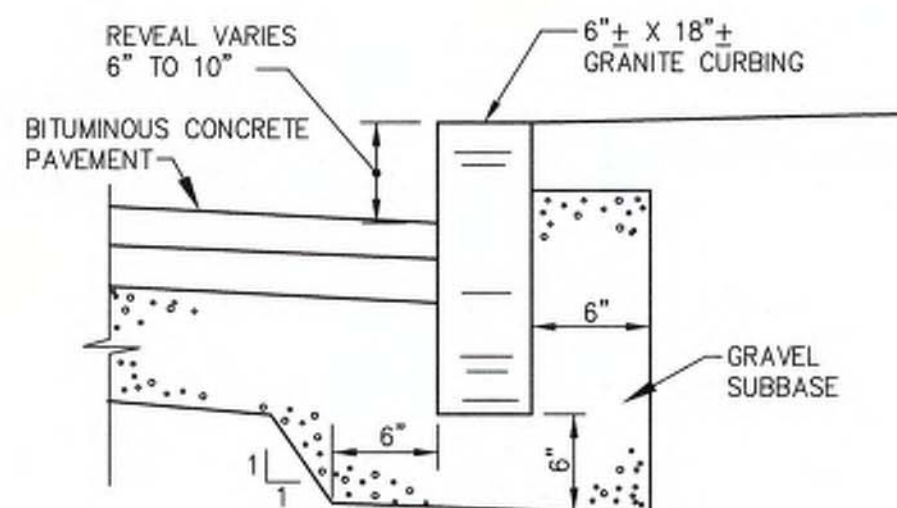
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T&H NO.: 5328
DATE: NOVEMBER 2018
SCALE: AS NOTED

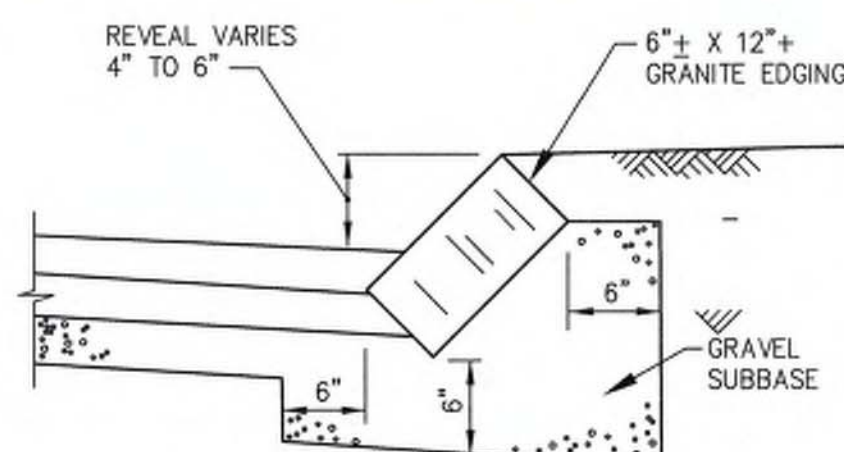
C-7



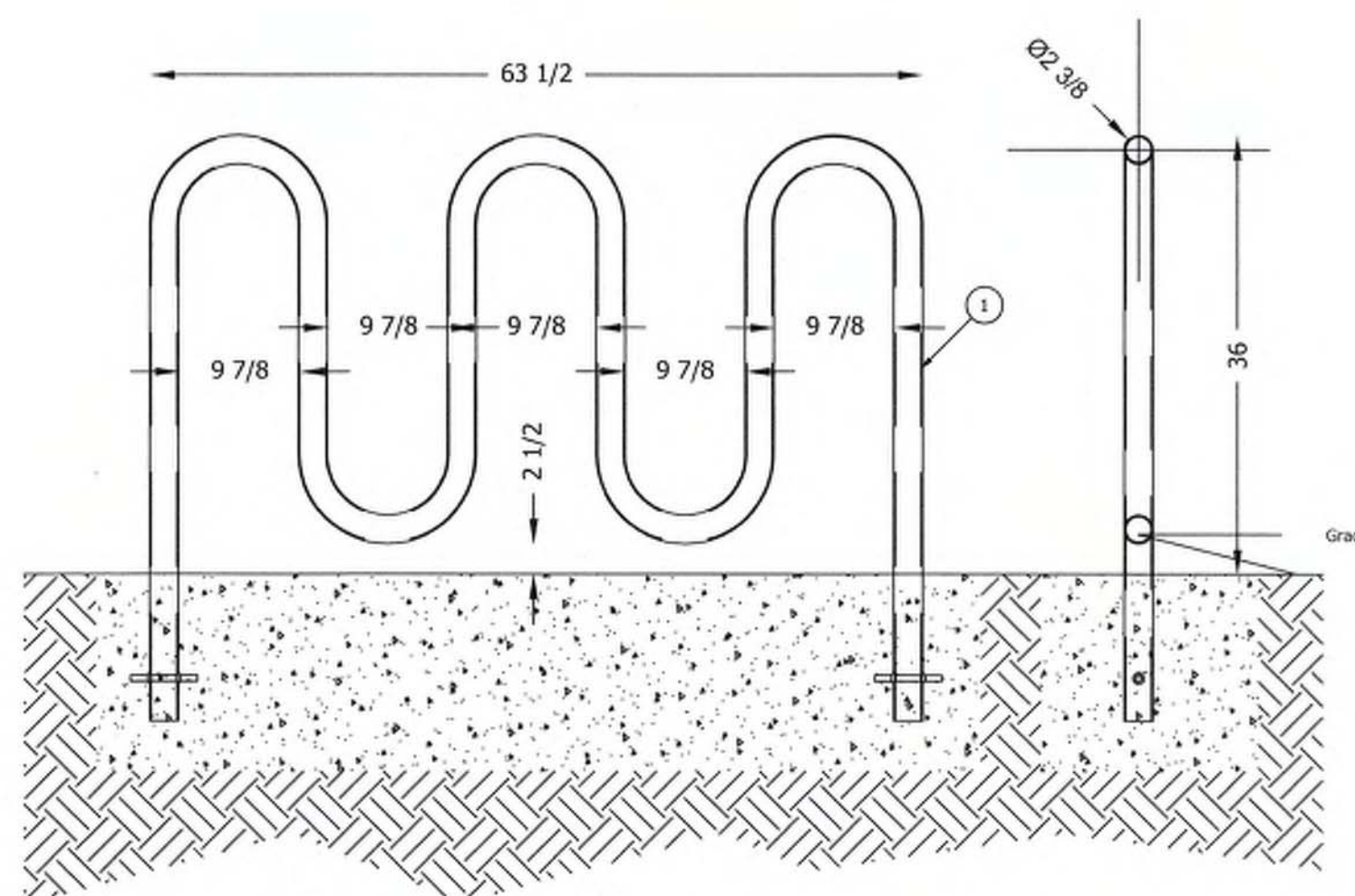
- NOTE:
1. FENCE MATERIAL: NON-GLOSSY FINISH
2. FENCE COLOR: NEUTRAL/NATURAL COLOR
3. ABOVE SPECIFICATIONS TO BE CHOSEN BY OWNER



VERTICAL GRANITE CURB
NOT TO SCALE

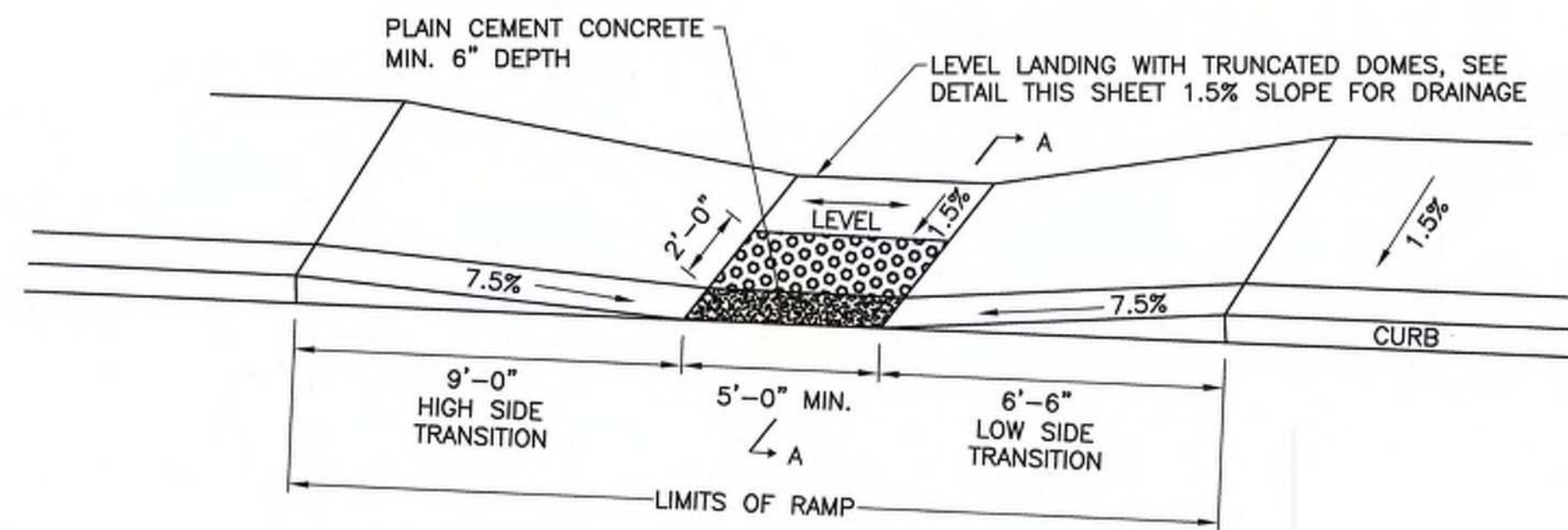


SLOPED GRANITE EDGING
NOT TO SCALE

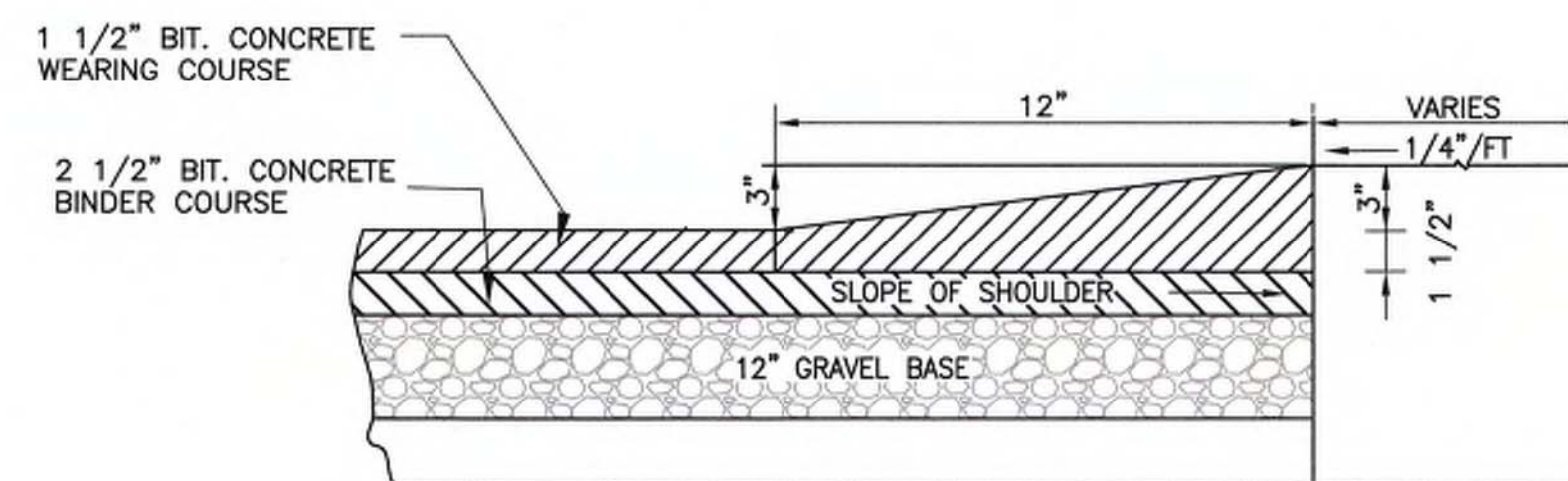


- NOTE:
1. STEEL TUBING WITH POWDER-COATED OR STAINLESS STEEL FINISH.

