

**June 28, 2016
Medway Planning and Economic Development Board Meeting
155 Village Street
Medway, MA 02053**

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

ALSO PRESENT:

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

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Lawrence Waste Site Plan – Request for Extension of Completion Deadline

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

- June 16, 2016 email from Keith Lawrence requesting a 2 year extension for project completion.
- Site Plan Modification Decision dated June 24, 2014.

Chairman Rodenhiser disclosed that his business has received a proposal from Lawrence Waste for trash removal services, however, he is not presently doing business with Lawrence Waste.

Keith Lawrence was present and is requesting an extension to his project for completion due to escalated cost quotes to complete the project. He would like an extension to seek other quotes to get the financing in place.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to approve a two year extension for completion of the Lawrence Waste Modified Site Plan to July 22, 2018.

Pine Ridge OSRD and Candlewood Subdivision

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

- 4-22-16 Pine Ridge/Candlewood punch list from Tetra Tech.
- 4-19-16 email from Tom Holder – Candlewood punch list.
- Candlewood Improvements sheet from 2008 Pine Ridge OSRD Plan.
- DPS punch list for Candlewood and Island Drive 2005 (hand written notes)

The Chairman called Paul Yorkis for a telephone conference call. Mr. Yorkis is representing developer John Claffey.

Mr. Yorkis provided an update as follows:

- The Notice of Intent is being worked on and will be completed and filed with the Conservation Commission within the next day or two.
- There was a meeting with Mr. Yorkis, Tom Holder, and a contractor to review the various punch lists.
- There will be a site visit on Thursday, June 30th to finalize the punch list.

Member Tucker arrived at 7:14 pm.

Susy Affleck-Childs suggested that Tetra Tech attend the site visit on Thursday.

Paul York strongly disagreed with this recommendation. He commented that if the Town wants to have Tetra Tech present at the Town's expense they can, but he does not want the consultant there at the applicant's expense. Tetra Tech was not supposed to be involved in this work. The original discussion is that Tetra Tech had no bearing on this project. During prior discussions there was agreement that Mr. Claffey had nothing to do with Candlewood with the exception of completing the punch list.

Susy Affleck-Childs responded that she is not certain about any agreement but will check the Pine Ridge OSRD special permit and definitive plan decisions to see if there is language about retaining a consultant for inspections.

The Board does not recommend inspections from Tetra Tech at this time since the emails from the DPS Director are acknowledged and a punch list is already created.

Paul Yorkis indicated that not all of the work has been completed but a substantial amount has been completed. There is a meeting on June 30, 2016 to reach an agreement on the scope of work and specific areas to be addressed. Mr. Yorkis will get together an action plan to the Board with dates within 7 to 10 days after that on-site meeting. The work which needs to be completed needs about three weeks. The Conservation Commission needs to hold a public hearing and issue an Order of Conditions for the work.

It was noted that there was a sheet attached to the Pine Ridge plan regarding the required Candlewood Drive improvements. Susy will check into this and will email and provide it to Tom Holder and Paul Yorkis.

Susy informed that Board that a Candlewood subdivision construction account bill was sent to John Claffey. Mr. Yorkis responded that he is not in a position to comment about this but he is not sure if Mr. Claffey is responsible for this.

Hartney Acres:

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

- 6-17-16 Hartney Acres punch list from Tetra Tech.

Steve Bouley from Tetra Tech did provide information to Engineer David Faist about work needing to be done at Hartney Acres. The applicant is seeking estimates for the work.

Susy informed that Board that a Candlewood subdivision construction account bill was sent to John Claffey. Mr. Yorkis responded that he is not in a position to comment about this but he is not sure if Mr. Claffey is responsible for this.

Mr. Yorkis would like Susy to provide a memo in writing with the amount the town attorney charges for street acceptance work.

2 Marc Road Site Plan – Public Hearing Continuation

The following was entered into the following: (See Attached)

- A letter dated June 17, 2016 from Massachusetts Dept. of Public Health issuing a provisional certificate to CommCan, Inc.
- Public Hearing Continuation Notice dated May 31, 2016.
- Revised draft decision dated 6-23-16.

The section on the applicant's efforts to arrange for a sign for the Medway Industrial Park will be clarified to better define what steps the applicant will take. It was recommended to eliminate the reference of the convenience store and vehicular fueling on page 15 of the draft decision.

The Board and applicant reviewed the provided draft decision along with recommended changes.

Findings:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the findings for 2 Marc Road as written.

Waivers:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the waivers for 2 Marc Road as written.

There was discussion about including language in the off-site mitigation section to address Parcel 32-027 being cleaned up by June 30, 2017. This will be added.

Decision Vote:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted to approve the site plan and special permits for 2 Marc Road.

Member Tucker explained that he has a problem with the pharmaceutical industry as a whole and cannot support this activity. He has no problem with the building and thinks it has a good design.

Rich Di Iulio aye, Andy Rodenhiser aye, Tom Gay aye, Matt Hayes, and Bob Tucker nay.

Vote passes 4 aye to 1 nay.

Close Hearing:

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to close the hearing for 2 Marc Road.

The decision will be filed on June 29, 2016 and there will be a 20 day appeal process. The Board will plan to sign the endorsed plan at their July 26, 2016 meeting.

Correspondence:

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

- Original proposal to MAPC January 14, 2016.
- Email memo grant award from MAPC April 1, 2016
- Scope of Work – June 9, 2016.

The Town of Medway will be working with MAPC to draft amendments to the Town of Medway's affordable housing/inclusionary zoning bylaw. The goal is to set up an Advisory Committee. The time commitment is three meetings. Member Hayes will be the Board's representative on this committee.

Construction Reports:

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

- Village Estates #4 – June 13, 2016
- Village Estates #5 – June 15, 2016
- Village Estates #6 – June 21, 2016

Establish Application Filing Fee for Administrative Site Plan Review:

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

- 6/22/16 memorandum from Susy Affleck-Childs.

The town meeting recently approved revisions to the site plan section of the zoning bylaw with provisions for administrative site plan review of small projects to be conducted by town staff without involvement of the PEDB. Susy provided information about the fees which some towns charge for administrative site plan review. The fees range from \$150 to \$350. The Board is comfortable with the rate being \$350.00. The Board agrees that the work for staff should not be more than 6 hours. They are also in agreement that there needs to be some documentation and summary of what was determined.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to establish \$350 as the filing fee for administration site plan review. Member Di Iulio abstained from vote.

PEDB Meeting Minutes:

June 14, 2016 (See Attached):

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the minutes from June 14, 2016.

REPORTS:

Rt. 109 Project:

Matt Hayes reported that the contract for the Rt. 109 project was signed. There was a meeting with all parties. The tentative start date is August 1, 2016. The project will take three years to complete. There is going to be a preconstruction meeting on July 12, 2016 at 9:00 am.

OTHER BUSINESS:

- There was a sign task force meeting held on Tuesday, June 21, 2016 at 7:00 pm at the Senior Center.

Member Gay exited at 8:02 pm.

Exelon 9 Summer Street and 34 West Street – Public Hearing Continuation

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

- Public Hearing Continuation Notice dated 5-31-2016.
- Noise Section of Final Environmental Impact Report (FEIR) dated 2-1-2016 by Epsilon Associates. *NOTE – Not attached due to length of document.*
- Sound level Monitoring Report dated 3-9-2015 by Epsilon Associates. *NOTE – Not attached due to length of document.*
- Peer Review letter dated 10-9-2015 from Acentech.
- Safety documentation letter dated 6-22-2016 from Eric Las, Beals and Thomas.
- Auto Turn Exhibit for Fire Dept. Ladder Truck
- Truck Staging and Storage Areas
- Safety Data Sheet Aqua Ammonia by AIRGAS.
- Utility Related Abatement Measures letter dated 6-17-2016 from OHI Engineering, Inc.
- Water Supply and Demand Assessment – updated 3-2-2016 by Kleinfelder. *NOTE – Not attached due to length of document.*

Representatives for the Applicant were:

Eric Las – Beals & Thomas
Amy Kwesell, Rubin & Rudman
Tammy Sanford, Exelon
Rob O'Neal, Epsilon
Ted Barten, Epsilon
AJ Tablonowski, Epsilon
Peter Valberg, Gradient
Chris Long, Gradient
Lisa Decker, Exelon
Mary Kate Schneeweis, Beals and Thomas
Bob Tynana, Construction Manager

Action Deadline Extension:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve Exelon's request for a deadline extension to July 29, 2016. (See Attached)

The goal is to have a working draft decision for the July 12, 2016 meeting.

Eric Las began the presentation by explaining that the site plan was updated June 17, 2016. There was also an addendum to the stormwater plan dated June 17, 2016. The team did meet with the Design Review Committee on Monday, June 20, 2016 and also on June 27, 2016. The Conservation Commission closed their hearing on June 23, 2016 and the Order of Conditions will be issued by July 14, 2016.

Safety:

Fire Chief Jeff Lynch was present at the meeting. He indicated that he did review the updated plans. In particular the internal circulation. There is a sufficient turning radius for this fire trucks. Chief Lynch also indicated that all concerns about egress width have been addressed.

There was a question if the staging area would be for more than two deliveries. The applicant indicated that the staging area will not have more than two deliveries.

Tammy Sanford responded that the plan is for two trucks per hour.

The Fire Chief Lynch also stated that he is fine with the contingency plan which is in place.

Water:

The next item addressed was water. The Director of Public Services, Thomas Holder, was present.

The applicant indicated that there will be two water tanks on site.

- 500,000 gallon fire service/raw water tank
- 450,000 gallon demineralized water tank

Entered into the record was a letter dated June 8, 2016 from the Massachusetts DEP regarding the on-site well. The Board reviewed the water use summary from the FEIR. The facility is designed for 63% capacity factor. This is a redundant well noted in the DEP letter and none of the numbers are part of the project. This well is there in case it is needed. The onsite well will produce almost all the water needed on site.

The applicant continues to work with the Town of Millis and their consultant to make sure the water evaluation will represent both towns in regards to the design and operation of the pump system. The cost for running the service from Millis to Medway will be incurred by Exelon.

Tom Holder would like to have a consultant look into what the extra pressure will do to the water pipes on the Town's side.

Tom reported that consultant Kleinfelder completed the Medway water assessment in October 2015. Kleinfelder also reviewed the Town of Millis water system assessment and this was completed March 2016.

Village Street is the preferred interconnection point. The Millis Board of Selectmen decided to have the Millis Drinking Water Committee proceed to evaluate the sale. The drinking water committee retained a consultant to assist with the preparation of a price proposal. The negotiations will continue into early August. Tom Holder did recommend that there needs to be research done about what kind of right or way will be needed for the pumping station. The pump station could be above or below ground. There will need to be axillary power. This will be a small building about 15' by 25'.

Noise:

The next item discussed was sound. Robert O'Neal from Epsilon provided a sound level overview. The Board is in receipt of a consultant letter dated October 2015. The team has been working with the State on this project for over three years. The DEP approved the protocol for the sound study. The final EIR was submitted February 2016. Mr. O'Neal explained that noise is measured in decibels and composed of frequencies measured in HERZ. There were examples of decibel levels reviewed. There are specific noise regulations which need to be followed and adhered to and this plan complies with both. The DEP regulation stated that there can be no more than 10 dba increase over existing background day or night and no tonal noise created by project. Sound limits apply to property lines and residences and compliance testing is required. The Town of Medway also has a local zoning bylaw with sound limits by octave band in place from 10 pm to 7 am.

The applicant has proposed noise controls measures and plans to purchase every possible noise control option to reduce the noise. This includes mufflers, oil pump barrier, turbine fan silencers, ultra-low noise cooled heat exchanger fans, gas compressor enclosures, noise barrier walls, acoustic enclosures for VBV stacks, water skids, and intercooler pipes.

The Town's noise consultant Jim Barnes of Acentech agreed that the applicant plans to put in place excellent mitigation measures. The one concern he has is about the exhaust from the combustion turbine and how much attenuation will there be of that noise.

Consultant O'Neal referenced a chart which shows the calculations on this. Mr. Barnes does not think they will be able to achieve this. The consultants will work together to address this item.

Tammy Sanford indicated that the total amount invested in noise control is \$18,000,000. The project permit from the Energy Facilities Siting Board is subject to the DEP permit and there is required maintenance for the operation and noise attenuation measures. This is for the life of the permit. The DEP will follow-up with complaints about noise. There is no history of noise complaints at the current site.

A question was asked if the mechanical buffers have a maintenance plan over the years. It was indicated that there is generally one test done immediately after installation.

The renderings of the sound walls were shown.

The sound levels were taken at seven different locations for 24 hours a day for over a week. The results were shown. The project is below the limits. It is very rare that the plant will be running from 11:00 pm to 6:00 am. The locations for the sound testing were determined by the DEP and the receptors needed to be approved by the DEP. The receptors are located on property lines and permission was granted.

Jim Barnes wanted to know about the cumulative effect between existing units and new units. Is there a commitment to do retroactive controls?

Exelon responded that at 2:00 am, the project will very likely not be operated. Based on history at this site, it is very rare the facility will run at night.

There was another question about if there would be a difference in sound in elevation from one floor to the second floor of an adjacent property. Mr. O'Neil noted that it would not make a difference.

Tammy Sanford indicated that it is highly unlikely that the existing and the new systems will run simultaneously. The newer unit will be called into service first as it is more efficient.

This system meets all the requirements and standards as set.

Design Review Committee Letter:

Mike Buckley, the Chairman was present to discuss the Design Review Committee's review letter. (See Attached) The Board was made aware that the DRC did meet with the applicant on June 27, 2016. The primary discussion points were in regards to the sound wall.

Attorney Amy Kwesell commented that there was resolution at the DRC meeting. She provided a letter dated 6-28-16 in response to the DRC's 6-27-16 letter. The administration building will be painted dark brown while the roof will be off-white. The color chosen is standard R=94, G=80, B=76. Her letter states that the selected colors provide the contrast in colors and meets the Design Guidelines. She further explained that the building will have landscaping which will include larger trees. The team remains in agreement that the 55-ft sound wall should not be multiple colors since it is extremely expensive to do so and there is not a need. The 20 ft. tall L shaped sound wall will be located on the property line at 5 Summer Street. The DRC did recommend landscaping and buffering on this property but it is Exelon's opinion that since the area is not owned by Exelon they cannot propose landscaping. If this were to change, it may be open for discussion and would need to come back to the Board for a plan modification. All were in agreement that the smoke stacks color will be ASA-70 grey since it matches the New England sky.

The DRC did indicate that the entrance of the project will have fencing which will be black vinyl chain link and standard galvanized mesh will be used along the abutting residences. Exelon is researching that the barbed wire at the top of the fencing can also be black.

Exelon agreed that this could be done.

The DRC would like the existing fieldstones to be used when possible.

Electromagnetic Fields:

Dr. Peter Valberg of Gradient Corporation reported that there is no evidence of danger from this site. He indicated that the project complies with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards and will not cause health issues.

The applicant asked if the Board would prepare a draft copy of the decision to review at the July 12, 2016 meeting.

Public Hearing Continuation:

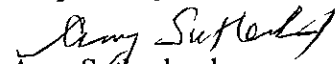
On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted to continue the hearing the hearing for Exelon to Tuesday July 12, 2016 at 7:30 pm.

Adjourn:

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

The meeting was adjourned at 10:20 pm.

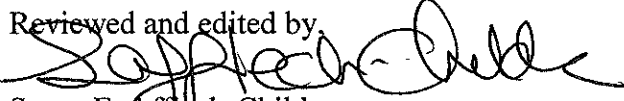
Respectfully Submitted,



Amy Sutherland

Recording Secretary

Reviewed and edited by



Susan E. Affleck-Childs

Planning and Economic Development Coordinator



June 28, 2016

**Medway Planning & Economic Development Board
Meeting**

Lawrence Waste Site Plan – 49 Alder ST
Request for Extension of Completion

- June 16, 2016 email from Keith Lawrence requesting a 2 year extension for project completion
- Site Plan modification decision dated June 24, 2014.

Susan Affleck-Childs

From: Keith Lawrence <keith@lawrencewasteservices.com>
Sent: Thursday, June 16, 2016 10:49 AM
To: Susan Affleck-Childs
Cc: 'Jim Lawrence'
Subject: RE: Request for Extension of 49 Alder Street Building #2

Hi Susy,

I forgot the most important part! We are officially requesting a two year extension. I am in discussions with a builder currently who is supposed to get a us a quote next month, however that extra flexibility on the extension would be greatly appreciated. That will give us the time to get our finances in order so we are able go forward with construction.