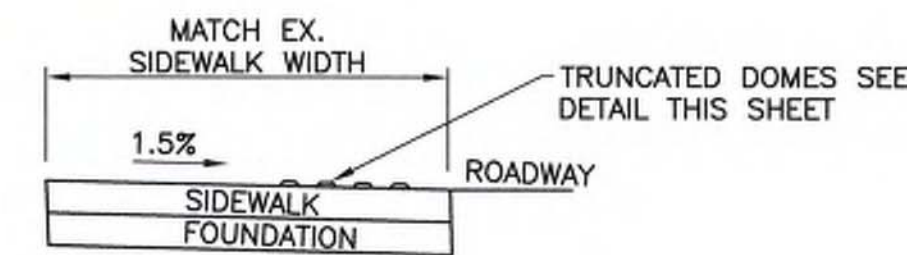
BIKE RACK DETAIL
SCALE : NONE



HANDICAP RAMP
SCALE : NONE

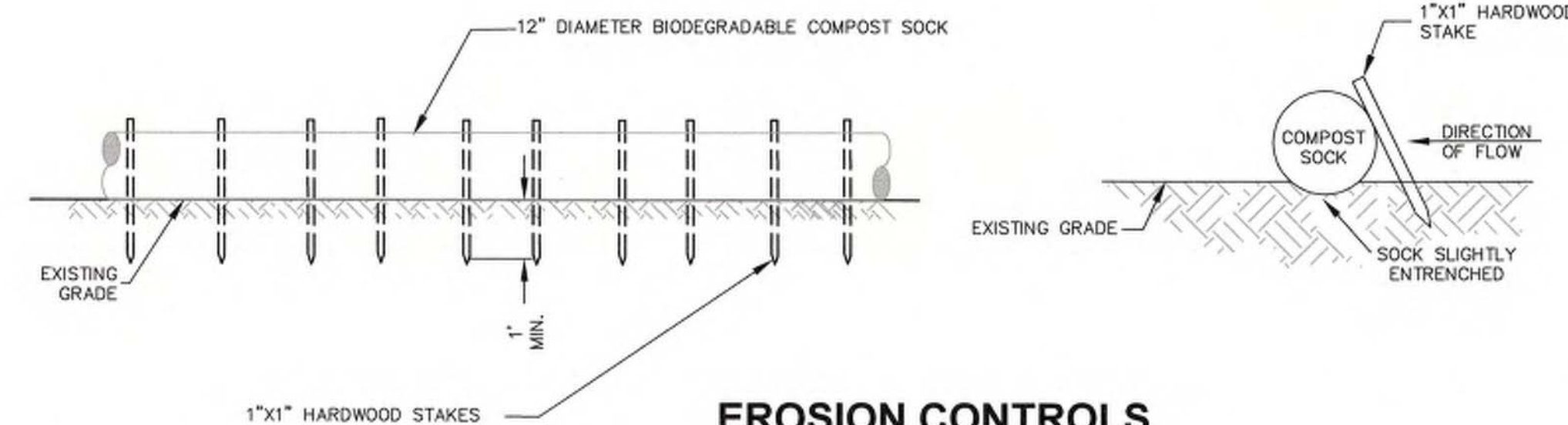


TYPE "A" CAPE COD BERM
NOT TO SCALE

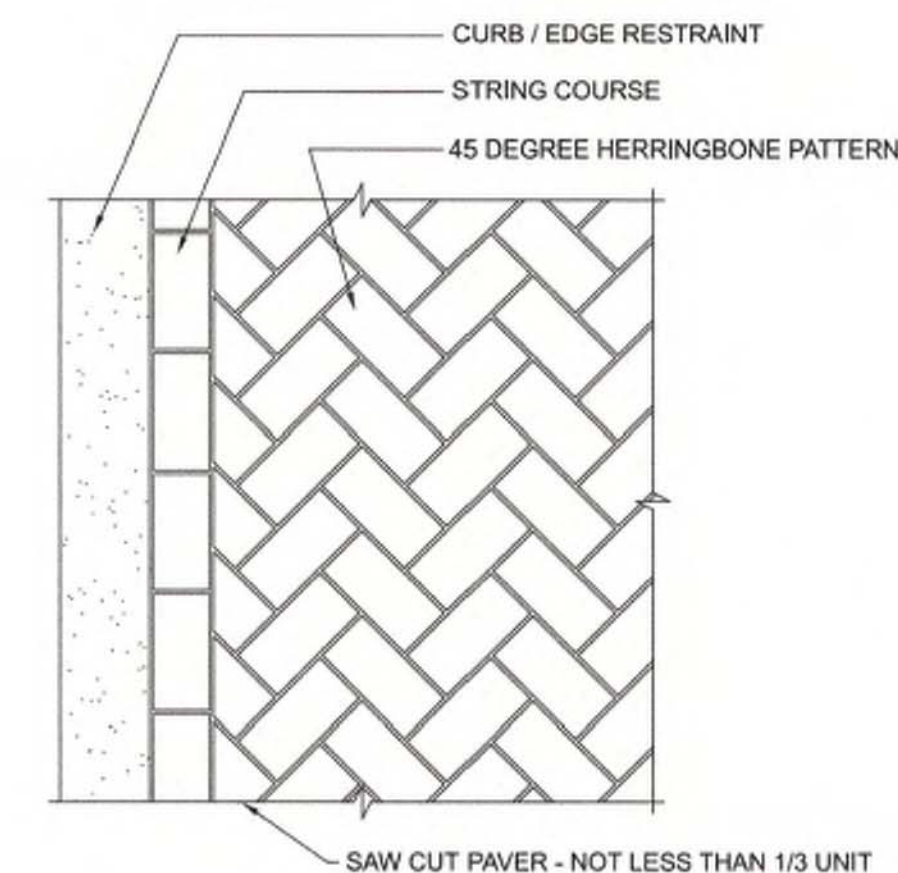


SECTION A-A

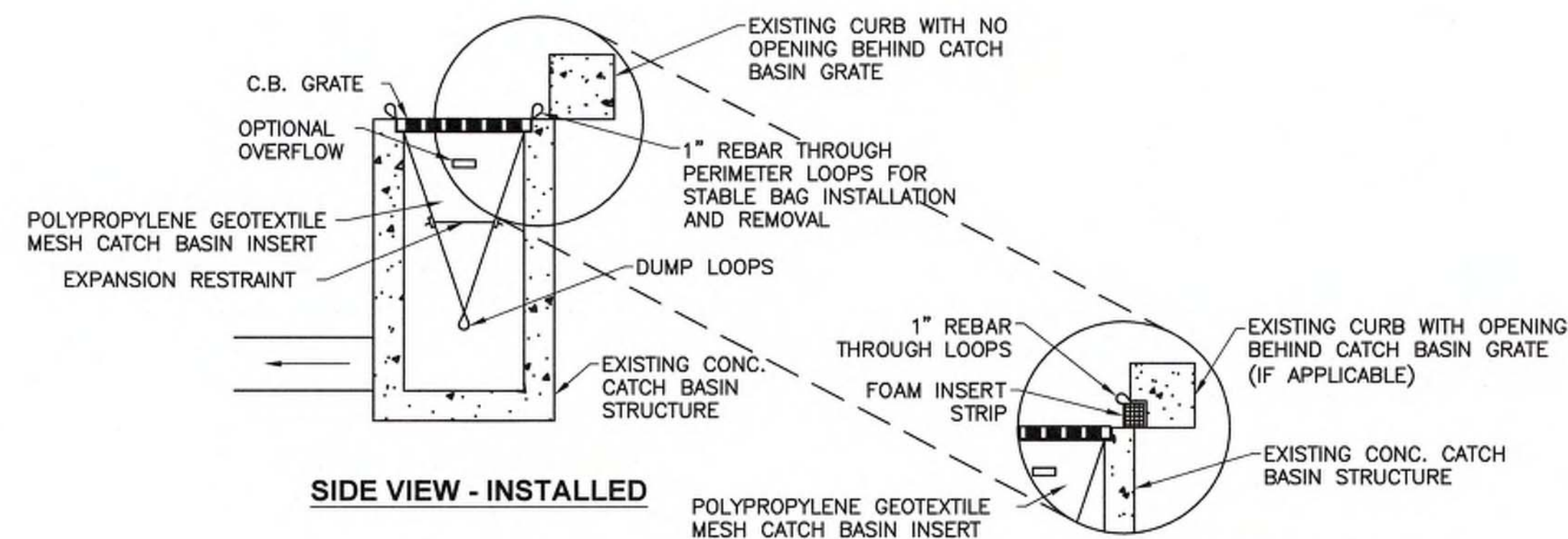
- NOTES:
1. SLOPE TOLERANCE FOR CONSTRUCTION: ±0.5%
2. ADJUST THE HIGH AND LOW SIDE TRANSITION LENGTHS AS REQUIRED IN THE FIELD SO THE CURB REVEAL AT THE LIMIT OF THE HANDICAP RAMP MATCHES THE EXISTING CURB REVEAL. SLOPE OF TRANSITION AREAS SHALL NOT EXCEED 7.5% ±0.5%
3. WHEELCHAIR RAMP SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE MASSACHUSETTS ARCHITECTURAL ACCESS BOARD AND THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT.



EROSION CONTROLS
NOT TO SCALE



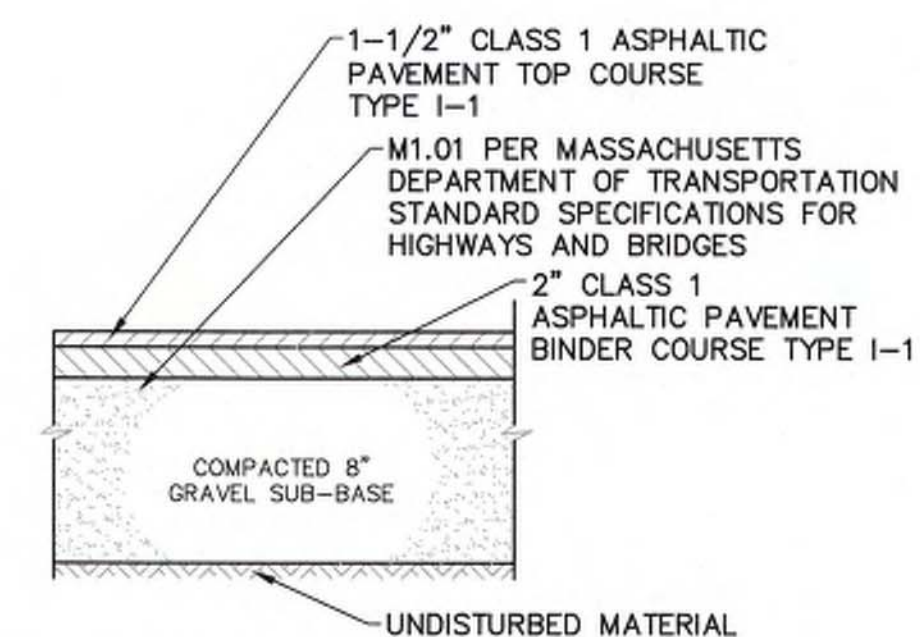
WALKWAY PAVERS DETAIL
SCALE: NONE



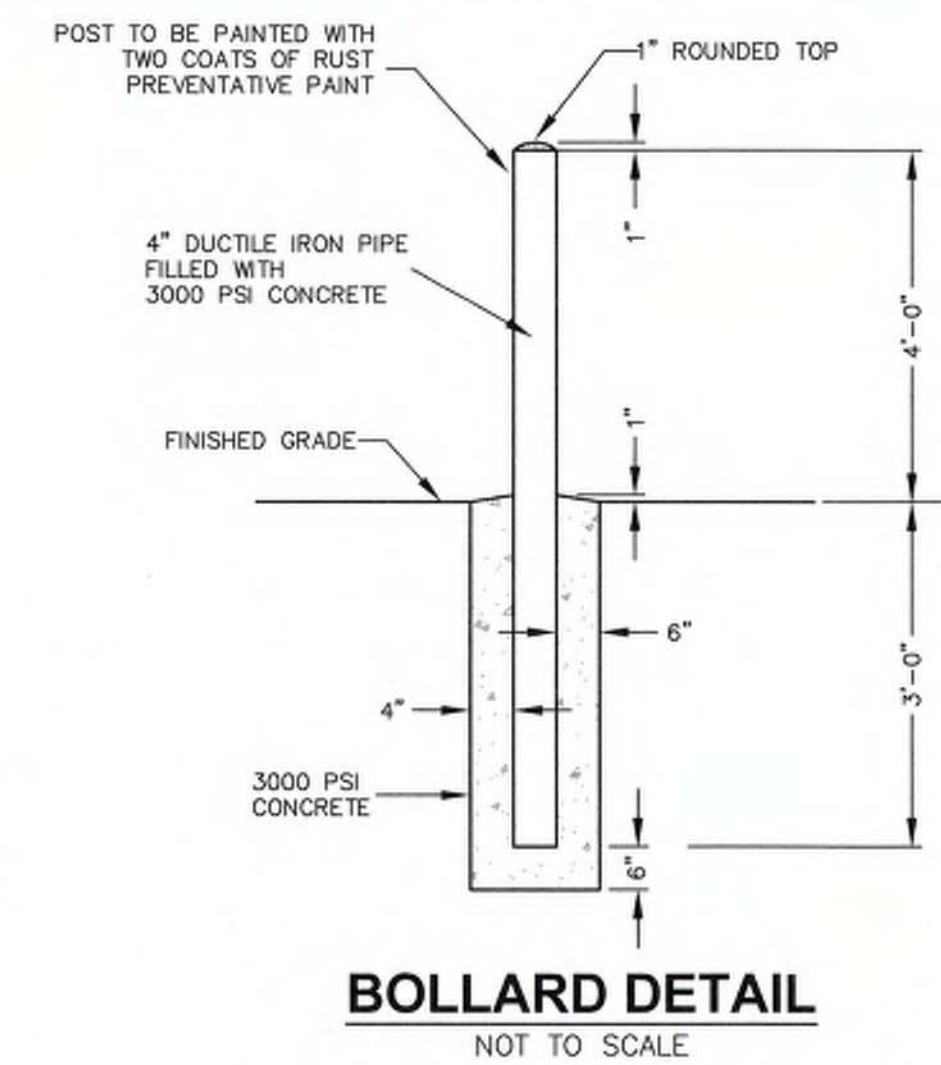
SIDE VIEW - INSTALLED

SIDE VIEW - INSTALLED FOR CURBS WITH OPENINGS BEHIND C.B.

CATCH BASIN SILTATION CONTROL INSERT
SCALE: NONE

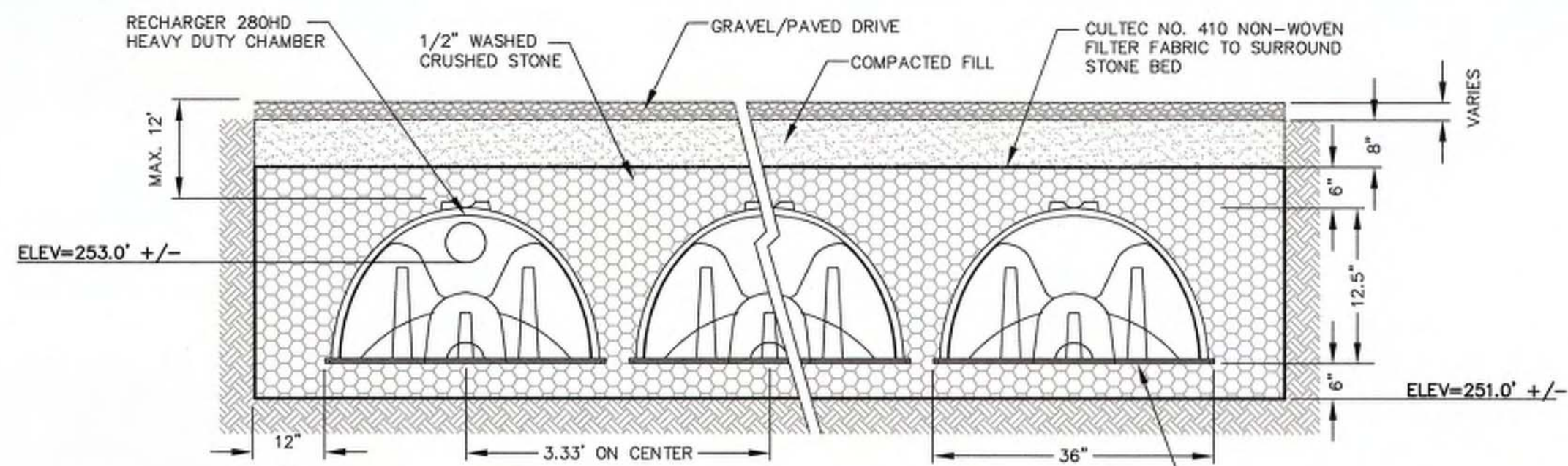


ASPHALTIC PAVEMENT SECTION
NOT TO SCALE

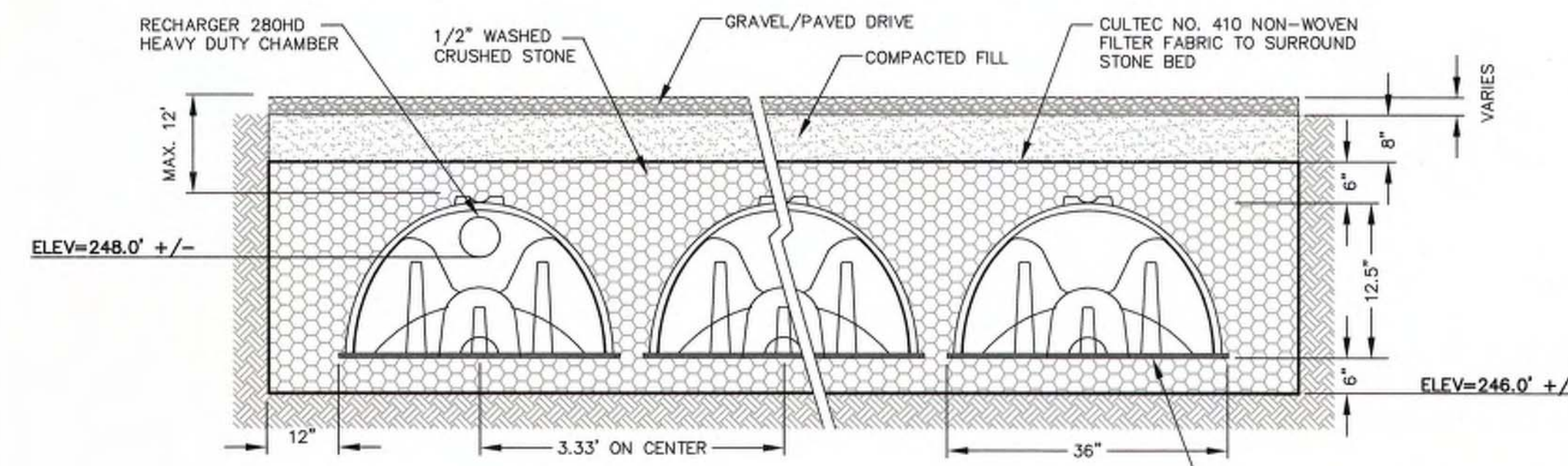


BOLLARD DETAIL
NOT TO SCALE

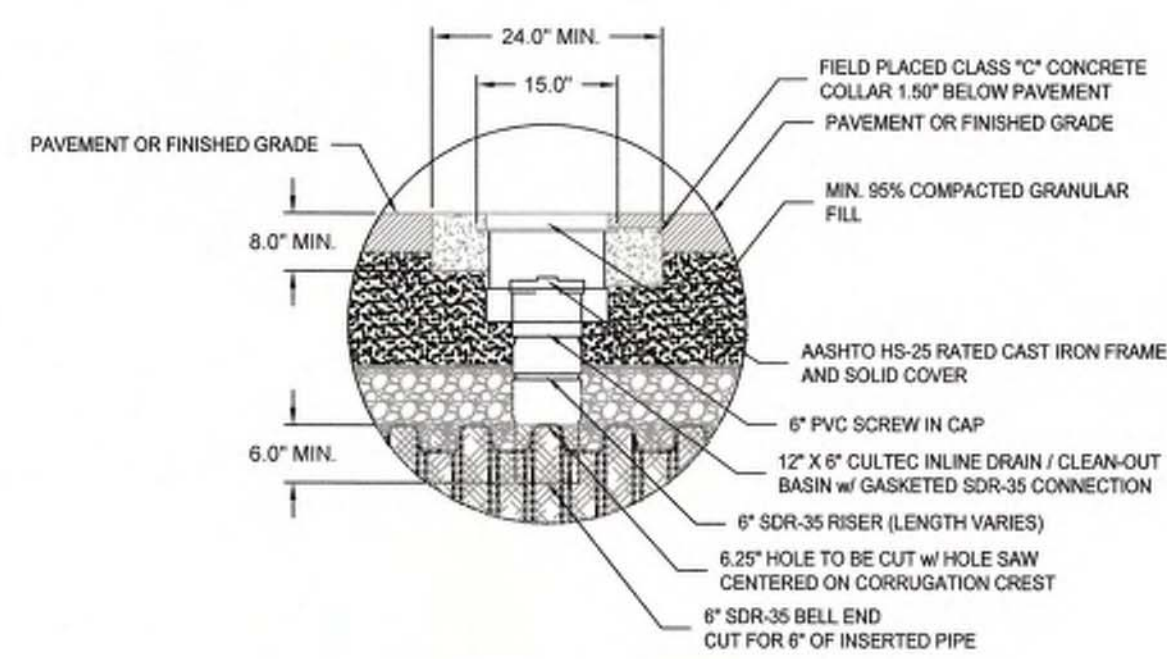
MINOR SITE PLAN APPLICATION				PROPERTY ADDRESS: 9 & 11 SLOCUMB PLACE MEDWAY, MA 02053 ASSESSORS MAP 47 LOTS 079 & 078			
OWNER/APPLICANT: MEDWAY COMMUNITY CHURCH 11 SLOCUMB PLACE MEDWAY, MA 02053				THIS DOCUMENT IS THE PROPERTY OF TATA & HOWARD, INC. AND ITS CLIENT. REPRODUCTION OR MODIFICATION WITHOUT WRITTEN CONSENT IS PROHIBITED.			
Planning & Econ. Devt. Board Submittal	7/24/18	Planning & Econ. Devt. Board Review Submittal	8/22/18	Planning & Econ. Devt. Board Information Submittal	9/6/18	Planning & Econ. Devt. Board Submittal	11/19/18
Description				Date			
DETAIL SHEET 1 NOT FOR CONSTRUCTION				11-19-18			
TATA & HOWARD 67 FOREST STREET MARLBOROUGH, MA 01752 (508) 303-9400				T&H NO.: 5328 DATE: NOVEMBER 2018 SCALE: AS NOTED			
C-8				FOR REGISTRY USE ONLY:			



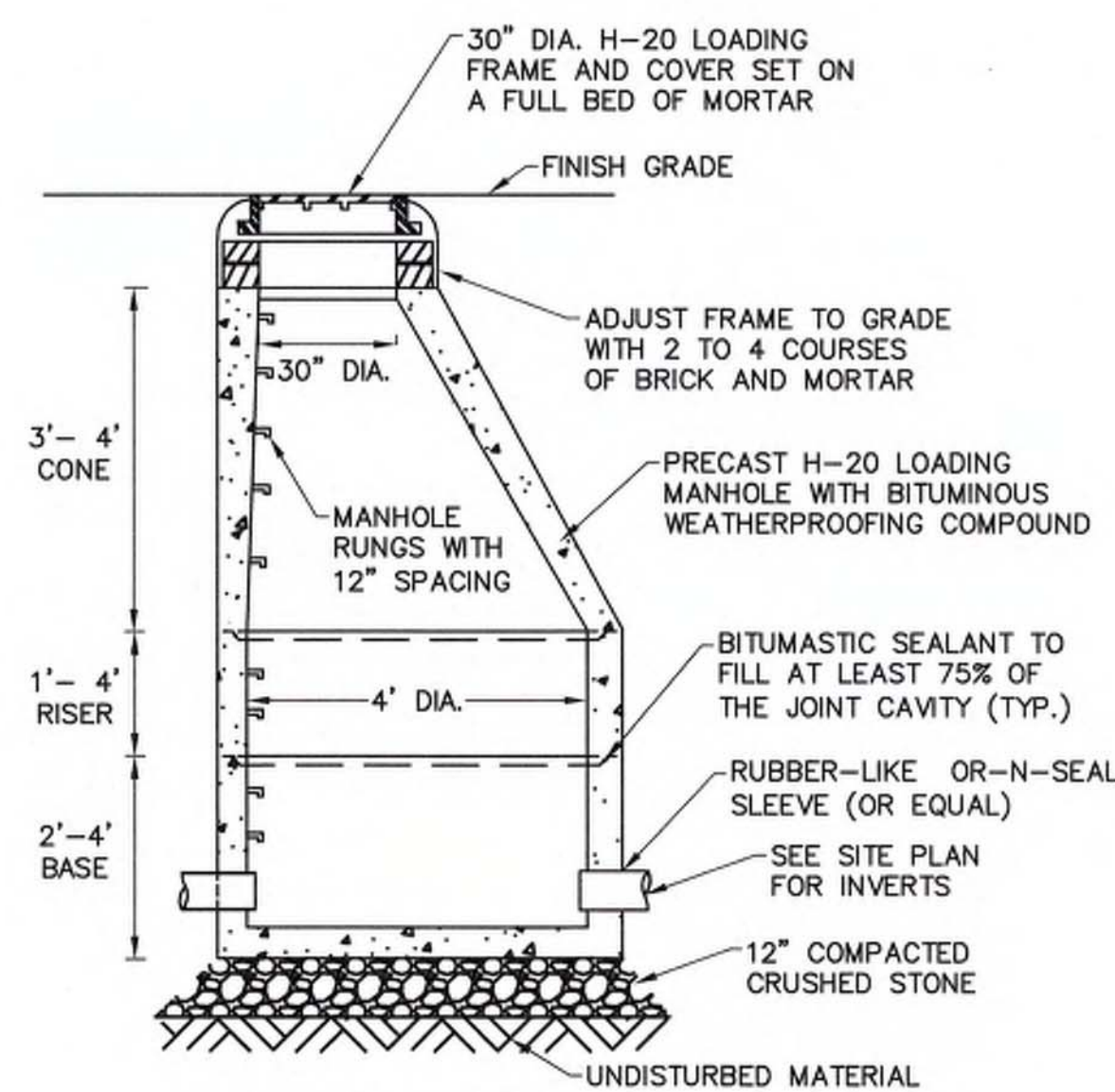
UNDERGROUND DRAINAGE BASIN NO. 1
NOT TO SCALE



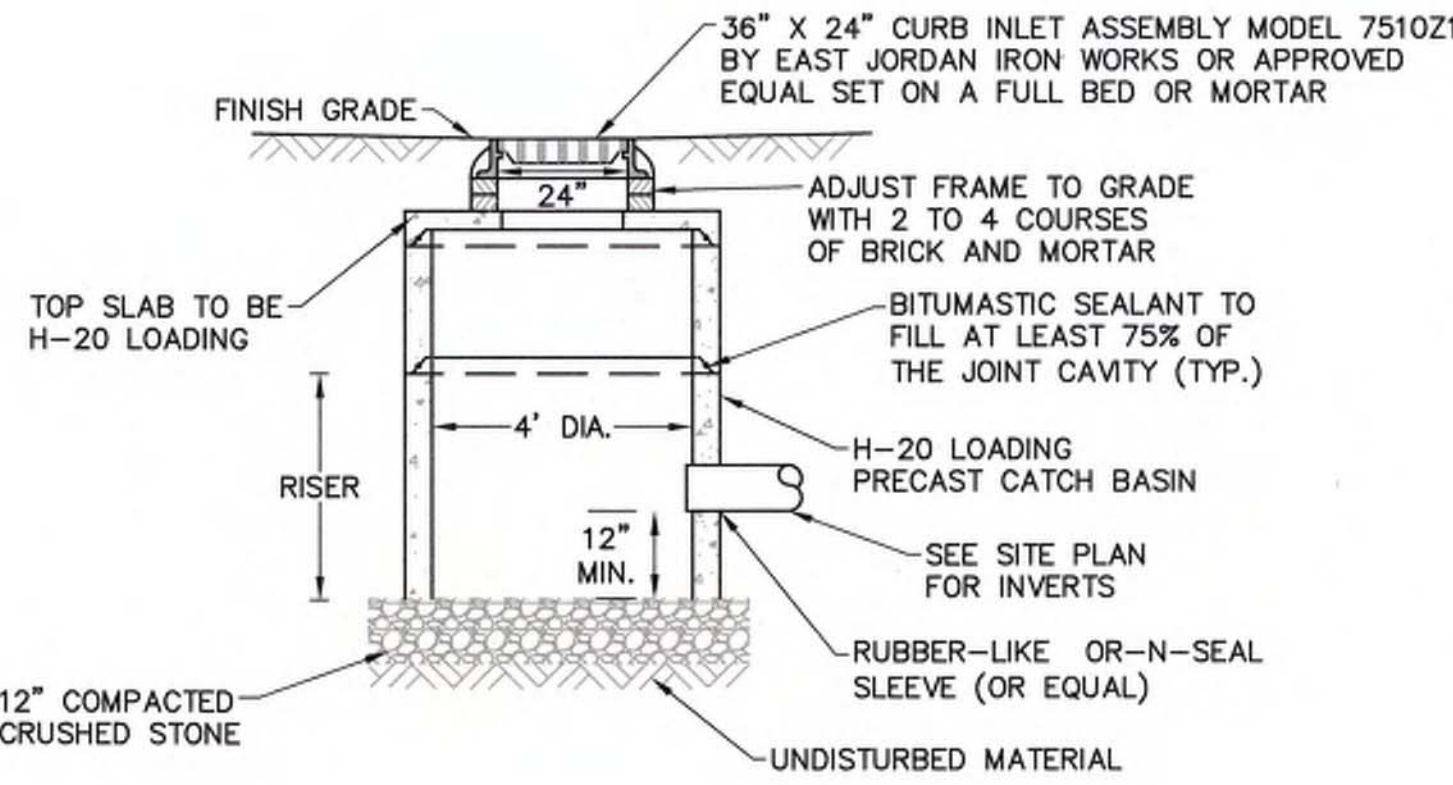
UNDERGROUND DRAINAGE BASIN NO. 2
NOT TO SCALE



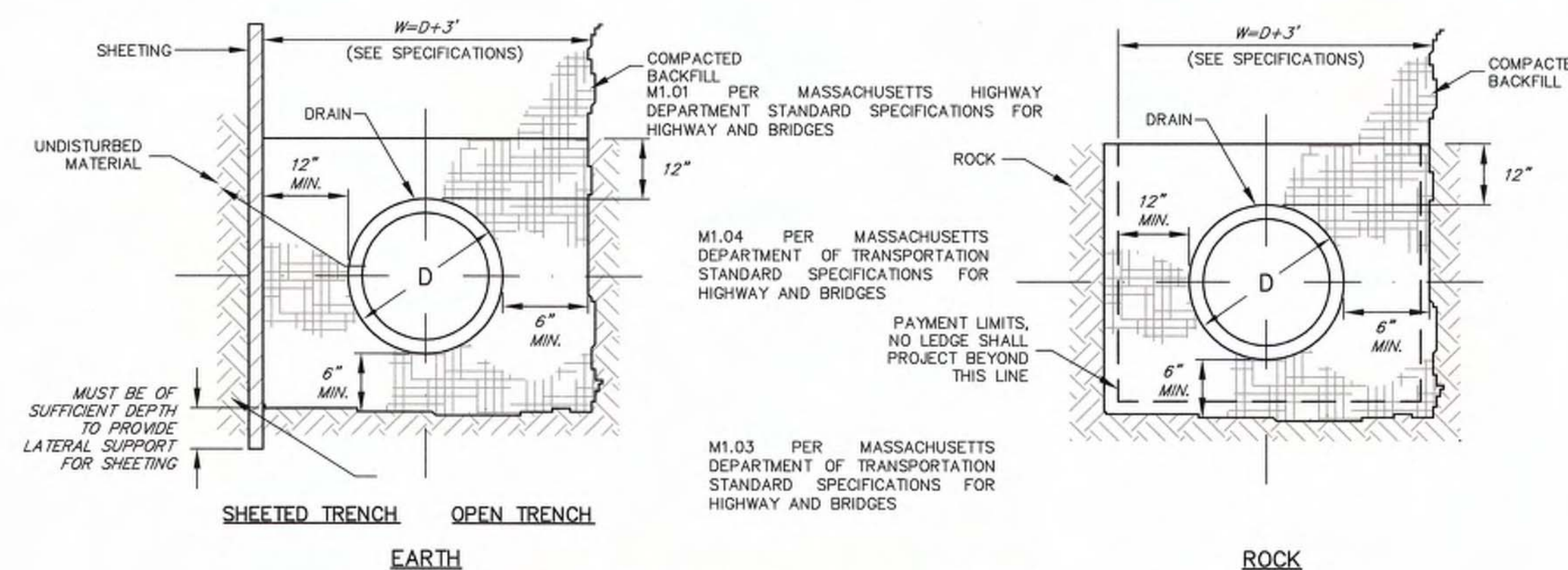
INSPECTION PORT
NOT TO SCALE



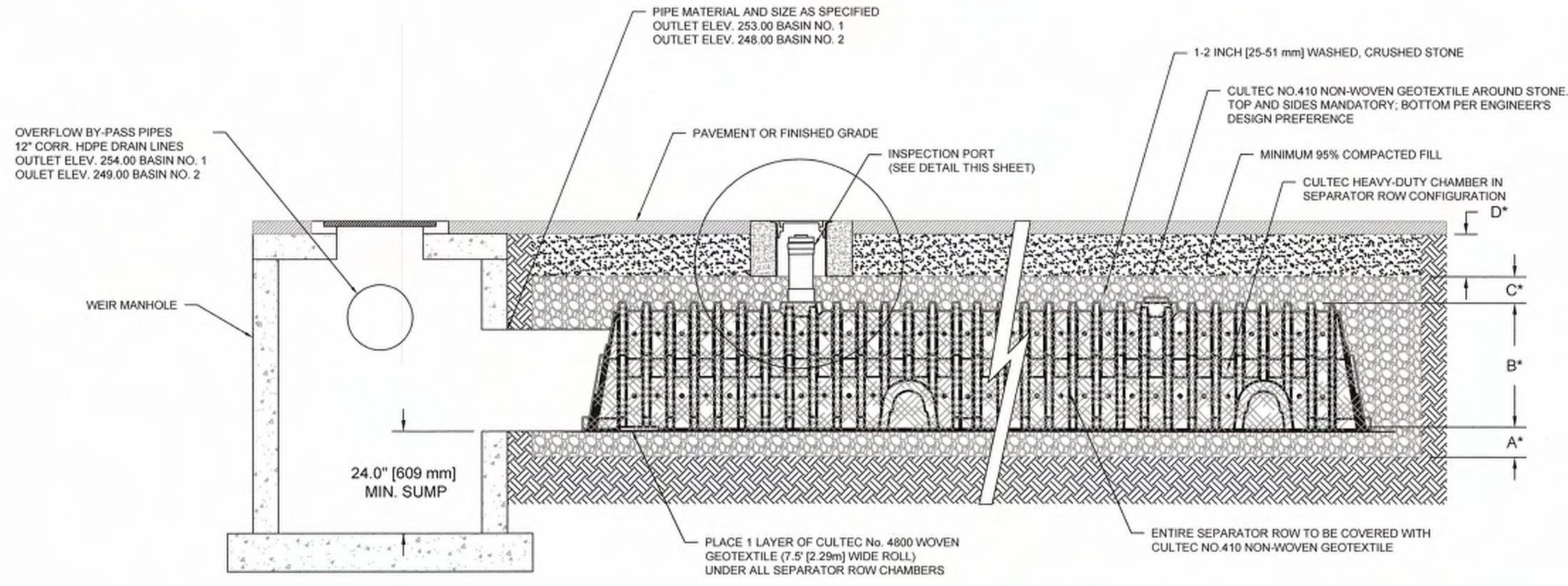
PRECAST DRAIN MANHOLE
SCALE: NONE



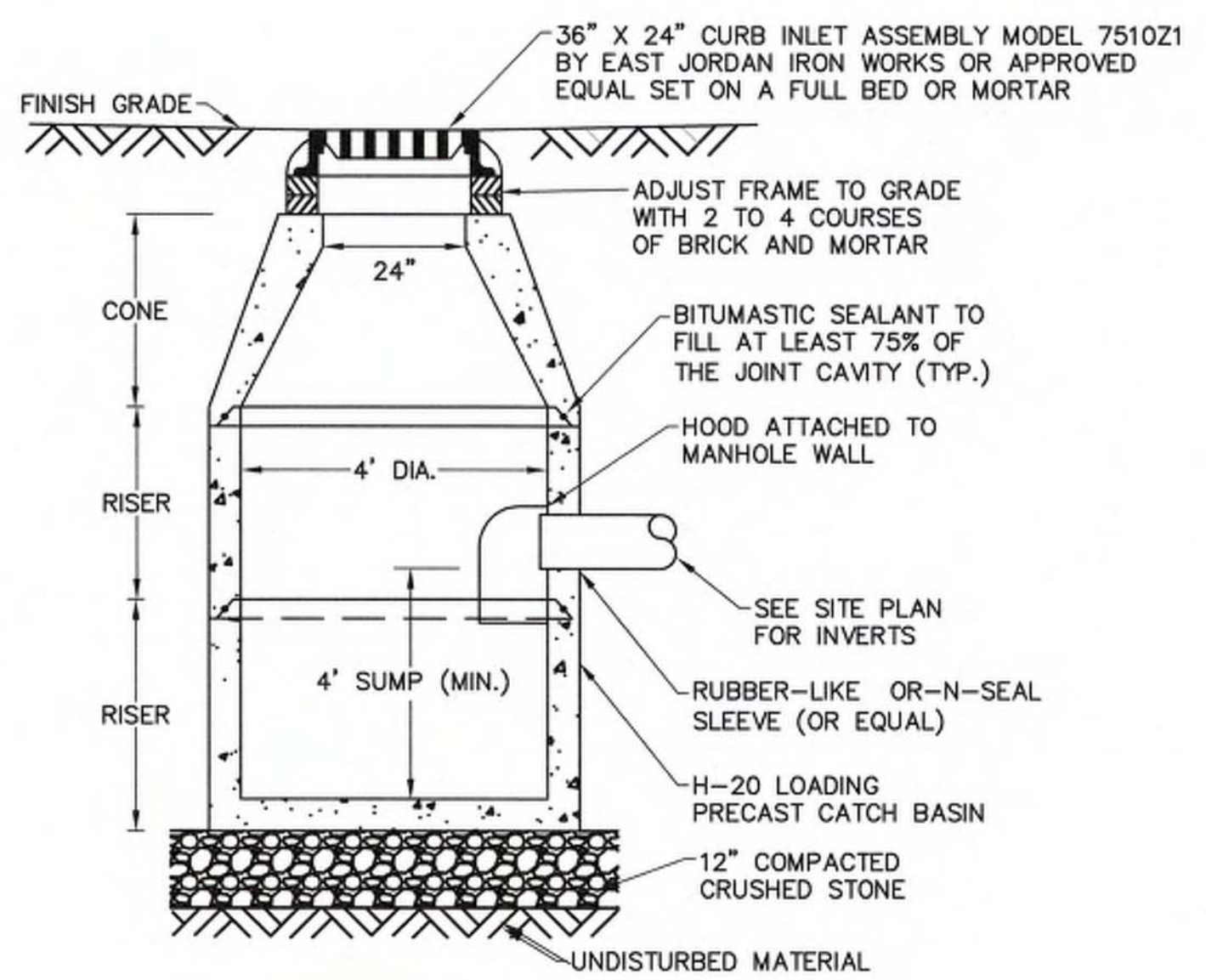
OPEN-BOTTOM PRECAST CATCH BASIN
SCALE: NONE