Sincerely,

Keith

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Thursday, June 16, 2016 10:31 AM
To: Keith Lawrence
Cc: 'Jim Lawrence'
Subject: RE: Request for Extension of 49 Alder Street Building #2

Thanks, Keith,

I need you to specify how much additional time you want/need.

Yes, the June 28th meeting will be in Sanford Hall, the upstairs meeting room at Town Hall.

See you then.

Susy Affleck-Childs

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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

Town of Medway – A Massachusetts Green Community

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

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

From: Keith Lawrence [<mailto:keith@lawrencewasteservices.com>]
Sent: Thursday, June 16, 2016 9:37 AM
To: Susan Affleck-Childs
Cc: 'Jim Lawrence'; 'Keith Lawrence'
Subject: Request for Extension of 49 Alder Street Building #2

Good Morning Susy,

Thank you for taking the time to speak with me earlier this week in regards to my previous request for an extension on our second building permit earlier this spring. When we first got our permit for our second building back in the summer of 2014, we believed after doing some rough numbers on our own, based on the costs of our first building here, that the cost of the next building would run us a total of \$200k-\$225k. However, once we had our permit in hand, we received a few quotes from the builders that had been involved with our first building, and at the time the total building cost they quoted us was nearly twice that!!! As such, we decided to hold off construction at that time.

I hope that this request is a simple one for the board to be able to review and approve. I know that you mentioned some changes to storm water management. I would like to point out that our previously approved/permitted second building that we hope to begin construction on in 2017 or 2018, is being constructed 100% on an area that is existing pavement. That storm water currently does, and will continue to once the building is complete, to flow into our storm water management system that was approved by the town and exceeded expectations at that time. That system cost us nearly \$300k to install just a few years ago, and was over engineered to exceed our needs and the guidelines. There will be zero change in where the water will go post construction as opposed to where it goes now. In place of pavement will be a building that will allow us to hire more full time local staff and will increase our overall property taxes. As a resident of Medway, increased taxes to fund the town and more good local jobs is something that I believe is a net benefit to our community.

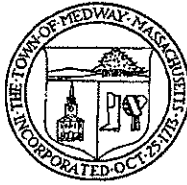
I look forward to discussing this in more detail together at our meeting on Tuesday, June 28th with the Planning Board at 7:00PM. Is this at the town hall upstairs conference room where we typically meet? I look forward to seeing you then. I have attached a quick picture of our first building here on Alder Street. While it's not summer until the 20th, the flowers are blooming over on this side of town ☺

Sincerely,

Keith Lawrence
Lawrence Waste Services
49 Alder Street
Medway, MA 02053
Office # 508-270-0597 ext #102
Cell # 508-808-1320



Please visit us @ www.lawrencewasteservices.com today!



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

RECEIVED

JUN 25 2014

TOWN CLERK

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

June 24, 2014

SITE PLAN MODIFICATION DECISION
Lawrence Waste Services - 49 Alder Street
Approved with Waivers and Conditions

Decision Date: June 24, 2014

Name/Address of Applicant: East Hill Associates Realty
49 Alder Street
Medway, MA 02053

Name/Address of Owner: East Hill Associates Realty
49 Alder Street
Medway, MA 02053

Engineer: Guerriere & Halnon, Inc.
P.O. Box 235
Milford, MA 01757

Site Plan: *Lawrence Waste Services Site Plan for 49 Alder ST,
Medway, MA,
Prepared by Guerriere & Halnon, Milford, MA.
April 29, 2014, last revised May 28, 2014*

Location: 49 Alder Street

Assessors' Reference: Map 3: Parcel 41

Zoning District: Industrial III

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

I. PROJECT DESCRIPTION - The applicant/property owner proposes to construct a one story, 4,500 sq. ft. steel garage building to support the operation of the existing waste removal business (pick-up and delivery of trash containers/dumpsters). The proposed garage will be constructed on the paved area located behind the existing Lawrence Waste Services building which was constructed in 2012. The new garage building will consist of three bays for dumpster maintenance plus a bathroom and is designed to match the existing structure. The building will have water, electric, gas and sewer connections as shown on the site plan. The roof stormwater runoff will be connected to the existing drain line from the existing building and directed into the existing underground basin. The site is presently serviced by public water and sewer and has gas service from Alder Street. There will be no waste stored on site, only clean waste containers.

The proposed scope of work constitutes a substantial modification to the previously approved site plan for Lawrence Services endorsed on June 26, 2012.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on June 24, 2014, on a motion made by Robert Tucker, seconded by Matthew Hayes, **voted to APPROVE with WAIVERS and CONDITIONS** as specified herein, the application of East Hill Associates Realty of Medway, MA to modify the previously approved site plan for the construction of a 4,500 sq. ft. addition to the Lawrence Waste Services facility at 49 Alder Street. The vote was 5 in favor and 0 opposed.

Planning & Economic Development Board Member	Vote
Thomas Gay	YES
Matthew Hayes	YES
Andy Rodenhiser	YES
Karyl Spiller-Walsh	YES
Robert Tucker	YES

III. PROCEDURAL HISTORY

- A. April 30, 2014 - Site plan Modification application filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. May 6, 2014 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site
- C. May 9, 2014 – Site plan modification information distributed to Town boards, committees and departments for review and comment.
- D. May 7, 2014 - Public hearing notice mailed to abutters by certified sent mail.
- E. May 12 & 20, 2014 – Public hearing notice advertised in *Milford Daily News*.
- F. May 27, 2014 – Public hearing commenced. The public hearing was continued to June 10 and June 24, 2014 when the hearing was closed.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for Lawrence Waste Services at 49 Alder Street included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:
 - 1. *Lawrence Waste Services Site Plan for 49 Alder ST, Medway, MA*, prepared by Guerriere & Halnon, Milford, MA, April 29, 2014.
 - 2. *Project Description* prepared by Guerriere & Halnon.
 - 3. Email dated April 25, 2014 from Medway Inspector of Buildings John Emidy confirming that the scope of proposed work at 49 Alder Street constitutes a *substantial modification* to a previously approved site plan project.
- B. During the course of the review, the Applicant and its representatives submitted revised plans and a variety of other materials to the Planning and Economic Development Board as follows:
 - 1. *Lawrence Waste Services Site Plan for 49 Alder ST, Medway, MA*, prepared by Guerriere & Halnon, Milford, MA, April 29, 2014; REVISED May 28, 2014)
 - 2. *Hydrologic & Hydraulic Report, Lot 3-41, 49 Alder Street in Medway, MA* updated May 5, 2014, prepared by Guerriere and Halnon
 - 3. Peter Lavoie, Project Engineer, Guerriere & Halnon, the applicant's engineering consultant:
 - a. Response letter dated May 28, 2014 to the May 21, 2014 site plan review letter from Gino Carlucci, PGC Associates
 - b. Response letter dated May 28, 2014 to the May 22, 2014 site plan review letter from Tetra Tech.
 - 4. *Requests for Waivers from the Site Plan Rules and Regulations*, dated May 28, 2014 prepared by Guerriere & Halnon
 - 5. Color photographs showing the existing building and site improvements at 49 Alder Street – Received May 27, 2014.
 - 6. Mass DEP Checklist for Stormwater Report prepared by Michael Dean, P.E., Guerriere and Halnon, dated May 30, 2014
- C. During the course of the review, a variety of other materials were submitted to the Planning and Economic Development Board or entered into the record by the Board:
 - 1. Email communication dated 5/23/2014 from Interim Conservation Agent Bridget Graziano verifying the Conservation Commission's approval on 5/22/2014 of an Order of Conditions for the proposed addition.

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

- Brian Marchetti, P.E., of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated May 22, 2014 and June 4, 2014.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated May 21, 2014 and June 4, 2014.
- Peter Lavoie, Guerriere & Halnon - Verbal testimony provided at the public hearings on May 27, 2014.
- Paul Atwood, Guerriere & Halnon – Verbal testimony provided at the public hearing on June 10, 2014.
- Jim and Keith Lawrence, Lawrence Waste Services - Verbal Testimony provided at the public hearings on May 27 and June 10, 2014.

VI. **WAIVERS** – At its June 24, 2014 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker, seconded by Matthew Hayes, voted to approve granting waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for granting each waiver are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of 5 in favor and 0 against.

A. **SUBMITTAL REQUIREMENTS/PLAN CONTENTS**

1. 204-3 A. 7) – A written *Development Impact Statement* shall be prepared. It shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. The Development Impact Statement shall address traffic, environmental, community and parking impacts.

The waiver is granted. The proposed structure is adjacent to a newly constructed industrial building located within the 495 Business Park. The proposed project is relatively small in relation to other uses within the park. A small portion of the site was disturbed when the main structure was building in 2013 and most of the significant natural resources, including wetlands, riverfront area, Groundwater Protection District and natural habitat, were not disturbed. The plan indicates that the project will comply with stormwater management regulations.

2. 204-5 C. 3) – An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of

existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

The waiver is granted. The current project is a new structure adjacent to the existing structure and no additional trees or landscaped features will be removed. The scope of work takes place on an existing paved area. The Planning and Economic Development Board believes that this requirement is not warranted for this modification.

3. 204-5 D. 7) – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a “lesser” intensity graphic used to represent potential canopy at maturity.

The waiver is granted. The current project is a new structure adjacent to the existing structure and no additional trees or landscaped features will be removed or added. The scope of work takes place on an existing paved area. The Planning and Economic Development Board believes that this requirement is not warranted for this modification.

4. 204-5 D. 9) – *Color Renderings* of the project shall be provided depicting structures, signage and common views of the site from a public way and other views helpful in illustrating the totality of the proposed site improvements.

The waiver is granted. The current project is a new structure adjacent to the existing Lawrence Waste Services building. The applicant has provided drawings showing the building to be identical in design, materials and color to the existing structure.

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

- A. **Plan Revisions** - Prior to endorsement, the site plan set for 49 Alder Street last revised May 28, 2014 shall be further revised as follows and submitted to the Planning and Economic Development Board for review and approval.
 1. Cover Sheet
 - a. The plan name shall be changed to Lawrence Waste Services Site Plan Modification

- b. All waivers from the *Site Plan Rules and Regulations* that have been granted as specified herein shall be listed on the cover sheet of the of the site plan presented for endorsement.
 - c. The cover sheet shall prominently display a final plan revision date.
- B. ***Wetlands Protection*** – Prior to plan endorsement, the Applicant is required to provide the Planning and Economic Development Board with a copy of the *Order of Conditions* from the Medway Conservation Commission.
- C. ***Snow Plowing/Trash Removal*** - The Applicant shall be responsible for providing snow plowing and trash pick-up with respect to the subject property. There shall be no outside storage of trash nor shall any dumpster be located on the property to accommodate the trash for the operation of Lawrence Waste Services on the site. Business trash shall be retained inside the building.
- D. ***Construction Inspection***
 - 1. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.
 - 2. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved plan. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.
 - 3. In the event the applicant seeks an occupancy permit before all site plan work is satisfactorily completed (see VIII. General Condition F. 2 herein), the Applicant shall establish a construction inspection account with the Medway Planning and Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Planning and Economic Development Board. The funds may be used at the Planning and Economic Development Board's discretion to retain professional outside consultants to inspect the site, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion* (see VIII. General Condition G. 2 herein). Depending on the scope of professional outside consultant assistance that the Planning and Economic Development Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.

VIII. GENERAL CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within thirty (30) days after the Planning and Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification reflecting all Conditions and required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. The Applicant shall provide one set of the revised site plan in its final form to the Planning and Economic Development Board for signature/endorsement. All plan sheets shall be bound together in a complete set.
- B. **Fees** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee required by the Planning and Economic Development Board; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

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

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

- D. ***Other Town Permits*** - The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.
- E. ***Plan Modification***
1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other boards, agencies or commissions shall be resubmitted to the Planning and Economic Development Board for review as site plan modifications pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw*.
 2. Any work that deviates from an approved site plan shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw* and such approval is provided in writing by the Planning and Economic Development Board.
 3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.
- F. ***Plan Compliance/Performance Security***
1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and any modifications thereto.
 2. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings that the project, as constructed, conforms to the approved site plan and any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the costs of all remaining work.
 3. The Planning and Economic Development Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
 4. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

G. **Project Completion**

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to issuance of a final occupancy permit, the Applicant shall secure a **Certificate of Site Plan Completion** from the Planning and Economic Development Board and provide the **Certificate** to the Inspector of Buildings. The **Certificate** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate of Site Plan Completion**, the applicant shall:
 - a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
 - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.

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

I. **Conflicts** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the Medway Zoning Bylaw, the Bylaw shall apply.

IX. **FINDINGS** – The Planning and Economic Development Board must determine whether the proposed project constitutes a suitable development based on conformance with the purposes of Site Plan Review as specified in the *Zoning Bylaw* and with the various site development standards and criteria set forth in the *Site Plan Rules and Regulations*. The

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

The Planning and Economic Development Board, at its meeting on June 24, 2014, on a motion made by Robert Tucker, seconded by Matthew Hayes, voted to approve the following **FINDINGS** regarding the site plan modification for 49 Alder Street. The motion was approved by a vote of 5 in favor and 0 against.

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

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

The buildings, uses and site amenities are properly located. They are outside the most sensitive resource areas, and on the higher, flatter portion of the site reducing topographic change, so this criterion is met.

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

The new building has been designed to match the existing building which had previously been approved by the Design Review Committee. The site amenities are unaffected. Therefore, this criterion is met.

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

The applicant has provided a photometric plan documenting that light sources will not spill off the property. Most noise or fumes will continue to be generated inside the building, and will be in compliance with applicable requirements. Therefore, this criterion is met.

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

The new building will be constructed on a portion of the existing parking lot which is outside the significant resource areas (including wetlands, riverfront area, Groundwater Protection District, and natural habitat). Therefore, this criterion is met.

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

The primary nature of the business is the temporary storage of containers to be unloaded and loaded at the facility. Therefore, it was designed to maximize this utility. Also, the loading and unloading will occur deep within the site behind the location of the existing building so public view of the visual intrusion is minimized. Therefore, this criterion is met.

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

The facility is connected to municipal sewer. Adequate provisions have been made for refuse removal through a dumpster screened from public view. Therefore, this criterion is met.

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

The plan has been reviewed by Town public safety officials as well as the Town's Consulting Engineer and Consulting Planner. The existing access driveways, loading and parking facilities were found to be adequately designed in the original site plan. They are not being changed and remain adequate for the proposed new building. Therefore, this criterion is met.

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

The existing Knox Box will hold keys for the entire facility. No other issues have been identified. Therefore, this criterion is met.

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

The new building is being constructed on the existing parking lot and impervious surface is actually being slightly reduced. The stormwater drainage system has been reviewed by the Town's Consulting Engineer and it remains in compliance with new Massachusetts Department of Environmental Protection stormwater management guidelines. Therefore, the Planning and Economic Development Board finds that this criterion is met.

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

The public way, Alder Street, was specifically designed to accommodate industrial traffic. The private driveway has been reviewed by the Town's Consulting Engineer and found to be adequate. Therefore, this criterion is met.

- (11) Have the effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance been identified and evaluated?

The roadway, Alder Street, was designed for traffic from industrial uses within the business park. Municipal services are adequate to serve the proposed facility. Parking is adequate for the proposed use. Drainage is in compliance with Massachusetts Department of Environmental Protection stormwater management guidelines. The site was designed to minimize impacts on environmental quality and water resources. Signage is unchanged. Lighting is in compliance with the lighting provisions of the Zoning Bylaw. The building design has been approved by the Design review Committee. The facility will have a positive impact on community economics and is an allowed use within the Industrial III zoning district. Therefore, this criterion is met.

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

The site plan has been reviewed by Town officials and the Town's Consulting Engineer and Consulting Planner. Modifications were suggested and the applicant has responded to those comments with a revised plan. The revised plan has been reviewed and has addressed each of the comments received. Therefore, this criterion is met.

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

Section VII and VIII (above) of this Site Plan Decision impose specific and general conditions respectively. Therefore, this criterion is met.

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

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

The internal circulation of the site largely unchanged. The design using an entrance driveway leading to a parking lot and loading and unloading areas have been designed such that traffic safety has been protected. There is no backing onto public ways due to the design, and there is direct access to the site through Route 109 and then through Trotter Drive and Alder Streets (the streets specifically designed to serve the business park). Access through residential areas is discouraged through design as well as regulation. Therefore, this criterion is met.

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

The design of the site plan is similar to other facilities within the business park. The building design has also been approved by the Design Review Committee. Therefore, this criterion is met.