CORR. HDPE DRAINAGE LINE TRENCH SECTIONS
NOT TO SCALE



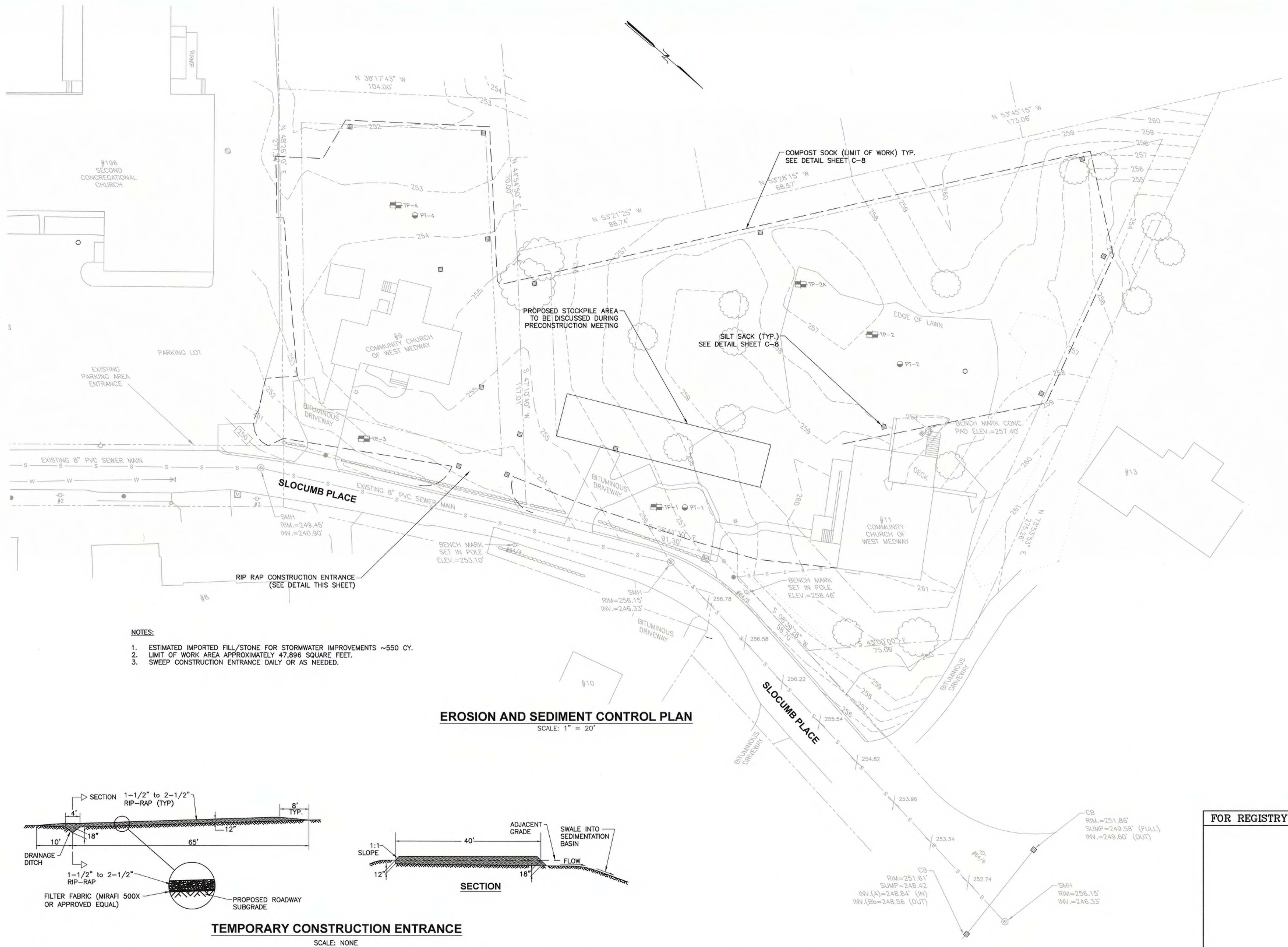
TYPICAL SEPARATOR ROW CONFIGURATION CROSS SECTION WITH INSPECTION PORT
NOT TO SCALE



PRECAST CATCH BASIN
SCALE: NONE

T&H NO.: 5328		DATE: NOVEMBER 2018		SCALE: AS NOTED		C-9																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
 TATA & HOWARD 67 FOREST STREET MARLBOROUGH, MA 01752 (508) 303-9400		 11-19-18		DETAIL, SHEET 2 NOT FOR CONSTRUCTION		<table><tr><td>7/24/18</td><td>Planning & Econ. Dev't. Board Submittal</td></tr><tr><td>8/22/18</td><td>Planning & Econ. Dev't. Board Re-submittal</td></tr><tr><td>9/6/18</td><td>PM&ZS Segmented Information Submittal</td></tr><tr><td>11/19/18</td><td>Planning & Econ. Dev't. Board Enforcement</td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> 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NOTES:

1. ESTIMATED IMPORTED FILL/STONE FOR STORMWATER IMPROVEMENTS ~550 CY.
2. LIMIT OF WORK AREA APPROXIMATELY 47,896 SQUARE FEET.
3. SWEEP CONSTRUCTION ENTRANCE DAILY OR AS NEEDED.

EROSION AND SEDIMENT CONTROL PLAN

SCALE: 1" = 20'

TEMPORARY CONSTRUCTION ENTRANCE

SCALE: NONE



TATA & HOWARD
67 FOREST STREET
MARLBOROUGH, MA 01752
(508) 305-9400

T&H NO.: 5328
DATE: NOVEMBER 2018
SCALE: AS NOTED

EC-1

**EROSION AND SEDIMENT
CONTROL PLAN
NOT FOR CONSTRUCTION**

7/24/18	8/22/18	9/6/18	11/19/18	Rev.	Description
					Planning & Erosion Control Board Submittal
					Planning & Erosion Control Board Approval
					PA0208 Supplemental Information Submittal
					Planning & Erosion Control Board Submittal

MINOR SITE PLAN APPLICATION

OWNER/APPLICANT:
MEDWAY COMMUNITY CHURCH
11 SLOCUMB PLACE
MEDWAY, MA 02053

PROPERTY ADDRESS:
9 & 11 SLOCUMB PLACE
MEDWAY, MA 02053
ASSESSORS MAP 47 LOTS 079 & 078

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Designed by: MB

Checked by: JAL

Approved by: JHO

FOR REGISTRY USE ONLY:



July 30, 2019

**Medway Planning & Economic Development Board
Special Meeting**

**Public Hearing – Proposed New Site
Plan Rules and Regulations**

- Public Hearing Notice dated July 11, 2019
- DRAFT Site Plan Rules and Regulations dated June 20, 2019



RECEIVED

JUL 11 2019

TOWN CLERK

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

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

July 11, 2019

NOTICE OF PUBLIC HEARING
Proposed Amendments to Medway Site Plan Rules and Regulations
Tuesday, July 30, 2019

Pursuant to the *Medway Zoning Bylaw* and G.L. ch. 40A, ***the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, July 30, 2019 at 7 p.m.*** to receive comments on proposed amendments to the *Medway Site Plan Rules and Regulations*, last amended December 3, 2002. The hearing will occur in Sanford Hall at Medway Town Hall, 155 Village ST, Medway, MA. The meeting room is accessible for individuals with physical disabilities.

The hearing pertains to a substantive revision of the *Site Plan Rules and Regulations* which include: general provisions, application procedures, major site plan review, minor site plan review, administrative site plan review, development standards, administration, and fees.

The complete text of the proposed new *Site Plan Rules and Regulations* will be on file with the Town Clerk and the Planning offices at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The proposed amendments will be posted online at the Planning and Economic Development Board's web page at the Town's web site – <https://www.townofmedway.org/planning-economic-development-board>. For further information or questions, please contact the Medway Planning office at 508-533-3291.

Interested persons or parties are invited to review the draft of the proposed amendments, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org. All written comments will be entered into the record during the hearing.

Andy Rodenhiser

Planning & Economic Development Board Chairman

To be published in the *Milford Daily News*

~~Monday~~, July 16, 2019 and Tuesday, July 23, 2019

Tuesday,

Telephone: 508-533-3291

Fax: 508-321-4987

Email: planningboard@townofmedway.org

REVISED DRAFT
June 20, 2019

TOWN OF MEDWAY

Planning & Economic Development Board Rules and Regulations

Chapter 200 - Site Plans

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

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

Amended: April 28, 2000

Amended: March 13, 2001

Amended: November 1, 2001

Amended: July 9, 2002

Amended: December 3, 2002

Amended: _____

Medway Planning and Economic Development Board

Andy Rodenhiser, Chairman

Robert K. Tucker, Vice-Chairman

Thomas A. Gay, Clerk

Richard Di Iulio

Matthew J. Hayes, P.E.

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

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TOWN OF MEDWAY

Planning and Economic Development Board

Rules and Regulations

Chapter 200 - Site Plans

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

ARTICLE I AUTHORITY

s. 201 – 1 **Adoption** - The Planning and Economic Development Board of the Town of Medway hereby adopts these *Rules and Regulations* to govern the submission, review, approval and modification of site plans pursuant to Section 3.5.5 of the *Zoning Bylaw*.

ARTICLE II GENERAL PROVISIONS

s. 202 – 1 **Purpose** – These *Rules and Regulations* provide for the uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the *Zoning Bylaw*. Their purpose is to guide Applicants, Town officials and boards, and others involved in the preparation, processing and review of site plans and the issuance of site plan approval and modifications thereto. These *Rules and Regulations* address the process for submission, review and processing of site plan applications including the delegation of administrative review to the Board's designee for review of small-scale projects; site development standards; review and approval criteria; issuance of site plan approvals; project conditions, limitations, safeguards and mitigation measures; procedures for modifying approved site plans; and decisions and fees.

s. 203 – 2 **Scope of Site Plan Review** – The *Zoning Bylaw* provides for three levels of Site Plan Review: Major Site Plan Review, Minor Site Plan Review, and Administrative Site Plan Review. See Section 3.5.3 of the *Zoning Bylaw* for applicability.

s. 202 – 3 **Requirement for Site Plan Review** – No building permit shall be issued for any use, site, or building alteration, or other improvement subject to Section 3.5 of the *Zoning Bylaw* unless an application for Site Plan Review has been prepared in accordance with the requirements of these *Rules and Regulations*, and unless such application has been approved by the Planning and Economic Development Board or its administrative designee in the case of projects subject to Administrative Site Plan Review.

s. 202 – 4 **Definitions** – Terms used in these *Rules and Regulations* shall have the meanings as set forth in the *Medway Zoning Bylaw* and G.L. c. 40A. Additional terms are defined below:

Agent: Individual(s) authorized by the Board to review plans and/or observe and inspect construction

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

Applicant: See definition in SECTION II Definitions of this *Zoning Bylaw*.

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

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

Developer: The individual or organization which will carry out the approved and endorsed site plan.

Rules and Regulations: Medway Planning and Economic Development Board *Rules and Regulations for Submission, Review and Approval of Site Plans*.

Team: Administrative Site Plan Review Team established by the Town Administrator and the Board.

s. 202 – 5 *Waivers of Site Plan Rules and Regulations*

A. The Board and the Administrative Site Plan Review Team may authorize waivers from strict compliance with these *Rules and Regulations* if it determines that:

- 1) the Rule or Regulation requested to be waived does not apply to the particular site or situation under review; or
- 2) that a waiver would permit a superior design; or
- 3) that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and approval as set forth herein; or
- 4) that a waiver is in the best interests of the Town; or
- 5) that a waiver is consistent with the purpose and intent of the *Zoning Bylaw* and these *Rules and Regulations*.

B. The Applicant for Site Plan Review shall submit a written request for waivers from the *Rules and Regulations* at the time of application on a Waiver Request form to be provided by the Board. Supplemental Waiver Requests may be submitted during the course of the Site Plan Review process. If an oral request for a waiver is made during the course of the Board's review, it shall also be submitted to the Board as a written request.

s. 202 – 6 *Permit Coordination* – When a development project requires other permits from the Board such as a special permit, land disturbance permit, or a scenic road work permit, the Board's review may be consolidated and run concurrently.

s. 202 - 7 *Validity* – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provisions which shall be held invalid. In all other respects these *Rules and*

Regulations shall stand. In the event of a conflict between these *Rules and Regulations* and the *Zoning Bylaw*, the provisions of the *Zoning Bylaw* shall control.

ARTICLE III SITE PLAN APPLICATION PROCEDURES

s. **203 - 1 Eligible Applicants** - An Applicant for Site Plan Review shall be as defined in the *Zoning Bylaw*. In the case where the Applicant is a person other than the record owner of the property, the Applicant shall submit, as part of the application, a written certification executed by the record owner of the property that the application is submitted with the knowledge and consent of the record owner.

s. **203 - 2 Pre-Application Review**

A. **Consultation with Town Staff** – A pre-application consultation between a prospective Applicant and the Town's Community and Economic Development staff is recommended. The purpose of any pre-application consultation is to provide the Applicant with an opportunity to discuss the design concept of the proposed development during the early stages of the design process and to avoid unnecessary technical deficiencies in the application with a view toward promoting efficiency in the forthcoming processing and review of the proposed development project. However, Town staff are not responsible for assuring the accuracy, correctness or thoroughness of any application provided for review during a pre-application consultation. Any opinion given to the Applicant by employees of the Town during a pre-application consultation is advisory only and shall not be binding on the Board or the Town

B. **Interdepartmental Project Review**

- 1) Prior to filing a site plan Application with the Board, prospective Applicants for Major Site Plan Review shall, and prospective Applicants for Minor Site Plan Review may, request that the Director of Community and Economic Development schedule a meeting with the Applicant and the Town's interdepartmental project review team. The purpose of such meeting is for the Applicant to brief representatives of Town departments on the proposed project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows Town officials to identify project issues and opportunities which may benefit from further municipal attention, coordination or assistance.
- 2) *Scope of Town Staff Review* - Any opinion or information given to the Applicant by employee of the Town during the Interdepartmental Meeting shall be considered advisory only and shall not be binding on the Board or the Town.

C. **Informal Pre-Application Meeting with the Board** – Prior to filing a site plan Application with the Board, prospective Applicants for a Major or Minor Site Plan Review may request an informal, pre-application meeting with the Board to review conceptual plans and discuss permitting procedures. The requested pre-application meeting shall occur during a regularly scheduled Board meeting. This meeting provides the Applicant and the Board with the opportunity to discuss the project's objectives, preliminary conceptual plan for the site, building design, and site amenities; review the Town's site plan review process and *Rules and Regulations*; identify possible requests for waivers from these *Rules and Regulations*; clarify what submittal items are required

based on the scope of the project; and develop a preliminary schedule for application submittal and plan review. Requests for a pre-application meeting with the Board shall be made through the Planning and Economic Development office. A pre-application meeting shall not serve as a substitute for any public hearing or meeting required for the development project. Any opinion or information given to the Applicant by an individual Board member or its consultants during a pre-application meeting shall be considered advisory only and shall not be binding on the Board or the Town.

s. 203 – 3 Official Receipt of Site Plan Application –The official site plan submission date is the date the site plan application is filed with the Board or Team, and the Town Clerk and is deemed complete in accordance with **s. 203-4** of these *Rules and Regulations*, whichever is later.

s. 203 - 4 Completeness Review - The Board or its Agent may, within twenty-one days of the date of receipt of a major or minor site plan application or the Team, within five days of receipt of an administrative site plan application, reject the application upon a determination that it does not satisfy the submission requirements of these *Rules and Regulations*. The Board or its Agent, or the Team shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* where the application is lacking. The Board or its Agent, or the Team shall provide a notice of its determination to the Town Clerk. When brought into conformity with the requirements of these *Rules and Regulations*, a site plan application previously deemed incomplete may be resubmitted for consideration by the Board or the Team without prejudice. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.

s. 203 - 5 Use of Outside Consultants

- A. The Board, at its sole discretion, may determine that the assistance of outside consultants such as engineers, lawyers, planners, urban or landscape design professionals, environmental consultants or other appropriate professionals is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. It is the Board's standard practice to do so. The Board may engage the services of outside consultants to assist in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal or other issues. The Board shall have full authority to select the outside consultants. If the Board determines that such services are required, the Applicant shall pay a *Site Plan Review Fee* as authorized in **s. 209 – 1 B.** of these *Rules and Regulations*.
- B. The minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or in a related field.
- C. The Applicant may appeal the selection of a particular outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The Applicant shall identify the specific grounds which the Applicant claims constitute the conflict of interest or how the consultant does not meet the

Commented [A1]: Can the Adm Site Plan Review Team bring in consultants if needed??

minimum required qualifications. If no decision is made by the Board of Selectmen within thirty days following the filing of an appeal, the Board's consultant selection stands.

ARTICLE IV MAJOR SITE PLAN REVIEW

s. 204 - 1 Applicability – See Section 3.5.3 A of the *Zoning Bylaw*.

s. 204 – 2 Town Clerk Submittals - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Town Clerk during regular business hours:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all items as specified in *s. 204 – 5* of these *Rules and Regulations*.

s. 204 – 3 Planning and Economic Development Board Submittals - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Board:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in *s. 204 – 5* of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information wherever applicable:
 - 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;
 - 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;
 - 11) proposed mitigation measures;

- 12) list of other required local, state and federal permits and the status of each; and
- 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.

- D. One copy of the stormwater drainage report prepared in conjunction with the Post-Construction Stormwater Management Plan. The report shall be prepared in accordance with the most current standards of the MA Department of Environmental Protection (DEP) Stormwater Management Policy and Handbook and in conformance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance. The drainage calculations shall be based on the rainfall data from the National Oceanographic and Atmospheric Administration (NOAA) Atlas 14, as may be revised.
- E. One list of all parties in interest as defined in G.L. c. 40A, §11 within three-hundred feet of the subject site as appearing on the most recent tax records list maintained by the Assessor's office. The list shall be certified by the Board of Assessors of all applicable communities.
- F. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, etc.) and federal or state government agencies.
- G. A written *Development Impact Statement* which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent, reduce or mitigate adverse impacts.

The *Development Impact Statement* shall consist of the following four elements:

1) *Traffic Impact Assessment*

- a) A brief analysis of existing traffic safety and capacity issues and a summary of anticipated traffic impacts; or
- b) A full *Traffic Impact Assessment* is required if the project:
 1. proposes an additional twenty or more parking spaces; and
 2. contains frontage or proposes access on a public way; and
 3. includes uses expected to generate an additional **one hundred trips per day** based on the most recent edition of the Institute of Traffic Engineers publication *Trip Generation*.

The Board may require an Applicant to prepare a full *Traffic Impact Assessment* even if the project does not meet all of the above criteria, if the Board finds that such information is necessary for it to complete its review.

c) The *Traffic Impact Assessment* shall:

1. document existing traffic volumes, capacities, controls, sidewalk and road conditions, roadway geometrics, hazards and level of service on

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the site and streets adjacent to the site and intersections near the site including but not limited to conditions within one-quarter mile of the proposed project; and

2. describe the volume and effect of projected traffic generated by the proposed project (total and peak hour) and post project level of service (LOS); and
3. identify traffic management and structural improvements and mitigation measures, both on and off the site, to reduce any adverse impacts of the proposed project on traffic. These could include demand management strategies, traffic control measures as well as capacity enhancements.

2) *Environmental Impact Assessment*

- a) An *Environmental Impact Assessment* shall be required if the project involves one or more of the following characteristics:
 1. proposes an additional thirty or more parking spaces; or
 2. proposes a building footprint of fifteen thousand square feet or greater; or
 3. proposes to disturb twenty thousand square feet of land or greater; or
 4. proposes a project that is subject to the Town's Stormwater and Land Disturbance Bylaw.
- b) The *Environmental Impact Assessment* shall describe the impacts of the proposed development with respect to on-site and off-site environmental quality including:
 1. air and water quality;
 2. surface water and groundwater;
 3. flooding potential;
 4. increases in impervious surfaces;
 5. potential for erosion and proposed or existing control measures;
 6. noise levels;
 7. harmful or noxious emissions;
 8. damage or threat to wetlands and flood plain;
 9. smoke;
 10. odors;
 11. vibration;
 12. waste disposal; and
 13. off-site environmental drainage impacts.
- c) If the Applicant is required to file a full Massachusetts Environmental Policy Act (MEPA) certification with the Massachusetts Department of Environmental Protection, that document may serve to replace the *Environmental Impact Assessment* as may be required herein.

3) *Neighborhood Impact Assessment*

- a) A *Neighborhood Impact Assessment* evaluates the impacts of the proposed development on the adjacent neighborhood.
 - b) A *Neighborhood Impact Assessment* shall identify the project's impacts to:
 - 1. the neighborhood's visual, architectural and historical character;
 - 2. the goals of existing community plans (master plan, open space plan, housing production plan, etc.) applicable to the neighborhood;
 - 3. the quality of life of its residents; and
 - 4. the expected demand for municipal services.
- 4) *Parking Impact Assessment*
 - a) A *Parking Impact Assessment* is required if the proposed project includes the addition of thirty or more parking spaces.
 - b) The *Parking Impact Assessment* shall document existing parking conditions, evaluate off-site impacts of the proposed parking, and propose measures to mitigate any adverse parking impacts on the adjacent neighborhood.
 - c) The *Parking Impact Assessment* shall:
 - 1. identify existing off-site and on-street neighborhood parking conditions including streets likely to be affected by the development;
 - 2. identify the expected impact of proposed parking on the neighborhood; and
 - 3. propose mitigation measures including screening, creative parking lot design, use of alternative paving materials, and planting of trees for shading and buffer.
- H. A *Construction Management Plan (CMP)* which includes the proposed construction sequence, timetable, and methods for managing the construction process and minimizing the impacts of construction on public ways and to abutters. The CMP shall identify areas for parking, staging, and stockpile areas for construction materials and earth removed from or brought onto the site. Such areas shall be located as far from existing private and public ways as practicable and visually screened to the maximum extent possible from such ways and surrounding residences or other buildings. The CMP shall note hours of construction and deliveries associated with construction.
- I. *Earth Removal Calculations* of the estimated volume of soil, sod, loam, gravel, sand or other earth materials to be removed from the site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts. A removal schedule shall be provided. This schedule shall state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each removal vehicle, and the travel routes to be taken by removal vehicles and their approximate proposed hours of operation and the clearing procedures to be used.

NOTE - The extent of planned earth removal may be subject to Article IX, Removal of Earth Products of the Medway *General Bylaws*.

- J. *Earth Fill Estimates* of the volume of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand, gravel and other earth materials to be brought on site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts.
- K. A copy of an Order of Resource Area Delineation (ORAD) from the Medway Conservation depicting the approved wetland resource affecting the proposed project or a Determination of Applicability with a finding from the Conservation Commission that the proposed project is not within its jurisdiction.
- L. A copy of the latest recorded deed to the property(s) comprising the proposed development site to document proof of ownership.
- M. Requests for Waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Site Plan Waiver Request form supplied by the Board.
- N. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the internet. The email for such submittals is planningboard@townofmedway.org
- O. Copies of any previously issued land use permits or decisions from other Town boards or committee such as variances, special permits, orders of condition, demolition delay determinations, etc.
- P. A *Major Site Plan Filing Fee* as authorized by **s. 209 – 1 A.** of these *Rules and Regulations*.
- Q. A deposit toward the *Major Site Plan Review Fee* as authorized by **s. 209 – 1 B.** of these *Rules and Regulations*.

s. 204 – 4 Standards for Site Plan Preparation

- A. The site plan shall be prepared, stamped, signed and dated by qualified professionals including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.
- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements.
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.

E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, the Board's signature block, including *Decision* and plan endorsement dates, and the Town Clerk's no appeal certification.

s. **204–5 Site Plan Contents** – To be considered complete, a major site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below. The Board may require additional information, if necessary, to complete its review.

A. *Cover Sheet* – The cover sheet shall include the project name, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project street address, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Board Signature Block, and a complete index of drawings.

B. *Site Context Sheet*

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
- 2) Abutters' names and addresses with assessor's map/parcel references for properties within 300' of the development site
- 3) Lot lines with dimensions and easement areas for the development site.
- 4) Existing topography at two foot intervals from USGS survey maps or actual land survey of the development site.
- 5) All easements (utility, conservation and other) and rights-of-way on the development site.
- 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.

C. *Existing Conditions Sheet(s)*

- 1) The location of all *existing man-made features and infrastructure* on the site shall be delineated including but not limited to buildings and structures, streets, bridges, utility poles, utilities and underground infrastructure including water, gas, electric, cable, and telephone, fire hydrants and fire alarm boxes, wells, septic systems, sanitary sewers, utility easements and other property encumbrances, sidewalks, driveways, trails, farm roads, stone walls, fences, monuments, historic markers, milestones, wells, and stormwater drainage infrastructure including basins, sub-surface systems, leaching galleys, swales and other methods to dispose of stormwater; refuse and solid waste storage and

disposal facilities, and all entrances and exits on the site and within one hundred feet of the site.

- 2) Location and delineation of all *existing natural features* of the development site including but not limited to ledge or rock outcroppings, cliffs, sinkholes, ditches, all wetland resources as defined by the Wetlands Protection Act and Article 21 of the Medway General Bylaw including their associated buffers per state and local laws, and natural drainage courses and swales.
- 3) An *Existing Landscape Inventory* including a “mapped” overview of existing landscape features and structures including the specific identification of existing trees with a diameter of eighteen inches or greater at four feet above grade and any trees that will be beneficial for screening, all in order to determine their value for preservation.
- 4) Locations of all historically significant sites or structures on the site including but not limited to barns, other buildings, cellar holes, stone walls, earthworks, graves, any structure over fifty years of age, and any property listed on the National Register of Historic Places or included in a National Register Historic District or recognized by the Massachusetts Historical Commission

D. *Site Plan Information Sheets* – NOTE, site plan information sheets may be combined.

- 1) Location and dimensions of proposed buildings and structures including building setbacks from front, side and rear lot lines.
- 2) *Parking Plan* - Location and dimensions of proposed parking, including lot line setbacks, loading and unloading areas with traffic patterns, access lanes and curb radii. The *Parking Plan* shall be in conformance with the provisions of Section 7.1.1 of the *Zoning Bylaw*.
- 3) *Site Improvements* - Location and dimensions of proposed improvements and site amenities including but not limited to travel ways, roads, driveways, maneuvering spaces and aisles, fire lanes, parking areas, loading and unloading areas, utility boxes, curbs, curb cuts, wheel stops, bollards, bumpers, decorative and retaining walls, fences, outdoor lighting, open space areas, recreational areas, pedestrian areas, service entries, snow storage areas, facilities for waste disposal and storage, sidewalks, pedestrian and bike pathways with cross sections, design and materials details and dimensions, and easements.
- 4) *Site Grading* - Topography showing proposed grading contours at two foot intervals, limit of work, and limit of clearing.
- 5) *Erosion and Sediment Control Plan* – Erosion control measures shall be specified including sedimentation barriers, construction entrances, stabilizing materials to be used on site during and after construction, and temporary blocking of entrances when construction is not active. The *Erosion and Sediment Control Plan* shall be as specified in Section 26.7 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance.

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What about temporary stormwater managements measures during construction!?

NOTE – If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the Erosion and Sediment Control Plan shall be submitted to and be reviewed and acted on by the Conservation Commission and not to the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the Medway *General Bylaws*.

- 6) *Post-Construction Stormwater Management Plan* - The plan and the associated Long Term Operations and Management Plan shall comply with the requirements of Section 26.8 of Medway *General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollutant Discharge Elimination System (NPDES) requirements if applicable.

NOTE - If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the above noted *Post Construction Stormwater Management Plan* shall be submitted to and be reviewed and acted on by the Conservation Commission and not the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the Medway *General Bylaws*.

- 7) *Site Utilities Plan* – All proposed utilities, mechanisms, materials and layouts for refuse and trash disposal systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal and methods of solid waste storage and disposal.

8) *Landscape Plan*

- a) A *Landscape Plan* shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.
- b) The *Landscape Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography to be retained, particularly existing trees with a diameter of eighteen inches or greater at four feet above grade.
- c) The *Landscape Plan* shall indicate the areas of proposed excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a screened graphic used to represent expected tree canopy at maturity.
- d) The *Landscape Plan* shall specify a suitable maintenance program to ensure the viability and longevity of the landscape installation.

- 9) *Building Elevations and Architectural Plan* with dimensions and details of façade designs of each building from all directions including specifications on building style, architectural features, materials, and colors including awnings.
- 10) *Site Amenities Details* for benches, trash containers, dumpster enclosures, bollards, planters, fences, walls, bike racks, and any other forms of outdoor site amenities to be installed.
- 11) *Color Renderings* of the project and buildings shall be provided from at least four directions depicting proposed structures, signage, landscaping, site amenities, and common views of the completed project as viewed from a public way and adjacent properties. These may include 3D views of the site, buildings, and site improvements.
- 12) *Building Layout or Floor Plan* with the use of all areas labeled.
- 13) *Entry and Exit to Structures.* All means of entry and exit (main, service, emergency and mechanical) from the building including steps and ramps, designation of the primary entrance (front entrance) and loading docks and other access ways shall be shown.
- 14) *Master Signage Plan* with preliminary proposed designs, locations, materials, dimensions, and lighting for:
 - a) the proposed development sign and all business identification signage, both freestanding and attached; and
 - b) standards for tenant signs.
- 15) *Lighting Plan* prepared in conformance with Section 7.1.2 of the *Zoning Bylaw*.
- 16) Horizontal sight distances on the public way(s) at all entrances and exits in both directions.
- 17) A table outlining the proposed development's conformance with the *Zoning Bylaw* requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, maximum seating capacity, number of employees, and number of parking spaces including handicapped and employee spaces, and other items as appropriate for the applicable zoning district and proposed uses.
- 18) Locations of proposed fire hydrants, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.
- 19) Information quantifying on-site generation of noise and odors, if applicable.
- 20) Any proposed off-site roadway and traffic management improvements.
- 21) Other information the Board may determine as necessary.

s. 204 – 6 Review by Town Officials

A. Within fourteen days of the official site plan submission date, the Board shall transmit the site plan to the following boards, departments and committees, inform them of the public hearing schedule, and request their review and preparation of an advisory report to assist the Board with its review.

- 1) Building Department;
- 2) Conservation Commission;
- 3) Fire Department;
- 4) Police Department;
- 5) Assessors' Office;
- 6) Board of Health;
- 7) Department of Public Works;
- 8) Design Review Committee; and
- 9) Other departments and committees as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission.

B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within thirty days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.

C. Review by Zoning Enforcement Officer – The Building Commissioner shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public hearing date, to identify any current zoning violations existing at the site which may be addressed through the site plan review process.

s. 204-7 Public Hearing

A. The Board shall conduct a public hearing on the major site plan application in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The public shall have the opportunity to be heard, in person, or by agent or attorney, or in writing during the hearing.

B. *Public Notice* - The Board shall prepare the public hearing notice and post such notice in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The Board shall notify all parties in interest of the time, date and location of the public hearing as provided in G.L. c. 40A, §11.

C. *Appearance of Applicant at Public Hearing* – An Applicant may appear on his own behalf or be represented by a designated representative. It is the responsibility of the Applicant or the designated representative to present the site plan to the Board and public during the public hearing. Failure to appear at a public hearing could jeopardize approval of an application. In the absence of an appearance by the Applicant or

designated representative, the Board may decide the matter using the information it has received.

- D. The Board may continue the public hearing to other dates as may be needed.
- E. *Coordination with Other Permitting Authorities* – The Board shall make every reasonable effort to coordinate its review with other Town boards, committees or officials which have jurisdiction over other permits and approvals required for the project to proceed. If requested by the Applicant, coordinated or joint public hearings may be conducted to the extent allowed by law, recognizing that each permitting authority is subject to specific statutory decision requirements and that all such decision periods may not coincide.
- F. *Additional Information*
 - 1) During the course of the public hearing, the Board may require the Applicant to provide additional information if it finds that such information is necessary to properly act upon the application in question.
 - 2) Any items or plan revisions submitted by an Applicant in support of a previously filed application shall be submitted to the Board no less than ten business days before the date of the continued public hearing. However, in no case shall the Board allow new evidence or testimony to be admitted after the public hearing is closed.
 - 3) The Board may enter information into the record of the public hearing including but not limited to reports of outside consultants and comments from Town staff, boards and committees.
- G. The Board may keep the public hearing open during the preparation and deliberation of its *Decision*. However, the public hearing shall be closed after the Board's vote and before the *Decision* is filed with the Town Clerk.

s. ~~204~~–8 *Decision*

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its written site plan *Decision* with the Town Clerk within ninety calendar days from the official date of site plan application. Failure of the Board to take final action by filing its *Decision* with the Town Clerk within the prescribed time period shall be deemed constructive approval of the application. A copy of the *Decision* shall be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* - The deadline by which the Board shall file its *Decision* may be extended upon mutual agreement of the Board and Applicant when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto. Notice of the Board's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Board to the Town Clerk.
- C. Before the Board begins its deliberations on the *Decision*, the Applicant shall provide the Board a written document specifically describing how the proposed development, as

revised during the public hearing process, satisfies the site plan decision criteria established in **s. 204 – 8 F.** of these *Rules and Regulations*.

- D. *Decision Options* - The Board may approve, approve with conditions, limitations, safeguards and mitigation measures, or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- E. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the *Decision*.
- F. **Approval Criteria Findings** – In making its *Decision*, the Board shall consider the following criteria as applicable to the particular proposal:
- 1) The proposed buildings, uses and site improvements are appropriately located on the development site in relation to the terrain and the location and scale of buildings and site features on abutting sites.
 - 2) The construction and/or renovation of buildings and site improvements and amenities are designed to reflect or be compatible with the *Medway Design Review Guidelines*.
 - 3) Building and site designs reflect the character, materials and scale of existing buildings in the vicinity as well as *Master Plan* goals for the area.
 - 4) Reasonable use is made of building location, grading and landscaping and other site features to reduce the visible intrusion of structures, parking areas, and outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operation of the establishment(s) from public views or from adjacent residential properties.
 - 5) Private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.
 - 6) Internal circulation, queuing and egress promote traffic safety, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.
 - 7) Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and throughout the site.
 - 8) Design and construction minimize, to the extent reasonably practical, the following environmental impacts:
 - a) the volume of cut and fill;
 - b) the number of trees to be removed with particular care taken with mature trees and root systems;
 - c) the visual prominence of man-made elements not necessary for safety;
 - d) the removal of existing stone walls;
 - e) the impacts on waterways and environmental resource areas;
 - f) soil erosion and pollution; and

Commented [A4]:

Add something about the number of requested waivers . . .

g) noise.

- 9) Pedestrian ways, access driveways, loading areas and vehicular and bicycle parking facilities are properly designed for public convenience, accessibility, and safety of customers, employees and the general public.
- 10) Design and construction, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).
- 11) Lighting on the site complies with Section 7.1.2 of the *Zoning Bylaw*.
- 12) The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.
- 13) The project's impact on abutting residential neighborhoods has been adequately mitigated. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.
- 14) The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.
- 15) Off-street loading facilities and methods for unloading vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) to be located on the site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view.
- 16) The project complies with the requirements of Section 26.8 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollution Discharge Elimination System requirements.
- 17) The effects and the impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and the community's character, values, amenities and appearance have been identified and evaluated and reasonable conditions, limits, safeguards and mitigation measures are established pursuant to **s. 204-8 G** of these *Rules and Regulations*.