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

There is no residentially zoned or used property within sight of the proposed facility. Also, the outside storage areas for containers are located to the rear of the building location and a significant distance from view from the public way. Therefore, this criterion is met.

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

The Police and Fire Chiefs have not raised any issues. Therefore, this criterion is met.

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

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

The new building will be constructed on the existing parking lot. Therefore, approximately 2/3 of the site will remain undisturbed. Also, the existing building, parking and site facilities are located primarily outside the significant resource areas (including wetlands, riverfront area, Groundwater Protection District, and natural habitat). As conditioned above, this criterion is met.

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

The plan has been reviewed by Town public safety officials as well as the Town's Consulting Engineer and Consulting Planner. The access driveways, loading and parking facilities were found to be adequately designed in the original site plan and they remain largely unchanged. A sidewalk is located along the entire length of Alder Street on the opposite side of the street (and locating a sidewalk on the same side is not practical). Therefore, this criterion is met.

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

The design of the site plan is similar to other facilities within the business park. The building design has also been approved by the Design Review Committee. The site utilizes existing vegetation along the frontage of the site. Therefore, this criterion is met.

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

The applicant has provided a photometric plan documenting that light sources will not spill off the property. It is in compliance with the lighting provisions of the Zoning Bylaw. Therefore, this criterion is met.

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

The construction of the new building will take place entirely on the existing parking lot on already disturbed ground. Approximately 2/3 of the site will continue to remain undisturbed. Also, the building, parking and site facilities are located primarily outside the significant resource areas (including wetlands, riverfront area, Groundwater Protection District, and natural habitat). As conditioned above, this criterion is met.

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

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

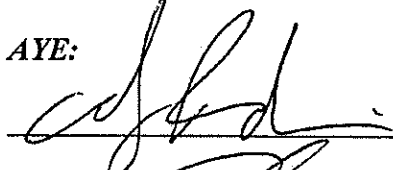
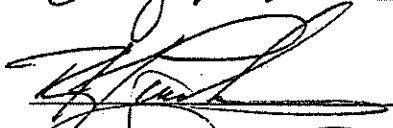
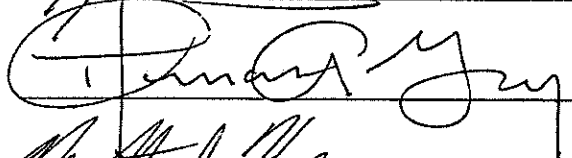
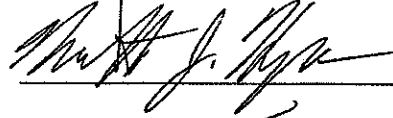
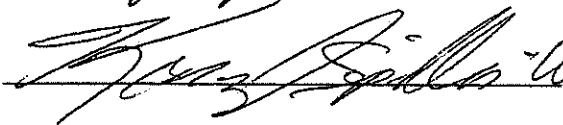
###

**Medway Planning and Economic Development Board
SITE PLAN MODIFICATION DECISION
Lawrence Waste Services – 49 Alder Street**

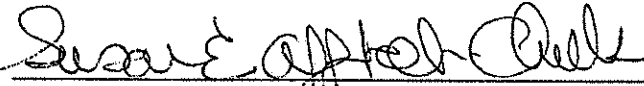
Approved by the Medway Planning & Economic Development Board: June 24, 2014

AYE:

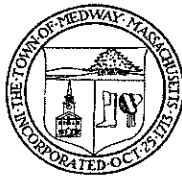
NAY:

ATTEST:


Susan E. Affleck-Childs
Planning & Economic Development Coordinator

6-24-2014
Date



June 28, 2016
Medway Planning & Economic Development Board
Meeting

**UPDATE – Pine Ridge OSRD,
Candlewood Subdivision and Hartney
Acres Subdivision**

The Board will receive a telephone update from Paul Yorkis representing developer John Claffey.

Paul is not yet able to provide a detailed time schedule for construction. However, I thought it would be helpful if he could provide a basic update/status report for you on what steps have been taken to move toward becoming ready for the needed construction.

- **4-22-16 Pine Ridge/Candlewood punch list from Tetra Tech**
- **4-19-16 email from Tom Holder – Candlewood punch list**
- **Candlewood Improvements sheet from 2008 Pine Ridge OSRD plan**
- **DPS punch list for Candlewood and Island Drive – 2005 (hand written notes)**
- **6-17-17 Hartney Acres punch list from Tetra Tech**



To: Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

Cc:

From: Steven Bouley, EIT – Tetra Tech 

Date: April 22, 2016

Subject: Pine Ridge-Candlewood Drive Punch List

On April 11, 2016 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT), Dave Faist of McClure Engineering, Inc (MEI) and Dan O'Driscoll of O'Driscoll Land Surveying Co. (OLS) met at the Pine Ridge Subdivision location and performed a punch list inspection of the development. Nearby Candlewood Drive Subdivision was also included in the inspection. The inspections were conducted based upon the approved Pine Ridge OSRD Development plan set.

The following is a list of items and issues that should be repaired or resolved:

Pine Ridge

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

Candlewood Drive

6. All items shown on Sheet 14 of 23 "Candlewood Drive and Emergency Access Improvements" of the Village at Pine Ridge OSRD Definitive Plan set have not been completed.
7. The emergency access path is proposed through an area that appears to be jurisdictional to the Medway Conservation Commission (culvert crossing). It is recommended the applicant contact the Conservation Agent prior to commencing work to determine if an open Order of Conditions exists for the project or if this area deemed as "Mosquito Control Maintenance Channel" is indeed jurisdictional area.
8. In addition to items on Sheet 14, it is recommended the applicant clean the existing drainage system and clear brush/trees from the limit of stormwater detention basins for the subdivision.

9. Upon completion of punch list items, as-built and street acceptance plans should be submitted for review.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\MEDWAY SUBDIVISION PLANS AND REVIEW INFORMATION\2016-04-11 (PINE RIDGE-CANDLEWOOD DRIVE SITE PHOTOS)\MEMO_PINE RIDGE-CANDLEWOOD PUNCH LIST_2016-04-22.DOC

Susan Affleck-Childs

From: Thomas Holder
Sent: Tuesday, April 19, 2016 9:04 AM
To: Susan Affleck-Childs
Subject: Candlewood Development
Attachments: 2005 Handwritten Punchlist.pdf

Hi Susy – On Friday April 15th, I performed a site visit of the Candlewood/PineRidge Neighborhood in order to observe the condition of the Town's interests relative to an anticipated Street Acceptance. I have attached a handwritten punchlist that I understand was developed around 2005. I also have a copy of a Tetra-Tech punchlist dated August 3, 2011. Although I was told by Paul Yorkis during a meeting with him in my office also on Friday April 15th that the punchlist has been addressed and most or all items have been completed, I notice the following remaining items yet to be complete:

1. Path between Candlewood and Island Road is cleared wide enough to walk through but needs to be cut back further to allow for Emergency Apparatus
2. Drain Manholes/Catchbasin structures
 - a. Construct Inverts – many currently have dirt bottom
 - b. Replace light duty frames and covers with standard frames and covers
 - c. Podge holes in structure walls
 - d. Brick collars inside structures need to be mortared
3. Retention Basin is overgrown with trees and brush – needs to be maintained - cleared/trees removed
4. High Pressure Jet Clean Drain system – Clean Catch Basins
5. Crack Seal pavement in various locations where applicable
6. In addition to the existing punchlists I have seen, many cross trenches in roadway are failing and are beyond a crack seal process. They need to be milled out and patched with hot asphalt.

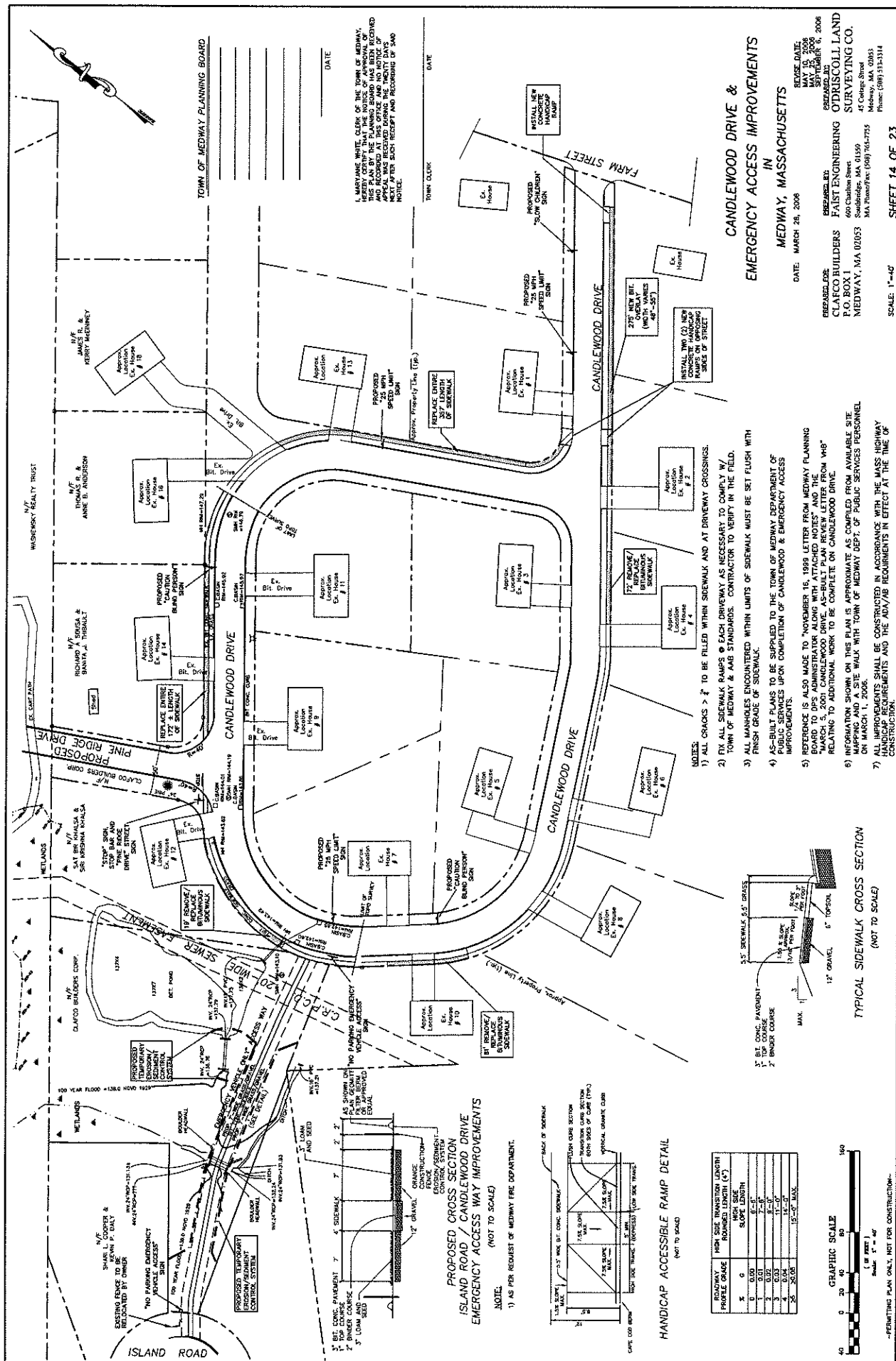
I understand that Tetra Tech also made a site visit on Monday April 11th to update their punchlist. I would be interested to see what their updated version includes.

Also, I notice a few unfinished items pertaining to PineRidge but I understand this to remain private so have not included those comments.

Thanks.
Tom

Thomas Holder | Director
Department of Public Services

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



~ 2005

Candlewood

- 1st Two catch basins some amount of brick built up
- #2 Candlewood driveway DMH pipe not sealed w/ cement (2) Lft holes not sealed
- DMH Frames medium not heavy duty off road some on sidewalk
- DMH between #4 & #6 Lft holes not sealed 6 layers of brick to frame
- CB's at #6 & #5 drain pipes not sealed
- CB near #7 pipe coming from area of the house, not sealed
- CB in front of #10 pipe not sealed top manhole not aligned right
- outflow to retention pond fill with sand because water up at the last DMH
- CB's in front of #12 pipes not sealed & courses of brick to frame
- CB AT #11 & #14 pipe not sealed top of manholes not aligned right (don't think clam shell can fit for basin cleaning)
- CB'S AT #13 pipes not sealed (both) one not aligned (top of manhole)
- Lft holes NOT cemented

Island RD

- CB at the village street north side no seal around pipe and bottom
- well exists
- SMH in yard of #11 two bricks at bottom
- DMH in front of #5 4 courses of brick
- Double drain has not been touched pipe not sealed

Island Rd.


2 Bricks on table of 1st S.M.H. lift holes are not
Cemented, light duty Cover on 3rd S.M.H. in sidewalk
No cement under C.B. frames
Double C.B. has a $\frac{1}{2}$ " steel plate holding it up and
the drop inlet lets water inside and outside of Basin
Med. Duty Frame and Covers.
All Catch Basins need to be Cleaned and pipes Cemented

Candelwood rd.

S.M.H. lift holes are not Cemented
 $1\frac{1}{2}$ ' of bricks to bring C.B.'s up to grade
2' Round well liners on D.M.H. Med Duty Covers
No ladders in a 15' Deep S.M.H.
Lift holes need to be Cemented in S.M.H.
1' Raisers have bad cracks in them
D.M.H. full of sand + lift holes are not Cemented
All Catch Basins need to be Cleaned and pipes Cemented
No street signs

To: Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

Cc:

From: Steven Bouley, EIT – Tetra Tech 

Date: June 17, 2016

Subject: Hartney Acres Punch List

On April 11, 2016 at the request of the Medway Planning and Economic Development Board (PEDB), Steven Bouley of Tetra Tech Inc. (TT), Dave Faist of McClure Engineering, Inc (MEI) and Dan O'Driscoll of O'Driscoll Land Surveying Co. (OLS) met at the Hartney Acres Subdivision location, Newton Lane, and performed a punch list inspection of the development. The inspection was conducted against the plans set (Plans) titled "Hartney Acres II, Definitive Subdivision Plan in Medway, Massachusetts" dated November 29, 2004 and revised May 3, 2005 Sheets 4, 6 and 7.

The following is a list of items and issues that should be repaired or resolved:

Administrative

1. As-Built/Street Acceptance Plans of the development should be submitted for review.

Roadway

2. It is recommended the applicant crack seal areas of damaged asphalt along Newton Lane. (See Photo #1)
3. Cement concrete bounds were not located during the site walk. Bounds should be set as shown on the Plans.
4. Damaged granite curb/curb inlet was observed adjacent to the intersection of Newton Lane and Nobscott Road. It is recommended damaged sections of curb be replaced. (See Photo #2)

Drainage

5. It is recommended the applicant clean the drainage system. Cleaning includes removing sediment and debris from catch basin structures, pipe and detention facilities.
6. Detention Ponds should be maintained to remove saplings and shrubs from the limits of the basin. Settled area adjacent to Detention Pond #2 should be repaired and reseeded. (See Photo #3 - #4)
7. Hoods should be installed in catch basins.
8. It appears two non-approved pipes are discharging to Detention Pond #3 presumably from the home located on Lot 3. One discharge appears to be originating from a nearby pool filter. The other appears to be a sub-drain or alike with flexible corrugated pipe. The discharge pipes must be disconnected and

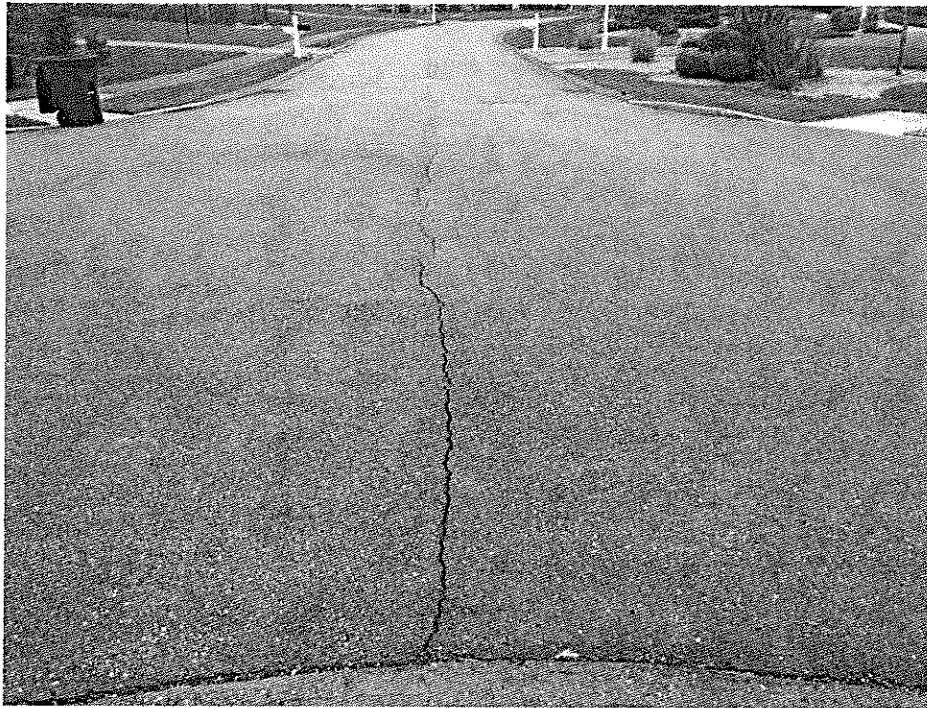
removed from the limit of the pond, pond repaired and reseeded and property owner notified regarding intended use of the detention ponds and illicit discharges. (See Photo #5 - #6)

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-16007 (PEDB -HARTNEY ACRES SUBDIVISION REVIEW)\DOCS\PUNCH LIST\MEMO_HARTNEY ACRES PUNCH LIST_2016-06-17.DOC

Photograph 1

Newton Lane Crack Sealing



Photograph 2

Damaged Granite Curb



Photograph 3

Overgrown Detention Pond



Photograph 4

Overgrown Detention Pond



Photograph 5

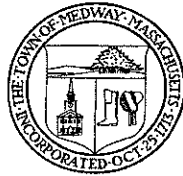
Unapproved Pipes
Discharging to Pond #3



Photograph 6

Unapproved Pipes
Discharging to Pond #3





June 28, 2016
Medway Planning & Economic Development Board
Meeting

2 Marc Road/CommCan
Public Hearing Continuation

- Public Hearing Continuation Notice dated May 31, 2016
- Revised draft decision dated 6-23-16

*Plus 6-17-16 letter from Mass Dept of
Public Health - Provisional Certificate*



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
Medical Use of Marijuana Program
99 Chauncy Street, 11th Floor, Boston, MA 02111

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-660-5370
www.mass.gov/medicalmarijuana

June 17, 2016

BY U.S. MAIL AND E-MAIL

Ms. Ellen Rosenfeld
CommCan, Inc.
730 Main Street
Millis, MA 02054

Re: Provisional Certificate of Registration for a Registered Marijuana Dispensary for a Dispensary in Southborough and a Cultivation and Processing Facility in Medway

Dear Ms. Rosenfeld,

Please be advised that you have been selected to receive a Registered Marijuana Dispensary ("RMD") Provisional Certificate of Registration at your proposed Southborough retail dispensary and Medway cultivation and processing facility and to move forward to the Inspectional Phase. The issuance of this RMD Provisional Certificate of Registration is subject to the following ongoing conditions:

1. All dispensary agents and capital investors shall be subject to a background check as set forth in the *Guidance for Registered Marijuana Dispensaries Regarding Background Checks* prior to commencing work as a dispensary agent or contributing funds to the RMD.
2. The RMD shall comply with the Humanitarian Medical Use of Marijuana Act, Ch. 369 of the Acts of 2012 (the "Act"), as implemented by Department of Public Health (the "Department") Regulations, 105 CMR 725.000, et seq. ("Regulations"), during the period of its provisional registration, except as expressly waived in writing by the Department pursuant to 105 CMR 725.700.
3. The RMD shall be subject to inspection and audit to ascertain compliance with any applicable law or regulation, including laws and regulations of the Commonwealth relating to taxes, child support, workers compensation, and professional and commercial insurance coverage.
4. The RMD shall be subject to inspection and audit to ascertain that the RMD is operating at all times in a manner not detrimental to public safety, health, or welfare.

5. The RMD shall be subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances and regulations.
6. The RMD shall be subject to inspection and audit to ascertain that it has sufficient financial resources to meet the requirements of the Act or 105 CMR 725.000, et seq.
7. The RMD shall cooperate with and provide information to Department inspectors, agents and employees upon request.
8. The RMD shall, as necessary, amend its bylaws to expressly require compliance with 725.100(A)(1) and the "*Guidance for Registered Marijuana Dispensaries Regarding Non-Profit Compliance*" by stating that the RMD shall "at all times operate on a non-profit basis for the benefit of registered qualifying patients" and shall "ensure that revenue of the RMD is used solely in furtherance of its nonprofit purpose." If the bylaws do not expressly include such requirement, they shall be amended within thirty days of the date of this letter and the amended bylaws shall be filed with the Department by mail at the above address and by email at RMDcompliance@state.ma.us.
9. The RMD shall keep current all information required by 105 CMR 725.000, et seq., or as otherwise required by the Department pursuant to 725.100(F)(4) and may not make certain changes without prior approval from the Department pursuant to 725.100(F)(1)-(3).
10. The RMD must submit payment of the registration fee required pursuant to 105 CMR 725.100(C)(1) and 801 CMR 4.02.

In the Inspections Phase, the Department will continue to verify, among other things, that the RMD will operate in compliance with the RMD operational requirements, see 105 CMR 725.105 (A)-(Q), and security requirements, see 105 CMR 725.110(A)-(F). Furthermore, the Department may impose other conditions that the Department determines necessary to ensure the RMD will operate in accordance with applicable Massachusetts laws and regulations.

Please be advised pursuant to 105 CMR 725.100(C)(1) the Department may issue a Final Certificate of Registration only after an applicant has successfully completed the Inspections Phase and the Department has issued final approval.

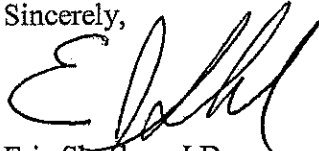
Please mail the enclosed remittance form with a bank/cashier's check in the amount of \$50,000 payable to the Commonwealth of Massachusetts within thirty (30) days of the date of this letter to:

Department of Public Health
Medical Use of Marijuana Program
RMD Registration
99 Chauncy Street, 11th Floor
Boston, MA 02111

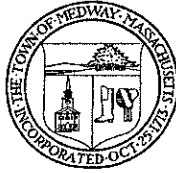
After the registration fee is processed, this letter shall serve as your Provisional Certificate of Registration with the aforementioned conditions. The Department will continue to verify all information provided by you, and that you are compliant with applicable Massachusetts law and regulations. It is within the Department's discretion to revoke this Provisional Certificate of Registration at any time.

Should you have any questions, please contact the Department at RMDcompliance@state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Sheehan', written over the printed name.

Eric Sheehan, J.D.
Interim Bureau Director
Bureau of Health Care Safety and Quality
Massachusetts Department of Public Health



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*

MEMORANDUM

June 15, 2016

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

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

RE: **Public Hearing Continuation: 2 Marc Road – Site Plan and Special Permits**
CONTINUATION DATE: Tuesday, June 28, 2016 at 7:30 p.m.
LOCATION: Medway Town Hall – Sanford Hall, 155 Village Street

At its meeting on June 14, 2016, the Planning and Economic Development Board voted to continue the public hearing on the application of Ellen Realty Trust of Millis, MA for special permits and major site plan approval for a proposed medical marijuana cultivation and processing facility at 2 Marc Road to Tuesday, June 28, 2016 at 7:30 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The proposal is to construct a two story, 60,000 sq. ft. industrial facility and associated infrastructure on three parcels comprising 6.92 acres at 2 Marc Road and 19 & 21 Jayar (*Medway Assessors' Parcels 33-001, 24-015 and 24-016*) in the Industrial I zoning district. A portion of the site includes wetlands resources within the jurisdiction of the Medway Conservation Commission. The property is also located within a groundwater protection district; the northern boundary of the property is approximately 600' from a Town of Medway public water supply well. The properties are owned by Ellen Realty Trust of Millis, MA.

The applicant proposes to develop the site and construct a registered medical marijuana cultivation and processing facility. That use requires a special permit, the location requires a groundwater protection district special permit, and the overall project requires site plan review and approval. The *2 Marc Road Site Plan of Land in Medway, MA* is dated March 30, 2016 and was prepared by Merrikin Engineering, LLP of Millis, MA. Building elevations were prepared by Keenan & Kenny Architects, LTD of Falmouth, MA.

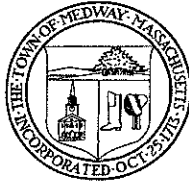
Proposed site work includes construction of the access/egress driveways, curbing, 35 off-street parking spaces, landscaping, lighting, sidewalk, installation of stormwater drainage facilities, connection to municipal sewer, and reconstruction of the privately owned portions of Jayar and Marc Roads.

The applications, proposed site plan, stormwater report, and other documents are on file with the Medway Town Clerk and at the Planning and Economic Development Board office at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The applications, plans, reports and documents are also posted at the Planning and Economic Development Board's web page at:
<http://www.townofmedway.org/planning-economic-development-board/pages/2-marc-road-site-plan-and-special-permits>

The Board plans to vote a decision at the June 28th meeting.

Please contact me if you have any questions. Thanks.

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



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

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

June 22, 2016

SPECIAL PERMITS and SITE PLAN DECISION
Ellen Realty Trust/CommCan – 2 Marc Road
_____ with Waivers and Conditions

Decision Date: _____

Name/Address of Applicant: Ellen Realty Trust
730 Main Street, Suite 2A
Millis, MA 02054

Name/Address of Property Owner: Ellen Realty Trust
730 Main Street, Suite 2A
Millis, MA 02054

Engineer: Merrikin Engineering, LLP
730 Main Street, Suite 2C
Millis, MA 02054

Site Plan: 2 Marc Road Site Plan of Land in Medway, MA
Dated March 30, 2016, last revised June 7, 2016

Location: 2 Marc Road, 19 Jayar Road and 21 Jayar Road

Assessors' Reference: 33-001, 24-015 and 24-016

Zoning District: Industrial I and Groundwater Protection District

I. PROJECT DESCRIPTION – The applicant proposes to construct a two story, 60,000 sq. ft. industrial facility and associated infrastructure on three parcels comprising 6.92 acres at 2 Marc Road, and 19 & 21 Jayar (*Medway Assessors' Parcels 33-001, 24-015 and 24-016*) on the north side of Marc Road in the Industrial I zoning district. A portion of the site includes wetlands resources within the jurisdiction of the Medway Conservation Commission. The property is also located within a groundwater protection district; the northern boundary of the property is approximately 600' from a Town of Medway public water supply well. The properties are owned by Ellen Realty Trust of Millis, MA.

The applicant proposes to develop the site and use the building to contain a registered medical marijuana cultivation and processing facility. That use requires a special permit, the location requires a groundwater protection district special permit, and the overall project requires site plan review and approval. The *2 Marc Road Site Plan of Land in Medway, MA* is dated March 30, 2016 and was prepared by Merrikin Engineering, LLP of Millis, MA. Building elevations were prepared by Keenan & Kenny Architects, LTD of Falmouth, MA.

Access and egress to the development will be from Marc Road which runs westerly off of Industrial Park Road which is off Main ST/Route 109. Proposed site work includes construction of the access/egress driveways, curbing, 35 off-street parking spaces, landscaping, lighting, sidewalk, installation of stormwater drainage facilities, connection to municipal sewer, and reconstruction of the privately owned portions of Marc Road.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on _____, on a motion made by _____ and seconded by _____, **voted to GRANT with CONDITIONS a groundwater protection special permit and a registered medical marijuana dispensary special permit and to APPROVE with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of a medical marijuana cultivation and processing facility and associated site improvements at 2 Marc Road as shown on *2 Marc Road Site Plan of Land in Medway, MA*, dated March 30, 2016, last revised June 7, 2016 to be further revised as specified herein.

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

Planning & Economic Development Board Member

Vote

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

III. PROCEDURAL HISTORY

- A. April 4, 2016 – Special permit and site plan applications and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk

- B. April 11, 2016 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. April 11, 2016 - Public hearing notice mailed to abutters by certified sent mail
- D. April 11, 2016 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. April 12 and April 19, 2016 - Public hearing notice advertised in *Milford Daily News*.
- F. April 26, 2016 - Public hearing commenced. The public hearing was continued to May 10, May 24, June 14, and June 28, 2016 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan and special permit applications for the proposed CommCan medical marijuana cultivation and processing facility included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:
 - 1. Site Plan Application dated April 1, 2016 and special permit application dated April 4, 2016 with Project Description and Development Impact Statement, property ownership documentation, and certified abutters' list.
 - 2. *2 Marc Road Site Plan of Land in Medway, MA*, dated January 26, 2016, prepared by Merrikin Engineering of Millis, MA
 - 3. *Stormwater Report for 2 Marc Road* including an operations and maintenance plan, dated March 30, 2016 prepared by Merrikin Engineering
 - 4. *Requests for Waivers from the Medway Site Plan Rules and Regulations*, received April 4, 2016 prepared by Merrikin Engineering
 - 5. Building Elevation (undated) and Floor Plans dated November 24, 2015 by Keenan and Kenney Architects, Ltd.
- B. During the course of the review, a variety of other materials were submitted to the Board by the applicant and its representatives:
 - 1. Supplemental Request for Waiver of the *Medway Site Plan Rules and Regulations*, prepared by Merrikin Engineering dated May 5, 2016 - Section 205-6 Curbing
 - 2. *2 Marc Road Site Plan of Land in Medway, MA*, dated January 26, 2016, REVISED May 18, 2016, prepared by Merrikin Engineering of Millis, MA
 - 3. Merrikin Engineering letter dated May 4, 2016 with varied attachments in response to the PGC review letter dated April 22, 2016 and comments received during the April 26, 2016 public hearing.
 - 4. Merrikin Engineering letter dated May 19, 2016 with varied attachments in response to Tetra Tech review letter dated May 5, 2016.
 - 5. *2 Marc Road Site Plan of Land in Medway, MA*, dated January 26, 2016, REVISED May 18, 2016, prepared by Merrikin Engineering of Millis, MA

6. 2 Marc Road Site Plan of Land in Medway, MA, dated January 26, 2016, REVISED June 7, 2016, prepared by Merrikin Engineering of Millis, MA
7. Merrikin Engineering letter dated June 7, 2016 with varied attachments in response to public hearing discussions.
8. Supplemental Request for Waiver of the *Medway Site Plan Rules and Regulations*, prepared by Merrikin Engineering dated May 25, 2016 - Section 205-6.G.1 Parking Spaces/Stalls
9. Revised building elevation from Keenan and Kenney Architects, Ltd. – not dated
10. Odor Management Info – Letter dated May 3, 2016 from CSI Engineering of Portsmouth, NH.
11. Proposed design - CommCan free-standing sign prepared by Signarama Walpole, undated
12. Water and Wastewater Management – Letter dated May 3, 2016 from CSI Engineering, Portsmouth, NH.
13. Cut sheet of a proposed bike rack by ULINE.
14. Business Entity Summary of CommCan Inc. from the Corporations Division of the Secretary of the Commonwealth of Massachusetts.
15. June 10, 2016 email communication from Building Commissioner Jack Mee indicating that the parking plan for the 2 Marc Road building meets the zoning requirements.

C. Other Documentation

1. Mullins Rule Certification dated April 28, 2016 for Richard Di Iulio for the April 26, 2016 hearing
2. Mullins Rule Certification dated May 3, 2016 for Robert Tucker for the April 26, 2016 hearing
3. Mullins Rule Certification dated June 8, 2016 for Thomas Gay for the May 24, 2016 hearing
4. Host Community Agreement dated May 16 2016 between the Town of Medway and CommCan, Inc.
5. Review letter dated May 18, 2016 from the Medway Design Review Committee

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

- Sean Reardon, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated May 5, 2016 and May 24, 2016
- Steve Bouley of Tetra Tech - Commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated April 20, 2016 and commentary throughout the public hearing process.
- Ellen Rosenfeld, applicant
- Dan Merrikin, P.E. of Merrikin Engineering, engineer for the applicant

- Valerio Romano, VGR Law Firm, attorney for the applicant
- Antonia Kenny, Keenan & Kenny Architects, architect for the applicant
- Resident Charlie Myers, 9 Curtis Lane
- Resident Ann St. Vrain, 1 Causeway Street

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

The Planning and Economic Development Board, at its meeting on June 28, 2016, on a motion made by _____ and seconded by _____, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for CommCan for 2 Marc Road. The motion was _____ by a vote of _____ in favor and _____ opposed.