G. *Approval Conditions, Limitations & Safeguards* - In a *Decision* to approve a site plan, the Board may waive provisions of these *Rules and Regulations* in accordance with **s. 202-5** of these *Rules and Regulations*. The Board may also require plan modifications, conditions, mitigation measures, limitations and safeguards which the Board finds are

consistent with Town bylaws, regulations, and standards, which may include but are not limited to the following measures:

- 1) Plan revisions;
- 2) Site and building design modifications;
- 3) Controls on the location and type of access to the site;
- 4) Controls on the number, type and time that service vehicles access the site;
- 5) Provision for open space or preservation of views;
- 6) Limitations on the hours of operation;
- 7) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements related to the development;
- 8) Conditions to minimize off-site impacts and environmental quality during construction;
- 9) Requirements for screening parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- 10) Conditions to mitigate adverse impacts on the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage;
- 11) Compliance measures including but not limited to construction observation and inspection, performance guarantees, and as-built plan submittals;
- 12) *Mitigation Measures* – Pursuant to Section 3.5.4 I. of the *Zoning Bylaw*, the Board may require reasonable mitigation measures to offset adverse impacts of the development on the community including off-site improvements up to a maximum value of six percent of the total development cost the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals and controls, or municipal services, sufficient to service the development project. This may also include donation and/or dedication of land for necessary right-of-way improvements.
13. The Board may include specific site maintenance requirements in the *Decision* including but not limited to construction timing, management of dust, rubbish and construction debris, maintenance of erosion and siltation control measures, maintenance of stormwater management facilities, daily site clean-up, tracking of construction materials off-site, and management of construction traffic.

- H. *Distribution of Notice of Site Plan Decision* - The Board will prepare and mail a Notice of site plan *Decision* to all parties in interest.

s. **204 – 9 Appeal** - Any person aggrieved by the Board's *Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk, as provided in G.L. c. 40A, section 17.

s. **204 – 10 Plan Endorsement**

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within ninety days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board for endorsement. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse a site plan until it is brought into compliance with the Board's *Decision* and the twenty day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's site plan *Decision*.
- C. If the Conservation Commission is the permitting authority for the Stormwater Management and Land Disturbance Permit required under Article XXVI of the Medway General Bylaws, the site plan presented for the Board's endorsement shall include the stormwater design as approved by the Conservation Commission. The Board will not endorse the site plan without such Conservation Commission approval.
- D. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- E. After endorsement, the Applicant shall provide two paper copies of the endorsed site plan to the Board. The Applicant shall also provide the endorsed plan in portable document format (PDF) format and in shape files compatible with MASS GIS requirements. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

s. **204 – 11 Recording** – The Applicant shall record the *Decision* at the Registry of Deeds and submit evidence of such recording to the Board and the Building Commissioner. No construction shall be allowed to begin at the subject site until such recording verification is presented.

ARTICLE V. MINOR SITE PLAN REVIEW

s. **205 - 1 Applicability** – See Section 3.5.3 A of the *Zoning Bylaw*.

s. **205 – 2 Town Clerk Submittals** - The Applicant shall deliver by hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.

- B. One set of the Site Plan prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 204 – 5** of these *Rules and Regulations*.

s. 205 – 3 Planning and Economic Development Board Submittals - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in **s. 205 – 5** of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information:
- 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;
 - 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;
 - 11) proposed mitigation measures;
 - 12) list of other required local, state and federal permits and the status of each; and
 - 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.
- D. A *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
- 1) Describe the existing stormwater drainage patterns and system on the site; and
 - 2) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
 - 3) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.

The Board may require more extensive drainage information (up to and including complete drainage system design and calculations) depending on the extent of the proposed site changes and the sensitivity of the site and its abutting properties. At the Board's discretion, it may require the Applicant to provide a full stormwater drainage analysis and design as specified in **s. 204-3 D** of these *Rules and Regulations*.

- E. One list of all parties in interest as defined in G.L. c. 40A, §11 as appearing in the most recent tax records list. The list shall be certified by the Board of Assessors of all applicable communities.
 - F. One copy of the latest recorded deed to the property(s) comprising the proposed development site.
 - G. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, etc.) and other federal and state government agencies.
 - H. Requests for waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Site Plan Waiver Request form supplied by the Board.
 - I. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org
 - J. A *Minor Site Plan Filing Fee* as authorized in **s. 209-1 A.** of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
 - K. A deposit toward the *Minor Site Plan Review Fee* as authorized in **s. 209 – 1 B.** of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
- s. 205 – 4 Standards for Site Plan Preparation** – See **s. 204 – 4** of these *Rules and Regulations*.
- s. 205 – 5 Site Plan Contents** – To be considered complete, a minor site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below. The Board may require additional information, if necessary, to complete its review.
- A. *Cover Sheet* - The cover sheet shall include the project name, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project street address, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Board Signature Block, and an index of drawings.
 - B. *Site Context Sheet*
 - 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
 - 2) Abutters' names and addresses with assessor's references for properties within 300' of the development site.

- 3) Lot lines with dimensions and easement areas for the development site.
 - 4) Existing topography at two foot intervals from United States Geological Survey (USGS) survey maps or actual land survey of the development site.
 - 5) All easements (utility, conservation and other) and rights-of-way located on the development site.
 - 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.
- C. *Existing Conditions Sheet* – A plan showing all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.
- D. *Plot Plan*, certified by a land surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.
- E. *Site plan*, at a minimum scale of one inch equals forty feet, showing the following:
- 1) Property boundaries, dimensions of the site and a north arrow;
 - 2) Proposed use(s) of land and buildings;
 - 3) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
 - 3) Design features of the construction or renovation of buildings (s) and structures, including building elevations, materials, colors, etc.;
 - 4) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
 - 5) Site grading;
 - 6) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
 - 7) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
 - 8) Horizontal sight distances on the public way(s) at all entrances and exits in both directions;
 - 9) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
 - 10) Erosion and sediment control measures;
 - 11) Stormwater management facilities as noted in **s. 205 – 3 D.** of these *Rules and Regulations*; and
 - 12) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear

setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. 205 – 6 Review by Town Officials

- A. Within fourteen days of the official site plan submission date, the Board shall transmit one copy of the site plan to the following boards, departments and committees, inform them of the public review meeting with the Board, and request their review and preparation of an advisory report to assist the Board in its review.
- 1) Building Commissioner
 - 2) Conservation Commission
 - 3) Fire Department
 - 4) Police Department
 - 5) Assessor's Office
 - 6) Board of Health
 - 7) Department of Public Works
 - 8) Design Review Committee
 - 9) Others as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission
- B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within fourteen days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. Review by Zoning Enforcement Officer – The Building Commissioner shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public hearing date, to identify any current zoning violations existing at the site which may be addressed through the site plan review process.

s. 205 – 7 Public Review

- A. *Board Meeting* – Within thirty calendar days of the official site plan submission date, the Board shall consider the proposed Minor Site Plan Application as an agenda item at a duly posted Board meeting at which the Applicant shall present their proposed site plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing. The Board may continue its review and consideration to other meetings as may be needed.
- B. *Abutter Notice* - At least fourteen days prior to the date of the public meeting, the Board shall send, by first class mail, a notice of the time, date and location of the public review

meeting to all parties in interest as defined in G.L. c. 40A, §11. The notice shall include a brief description of the site plan project.

- C. *Public Review Notice* – At least fourteen days prior to the date of the public meeting, the Board shall file the public review notice with the Medway Town Clerk for official posting.

s. 205 – 8 *Decision*

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its *Minor Site Plan Decision* with the Town Clerk within sixty calendar days from the official date of site plan submission. Failure of the Board to take its final action by filing its *Decision* within such sixty day period shall be deemed constructive approval of said application. A copy of the *Decision* will also be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* – See **s. 204-8, B.** of these *Rules and Regulations*.
- C. The Board may approve, approve with conditions, limitations, safeguards and mitigation measures or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- D. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the site plan *Decision*.
- E. *Approval Criteria Findings* – In making its site plan *Decision*, the Board shall consider the criteria as set forth in **s. 204-7 F.** of these *Rules and Regulations*.
- F. *Approval Conditions, Limitations and Safeguards* – See **Section 204-7, G.** of these *Rules and Regulations*.

s. 205 – 9 *Appeal* - Any person aggrieved by the Board's *Minor Site Plan Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk as provided in G.L., c. 40A, section 17.

s. 205 – 10 *Plan Endorsement*

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's site plan *Decision*, before the Board endorses the site plan. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's *Decision*.

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

ARTICLE VI. ADMINISTRATIVE SITE PLAN REVIEW

- s. **206 - 1** *Applicability* – See Section 3.5.3 A of the *Zoning Bylaw*.
- s. **206 – 2** *Designated Agent for Administrative Site Plan Review* – Pursuant to Section 3.5.5. A. 2. of the *Zoning Bylaw*, the Town Administrator and the Board have established an *Administrative Site Plan Project Review Team* to be comprised of the following Town employees: Building Commissioner, Director of Community and Economic Development, and Planning and Economic Development Coordinator. The *Team* may consult with other Town employees on a case by case basis depending on the nature of the proposed site plan project.
- s. **206 - 3** *Administrative Site Plan Project Submittals* - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Medway Community and Economic Development Department office and the Town Clerk during regular business hours.
 - A. Two Administrative Site Plan Review Application forms with original signatures.
 - B. Two sets of the site plan (24" x 36") and three reduced size (11" x 17") sets of the site plan prepared in conformance with these *Rules and Regulations* including all applicable items as specified in s. **206 – 5** of these *Rules and Regulations* plus an electronic version.
 - C. One written *Project Description* of the proposed development including: current and proposed uses, proposed site improvements, construction, and demolition; existing and proposed means of vehicular and pedestrian access and egress; anticipated number of employees and occupants; methods and hours of operation; and timetable for project completion. The *Project Description* shall include but not be limited to building construction, renovation, paving, drainage, retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities, outdoor lighting, and proposed mitigation measures.
 - D. *Stormwater Drainage Evaluation* as specified in s. **205-3 D** of these *Rules and Regulations*.
 - E. One copy of all relevant approvals received to date from other Town boards and commissions (ZBA, Conservation Commission, Board of Health, etc.) and other government agencies.
 - F. A list of waivers being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, on a form provided by the Board.
 - G. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via

email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org

- H. A *Site Plan Filing Fee* as authorized in **s. 209 - 1 A.** of these *Rules and Regulations* and as specified in the Board's *Fee Schedule*.
- I. Filing of the application and plan does not, of itself, constitute the official receipt date. The Team shall review the application for completeness and notify the Applicant of any missing items within five business days of submission. In such a case, the application will be deemed to not to have been submitted. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.
- s. **206 - 4** *Standards for Site Plan Preparation* - See **s. 204 - 4** of these *Rules and Regulations*.
- s. **206 - 5** *Site Plan Contents*
 - A. *Existing Conditions Sheet* – A plan showing name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project street address, project Assessor's Map and Parcel number, zoning district classification, all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; scenic roads; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.
 - B. *Site plan*, at a minimum scale of one inch equals forty feet, showing the following:
 - 1) Property boundaries, dimensions of the site and a north arrow;
 - 2) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
 - 3) Site grading;
 - 4) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
 - 5) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
 - 6) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
 - 7) Erosion and sediment control measures;
 - 8) Stormwater management facilities as noted in **s. 205 - 3 D.** of these *Rules and Regulations*; and
 - 9) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. **206 - 6 Review Process** - Within fourteen calendar days of the official site plan submission date, the *Team* shall consider the administrative site plan application at a duly posted meeting at which time the Applicant may present its plan. The *Team* may consult with other Town officials and continue its review and consideration to other meetings as may be needed.

s. **206 - 7 Decision** - Following the *Team's* review, the *Team* shall prepare and file its *Administrative Site Plan Decision* with the Town Clerk within twenty-one calendar days from the official date of site plan submission. Failure of the *Team* to take its final action within the twenty-one day period shall be deemed constructive approval of said application. A copy of the *Decision* shall be provided to the Applicant. The deadline by which the *Team* shall file its *Decision* may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the *Team* agrees thereto. Notice of the *Team's* acceptance of the Applicant's request for a deadline extension shall be provided in writing by the *Team* to the Town Clerk.

s. **206 - 8 Appeal** - Any person aggrieved by the *Decision* of the *Administrative Site Plan Project Review Team* for a site plan project subject to Administrative Site Plan Review may appeal such *Decision* to the Board in writing within twenty days after the *Decision* is filed with the Town Clerk. The appeal shall be considered as an agenda item at a duly posted meeting of the Board at which the Applicant's appeal shall be heard.

s. **206 - 9 Plan Endorsement**

- A. In cases where the *Administrative Site Plan Project Review Team* approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the *Decision* is filed with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the *Team* to review for compliance with the *Decision*, before the *Team* endorses the site plan.
- B. The *Team* shall not endorse the site plan until it is brought into compliance with the provisions of the *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk. If appeal is made, endorsement shall not occur until after the Board's *Decision* addressing the appeal of the *Team's* site plan *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement.
- D. The *Team* shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

ARTICLE VII. DEVELOPMENT STANDARDS – Development projects requiring Site Plan Review shall be designed to the greatest extent feasible to comply with the following development standards. These standards are intended to achieve well designed projects without discouraging creative and/or innovative solutions to each site's particular features and challenges. Projects which do not meet these Standards are required to submit Waiver Requests with the application

s. 207 - 1 *Design Principles*

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

s. 207 – 2 *Site Design*

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

s. 207 – 3 *Architecture*

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

s. 207 – 4 *Energy Efficiency and Sustainability*

- A. New buildings should be positioned on the site to take advantage of the existing terrain and solar gains. Where possible, elongate the buildings on the east/west axis, maximize north and south exposures for daylighting, minimize east and west facing windows, and orient the most populated areas of a building to the north and south. Green roofs are encouraged.

s. 207 - 5 *Environmental Considerations*

- A. *General* - Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of water courses and water resources, topography, soil and noise shall be reviewed. The design of the proposed development shall minimize the destruction of trees and unique natural

features and the site plan shall show measures to minimize any adverse impacts on these elements.

- B. *Low Impact Development (LID)* – Applicants should utilize Low Impact Development (LID) management practices in site design and incorporate environmentally sensitive design in site landscape improvements and buildings when practicable.
- C. *Nuisance* - The proposed development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures.

s. **207 – 6 *Erosion and Sediment Control***

- A. Erosion and sediment control measures shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.7.
- B. The final slope of the land shall not exceed one foot vertical to three feet horizontal, unless retaining walls or other suitable stabilization methods as determined by the Board are provided.
- C. Permanent vegetation and other erosion control measures shall be installed as soon as possible after construction ends.
- D. All disturbed areas shall be permanently stabilized within six months of occupancy.

s. **207 – 8 *Site Clearing and Grubbing*** – See Section 7.4 of the *Medway Subdivision Rules and Regulations*.

s. **207 – 9 *Earth Filling & Grading***

- A. *Prohibited materials.* No solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive or flammable materials, **building materials**, construction and demolition debris, glass, metal, toxic, infectious, radioactive, corrosive or reactive materials or waste may be used as fill. Fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. Fill material shall also be free from organic material such as trees, stumps, and garbage, and shall contain fifteen percent or less of total organic carbon by lab analysis.
- B. *Permitted fill materials.* Fill materials shall include only clean sand, gravel, clay, stone, quarried rock, topsoil, borrow, rock, sod, loam, peat, humus, or other subsurface products free from solid waste, with an aggregate size of twelve inches or less. Recycled concrete that has been certified as clean fill may be used.
- C. *Final cover.* All filling shall be covered with a minimum of four inches of organic topsoil and shall be seeded and mulched to stabilize the fill material. Where filling is incidental to facilitate parking of vehicles, the fill material shall be covered by a suitable binding material to prevent airborne dust and erosion.

- D.
- E. *Additional Conditions.* The Board may set reasonable conditions including but not limited to hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted. The Board may also impose requirements for monitoring the type and distribution of fill on the subject site.
- F. Development sites shall not be used for the temporary storage of fill materials intended for use elsewhere.
- G. Projects involving site filling in excess of **two thousand** cubic yards shall submit a Soil Management Plan to the Board prior to the pre-construction meeting for review by the Town's Consulting Engineer. The Soil Management Plan shall include the following:
- a) Agreement that bills of lading in the form specified by the Board will be exclusively used for the transport and acceptance of earth materials for fill;
 - b) Complete descriptions of pre-fill environmental conditions and findings and sample locations;
 - c) Procedures for verification of fill material origin and acceptance;
 - d) Record keeping practices;
 - e) Site security, fill operation inspection and site control;
 - f) Transport routes, times and days of operation, locations of equipment parking and storage, and duration of fill activities;
 - g) Qualifications of applicant personnel responsible for adhering to the soil management plan;
 - h) Erosion, dust and stormwater controls and inspection and maintenance thereof;
 - i) Effects of the filling on groundwater recharge;
 - j) Quality assurance and quality control procedures including testing protocols
 - k) Emergency response and notification procedures, including telephone numbers and contact individuals and firms;
 - l) Total proposed earth material fill volume;
 - m) Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;
 - n) Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and
 - o) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.

s. **207 – 10 Site Maintenance During Construction**

- A. Any construction site is required to have a stone mat construction entrance for a minimum of fifty feet or as site constraints allow. The stone mat shall be maintained regularly to allow for proper reduction of sediment tracking onto adjacent roadways. In events where excessive mud is generated at the site, wheel washing stations may be required to further prevent sediment tracking onto Town ways.