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

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

The site has been designed with 360-degree circulation. The parking lot in front is of a standard design that is judged to be adequate for serving industrial and commercial uses. The site is within an industrial park with access directly from Route 109 so there is no access through minor streets serving residential areas. The entrance and exit drives are separate from the parking lot so there is no backing onto a public way.

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

The proposed building and site are of an industrial style, with the scale and materials similar to other buildings within the industrial park. While the design of the building is constrained by requirements specific to the proposed use as medical marijuana facility, the original design has been revised based on comments from the Design Review Committee so that its aesthetic impact has been improved.

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

The building is replacing an earth processing and storage operation. The site is taking advantage of existing swales on the property as part of its stormwater management system. The proposed building and site work will be more stable. The parking area is at the front of the building to promote security. There is no outside storage of either materials or waste. While vegetation close to the building is limited by state imposed security requirements, six trees will be added around the parking lot and other low vegetation will be added to improve the site's aesthetics from the street and nearby residences.

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

The building has 360-degree circulation for access around its entire perimeter. The plans have been reviewed by the Fire Chief and found to be adequate, subject to the installation of an additional water hydrant to the rear of the site.

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

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

The site is currently used as an earth processing and storage facility. It is relatively flat so cuts and fills are minimal. There are no trees to be removed. There are no prominent man-made elements or stone walls on the site. The building design is similar to other buildings within the industrial park and typical for such buildings. The aesthetics of the original building design have been improved with the addition of windows and striping. The stormwater management system is making use of existing swales and is treating runoff from the parking lot and driveways to minimize impacts on waterways. The site plan has been reviewed by the Town's Consulting Engineer. Soil pollution and erosion will be reduced as the site will be stabilized with the proposed construction. Noise will also be reduced as the entire operations of the facility will be inside the building as opposed to the exterior operation currently on the site.

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

Vehicular safety on and near the site has been maximized through a design with a driveway separate from the parking lot. There is no significant pedestrian use anticipated since no public access to the building is allowed. Pedestrian safety within the parking lot is standard and is adequate due to minimal vehicular traffic.

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

There are no historic features on site. The construction does incorporate existing swales on the site into its stormwater management system.

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

A photometric plan has been submitted that demonstrates that there is no light trespass or glare off site. The fixtures are also shielded to minimize light pollution.

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

The limit of work is reasonable. It makes use of an already disturbed site and stabilizes it thus reducing damage to the environment.

GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT FINDINGS

- (10) New construction is a permitted use, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (11) Storage of hazardous materials is prohibited unless in a free standing container within a building. The applicant has provided a list of hazardous materials that will be used in the facility and states that all storage and use will be contained within the building. Any accidental spillage will also be contained within the building and any that enters the sewer system will be treated prior to being discharged to the municipal sewer system.
- (12) Commercial fertilizers will be used for the growing of marijuana plants but all storage and use will be contained within the building.
- (13) The facility will handle toxic and hazardous materials. All use of hazardous materials will be contained within the building and as the risk of spillage during deliveries is low, the facility qualifies for a special permit. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
- (14) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.

- (15) The facility will render more than 2,500 square feet of the site impervious. The Town's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality.
- (16) As required by Section 5.6.F. of the Zoning Bylaw, the plans have been reviewed by the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services to ensure that no adverse impacts on the quality or quantity of water available within the Groundwater Protection District, and that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized. The site is currently cleared and used for storing and processing earth materials and has no current drainage system. The proposed facility will reduce impacts on the quality of water available within the Groundwater Protection District.

**REGISTERED MEDICAL MARIJUANA DISPENSARY SPECIAL PERMIT
FINDINGS**

- (17) The proposed facility, as conditioned, is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.
- (18) As conditioned, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (19) The applicant has satisfied all of the conditions and requirements of Sections 8.9 and 3.4 of the Zoning Bylaw.
- (20) The facility will be in a standalone building with no doctor's offices or other uses.
- (21) As proposed, the facility will operate 12 hours per day between 8:00 AM and 8:00 PM.
- (22) None of the uses listed in Section 8.9.E.5 of the Zoning Bylaw are located within 500 feet of the site of the proposed facility.
- (23) No drive-through service is proposed (and no public service of any kind is proposed).
- (24) The proposed signage is in compliance with Section 8.9.F. of the Zoning Bylaw
- (25) The applicant has provided the contact information for management staff and key holders.
- (26) The facility will be constructed and operated in strict compliance with Massachusetts Department of Public Health regulations, and thus not create nuisances to abutters.

- (27) The proposed facility complies with the openness of premises requirements of Section 8.9 I of the Zoning Bylaw since it is not open to the public and all operations are within the restricted building.
- (28) As conditioned, copies of required licenses and permits issued by the Commonwealth as well as individual names of owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities will be provided.
- (29) Security measures including lighting, fencing, gates and alarms have been reviewed and approved by the Police Chief.
- (30) As conditioned, a copy of the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMD's will be provided.

GENERAL SPECIAL PERMIT FINDINGS

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

The Registered Marijuana Dispensary section of the Zoning Bylaw was first adopted by the Town with the specific intent of allowing this type of facility in Medway. The stated purpose of Section 8.9 of the Zoning Bylaw is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in an appropriate place and under strict conditions, which are met by the proposed facility. Therefore, it meets the purpose of the Zoning Bylaw.

- (32) *The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.*

The proposed location for the facility is within the Industrial I district, in which the use is allowed by special permit. The site is not within 500 feet of any of the uses from which such facilities are prohibited. The design is an industrial style similar to other buildings within that district so the Board finds that it is in an appropriate location, does not alter the character of the zoning district, and the adverse effects of the development have been suitably addressed to reduce the impacts to the neighborhood.

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

As documented in the findings under *Site Plan Rules and Regulations* above, adequate and appropriate facilities have been provided for the operation of the facility. Its internal roadway system and stormwater management system have been reviewed by Town's Public Safety and Public Services staff and the Board's Consulting Engineer and found to be adequate.

- (34) *The proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or visual or other nuisances.*

The building is replacing an earth processing and storage operation. The site is taking advantage of existing swales on the property as part of its stormwater management system. The proposed building and site work will be more stable. The parking area is at the front of the building to promote security. There is no outside storage of either materials or waste. While vegetation close to the building is limited by security requirements, six trees will be added around the parking lot and other low vegetation will be added to improve aesthetics from the public way and nearby residences. The applicant has supplied information about their odor management system. The Board finds that this criterion is met.

- (35) *The proposed use will not cause undue traffic congestion in the immediate area.*

The proposed facility is expected to have 30 employees and there is no public access so traffic is minimal and the industrial park road system is adequate to handle it. Furthermore, access is from Route 109 so there is no traffic impact on local residential roadways.

- (36) *The proposed use is consistent with the Medway Master Plan.*

The proposed facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives as follows: Goal 1: Maximize the area's economic resources and Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.

- VII. WAIVERS** – At its June 28, 2016 meeting, the Planning and Economic Development Board, on a motion made by _____ and seconded by _____, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was _____ by a vote of ____ in favor and ____ opposed.

SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. **Section 204 – 3.A.7.a. Traffic Impact Assessment** – A traffic impact report is required if a development project involves the addition of 30 or more parking spaces.

The applicant has proposed 35 parking spaces for the site and has requested that the requirement for a traffic impact assessment be waived as the project's scope will generate only employee and delivery traffic. Based on information from the Institute for Traffic Engineers, the expected average weekday trip generation is 65 trips at full operation. As the facility will only be involved in cultivation and processing without any retail sales, it will not generate any consumer traffic. The preparation of a traffic impact assessment is not expected to reveal any useful

information related to the site or the project's impacts. Therefore, the Board APPROVES this waiver request.

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

The applicant has requested a waiver from this requirement as the site has been used for many years as a contractor's yard and to process earthen materials and is generally devoid of any landscape features and materials. There is no value in preparing an inventory of the existing landscape given the existing condition of the site with little landscape features to preserve. Therefore, the Board APPROVES this waiver request.

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

The applicant has requested a waiver from this requirement and has provided a more limited landscape design instead. Any registered medical marijuana facility is subject to a permit from the Massachusetts Department of Public Health which has strict requirements that prohibit shrubs and trees from being planted in proximity to medical marijuana buildings in order to promote safety in and around the facility. Therefore, the Board APPROVES this waiver request.

DEVELOPMENT STANDARDS

4. **Section 205-6 G. 3) a) Parking Spaces/Stalls** - Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet, except that handicap stalls shall be in accordance with the current ADA; standards.

The applicant has requested a waiver from this requirement and proposes instead to use a 9' by 18' size parking space which is compliant with Section 7.1.1.E 3. a. of the Medway Zoning Bylaw. This is an instance where the Site Plan Rules and Regulations are not consistent with the Zoning Bylaw. In those cases, the Zoning Bylaw prevails. Therefore, the Board APPROVES this waiver request.

5. **Section 205-6 H. Curbing** – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The applicant has requested a waiver from this requirement and proposes the use of Cape Cod berm instead. The applicant believes the proposed alternative curbing material is an appropriate method to delineate the boundary of the proposed parking lot and is consistent with the general industrial park area. The Board concurs with this assessment and APPROVES this waiver request.

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

SPECIFIC CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan set for 2 Marc Road dated March 30, 2016, last revised June 7, 2016, prepared by Merrikin Engineering shall be further revised to reflect all Conditions and required revisions, including those as follows, and shall be submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. *(Said plan is hereinafter referred to as the Plan)*. Upon approval, the Applicant shall provide a Mylar set of the revised Plan in its final form to the Board for its signature/endorsement. All Plan sheets shall be bound together in a complete set.
- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the June 7, 2016 site plan set shall be revised as follows:
1. list the APPROVED Requests for Waivers from the *Site Plan Rules and Regulations*
 2. add the building elevation plan by Keenan and Kenney to the Plan Index
 3. add the photometric plan to the Plan Index
 4. include a revision date
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the June 7, 2016 Site Plan set.
1. Add a detail for one bike rack to be located on site to accommodate two bicycles.
 2. The building elevation plan shall be revised as follows and added to the plan set:
 - a) to be consistent with the site plan, in particular, with the landscaping plan and to not show a sidewalk in front of the building.
 - b) to specify materials
 - c) to modify the colors of the awning over the front entrance and the horizontal stripe at the top of the building so they are more noticeably different in color from that of the main building façade.
 - d) to include the name of the architectural firm and plan date

3. Add the photometric plan to the plan set
 4. Revise the site plan notes to indicate that any planned chain link fencing shall be black, vinyl coated.
 5. Light pole fixtures shall be noted as being black.
 6. Add the details for the method of cross connection control for the operation of public and private water supplies within the medical marijuana cultivation and processing facility
- D. **Odor Management** – An effective odor management system shall be maintained at all times such that odors from the cultivation and processing of marijuana on the premises shall comply with the provisions of Section 7.3 D of the Zoning Bylaw and shall not be evident off-site of the subject property.
- E. **Off-Site Mitigation** – The Applicant has agreed to the following:
1. To initiate actions to install a Development Sign on the property located at 8 Main Street (Parcel 33-007) owned by the Applicant. This sign shall specify the name of the industrial park and may include the names of businesses located within the park on Industrial Park Road, Jayar Road and Marc Road. The Medway Design Review Committee shall be consulted in the development of the proposed sign design. Any such sign is subject to and shall comply with the Section 7.2 of the Medway Zoning Bylaw. Initiating actions shall mean developing a design concept and securing a price quote for the sign, and contacting the business owners within the industrial park to contribute reasonably to the expense of construction, installation and future maintenance of the sign.
 2. To provide a 50' roadway and utility easement along the entire length of the property line between parcel 32-027 (9 Marc Road) and parcel 32-026 (4 Marc Road) to its end at the Old County Layout, a north/south right of way running between Coffee Street and Green Valley Road. Prior to plan endorsement, the Applicant shall provide an easement plan and a proposed grant of easement document to the Town for review.
- F. Prior to plan endorsement, the applicant and the Medway Department of Public Services shall come to a resolution on the method of cross connection control for the operation of public and private water supplies within the medical marijuana cultivation and processing facility. The details for such cross connection control shall be included on the plan set presented for endorsement.
- G. **Limitations** – This medical marijuana dispensary special permit is limited to the operation of a cultivation and processing facility only. This permit does not authorize operation of a retail outlet for the sale of medical marijuana products.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:

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

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

- B. **Other Permits** – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.
- C. **Document/Plan Recording** - Within thirty (30) days of recording the Decision and the associated Plan, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
- D. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. **Construction Time** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings.
 2. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
 3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.

4. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
5. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
6. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
7. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the convenience store and vehicular fueling facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after the occupancy permit is issued, the Town's Consulting Engineer or the Inspector of Buildings shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Inspector of Buildings may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

F. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

G. ***Construction Oversight***

1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the applicant shall establish a construction account with the Planning and Economic Development Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*).
 - b) Prior to plan endorsement, the Applicant shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
 - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.
2. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.
 3. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 4. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

H. ***Plan Modification***

1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other

Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as site plan modifications.

2. Any work that deviates from an approved site plan shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Planning and Economic Development Board.
3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

I. Plan Compliance

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

J. Performance Security

1. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining work.
2. The applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Treasurer/Collector and Town Counsel. The Board may require that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:

- a) the date by which the developer shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
 - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
 4. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a twenty-five percent (25%) contingency.
 5. Final release of performance security is contingent on project completion.

K. ***Project Completion***

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic Development Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements.

The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate** of Site Plan Completion, the applicant shall:

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

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

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

###

**Medway Planning and Economic Development Board
SITE PLAN and SPECIAL PERMIT DECISION
Ellen Realty Trust/CommCan – 2 Marc Road**

Approved by the Medway Planning & Economic Development Board: _____

AYE:

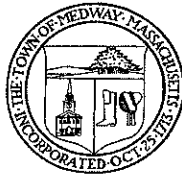
NAY:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

COPIES TO: Michael Boynton, Town Administrator
Michelle Grenier, Interim Conservation Agent
Donna Greenwood, Assessor
Beth Hallel, Health Agent
Tom Holder, Department of Public Services
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Department
Steven Bouley, Tetra Tech
Ellen Rosenfeld, Ellen Realty Trust
Dan Merrikin, Merrikin Engineering
Gino Carlucci, PGC Associates



June 28, 2016

**Medway Planning & Economic Development Board
Meeting**

**UPDATE - MAPC District Local Technical
Assistance Grant to review/revise the
affordable housing/inclusionary zoning
provisions of the Medway Zoning Bylaw**

- Original proposal to MAPC - January 14, 2016
- Email memo/grant award from MAPC - April 1, 2016
- Scope of work - June 9, 2016

I welcome your review and a discussion of the scope of work. I would like one member of the PEDB to serve on the project Advisory Committee.

I will be attending the 7/7/16 meetings of the Affordable Housing Committee and Trust to brief them on this initiative and seek their participation on the Advisory Committee.



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3264
Fax (508) 321-4988
Email: mboynton@townofmedway.org

Town Administrator
Michael E. Boynton

January 14, 2016

Mr. Marc D. Draisen
Executive Director
Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111

RE: District Local Technical Assistance Program

Dear Marc,

The Town of Medway is pleased to submit this proposal to MAPC for 2016 District Local Technical Assistance Funds to work with the Medway Planning and Economic Development Board (PEDB) and the Affordable Housing Committee and Trust to review and update Medway's affordable housing/inclusionary zoning bylaw.

Medway's affordable housing regulations within the Zoning Bylaw were first approved by the Town in 2008. Since then, the PEDB has permitted three residential development projects and become aware of several shortcomings in the existing bylaw that merit revision. Further, during a zoning bylaw recodification process in 2015, our consultant, Judi Barrett of RKG Associates, advised that the affordable housing bylaw needed attention. In particular, we would like to evaluate and determine whether, and what types of, additional incentives including density bonuses are merited to encourage the actual on-site construction of affordable dwelling units. Also, the formula for calculating payments in lieu of construction of on-site affordable dwelling units needs to be revisited. It is our hope that review by MAPC staff of the existing provisions will identify other components of the affordable housing section that need clarification and improvement. Our goal is to develop a thorough and thoughtful bylaw reflecting state of the art thinking on municipal affordable housing/ inclusionary zoning.

Specifically, this project will advance the following *MetroFuture* goals:

- #14 - An increasing share of the housing in each municipality will be affordable to working-class families and fixed-income seniors.
- #16 - Low-income households will be able to find affordable, adequate, conveniently located housing, in suburbs as well as cities, and they will be able to avoid displacement.

This project also advances the following goal of the *495 MetroWest Development Compact*.