- B. Construction of the approved development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures and remedies.
- C. Construction projects meeting the eligibility requirements of the U.S. Environmental Protection Agency (EPA) for a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) and the associated Stormwater Pollution Prevention Plan (SWPPP) shall file with the EPA and provide documentation of that filing to the Board. The SWPPP shall be retained on the construction site. Developers of approved site plan projects shall fulfill all responsibilities pertaining to their NPDES CGP and provide copies of all inspection and corrective action reports to the Board.
- D. Upon completion of all work on the ground, the Developer shall remove from the site and adjoining property, all temporary structures, all surplus material, debris, tree stumps, loose rocks, silt fences and synthetic erosion control measures unless authorized by an Order of Conditions to be left in place, and such rubbish which may have accumulated during construction, and shall leave the work site in a neat and orderly fashion.

s. 207 – 11 Pedestrian & Bicycle Access and Sidewalks

A. Pedestrian and Bicycle Access

- 1) Pedestrian ways shall be provided within the site to connect buildings with parking areas, other buildings, and site amenities.
- 2) For pedestrian safety and site design enhancement, on-site crosswalks between parking areas and the building (s) and where possible, on adjacent roadways shall be provided and have a change in materials and/or color, texture or pattern.
- 3) Pedestrian and bicycle circulation shall be maximized on and off site and shall be separated from motor vehicle circulation as much as practicable. Safe pedestrian and bicycle access to the site shall be provided by walkways or other means which ensure protection and separation from vehicular traffic.
- 4) Existing pedestrian ways shall be maintained or improved.
- 5) Where no pedestrian ways exist, the Applicant should create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, adjacent commercial developments and other surrounding uses.
- 6) Sidewalks and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).

B. Sidewalks

- 1) Five foot wide sidewalks shall be provided within parking areas. Where sidewalks abut parking areas, the sidewalk width may be increased by two feet to accommodate vehicular bumper overhang so as to not impede foot traffic.

- 2) For buildings where tenants may wish to use interior site sidewalks for temporary outdoor display purposes, sidewalks shall be increased in width such that at least five feet is maintained for pedestrian passage.
- 3) Pursuant to Section 5.5.4. I, c. of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of the subject property along existing public ways. See the *Zoning Bylaw* language for additional details.

s. 207 – 12 Traffic and Vehicular Circulation - The site plan must address safety and convenience of vehicular and pedestrian movement within the site as well as in relation to adjacent streets, properties or improvements.

A. Site Access - Curb Cuts, Entrance and Egress

- 1) The site shall be evaluated as a whole to determine the number of curb cuts to be allowed.
- 2) Curb cuts on public ways shall be minimized.
 - a) Curb cuts for contiguous commercial areas may be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the Applicant.
 - b) Wherever possible, existing driveways should be combined.
 - c) All proposed curb cuts within a commercial district or a contiguous commercial area shall be designed to enhance traffic flow on major streets and to minimize additional traffic circulation on neighboring residential streets in order to maximize safe vehicular movement and pedestrian safety.
- 3) The entrance shall be clearly delineated by granite curbing or other approved material along the entire radius of the opening, and extend at least twelve feet beyond each side along the gutter line of the road, and at least the first twenty-five feet of a driveway, and sloped at the end to prevent a vertical obstruction to exist.
- 4) The site design shall allow vehicles to enter, park and exit the property without difficulty. Arrows, signs, and/or pavement markings to control the traffic flow may be required. Consideration shall be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. Passenger vehicles and delivery vehicles should be segregated where possible.
- 5) Where possible and as appropriate to site conditions, curb cuts should be aligned with curb cuts on the opposite side of the road to create common junctions.
- 6) Curb cuts for entrance and exit driveways shall be located and designed so as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.

- 7) Where a site occupies a corner of two intersecting roads, curb cuts shall be located to the maximum distance practicable from the intersection. At a minimum, a curb cut should be located at least fifty feet from the point of tangency of the intersection.
- 8) Driveways shall be located so as to afford maximum safety, convenient ingress and egress and minimize conflict with the flow of off-site traffic.
- 9) 10) Driveways shall be located to maximize sight distances where the proposed driveway meets an existing way. Sight distances for turning movements to and from the development shall meet current minimum AASHTO standards and shall be clearly shown on the site plan.
- 11) Left-hand egress turns should be minimized.
- 12) Driveways should intersect the road at an angle of ninety degrees.
- 13) No part of any driveway shall be located within fifteen feet of a side property line when the property abuts a residential use.
- 14) 15) The slope of the paved entrance way should not exceed two percent for the first twenty-five feet measured perpendicular from the front property line.

B. Internal Site Circulation and Driveways

- 1) Where possible, adjoining parcels shall have unified access and promote inter-parcel circulation.
- 2) The perimeter of driveways shall be bounded with vertical granite curb or similar type of edge treatment.
- 3) Internal driveway width - Two way driveways shall be twenty-four feet wide. The width of one-way driveways shall be as determined by the Board based upon the angle of appurtenant parking.
- 4) Driveway materials – Asphalt bituminous or cement concrete or other durable materials shall be used for driveway paving. Pervious pavers or similar materials may be used for fire lanes. Driveways shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent streets from the driveway.
- 5) Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within the site with emphasis on the layout of parking and off-street loading and unloading areas, and the movement of people goods, and vehicles on access roads, on driveways and between buildings or structures within the site.
- 6) Provision should be made for safe and convenient pedestrian and traffic movement to connect with adjacent commercial sites.

D. Emergency Vehicle Access - The site shall be designed to provide adequate accessibility by fire, police, and emergency personnel, equipment and vehicles to each building. The access shall be maintained and kept in passable condition at all times.

Commented [A5]: Board wants to discuss this more.

Commented [A6]: Not sure about this, Fire Chief may want to comment.

- E. *Mitigation* - The Board may require the Applicant to provide mitigation where project-related increased traffic volume will create unsafe, or poor level of service conditions based on findings of the traffic study. Mitigation measures include but are not limited to the implementation of turning lanes, traffic signal installation and improvements, roadway improvements, sidewalks, and acceleration and deceleration lanes.

s. 207 – 13 Parking

- A. Parking shall be provided in full compliance with Section 7.1.1 of the *Zoning Bylaw*.
- B. Parking should to the maximum extent possible and located to the side and rear of the site. Placement of parking areas should not be near a high volume of traffic where it can obstruct traffic flow. Parking should not create a hazard to abutters, vehicles or pedestrians. Where parking is proposed adjacent to the street, plantings or appropriate fencing should be incorporated to screen parking areas and reduce their visual impact.
- C. *Pedestrian Protection* - Pedestrian walkways through parking areas may require protection (*barriers or bollards*) or crosswalk striping.
- D. *Designated Parking Areas* –Areas for compact cars and motorcycles may also be shown.
- E. *Asphalt Surface* - Parking areas shall have durable, all-weather paved surfaces. Hot mix asphalt surfacing should be a minimum of three and one-half inches over eight inches of gravel borrow or as required by site conditions.
- F. Adverse impacts of parking on abutters, residents or businesses in the area shall be mitigated.
- H. *Parking Spaces*
- 1) *Number of spaces* - See Section 7.1.1 of the *Zoning Bylaw* – Table 3 Schedule of Off-Street Parking Requirements.
 - 2) *Parking space design*
 - a) *Dimensional Standards* – See Section 7.1.1 E. 3. of the *Zoning Bylaw*. All handicap parking spaces shall comply with state and federal regulations.
 - b) *Angle parking* - In the event site constraints limit drive aisles to one-way travel, angled parking may be permitted. The Applicant shall provide analysis that proper maneuverability through the site can be achieved, stalls are of proper length to limit overhang into the drive aisle, and proper lane width is designed to provide suitable reverse turning movements. Pull through angle parking stalls shall not be allowed.
 - 3) *Location*
 - a) The location of parking spaces shall not impede proper traffic flow or the maneuvering of other vehicles. Parking spaces shall not be located in the following areas: building entrances, building exits, loading and unloading areas, pedestrian ways, and fire lanes.

- b) Parking spaces shall not be located within fifteen feet of the front, side and rear property lines.
- c) Parking spaces shall be located such that a vehicle backing out of a space does not impede traffic entering from a public traveled way within the first fifty feet into the site.
- d) Drive aisles should have a minimum paved width of twenty-four feet and provide for two-way traffic, and shall extend a minimum of five feet beyond the last parking space in any dead end parking row.

I. *Curbing*

- 1) The perimeter of the parking area shall be bounded with vertical granite curb, bituminous concrete curb, or cement concrete curb to delineate the parking lot and collect and direct stormwater runoff.
- 2) All curbing shall have a minimum radius of three feet and shall transition tangentially. No protruding angle points shall be allowed.

K. **Electric Vehicle Charging Stations** – Industrial, commercial, and multifamily housing sites with ____ or more parking spaces shall provide parking areas with electric vehicle charging stations for employee, customer and resident use.

Commented [A7]: See comment above. Should board mandate this as part of Site Plan Review or should this be included in parking section of the ZBL?? What sort of ratio of EV charging spaces/total spaces is appropriate? Needs some research.

s. **207 – 14 Loading and Unloading** - At the time of erection of any principal building or enlargement of any principal building or the establishment of any activity on open land, there shall be created adequate off-street loading and unloading areas as follows:

- A. One or more off-street loading and unloading areas shall be provided for any business that may be regularly serviced by delivery vehicles so that adequate areas are provided to accommodate all delivery vehicles expected at the premises at any one time.
- B. The location of off-street loading and unloading areas and facilities shall be designed with an adequate off-street maneuvering area so that it will not be necessary for delivery vehicles to use a public way to maneuver into a loading or unloading space and so that egress from such spaces will not require backing onto a public way.
- C. Loading and unloading areas shall in all cases be on the same lot as the use they are intended to serve unless there is common ownership of an adjacent property. In no case shall the required loading and unloading areas be part of the area used to satisfy the parking requirements of the *Zoning Bylaw*.
- E. Loading and unloading areas should be located at either the side or rear of each building to be removed from view and to mitigate noise impacts.
- F. Loading and unloading areas shall be designed to avoid traffic conflicts with vehicles which use the site or adjacent sites.
- G. Each loading and unloading area shall not be less than twelve feet in width and not less than sixty-five feet in length. Height clearance shall not be less than fourteen feet.

- H. Loading and unloading areas and spaces shall not encroach on parking spaces or maneuvering space, nor shall they obstruct access to fire hydrants, sprinkler connections, or fire or emergency vehicle lanes.
- I. Off-street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.
- J. Loading areas shall not face any residential area unless no other location is feasible.
- K. Loading areas are prohibited on the front façade of any building unless no other location is feasible.
- L. All service, loading and trash storage areas viewable from a public right of way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

s. 207 – 15 Stormwater Management

- A. The Post Construction Stormwater Management Plan shall incorporate Low Impact Development (LID) site planning and design strategies and best management practices to the maximum extent feasible, and shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.8, the current Massachusetts Stormwater Management Standards, and the DEP Stormwater Management Handbook Volumes I and II.
- B. Detention and retention basins shall be designed to be integrated into the site's topography and natural features such that the basin contours are softened and a naturalized appearance is achieved.
- C. Subsurface detention and infiltration systems shall be designed with access manholes and inspection ports to provide means to properly inspect and maintain the system. All subsurface detention and infiltration systems shall contain an internal "forebay" or pre-treatment chamber row which will allow treatment of first flush runoff prior to discharging stormwater to the remainder of the system and shall be designed to allow for proper access for inspection and maintenance.
- D. Infiltration measures shall be provided to mitigate post development increases in runoff resulting from proposed rooftops. Runoff from proposed rooftops throughout the site shall be directly routed to dedicated infiltration Best Management Practices (BMPs). Discharge of roof runoff directly to surface grade is strictly prohibited. If runoff is directed to infiltration BMPs which also mitigate surface runoff, the roof runoff shall be directly discharged to the BMP and not allowed to comeingle with untreated surface runoff prior to discharge to the BMP. Metal roofs shall be properly treated prior to infiltration if located within critical areas listed in the DEP Stormwater Management Handbook.
- E. Headwalls that are visible from a roadway or driveway shall be fabricated to have a natural stone appearance to the satisfaction of the Board.

- F. See **s. 207 – 20** of these *Rules and Regulations* for landscaping requirements around stormwater detention and retention areas.

s. 207 - 16 Water Supply and Sewage Disposal

- A. *Water Supply* - Unless proven to be unfeasible, all projects requiring site plan approval shall connect to the public water supply distribution system, except that connection to the public water supply system for on-site irrigation of landscaping is not permitted. Wells for irrigation are permitted through the Board of Health.
- B. *Sewage Disposal* – The proposed method of sanitary sewage disposal for all buildings and uses shall be shown on the site plan. It shall meet the applicable Town regulations for sewage disposal systems and connections whether it is an on-site septic system or connected to the public sewer system.

s. 207 – 17 Utilities

- A. All electric, telephone, cable TV, and other utilities shall be located underground to the extent feasible.
- B. Permanently installed generators shall be positioned on cement pads, be located to the rear of the site, and shall be fully screened or bermed to mitigate noise and appearance.
- C. Utilities shall be installed in accordance with Section 7.6 Utilities of the *Medway Subdivision Rules and Regulations*.
- D. Architectural features shall be incorporated into the building design to screen rooftop utilities.

s. 207 – 18 Solid Waste Removal - Dumpsters, Trash and Recycling Containers

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

s. 207 - 19 Outdoor Lighting

- A. Outdoor lighting shall comply with Section 7.1.2 of the *Zoning Bylaw*.
- B. For new construction, no overhead wiring for outdoor lighting is permitted.
- C. Light fixture design should comply with the *Medway Design Review Guidelines*.

s. 207 – 20 *Landscaping*

- A. *General* - Landscaping enhances the site, provides a pleasing environment and reduces the visual impact of the site on the surrounding areas. The Board requires that the Applicant provide sufficient landscape treatment to create adequate buffering for neighboring properties and provide positive visual impacts as provided herein. The preservation of existing trees and vegetation where feasible and appropriate in lieu of or in addition to new landscaping as required herein is permitted and encouraged.
- B. *Landscape Buffers* - The use of proportionally sized landscaped buffers and berms between the street and structures, between the street and parking areas, between the site and its neighbors, and throughout parking lots is encouraged to provide for more immediate visual screening and improved topographical variation.
- 1) Landscape buffers between the street and parking areas are required. Tree-lined sidewalks at the street front shall be included. Plantings along the front property line and access roads shall take into consideration sight distance criteria. Planting of new or replacement trees every twenty-five feet along both sides of an access road is required.
 - 2) Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.
- C. *Parking Areas*
- 1) Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking areas containing ten or more parking spaces to provide visual relief from expanses of pavement and vehicles and provide shade.
 - a) A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.
 - b) The ends of parking aisles that have more than fifteen parking spaces in length shall incorporate enclosing landscape islands at both ends of the rows. The width of such landscaped islands shall be at least four feet at the ends.
 - c) Where the length of parking aisles exceeds twenty-five spaces, intermediary landscaped islands shall be installed at regular intervals, not to be more than every thirteen spaces.
 - d) At least one deciduous shade or canopy tree of a minimum three inches caliper with a height of not less than twelve feet above grade shall be provided for every six parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. The Board

may waive this requirement in favor of the preservation of existing site trees.

- 2) Landscaping shall be provided around the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, and to provide parking areas with a reasonable measure of shade. Such vegetation shall be no less than five feet high at the time of planting.
- 3) Parking entrances at curb cuts shall be landscaped with a combination of trees, shrubs and flowering plants. These areas may also be used for signage pursuant to Section 7.2.4 F. 5 of the *Zoning Bylaw*. No trees or shrubs shall be planted in a manner that would obstruct sight line visibility for vehicles entering and exiting a site. The maximum height of vegetation, except trees, at full growth or any other physical object within the Sight Distance Triangles of a curb cut shall not exceed three feet in height.
- 4) To the maximum extent feasible, plant materials used in landscaped islands and in the perimeter of parking areas shall be drought resistant, salt tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
- 5) Landscaped areas should be designed to receive and accommodate stormwater runoff in accordance with the *Massachusetts DEP Stormwater Handbook* through the use of rain gardens and bio-retention areas.

D. *Screening and Buffers* – Where disturbance on the site is necessary beyond the building footprint, parking and access areas, or where the Board determines that additional plantings are needed to achieve four seasons of screening, the Landscape Plan shall include landscape plantings, berms, and/or manmade hardscape structures such as fences, stone walls and trellises sufficient to immediately screen one-hundred percent of the HVAC equipment, utilities, dumpsters, storage areas, truck loading areas, machinery, utility buildings, and accessory structures etc. from the view at any perimeter point on the site. The proposed plantings shall be of sufficient maturity to immediately integrate the building and site into its surroundings. The scale, extent and density of such landscape and hardscape treatment shall be determined by the size of the building, the extent of planned disturbance to the site's existing landscape, the adjacent uses, and the need for additional screening.

E. *Landscaping Around Stormwater Detention/Retention Areas* – Substantial landscaping shall be provided around stormwater detention and retention basins and shall be included in the design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize the visual impact of stormwater basins, such landscaping should include two staggered rows of suitable trees and shrubs. Landscaping shall be designed to not obstruct access to the stormwater basins for maintenance purposes.

F. Trees shall be non-invasive, deciduous hardwoods. The following species are preferred:

- 1) Red Oak - *Quercus borealis*
- 2) Pin Oak - *Quercus palustris*
- 3) Scarlet Oak - *Quercus coccinea*
- 4) Red Maple - *Acer rubrum*
- 5) Sugar Maple - *Acer saccharum*
- 6) Thornless Honey Locust - *Gleditsia triacanthos intemis*
- 7) London Plane Tree
- 8) Ginko (*Fruitless male*)
- 9) Swamp White Oak
- 10) Zelcova
- 11) Sweetgum (*Rotundiloba/fruitless*)
- 12) Linden

Smaller variety trees:

- 13) Crab Apple (*if insect and disease resistant*)
- 14) Kousa Dogwood
- 15) Serviceberry
- 16) Hendge Maple

Evergreen species:

- 17) Norway Spruce
- 18) Hemlock
- 19) Capitata Yew
- 20) Cedar

The Applicant may propose alternative trees that may be better choices for the particular site based on proximity to utility lines, sidewalks and pavement, area available for root growth, tolerance to salt, rooting characteristics, resistance to disease and insects, tolerance to root pruning, branching habit, fruit and seed production, and maintenance needs. The Board may seek the advice of the Medway Tree Warden to evaluate alternative tree proposals.

- G. *Tree Replacement* – All hardwood trees twenty-four inches or more in diameter that are to be removed from the site shall be replaced with new trees on the site. Wherever feasible, existing trees of eighteen inches or more in diameter should be preserved.
- H. *Tree Size* – New and replacement trees shall have a diameter of at least an average of two and one-half inches as measured four feet above finish grade and shall be a minimum of twelve feet in height.
- I. *Landscape Requirements* – To the maximum extent feasible, all additional landscaping shall be drought resistant, pest tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
- J. *Irrigation* – On-site wells, cisterns to capture rainfall, or private watering service is required to maintain landscaping installations. The Town does not permit connection to the Town's water service for landscape irrigation. Well locations shall be shown on the site plan and are subject to approval of the Medway Board of Health.

s. 207 – 21 Site Amenities

- A. When incorporated as part of a site plan or included as mitigation measures, the selection of types and materials for fencing, retaining walls, gates, benches, planters, bike racks, and other site amenities should comply with the *Medway Design Review Guidelines*.
- B. Proposed hardscape features and materials such as fences and stone walls shall be compatible with the design of the building. Vehicle sight lines shall not be affected by such landscape features or built hardscapes.

s. 207 - 22 Snow Removal – The site shall be designed to accommodate adequate snow storage for snow that is removed from the paved areas. The snow storage area(s) shall be located and graded such that the runoff from melting snow shall not enter the public way or wetland resource areas. Stored snow shall not affect visibility and sight distance of vehicles entering and exiting the site. Snow storage areas should safely accommodate a minimum volume equal to six inches over the entire site area subject to snow removal. The Board may condition a site plan decision to require removal of excess snow off-site.

s. 207 – 23 Outdoor Storage – To the maximum extent possible, outdoor storage of materials, goods, equipment and advertising, if permitted, shall be screened from view from adjacent and nearby streets and properties by suitable fencing and/or evergreen plantings. Check *Table 1 Schedule of Uses* of the *Zoning Bylaw* for areas where outdoor storage is permitted.

s. 207 – 24 Post Construction On-Going Maintenance – The Owner shall maintain site amenities, landscape installations, and stormwater management facilities in good condition throughout the life of the facility and to the same extent as shown on the endorsed site plan and in accordance with the approved long term stormwater operations and maintenance plan. Trees, shrubs, bushes and other landscape features shown on the plan which die or become diseased shall be replaced by the following planting season.

ARTICLE VIII ADMINISTRATION

s. 208 – 1 Preconstruction

- A. Pre-Construction Meeting - Prior to the commencement of any site work (earth removal, clearing of vegetation, mobilization of construction equipment, etc.) for an approved Major or Minor Site Plan project, the Developer, the site general contractor, and other representatives of the Developer shall attend a preconstruction meeting with the Planning and Economic Development Coordinator, Building Commissioner, Department of Public Works Director, Conservation Agent, or their designees, and other Town staff as may be determined appropriate, and the Town's Consulting Engineer.
 - 1) The Developer or general contractor shall request the pre-construction meeting at least one week prior to commencing any site work on the property by contacting the Planning and Economic Development office.

- 2) If applicable to the project, the Developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPPP) required by the U.S. Environmental Protection Agency (EPA) to the Town at or prior to the pre-construction conference.
- 3) The Developer shall also provide a detailed construction schedule, copies of other permits or approvals, emergency contacts list, etc.

~~B. Projects involving site filling in excess of two thousand cubic yards shall submit a Soil Management Plan prepared by a Massachusetts Licensed Site Professional (LSP) to the Board prior to the pre-construction meeting.~~

s. 208 – 2 Construction Inspections and Reporting

- A. At the Developer's expense, the Town's Consulting Engineer shall inspect infrastructure construction and the ongoing maintenance of such and provide regular site inspection reports to the Board and the Developer. See **s. 208-4 C.** of these *Rules and Regulations*. The Developer or its representatives shall notify the Town's Consulting Engineer at least 48 hours in advance of needed inspections.
- B. If a site plan project is required to file its own individual National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) with the U.S. Environmental Protection Agency (EPA), copies of all required reporting shall be forwarded to the Board for review during the construction term of the project.

s. 208 – 3 Modifications to Approved Site Plans and Decisions - Construction work shall comply with the approved site plan, unless the Developer requests approval of a modification to the site plan and/or *Decision* and such approval is provided pursuant to any one of the methods specified below:

- A. **On-Site Field Changes** – During construction, the Developer may be authorized to make limited, minor, on-site field changes to an approved site plan project based on unforeseen conditions, situations or emergencies necessitated by field conditions. These field changes shall not alter items which may affect the site's compliance with the *Zoning Bylaw* or these regulations. Prior to undertaking such field changes, the Developer and/or contractor shall discuss the possible changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial and so notify the Board. Otherwise, the Board shall review the request at a public meeting and determine whether the proposed field changes are acceptable based on the unforeseen conditions, situations or emergencies and whether other options are feasible. A written determination whether the field change is authorized shall be provided to the Developer and the Building Commissioner. Any approved field change shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plan.
- B. **Major Site Plan Projects**

1) *Plan Modification*

- a) Proposed modifications ~~(not including on-site field changes)~~ to a previously approved major site plan project shall be subject to review by the Board. ~~The Developer shall submit a letter to the Building Commissioner and the Board describing the proposed changes and the reasons for the proposed modifications. The Building Commissioner shall make a written determination if the proposed modifications are Substantial or Insubstantial as specified herein and provide such determination to the Developer and the Board. Substantial modifications require review by the Board with a formal public hearing process. Non-substantial modifications require review by the Board as an agenda item during a public meeting.~~
- b) ~~Substantial Modification Determination~~ To make a determination whether the proposed changes are *Substantial* or *Insubstantial*, the Building Commissioner shall consider the proposed changes as a whole. However, the following proposed changes will generally be considered as *Substantial*:
- ~~1. an increase in the height of a building;~~
 - ~~2. an increase in the size of a building footprint in excess of 10%;~~
 - ~~3. a change in the location of a building on the site (other than insignificant changes);~~
 - ~~4. changes or redesign of the stormwater management facilities if deemed significant by the Town's consulting engineer;~~
 - ~~5. changes in the location, dimensions and composition of buffer areas and screening measures; or~~
 - ~~6. any other changes, individually or as a whole that substantially change the site plan including but not limited to:~~
 - ~~a. reduction of site amenities;~~
 - ~~b. changes in the location and quantity of access and exits or curb cuts; or~~
 - ~~c. the layout and quantity of parking.~~
- c) The request for a *Substantial Modification* to a previously approved major site plan shall be subject to the same application and review process including a public hearing as provided in **s. 204 Major Site Plan Review** of these *Rules and Regulations* including the payment of plan modification filing fee and plan review fee. The Board shall issue its *Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Developer. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.
- d) ~~The request for an Insubstantial Modification to a previously approved major site plan shall be subject to the same application and review~~

Commented [A8]: I have always felt that a modification requires compliance with the same procedure as the original permit. The ZBL does provide that the BC can approve an insubstantial change, which is covered by Subsection A above. Anything else it seems to me should be handled as a modification.

process as provided in **s. 205 Minor Site Plan Review** of these *Rules and Regulations* including the payment of plan modification filing fee and plan review fee. The Board shall issue its *Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials, and the Developer. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as built plan.

- 2) *Decision Modification* – If the Developer proposes a modification to the original *Decision* for a major site plan project and the proposed modification pertains to a specific condition of approval of the original *Decision*, the Board shall conduct a public hearing on the proposed change. Otherwise, the Board may review and act on the proposed modification to the *Decision* at a public meeting without a public hearing. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, other Town officials, and the Developer, and made a permanent part of the project record.

C. *Minor Site Plan Projects*

1) *Plan Modification*

- a) The Developer shall submit a letter to the Building Commissioner and the Board describing the proposed changes to a previously approved minor site plan project and the reasons for the proposed modifications. If proposed modifications to a previously approved minor site plan project are such that the changes would result in the development meeting the criteria for Major Site Plan Review pursuant to Section 3.5.3.A.1. of the *Zoning Bylaw*, the modification shall be handled in accordance with the provisions for reviewing and approving a Substantial Modification to a Major Site Plan project as specified in **s. 208 – 3 B.** of these *Rules and Regulations*.
 - b) Modifications of minor site plan projects, other than insubstantial field changes as provided in Section 3.5.2.C of the *Zoning Bylaw*, require review by the Board as an agenda item during a public meeting. The request for a modification to a previously approved minor site plan shall be subject to the same application and review process for Minor Site Plan Review as described in **s. 205** of these *Rules and Regulations*, including the payment of fees. A written modification *Decision* shall be prepared by the Board and filed with the Town Clerk, Building Commissioner and other Town officials. Any modifications shall be made a permanent part of the approved site plan record and shown on the as-built plan presented for project completion.
- 2) *Decision Modification* – If a modification is needed to the original *Decision* for a previously approved minor site plan project, the Board may review and act on the

proposed modification at a public meeting without a public hearing. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, other Town officials, and the Developer, and made a permanent part of the project record.

D. *Administrative Site Plan Projects*

1) *Plan Modification*

- a) Proposed modifications to a previously approved administrative site plan project shall be subject to *Administrative Review* as described in **s. 206** of these *Rules and Regulations*. The Developer shall follow the same application and review process as provided herein including the payment of fees. Any modifications approved by the Administrative Site Plan Project Review Team shall be made a permanent part of the approved site plan record. A written modification *Decision* shall be prepared by the Administrative Site Plan Project Review Team and filed with the Town Clerk.
- b) The Administrative Site Plan Project Review Team may determine that a proposed modification to a previously approved administrative site plan project is such that the change would result in the development meeting the criteria for *Minor or Major Site Plan Review*. If so, the modification shall be handled in accordance with the provisions for reviewing and approving those categories of site plan by the Board.
- c) Appeal of an *Administrative Review Decision* to modify a previously approved administrative site plan project may be made to the Board within twenty days of the date the *Decision* was filed with the Town Clerk.

2) *Decision Modification* – If a modification is requested to the original *Decision* for an administrative site plan project, the Team may review and act on the proposed modification. A written *Decision* shall be filed with the Town Clerk.

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

s. 208 – 4 *Compliance*

A. *Occupancy Permit* - See Section 3.5.2 of the *Zoning Bylaw*.

- B. *Performance Security* - If a Developer seeks an occupancy permit before completion of the approved site improvements, the Developer may request that the Board accept a deposit of funds or other form of security acceptable to the Board and the Treasurer/Collector sufficient to assure the satisfactory completion of site improvements, landscaping and amenities, and off-site mitigation measures as shown on the approved plan. Whether to accept such security in lieu of completion of the project shall be determined by the Board in its sole discretion. The Board shall determine a reasonable and sufficient amount to cover the Town's cost to complete the work if the Developer fails to do so. The Town's consulting engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall include the cost to maintain the infrastructure, site improvements, amenities and off-site mitigation measures in the event the Developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount. A performance security agreement shall be executed by the Developer, the Board, and the surety.
- C. *Construction Inspection* – The Board may determine site inspections are necessary to ensure that the development project is constructed to comply with the approved site plan and *Decision*. It is their standard practice to do so. These shall be performed by Town staff, the Board's consultant or Agent, or a Board member. The Board may determine that the assistance of outside consultants is needed to monitor construction due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board's endorsement of the plan. See [s. 209 – I. C.](#) of these *Rules and Regulations*.

s. **208 – 5** *Project Completion*

- A. *Construction Deadline* - Site plan approval shall lapse after two years of the grant thereof, which shall not include such time required to pursue or await the determination of an appeal under [s. 204-9 or s. 205-9](#) herein, if construction has not commenced except for good cause. Upon receipt of a written request by the Developer filed at least thirty days prior to the date of expiration, the Board shall consider the request at a public meeting and may grant an extension for good cause. Such extension shall not exceed two years beyond the original expiration date of the site plan approval.
- B. *As-Built Plans*
- 1) Developers of *Major and Minor Site Plan Projects* shall provide an as-built plan stamped by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, which shall show actual as-built locations and conditions and any plan modifications authorized by the Board. See Section 6.7 of the *Medway Subdivision Rules and Regulations* for as-built plan requirements.

The as-built plan shall be accompanied by a certification from a Registered Professional Engineer that the site has been developed in substantial conformance with the approved site plan.

- 2) Developers of Administrative Site Plan Projects shall provide an as-built plan showing the as-built locations of the constructed site work.

C. *Certificate of Site Plan Completion: Major and Minor Site Plan Projects*

- 1) Before Board issues a *Certificate of Site Plan Completion*, the following items must be completed or provided to the satisfaction of the Board:
 - a) Receipts to document cleaning of the stormwater system
 - b) A signed statement from the Developer and/or Owner committing to the ongoing maintenance of the stormwater management facilities per the Post Construction Stormwater Management Plan and replacement of landscaping.
 - c) Removal of erosion controls
 - d) Full stabilization of the site
 - e) Off-site improvements
- 2) Upon completion of all required improvements as shown on the approved Site Plan, including any off-site mitigation measures, the Developer's engineer shall submit a letter verifying completion to the Board. The letter shall certify that the project, as constructed, substantially conforms to the approved site plan and that any provisions of the *Decision* including construction of any required on and off-site improvements have been completed.
- 3) The Board's Agent or a Board member shall conduct a final inspection of the site within thirty days of the filing of the Developer's engineer's letter with the Board and provide a written report and punch list to the Board and Developer identifying any remaining work to be completed.
- 4) The Board shall determine if all work has been completed in substantial conformance with the Site Plan approval. The Board may consult with its Consulting Engineer, the Conservation Commission, Department of Public Services, Building Commissioner, Treasurer/Collector and other Town boards, committees and departments to help it determine whether the project is complete and all obligations to the Town are fulfilled including payment of taxes and fees. If so, the Board, at its next regularly scheduled meeting, shall sign a *Certificate of Site Plan Completion* to document that the project as constructed has been completed, in its opinion, in conformance with the approved site plan and any conditions, including construction of any required on and off-site improvements. If a *Certificate of Site Plan Completion* is not signed, a complete list of work to be completed on or off-site in compliance with the approved site plan and *Decision* shall be provided to the Developer.

D. *Certificate of Site Plan Completion: Administrative Site Plan Projects*

- 1) Upon completion of all required improvements as shown on the approved Site Plan, the Developer shall contact the Community and Economic Development office to request a *Certificate of Site Plan Completion*.
- 2) A Team member or the Board's Agent shall inspect the site to determine if the project has been completed in substantial conformance with the approved scope of work and all conditions. The Team may consult with other Town boards, committees and staff to help with its determination. If so, the Team, shall sign a *Certificate of Site Plan Completion*. If not, a complete list of work to be completed in accordance with the approved site plan and *Decision* shall be provided to the Developer.

ARTICLE IX FEES

s. **209 – 1 Fee Structure** – The Board shall adopt a *Fee Schedule*, which shall specify the amount of filing and other applicable fees.

A. *Site Plan Filing Fee* - A non-refundable *Site Plan Filing Fee* as specified in the Board's *Fee Schedule* shall be remitted to the Board at the time the site plan application is filed with the Board.

B. *Site Plan Review Fee*

- 1) *Applicability* – A *Site Plan Review Fee* may be established by the Board for review of the site plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the review of the proposed project. The *Site Plan Review Fee* shall not be a fixed amount but will vary depending on the nature and scale of the project and the expected costs to be incurred by the Board. See the Board's *Fee Schedule*.
- 2) *Fee Payment* - The Applicant shall remit a deposit toward the *Site Plan Review Fee* at the time the site plan application is submitted pursuant to the Board's *Fee Schedule*. The balance shall be remitted by the Applicant upon receipt of an invoice from the Board, prior to the substantive review of the application by the outside consultants, and before the public hearing or meeting commences. Failure to pay the full *Site Plan Review Fee* before the public hearing or meeting begins may delay the public review process and constitute grounds for the Board's denial of the proposed site plan.
- 3) *Additional Review Fees* – If the expense of the consultant(s)' review of the site plan exceeds the original estimate or should the services of additional outside consultants be required after the initial *Site Plan Review Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. The Board shall prepare a new estimate for additional plan review services and remit same to the Applicant. The Applicant's failure to pay plan review fees in their entirety shall constitute grounds for the Board to deny approval and endorsement of the plan.

C. *Construction Services Fee*

- 1) *Applicability* – The Board may establish a *Construction Services Fee* for the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the inspection of the construction and on-going maintenance of the development's infrastructure and the review of any legal documents associated with performance security and project completion. The *Construction Services Fee* shall not be a fixed amount but will vary with the scale of the project and the expected costs to be incurred by the Board.
- 2) *Fee Payment* - The Applicant shall remit the *Construction Services Fee* to the Board before the site plan is endorsed. Failure to pay the *Construction Services Fee* may constitute grounds for the Board to not endorse the site plan.
- 3) *Additional Fees* – If the expense of the consultant(s)' services exceeds the original estimate, or should the services of additional outside consultants be required after the initial *Construction Services Fee* has been expended, the Developer shall be required to pay all additional fees incurred to cover the additional cost. The Board shall prepare a new estimate for additional construction services and remit an invoice to the Developer for payment.

D. ***Other Costs and Expenses*** - All expenses for professional plan reviews, ancillary report reviews, supplemental studies, advertising, publication of notices, and all other expenses in connection with Site Plan Review and construction including plan or decision modification fees shall be borne by the Applicant and/or Developer.

s. **209 – 2 *Payment of Fees***

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

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

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

Attest:

_____ Susan E. Affleck-Childs Planning and Economic Development Coordinator	_____ Date
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A true copy attest:

_____ Maryjane White Town Clerk	_____ Date
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