-

- Workforce housing must continue to be produced and preserved within the region at a scale that allows the number of workers living in the region to keep pace with the number of new jobs created in the region.

Updating the affordable housing provisions is important as Medway seeks to make the fullest effort possible to implement our Housing Production Plan, working earnestly toward the Commonwealth's 10% affordable housing goal. Changes to the bylaw are specified in Medway's recently approved *Housing Production Plan* – Goal #4: Identify Zoning Practices that Encourage Housing Development that Best Serve Our Community's Needs.

Desired End Product – The result of this project would be a draft of proposed amendments to the affordable housing/inclusionary zoning section of the Zoning Bylaw.

Project Outcome – Approval of amendments to the affordable housing/inclusionary zoning section of the Zoning Bylaw will take place at the November 2016 or May 2017 Town Meeting.

Planning Process – The PEDB will establish a task force to work with the selected MAPC staff person assigned to this project. The task force would include representatives of the PEDB, Affordable Housing Committee and Trust, and Town staff. A workshop session with members of the PEDB and the Affordable Housing Committee and Trust would be held during which the MAPC staff person would make a presentation about various affordable housing/inclusionary zoning bylaws which Massachusetts municipalities have adopted. As part of the process to evaluate our current bylaw, at least one listening session will be held with local developers and builders to learn of their ideas and concerns about the current bylaw's affordable housing provisions.

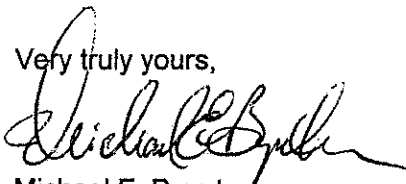
Timeline – The intent is to begin work on this project as soon as possible and have the project completed by July 30, 2016 in preparation for the opening of the warrant in September for the Fall 2016 Special Town Meeting in November.

Community's expected contribution to the project – It is anticipated that the following Town staff will assist in the project: the Planning and Economic Development Coordinator (30 hours) and the Community Housing Coordinator (15 hours). Their participation will be supplemented by an estimated 40 hours from other Town staff and by volunteer members of the various boards and committees. Any proposed changes will also be reviewed by Town Counsel.

Lead Community Contact – Susan Affleck-Childs, Planning and Economic Development Coordinator

Thank you for this opportunity to seek District Local Technical Assistance Funds. We believe this project as outlined meets the DLTA guidelines and will be of interest to MAPC.

Very truly yours,



Michael E. Boynton,
Town Administrator

Cc: Mark Racicot, Director of Land Use Planning
Jennifer Raitt, Assistant Director of Land Use Planning & Chief Housing Planner

Susan Affleck-Childs

From: Racicot, Mark <MRacicot@MAPC.ORG>
Sent: Friday, April 01, 2016 12:44 PM
To: Susan Affleck-Childs; Michael Boynton
Cc: Stephanie Mercandetti; Madore, Christine; Downing, Nicholas; Linehan, Amanda
Subject: RE: Approval of Medway application for DLTA funds
Attachments: 1-14-16 MB letter to Marc Draisen for 2016 DLTA funds.pdf

Susy Affleck-Childs, Planning and Economic Development Coordinator
Stephanie Mercandetti, Director, Community & Economic Development
Michael Boynton, Town Administrator

Dear Susy, Stephanie and Michael,

I am pleased to inform you that the attached Technical Assistance proposal submitted by the Town of Medway, which would enable MAPC staff to assist the Town in undertaking a review and update of the Town's bylaws relating to affordable housing and inclusionary zoning, has been approved by Marc Draisen for detailed scoping. The MAPC commitment to this project is up to a maximum of \$10,000. The MAPC staff will work with Susy Affleck Childs to prepare a more detailed scope of services and budget, which will then be signed by MAPC and the Town; the work would then proceed in the immediate future.

MAPC will be working with you at appropriate times during this process to provide information on this project to the media. Now that the project approval is announced, members of the MAPC communications team will be in touch to discuss media opportunities. When the timing for press is appropriate, we will be looking for quotes from you and other community leaders related to this grant, and will also be in touch with state representatives and senators, whose future support is critical for the DLTA program.

Congratulations! We look forward to working with you on this project.

Mark Racicot
Director, Land Use Division
Metropolitan Area Planning Council
60 Temple Place, 6th Floor
Boston, MA 02111
Please note that my phone numbers have recently changed:
617-451-2770 ext 752
Direct dial: 617-933-0752
mracicot@mapc.org

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Thursday, January 14, 2016 12:43 PM
To: Draisen, Marc
Cc: Raitt, Jennifer; Racicot, Mark; Stephanie Mercandetti
Subject: Medway application for DLTA funds

Dear Mr. Draisen,

Attached is a letter from Medway Town Administrator Michael Boynton requesting DLTA funds for an affordable housing bylaw initiative for our community.

Thank you for this opportunity to apply for MAPC technical assistance.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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

Town of Medway – A Massachusetts Green Community

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

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

Town of Medway Affordable Housing Zoning Update **Scope of Work – June 9, 2016**

Project Summary

This scope of work defines the tasks and deliverables associated with the drafting of amendments to the Town of Medway's affordable housing/inclusionary zoning bylaw, which was first adopted in 2008. The Town's 2010 Housing Production Plan (HPP) includes a strategy to implement and monitor the inclusionary zoning bylaw to determine whether any adjustments are needed. The 2016 HPP update also recommends that the bylaw be monitored for efficacy and potentially revised. Three residential developments that triggered the inclusionary zoning have been permitted in town since 2008, revealing some shortcomings in the bylaw. The Metropolitan Area Planning Council (MAPC) will work with the Town to review and update the bylaw in order to better leverage market-rate development to meet affordable housing need. Project work is funded by \$10,000 from District Local Technical Assistance.

Project Area Context

Medway's population increased by a modest 2% between 2000 and 2010, from 12,448 to 12,752.¹ In 2010, 94% of Medway's population was Non-Hispanic White, while 2% was Asian, 2% was Latino, and less than 1% was African American.² As of 2010, Medway was home to 4,435 households, 1,193 more than in 1990. A vast majority (78%) of these households are families.³ MAPC projects another 836 households will live in town by 2030.

Past housing planning efforts reveal decreased demand for single-family homes due to recent declines in the school-age population and those age 25-44 and younger, and increased need for apartments and condominiums due to increases in the over-55 population and those age 20-24.⁴ MAPC projections for the year 2030 indicate the trend toward an older population with a decline in school-age children will continue.

As of 2013, there were 4,686 housing units in Medway. Nearly a quarter (24%) of these units were constructed since 1990 (probably more considering the high number of residential permits issued since 2010, which problematically are not reflected in ACS data on housing units constructed since then). More than three quarters of the town's housing units (77%) are detached single-family homes. Units in structures with three or more units compose 14% of the total. Approximately 81% of units are owner-occupied; rental opportunities are very limited in town.⁵

This type and tenure mix is fairly typical for a suburb like Medway, but does not meet a range of housing needs and demand. The Town has taken steps to increase housing diversity by making

¹ U.S. Census 2000 and 2010.

² U.S. Census 2010.

³ U.S. Census 2000 and 2010.

⁴ U.S. Census 2000, American Community Survey 2009-2013.

⁵ American Community Survey 2009-2013, U.S. Census Building Permit Survey.

necessary changes to its zoning bylaw in 2008. Still, building permits issued between 2005 and 2013 were for 120 single-family homes and only 4 units in multifamily buildings.⁶

According to 2015 data from Zillow, median home value was \$408,000 in 2015. While sales prices were relatively stable in the years following 2008, they've increased 16% from the 2013 price of \$353,000. Similarly, rents increased 20% between 2011 and 2015, from \$1,905 to \$2,282. Meanwhile, median family income increased only 5% between 2011 and 2013 (the most recent year available).⁷ Median income of Medway households in 2013 was \$106,132, but 18% (820) of all households qualified as low income, meaning they earn 80% of Area Median Income (AMI), which is \$73,050 for a household of four, or below and are eligible for most deed-restricted affordable housing.⁸

Medway currently has 239 affordable housing units, representing 5.19% of its 2010 total year-round housing stock, according to the Chapter 40B Subsidized Housing Inventory published by the Massachusetts Department of Housing and Community Development (DHCD) in October of 2015. These are mainly units managed by the Medway Housing Authority. To meet the Commonwealth's 10% affordable housing goal, an additional 221 affordable units are needed. However, to meet the needs of Medway's current low-income households, approximately 581 additional affordable units are needed.

Partners and Responsibilities

The Medway Planning and Economic Development Board (PEDB) will establish an Advisory Committee that includes representatives of the PEDB, Affordable Housing Committee and Trust, and Town staff including Doug Havens, Community Housing Coordinator. Susan Affleck-Childs, Planning and Economic Development Coordinator, will be the primary contact working with MAPC Regional Planner & Housing Specialist Karina Milchman and the project team. Stephanie Mercandetti, Director of Community and Economic Development, will participate as needed.

The Town will offer assistance throughout the planning process by:

- Promoting, organizing, and hosting Advisory Committee meetings, a focus group with local developers and builders, and any other necessary meetings
- Providing data and other materials as needed
- Reviewing presentations, drafts, and other materials provided by MAPC as needed

Deliverables

This planning process will produce the following deliverables:

- A PowerPoint presentation on inclusionary zoning bylaws around the region
- Draft language for a revised affordable housing/inclusionary zoning bylaw

⁶ Ibid.

⁷ Ibid.

⁸ American Community Survey 2009-2013, FY 2016 Income Limits for the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area, CHAS 2007-2011.

- A final PowerPoint presentation of zoning recommendations
- Summary notes from focus group and Advisory Committee meetings 1 and 2

Several meetings will inform these deliverables:

1. A kick-off conference call with the project team
2. Three (3) Advisory Committee meetings, including one at the start of the project to share information on inclusionary zoning in the region, one to present zoning recommendations and get feedback, and one to present final zoning recommendations
3. A focus group with local developers and builders

Project Work Plan:

1. *Context*
 - o *Regional:* MAPC will assemble information on inclusionary bylaws across the Commonwealth and present this material to the Advisory Committee.
 - o *Local:* MAPC will review Medway's 2010 and 2016 HPPs and other relevant background materials (such as data on inclusionary unit production in town). The agency will facilitate a focus group with local developers and builders to hear their thoughts on how the inclusionary zoning bylaw functions and ways to improve it.
2. *Zoning*
 - o *Current Zoning.* MAPC will analyze the existing inclusionary zoning bylaw to assess its components, such as percent of affordable housing required, the permitting process, density bonuses, and methods for providing affordable units.
 - o *Zoning Amendments:* MAPC will prepare zoning language that proposes amendments to the current Affordable Housing section of the Zoning Bylaw (Section 8.6). MAPC will facilitate a meeting with the Advisory Committee to get feedback on draft zoning, and will revise it accordingly.
3. *Deliverables*
 - o *Final Zoning Amendments.* MAPC will provide zoning amendments for spring 2017 Town Meeting.
 - o *Final Presentation:* MAPC will give a summary presentation to the Advisory Committee.

The following table summarizes tasks associated with each of the above elements and is organized by hours allotted, budget, and timeframe.

Project Budget

Task #	Task Description	Hours	Budget (\$)	% of Total Budget	Timeframe
Task 1: Project Start-Up & Context					
1.1	Review of relevant town plans and developments with inclusionary units	5	\$400	4%	July-Aug.
1.2	Conference call	3	\$240	2%	July
Task 1 Subtotal		8	\$640	6%	July-Aug.
Task 2: Zoning					
2.1	Analysis of inclusionary bylaws across the Commonwealth	10	\$800	8%	July-Aug.
2.2	Advisory Committee meeting #1 & summary notes	12	\$1,039*	10%	Aug.
2.3	Focus group & summary notes	4	\$320	3%	Aug.
2.4	Current Medway inclusionary zoning bylaw analysis	8	\$640	6%	Sept.
2.5	Proposed Medway zoning amendments	27	\$2,160	22%	Oct.-Nov.
3.3	Advisory Committee meeting #2 & summary notes	12	\$1,039*	10%	Nov.
Task 2 Subtotal		73	\$5,998	60%	July-Nov.
Task 3: Deliverables					
3.1	Final zoning amendments	19	\$1,520	15%	Nov.-Dec.
4.2	Final presentation	10	\$800	8%	Nov.-Dec.
4.3	Advisory Committee meeting #3	12	\$1,039*	10%	Dec.
Task 3 Subtotal		41	\$3,359	34%	Nov.-Dec.
TOTAL		122	\$10,000**	100%	July-Dec.

*Includes travel costs. **Rounded up from \$9,997.

Project Objectives

Project Connection to MetroFuture

MetroFuture, MAPC's plan for our region, serves as a guide for the agency's work related to smart growth and regional collaboration. The plan comprises 65 specific goals for the year 2030, several of which will be advanced by this project.

- Goal #14: An increasing share of the housing in each municipality will be affordable to working-class families and fixed-income seniors.
- Goal #16: Low-income households will be able to find affordable, adequate, conveniently located housing, in suburbs as well as cities, and they will be able to avoid displacement.

Process Benchmarks

- Presentation on inclusionary zoning bylaws across the region
- Focus group with local developers and builders
- Draft zoning recommendations
- Proposed zoning amendments and final presentation

Project Outcomes

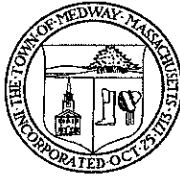
- Adoption of zoning amendments at May 2017 Town Meeting
- Increased affordable housing production in Medway

Equity Outcomes

- Increased affordable housing opportunities for lower-income Medway residents
- Increased and more suburban affordable housing options within the region

Scope Approved

Michael Boynton, Town Administrator, Medway, MA Date



June 28, 2016
Medway Planning & Economic Development Board
Meeting

CONSTRUCTION REPORTS

- Village Estates #4 – June 13, 2016
- Village Estates #5 – June 15, 2016
- Village Estates #6 – June 21, 2016

Tetra Tech 100 Nickerson Road Marlborough, MA 01752		
Project	Date	Report No.
Village Estates	06-13-2016	04
Location	Project No.	Sheet 1 of
Village Street	143-21583-15009	2
Contractor	Weather	Temperature
Russel Santoro	A.M. SUNNY P.M.	A.M. 65° P.M.

FIELD OBSERVATIONS

On Monday, June 13, 2016 Steven Bouley from Tetra Tech (TT) visited the project site to inspect the current condition of the site and construction progress. The following observations were made:

1. Observations

- A. The contractor is in the process of constructing Infiltration Trench #1. Mr. Santoro requested inspection of the bottom of the trench which appeared to be level and at proposed grades as laid out by surveyor.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't					Dept. or Company	Description of Work
Foreman	1	Bulldozer		Asphalt Paver		
		Backhoe		Asphalt Reclaimer		
Laborers		Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader	1	Static Roller		
Oper. Engr.		Bobcat		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator		Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flag persons		Scraper		Rock Crusher		
Surveyors		Articulating Dump Truck		Chipper		
Driller		Conc. Truck		Screener		
Blast Crew		Pickup Truck		Drill Rig		
Sewer/Water Tester		Dump Truck 6 Whl		Boom Lift		
		Dump Truck 10 Whl		Water Truck		
		Dump Truck 14 Whl		Lull		
		Dump Truck 18 Whl		Gradall		

OFFICIAL VISITORS TO JOB

Police Details:

RESIDENT REPRESENTATIVE FORCE

Time on site: 8:30 A.M. – 9:00 A.M.

Name

Name

CONTRACTOR'S Hours of Work:

Resident Representative: Steven Bouley

Project Village Estates	Date 06-13-2016	Report No. 04
Location Village Street	Project No. 143-21583-15009	Sheet 2 of 2
Contractor Russel Santoro	Weather A.M. SUNNY P.M.	Temperature A.M. 65° P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule

A. TT will continue to inspect the site as the contractor is prepared for inspection.

3. New Action Items

A. N/A

4. Previous Open Action Items

A. N/A

5. Materials Delivered to Site Since Last Inspection:

A. N/A

Tetra Tech 100 Nickerson Road Marlborough, MA 01752					
Project Village Estates			Date 06-15-2016	Report No. 05	
Location Village Street			Project No. 143-21583-15009	Sheet 1 of 2	
Contractor Russel Santoro			Weather A.M. SUNNY P.M.	Temperature A.M. 85° P.M.	
FIELD OBSERVATIONS					
On Wednesday, June 15, 2016 Steven Bouley from Tetra Tech (TT) visited the project site to inspect the current condition of the site and construction progress. The following observations were made:					
1. Observations					
A. The contractor is in the process of importing fill to rough grade Lot 2 to proposed grade as shown on the approved plans. Imported material appears to be clean gravel. Fill material was observed beyond the erosion control line along the eastern property boundary. TT asked Mr. Santoro to remove all soil spilled over the erosion control line and repair line as necessary.					
B. The contractor has installed filter fabric and crushed stone in Infiltration Basin #1 and is ready for backfill of that area.					
C. The contractor is in the process of excavating for proposed installation of the gas service along Bedelia Lane. Trench is approximately three feet deep and bedded with sand. Contractor plans to install 4" pvc sleeve to allow for future installation of gas service through the sleeve by the gas company.					
D. TT inquired about the water services previously installed and not inspected by TT. The applicant stated the services were inspected by the water department during installation.					
E. TT spoke with Mr. Wayne Brundage, an abutter to the project property. He had concerns regarding the amount of fill being brought into the site and drainage which will originate from the area being filled and potentially flow onto his property. TT stated that the applicant is constructing the project to the plan which shows approximately five-feet of fill being placed on Lot 2 where the proposed dwelling will be placed. TT also explained there is proposed drainage on the approved plan to prevent any further runoff from entering abutting properties. Mr. Brundage was then referred to the town for further comment regarding his concerns.					
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		Loader	Vib. Roller		
Drivers		Rubber Tire	Static Roller		
Oper. Engr.		Bobcat	Vib. Walk Comp.		
Carpenters		Hoeram	Compressor		
Masons		Excavator	Jack Hammer		
Iron Workers		Grader	Power Saw		
Electricians		Crane	Conc. Vib.		
Flag persons		Scraper	Rock Crusher		
Surveyors		Articulating Dump Truck	Chipper		
Driller		Conc. Truck	Screener		
Blast Crew		Pickup Truck	Drill Rig		
Sewer/Water Tester		Dump Truck 6 Whl	Boom Lift		
		Dump Truck 10 Whl	Water Truck		
		Dump Truck 14 Whl	Lull		
		Dump Truck 18 Whl	Gradall		
Police Details:				RESIDENT REPRESENTATIVE FORCE	
Time on site: 8:30 A.M. - 9:00 A.M.				Name	Name
CONTRACTOR'S Hours of Work:					
				Resident Representative: Steven Bouley	

Project Village Estates	Date 06-15-2016	Report No. 05
Location Village Street	Project No. 143-21583-15009	Sheet 2 of 2
Contractor Russel Santoro	Weather A.M. SUNNY P.M.	Temperature A.M. 85° P.M.
FIELD OBSERVATIONS CONTINUED		
<p>2. Schedule A. TT will continue to inspect the site as the contractor is prepared for inspection.</p> <p>3. New Action Items A. Contractor to clean material spilled over erosion control line and repair any erosion control as necessary to maintain the proposed plan.</p> <p>4. Previous Open Action Items A. N/A</p> <p>5. Materials Delivered to Site Since Last Inspection: A. N/A</p>		

Tetra Tech 100 Nickerson Road Marlborough, MA 01752		
Project Village Estates	Date 06-21-2016	Report No. 06
Location Village Street	Project No. 143-21583-15009	Sheet 1 of 2
Contractor Russel Santoro	Weather A.M. SUNNY P.M.	Temperature A.M. 80° P.M.

FIELD OBSERVATIONS

On Tuesday, June 21, 2016 Steven Bouley from Tetra Tech (TT) visited the project site to inspect the current condition of the site and construction progress. The following observations were made:

1. Observations

- A. TT observed that the contractor has not yet removed soil material spilled over the limit of the erosion control barrier along the eastern side of the property. TT contacted Mr. Santoro an additional time and he stated he was out of town and that it would be cleaned today. TT will follow-up at its next inspection of the site.
- B. The contractor has backfilled the gas trench located along Bedilia Lane and graded the area to match surrounding grade.
- C. The contractor has backfilled loam material on top of Infiltration Trench #1. TT contacted Mr. Santoro to remind him of the detail and that stone is to be placed to grade in two locations per the detail which was acknowledged by Mr. Santoro.
- D. The contractor plans to complete import of soils to bring up the site this week and begin construction of concrete walls, headwalls and check dams for the proposed drainage design.

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		Loader		Vib. Roller			
Drivers		Rubber Tire	1	Static Roller			
Oper. Engr.		Bobcat	1	Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flag persons		Scraper		Rock Crusher			
Surveyors		Articulating Dump Truck		Chipper			
Driller		Conc. Truck		Screeners			
Blast Crew		Pickup Truck		Drill Rig			
Sewer/Water Tester		Dump Truck 6 Whl		Boom Lift			
		Dump Truck 10 Whl		Water Truck			
		Dump Truck 14 Whl		Lull			
		Dump Truck 18 Whl		Gradall			

OFFICIAL VISITORS TO JOB

Police Details:

RESIDENT REPRESENTATIVE FORCE

Time on site: 8:30 A.M. – 9:00 A.M.

Name

Name

CONTRACTOR'S Hours of Work:

Resident Representative: Steven Bouley

Project Village Estates	Date 06-21-2016	Report No. 06
Location Village Street	Project No. 143-21583-15009	Sheet 2 of 2
Contractor Russel Santoro	Weather A.M. SUNNY P.M.	Temperature A.M. 80° P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule
 - A. TT will continue to inspect the site as the contractor is prepared for inspection.
3. New Action Items
 - A. N/A
4. Previous Open Action Items
 - A. Contractor to clean material spilled over erosion control line and repair any erosion control as necessary to maintain the proposed plan.
5. Materials Delivered to Site Since Last Inspection:
 - A. N/A



June 28, 2016

**Medway Planning & Economic Development Board
Meeting**

**Establish Application/Filing Fee for
Administrative Site Plan Review**

- 6/22/16 memorandum from Susy Affleck-Childs



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

MEMORANDUM

June 22, 2016

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Administrative Site Plan Review Fee

Town Meeting's recent approval of the revisions to the site plan section of the Zoning Bylaw established provisions for administrative site plan review of small projects to be conducted by Town staff without involvement of the PEDB. Per the bylaw, administrative site plan review is for the following projects:

1. New construction or any alteration, reconstruction, or renovation of any multi-family, commercial, industrial, institutional, or municipal use which is not subject to Major or Minor Site Plan Review but which involves one or more of the following:
 - A. The addition of less than 1,000 square feet of gross floor area, or
 - B. Exterior alteration/renovation of an existing building or premises, visible from a public or private street or way which includes any of the following:
 - 1) installation or replacement of awnings
 - 2) change in a building's exterior surface material
 - 3) rearrangement or addition of windows or doors
 - 4) façade reconstruction/replacement
 - 5) roofing if the Building Inspector determines the roof to be a distinctive architectural feature of the building
2. The redesign, alteration or modification of an existing parking area involving the addition of up to four new parking spaces.
3. A change in curb cuts/vehicular access to a site from a public way
4. Installation or alteration of sidewalks and other pedestrian access improvements
5. Removal of hedges, living shrubs, and trees greater than four inches in caliper
6. Installation of fencing or retaining walls

I believe it would be appropriate to establish a modest application/filing fee for administrative site plan review to try to cover at least a portion of the staff time that will be needed to address these smaller projects. For context, I have attached the list of the current site plan application/filing fees for minor and the various sizes of major site plan projects.

I would welcome discussing this with the PEDB. My initial thought on an application filing fee for administrative site plan review is somewhere between \$175 and \$250.

TYPE OF SITE PLAN	SITE PLAN FEES
Informal Discussion with PEDB	No charge. <i>(1 meeting only)</i>
Minor Site Plan Project	<p>Filing/Application Fee = \$350 plus \$.25/sq. ft. gross floor area. <i>(2 meetings. After that, a second \$350 filing fee is required.)</i></p> <p>Plus \$500 advance toward the expense of plan review services to be provided by outside consultants.</p> <p><i>Submit 2 checks.</i></p>
Major Site Plan Project <i>(Up to 4,999 sq. ft. of gross floor area)</i>	<p>Filing/Application Fee = \$750 plus \$.25/sq. ft. gross floor area. <i>(3 meetings. After that, a second \$750 filing fee is required.)</i></p> <p>Plus a \$1,000 advance toward the expense of plan review services to be provided by outside consultants.</p> <p><i>Submit 2 checks</i></p>
Major Site Plan Project <i>(5,000 – 9,999 sq. ft. gross floor area)</i>	<p>Filing/Application Fee = \$1,000 plus \$.25/sq. ft. gross floor area. <i>(4 meetings. After that, a second \$1,000 filing fee is required.)</i></p> <p>Plus a \$1,500 advance toward the expense of plan review services to be provided by outside consultants.</p> <p><i>Submit 2 checks</i></p>
Major Site Plan Project <i>(10,000 – 14,999 sq. ft. gross floor area)</i>	<p>Filing/Application Fee = \$1,500 plus \$.25 sq. ft. gross floor area. <i>(5 meetings. After that, a second \$1,500 filing fee is required.)</i></p> <p>Plus a \$2,000 advance toward the expense of plan review services to be provided by outside consultants.</p> <p><i>Submit 2 checks</i></p>
Major Site Plan Project <i>(15,000 sq. ft. gross floor area and over)</i>	<p>Filing/Application Fee = \$2,000 plus \$.25/sq. ft. gross floor area. <i>(6 meetings. After that, a second \$2,000 filing fee is required.)</i></p> <p>Plus a \$2,500 advance toward the expense of plan review services to be provided by outside consultants.</p> <p><i>Submit 2 checks</i></p>



June 28, 2016
Medway Planning & Economic Development Board
Meeting

PEDB Meeting Minutes

- Draft Minutes of 6-14-16 PEDB meeting

**June 14, 2016
Medway Planning and Economic Development Board Meeting
155 Village Street
Medway, MA 02053**

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

ALSO PRESENT:

Susy Affleck Childs, Planning and Economic Development
Amy Sutherland, Recording Secretary
Gino Carlucci, PGC Associates
Steve Bouley, Tetra Tech
Bill McGrath, BETA Group

The Chairman opened the meeting at 7:00pm.

There were no Citizen Comments.

Board Reorganization/Election of Officers:

Chairman:

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted to appoint Andy Rodenhiser as Chairman of the Planning and Economic Board.

Vice Chairman:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted to appoint Bob Tucker as Vice Chairman of the Planning and Economic Board.

Clerk:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted to appoint Tom Gay as Clerk of the Planning and Economic Board.

Committee Appointments:

The Board was provided with a list of the committee liaison positions. The following appointments were made as PEDB representatives on the following committees:

Community Preservation Committee	Matt Hayes
Design Review Committee	Tom Gay
Economic Development Committee	Andy Rodenhiser
Energy Committee	Bob Tucker

The following appointments were made as PEDB liaisons to the listed committees:

Affordable Housing Committee & Trust	Andy Rodenhiser
Agricultural Commission	Bob Tucker
Board of Water/Sewer Commissioners	Andy Rodenhiser
Capital Improvements Planning Committee	Matt Hayes
Conservation Commission	Bob Tucker
Finance Committee	Bob Tucker
Historical Commission	Matt Hayes
Open Space Committee	Rich Di Iulio
Route 109 Committee	Matt Hayes
SWAP	Rich Di Iulio
Town Administrator/Board of Selectmen	Andy Rodenhiser
Zoning Board of Appeals	Bob Tucker

The Board would like to reach out to the Medway Communications Director to make sure the liaisons are included on the distribution lists for the meeting agendas of various committees and boards.

Committee Reappointments:

The Board is in receipt of a memo dated June 8, 2016 regarding the appointment of members of the Design Review, Open Space and Economic Development Committees. .

Design Review Committee:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted to appoint Matt Buckley and Rachel Walsh for a term through June 30, 2018.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted to appoint Jessica Ghabot to the Design Review Committee for a term through June 30, 2017.

Open Space Committee Appointments:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted to appoint Jim Wickis, Charlie Ross, Denise Legee and Joanne Williams to the Open Space Committee through June 30, 2018.

Economic Development Committee:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted to appoint Paul Yorkis, Eric Arbene, Keith Peden, and Scott Hebeeb to the Economic Development Committee through June 30, 2018.

Member Chan Rogers recently resigned and Alissa Rodenhiser will be resigning in July and this leaves room for three new members.

2 Marc Road Site Plan – Public Hearing Continuation

The following was entered into the following: (See Attached)

- Public Hearing continuation notice dated May 31, 2016
- New submission submittal letter from engineer Dan Merrikin dated June 6, 2016.
- Revised site plan for 2 Marc Road by Merrikin Engineering dated June 7, 2016.
- PGC Review comment letter on revised plan dated June 8, 2016.
- TT Review comment letter on revised plan dated June 8, 2016
- Comments from Chief Lynch dated June 6, 2016
- Emails between Dan Merrikin and Tom Holder during May and June re: dual public and private water supplies.
- Draft decision dated June 8, 2016

Present for the applicant were:

Ellen Rosenfeld, applicant
Dan Merrikin, Merrikin Engineering

Dan Merrikin indicated that a paved apron at the Industrial Park Road has been added. There has been the inclusion of more detail on the northeasterly swale. A pad has been added adjacent to the driveway at the southeast corner of the building for a generator. The Fire Chief has also requested that a fire hydrant be added toward the rear of the building. The plan has been revised to show this change. A photograph of the bike rack was shown. It was noted that the Conservation Commission closed their hearing on May 26, 2016.

The applicant indicated that they may consider an expansion of 10,000 square feet in the future. The Board informed the applicant that they will need to submit a plan modification for the expansion at that time.

Consultant Carlucci wanted to know if there is a sound muffling for the generator.

The applicant stated she would make sure there will be a sound muffler.

The board is fine with the lighting.

The draft decision was reviewed and the following recommendations were made:

- Page 2: reconstructing Marc Rd not Jayar road.
- Page 7: Comments on item #14 language revision.
- Page 8: Hours of operation, just reference the bylaw.
- Page 12: Spaces for two bikes.

Consultant Carlucci communicated that the hours and language regarding it is just a finding and not a condition of the decision.

There was discussion about the proposed painted islands within the parking lot area. Ellen Rosenfeld would like to pave the whole section and did not want to do the landscaped island. She will put in the required amount of landscaping elsewhere on the site. Landscaped islands will

make it difficult for her vendors to deliver products to the facility. The “island” lines will be painted white.

DRC Chairman Matt Buckley noted that the DRC had recommended the landscaped island for a visual break.

The Board was in agreement to remove item C4 from the decision

The language regarding the sign will be revised.

In regards to the odor from marijuana processing, there is a condition about odor management which can be revised to reference the noise standards of the zoning bylaw.

Susy Affleck-Childs will make changes to the decision and provide a revised copy for the next meeting.

Public Hearing Continuation:

On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted to continue the hearing for 2 Marc Road until June 28, 2016 at 7:30 pm.

Member Gay left 8:05 pm.

Other Business:

There is a Sign Bylaw Review Task Force meeting to be held on Tuesday, June 21, 2016 at 7:00 pm at the Senior Center with the DRC and the PENB.

Steve Bouley stepped away for the Exelon public hearing continuation.

Continuation of Site Plan Public Hearing - Exelon 9 Summer Street and 34 West Street:

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

- Public Hearing Continuation Notice dated 5-31-2016
- Landscape and lighting plan sheet C7.1
- Landscape and lighting notes and Detail sheet C7. 2
- Landscape and lighting plan
- Overhead Wire location plan
- Preferred Color Selection

Representatives present were:

Eric Las – Beals & Thomas
David LaPointe - Beals & Thomas
Amy Kwesell – Rubin & Rudman
Tammy Sanford - Exelon
Lisa Decled - Exelon

Ted Barter - Epsilon
Bill McGrath – BETA Group

Attorney Amy Kwesell from Rubin and Rudman LLP began the presentation by explaining that they attended the recent Design Review Committee meeting. They were provided with photographic renderings using the colors chosen by the applicant and development team. The colors for the exhaust stacks, noise wall, water tanks, and administration building were discussed and there will be a written review letter forthcoming from the DRC. There was agreement on all colors with the exception of the administration building which will have a darker color scheme as recommended by the DRC.

The proposed landscape plan includes fourteen (14) white pine trees in the 6 foot to 7 foot height range, along with deciduous and flowering trees to provide a variety of species. A total of 50 additional trees are proposed in the area used for temporary construction parking and staging. Exelon has agreed to consult with Eversource regarding additional vegetative screening but this is in the easement area and under the control of Eversource.

At the property entrance there will be a proposed black vinyl fence. It will run along abutting residences. Exelon is looking in to barbed wire on the top of the fencing. They are also looking to use the existing stones from the stone wall to be incorporated into the proposed berm.

The discussion moved to the 20 foot L shaped sound wall to be adjacent to the Country Cottage Child Care facility at 5 Summer Street. The Board is in receipt of a proposal for the design, supply, and installation of acoustic barrier walls presented by ATCO Emissions Management. There is no resolution yet as to whether Exelon will acquire the adjacent Country Collage Children's Center property. If there is a need for the wall, it will be a 20' tall by 200' long running along the northern and a portion of the western property line. There were four rendered drawings of the wall shown from the street view.

Chairman Buckley wanted to know about the dimensions of the panels for the sound wall. The applicant responded that the wall is constructed in vertical panels which are four foot sections. Photographs of wall were shown. If needed, the wall will be on the property line.

Resident Richard Blethen, 411 Village Street:

Mr. Blethen wanted to know the height of the bermed area around the stormwater basin.

The applicant responded that the height is 9 ft. from the basin side. The slope is 3 to 1. The idea is to stagger the plantings around the basin to make it look more natural.

Mr. Blethen also wanted to know if there could be more plantings outside of this area such as on Summer Street or Main Street. He also indicated that there was not a rendered drawing of the site from his home.

Ms. Kwesell did show him renderings of the site from properties along West Street. She responded that Exelon cannot propose plantings on private property that they do not own.

Site lighting was shown. Light fixture types were noted.

- 32 pole mounted fixtures
- 20 foot maximum height
- 36 wall packs

There is a site lighting photometrics plan. Exelon will make sure the lights are direct down. The bulbs will be LED.

Matt Buckley is concerned about the illumination from wall mounted light packs bouncing off the white noise wall.

There is no spillage from the Exelon property and the lighting will comply with the regulations.

The Board would like the applicant to make sure there is no light spillage onto the Eversource property.

The applicant will need a deadline action extension at the June 28, 2016 meeting. The applicant would like to have a possible draft decision by July 12, 2016.

Public Hearing Continuation:

On a motion made by Bob Tucker and Matt Hayes, the Board voted unanimously to continue the Exelon public hearing to June 28, 2016 at 8:00 pm.

NOTE – Steve Bouley rejoined the meeting.

Lady Slipper Hollow – Subdivision Extension

Resident Tom Ellis of 148 A Holliston Street asked to have an informal discussion about paving Lady Slipper Hollow. Tom Ellis was present in December to meet with the Board. Mr. Ellis is interested in building a home on one of the vacant lots and the road needs to be extended to do so. Mr. Ellis has retained GLM Engineering to assist him. Mr. Rob Truax of GLM Engineering was also present to get an understanding of what the Board would require.

The Board did explain that the old subdivision decision and plan could be amended but the applicant would need to file and meet the updated subdivision rules and regulations.

Consultant Truax explained that the water line was installed to the last drain manhole and it discharges to the south and flows to the rear of the property. He is aware that there would need to be upgrades regarding the treatment of stormwater runoff based on the current stormwater guidelines.

It was communicated that in order to put in a landscape island in the middle, the road would need to be 20 ft. This would also be a requirement of the Fire Chief.

Susy Affleck-Childs responded that the road could be established as its own parcel with a home owners' association to be established for its upkeep and maintenance.

The Board is in agreement that they want the Fire Chief to weigh in on the roadway width.

Resident, Linda Reynolds, 148 B Holliston Street

Ms. Reynold questions the widening of the road and how this will effect her property since she owns a portion of the subject road to the center of the line.

Mr. Ellis was informed that Ms. Reynold will need to sign the application.

Refund of Subdivision Bond Accounts:

The Board is in receipt of a memo from Susy Affleck-Childs re three small bond accounts for Applegate Subdivision, Village Estates Subdivision and Hopping Brook. (See Attached.)

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the board voted unanimously to refund the following subdivision bond accounts with interest:

- | | |
|-------------------------------|----------|
| • Applegate Subdivision | \$102.19 |
| • Village Estates Subdivision | \$100.46 |
| • Hopping Brook Subdivision | \$102.56 |

Plan Review and Construction Accounts

Pine Meadow II Subdivision:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to refund \$476.10 plus interest from plan review account and \$2,736.36 plus interest from the construction observation account. This will close both accounts.

Medway Gardens:

On a motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to transfer \$1753.00 plus interest from the plan review account to the construction account.

PEDB Meeting Minutes:

May 3, 2016:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from the May 3, 2016 meeting.

May 24, 2016:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from the May 24, 2016 meeting.

May 31, 2016:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from the May 31, 2016 meeting.

Construction Reports:

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

- Cumberland Farms report dated June 2, 2016
- Medway Gardens report dated June 8, 2016

Consultant Bouley performed a site inspection at Cumberland Farms on June 1, 2016. A list of items to repair or replace was submitted and most of the work has been completed.

Consultant Bouley also performed a site inspection at Medway Gardens on June 1, 2016 and noted several outstanding issues which need to be addressed. The applicant has not adhered to the decision or the scope of work shown on the approved site plan. There is also an issue with the signs on site. The building inspector is aware of the sign issue and will address this with the property owner. The Board would like to send a letter and allow Medway Gardens 30 days to comply with the work which needs to be addressed per the site plan decision.

Consultant Bouley indicated that he visited the Village Estates subdivision site. He had not been called when the water line was installed so there was no inspection. There is a concern about the fill which is being brought onto the site along with the lack of erosion control. Consultant Bouley will follow-up tomorrow and will provide the Board with an update. Steve will also email the Interim Conservation Agent.

The Board was made aware that there is no bond on this property as the developer has not yet sought building permits.

Consultant Construction Services Estimates:

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

- Estimate from Tetra Tech dated April 12, 2016 for Pine Ridge construction services
- Estimate from Tetra Tech dated April 12, 2016 for Candlewood Estates for construction services

On a motion made by Bob Tucker and seconded by Matt Hayes, the board voted unanimously to accept the estimate for Pine Ridge in the amount of \$1,142.00 and also for Candlewood Estates in the amount of \$1,794.00.

Adjourn:

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

The meeting was adjourned at 10:20 pm.

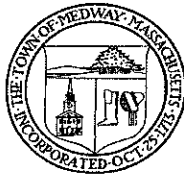
Respectfully Submitted,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

DRAFT



June 28, 2016
Medway Planning & Economic Development Board
Meeting

EXELON Site Plan
Public Hearing Continuation

Focus topics for discussion are: noise, water supply, and public safety. There is a possibility that you might receive a review letter from the Design Review Committee. As you may remember, the DRC was not able to meet Tuesday night to work on its Exelon review letter as originally planned due to lack of quorum. The DRC is meeting Monday night, 6/27, but I cannot promise you that there will be a letter from them by 6/28.

*plus - DRC Review Letter
dated 6-27-16*

The following materials have been assembled for you:

- Public Hearing Continuation Notice

NOISE

- Noise section of the *Final Environmental Impact Report* dated 2-1-2016 by Epsilon Associates, Inc.
- *Sound Level Monitoring Report* – West Medway Peaker Project dated 3-9-2015 by Epsilon Associates, Inc.

*Not Attached
due to
length of
document*

- Peer review letter dated 10-9-2015 from Acentech of various noise studies/reports prepared by Epsilon Associates Inc. Note- Originally prepared for the Medway Board of Selectmen

NOTE – Representatives of Epsilon and Acentech will be present to review their report & letter with you.

SAFETY

- Safety Documentation Letter dated 6-22-16 from Eric Las, Beals and Thomas
- Auto Turn Exhibit for Fire Department Ladder Truck
- Truck Staging and Storage Areas – Figure 10-23 by MDM Transportation Consultants
- Safety Data Sheet – Aqua Ammonia by AIRGAS
- Utility Related Abatement Measures (URAM) – 6-17-16 letter from OHI Engineering, Inc.

NOTE - Fire Chief Jeff Lynch will attend the hearing.

WATER RESOURCES

- Water Supply and Demand Assessment – Exelon Power West Medway II Project – updated march 11, 2016 by Kleinfelder
- I have requested a letter from the Town of Millis for a status on the Town's negotiations with Exelon for water.

NOTE – DPS Director Tom Holder will attend the hearing to answer questions you may have about water supply from Millis.

Not included due to length of document

**Request for Extension of Deadline
for Action by the
Medway Planning & Economic Development Board**

6/28/16
DATE

The undersigned Applicant (or official representative) requests an extension of the deadline for action by the Planning and Economic Development Board on the application of Exelon West Medway LLC + Exelon West for:

Medway II, LLC

☐ ANR (Approval Not Required/81P Plan)

☐ Preliminary Subdivision Plan

☐ Definitive Subdivision Plan (or modification)

☒ Site Plan Approval (or modification)

☐ Scenic Road Work Permit

for the development project known as:

Exelon Expansion Site Plan
at Summer St./34 West Street

to the following date:

July 29, 2016

Respectfully submitted,

Name of Applicant or official representative:

Amy Kwesell - Rubin + Rudman

Signature of Applicant or official representative:

A. Kwesell

Date approved by Planning and Economic Development Board:

6-28-16

New Action Deadline Date:

7-29-2016

ATTEST:

Susan E. Affleck-Childs

Susan E. Affleck-Childs

Planning and Economic Development Coordinator



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

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

MEMORANDUM

June 15, 2016

TO: Maryjane White, Town Clerk
Town of Medway Departments, Boards and Committees
FROM: Susy Affleck-Childs, Planning & Economic Development Coordinator
RE: **Public Hearing Continuation – Exelon Site Plan, 34 West & 9 Summer Streets**
CONTINUATION DATE: Tuesday, June 28, 2016 at 8:00 p.m.
LOCATION: Medway Town Hall – Sanford Hall, 155 Village Street

At its meeting on June 14, 2016, the Planning and Economic Development Board voted to continue the public hearing on the application of Exelon West Medway LLC and Exelon West Medway II, LLC of Kennett Square, PA for major site plan approval of the proposed Exelon expansion project to Tuesday, June 28, 2016 at 8:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street. The focus topics for the June 2th hearing include: noise, water supply, fire safety, and comments from the Design Review Committee.

The proposed project is for an expansion of the existing three-turbine, oil fired, 135 mega-watt West Medway Station peak power generating facility located at 34 West and 9 Summer Streets. The planned expansion entails the construction of two 100-megawatt (MW) simple-cycle, fast-starting, peaking electric combustion turbine generators and associated equipment and appurtenances on approximately 13 acres of the 94 acre property. Each of the two stacks will be 160' tall. The generators will run primarily on natural gas using low sulfur diesel oil as a back-up.

The project will interconnect with Eversource via an approximately 1,200 linear foot overhead circuit from a transformer to the Eversource switchyard on the western portion of the property utilized and controlled by Eversource through an easement agreement. The energy generated by the project will be distributed by Eversource to the Southeast Massachusetts/Rhode Island ISO load zone to help meet energy demand during peak times.

The project includes a control/administration and facility services building, a trailer-mounted demineralizer system, an enclosed gas compressor station, a one-million gallon fuel oil tank, a 500,000 gallon service water tank, a 450,000 gallon demineralized water storage tank, a 12,000 gallon fully-diked and covered aqueous ammonia storage tank, advanced emissions control equipment, and a perimeter access road. Site access will be controlled via a motorized security gate located off the relocated driveway from Summer Street. The proposed facility will also include full acoustical enclosures for the gas turbines and generators, a 55' high noise wall, and a full complement of acoustical controls. A 3,080 linear foot lateral interconnection to the existing Algonquin Gas pipeline is also planned along with an associated 14' x 50' building to contain flow control and metering equipment, and a 12' by 16' building to contain gas monitoring and analysis equipment.

NOTE – The applicant plans to submit a revised site plan to us on Friday, June 17th. We will inform you upon receipt. Most likely, we will load them to the H drive for your easy access, review & comment.

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



33 Moulton Street
Cambridge MA 02138
617 499 8000
acentech.com

9 October 2015

Town of Medway
155 Village Street
Medway, MA 02053

Attention: John Foresto
Chair, Medway Board of Selectmen

Subject: Acoustical Consulting Services
Application Review for Two 100 MWe Combustion Turbine Generators
Summer Street in Medway, MA
Acentech Proposal No. 626573

References: Exelon/West Medway's petition to the Energy Facilities Siting Board (EFSB) with
Section 4.6 – Noise Impacts of Exelon-EFSB Petition
Sound Level Monitoring Report by Epsilon (3/9/2015)
Exelon Responses to First Set of EFSB IRs – EFSB-NO-1 to NO-22 (8/3/2015)
Draft Report to Town of Medway by M. Ernst, Esq. (8/9/2015)
Exelon Responses to First Set of Town of Medway IRs – Medway-NO-1 to NO-9 (9/4/2015)
Exelon Responses to Second Set of EFSB IRs – EFSB-NO-23 to NO-30 (9/18/2015)

Dear Mr. Foresto:

At your request, we are conducting a peer review of the noise documents related to Exelon/West Medway's petition to the Energy Facilities Siting Board (EFSB). Exelon is proposing to add two 100 MWe simple-cycle combustion turbine generator units and associated equipment to its existing Summer Street facility. The findings and comments from our on-going peer review of the above-referenced noise submittals developed for the proposed power project are presented below.

Exelon/West Medway Project Noise Study

Exelon's consultant, Epsilon Associates, conducted a noise study for the proposed power project. For this study, Epsilon identified applicable project noise criteria, performed baseline ambient sound measurements in the community, developed a computer sound model for both the existing equipment and the proposed future equipment, and added various noise mitigation measures into the project's design for both the existing and the future facilities. These measures, which are described in Appendix A of this letter, included purchase of reduced noise equipment, and installation of muffler, lined duct, enclosure, and lagging treatments. Figure 1 displays an aerial photograph of the project, surrounding community, and Locations R1 to R7, which were selected by Epsilon for the noise study. Figures 2 to 4 provide comparisons of the estimated existing and proposed facility sound levels with measured daytime and nighttime ambient background sound levels. These figures also show estimated sound level increases during daytime and nighttime periods with the proposed and existing facilities in operation. Results of the analysis indicated that with substantial mitigation measures, the sound of the proposed new equipment would comply with the applicable noise criteria during both daytime and nighttime hours, and that the combined sound from the existing and new equipment would comply with the applicable noise criteria during daytime hours only.

Acentech Review Comments

We believe that the approach used by Epsilon is generally valid for estimating and evaluating the noise impacts of the proposed project. Our review indicates that the baseline ambient measurements may be used to establish the background sound levels in the community and that the project noise limits address the MassDEP noise criteria. Based on our review of the computer sound model, we believe that it is useful and generally appropriate for estimating project sound levels.

We note one specific concern about the current sound model. In response to our request to Exelon for information in support of the modeled sound attenuation values for the combustion turbine exhaust system, we were provided vendor data that were substantially less than the modeled attenuation values. We will continue to seek clarity and resolution of this issue.

In addition, we have a general concern about the facility strictly meeting the MassDEP noise criteria (limits increase in broadband sound to 10 dBA over the ambient) in the community at night during expected regular operation. We understand that Epsilon's sound estimates include a 3 dBA margin, which recognizes the inherent uncertainties in modeling, vendor equipment, and final project design and construction. We judge that even with this margin, it would not be surprising for the facility sound to increase the overall sound level in the community by more than 10 dBA at times. To address tolerances in the equipment, we have requested of Exelon that they confirm whether or not the major equipment supplier (General Electric) for the project will provide a noise guarantee; in our experience, GE usually does not provide a guarantee.

We recommend that any noise conditions imposed on the facility by the Town of Medway be judged realistic and clearly feasible to achieve by Exelon. The company has committed to incorporate substantial noise mitigation measures in both the proposed and existing facilities; and it has agreed to the Town reviewing and commenting on the operation noise measurement protocol and to witnessing the required operation noise measurements upon facility commissioning. In final comment, we understand that Exelon understands the new facility must comply with the MassDEP noise criteria and with project-specific conditions.

Please contact me if you have any questions or comments about our review or this letter. You may contact me at jbarnes@acentech.com and 617-499-8018 (office-direct).

Sincerely yours,
ACENTECH INCORPORATED



James D. Barnes, P.E., F. INCE

Figures 1 to 4
Appendix A

J:\ 626573-Medway-ExelonPeakersReview100915-1etr1.docx

Figure 1.
Project Area and Community Locations R1 to R7.



Figure 2.
Sound Levels (dBA) of Measured Daytime Ambient Background, Estimated Existing and Proposed Facilities, and Associated Increases at Community Locations.

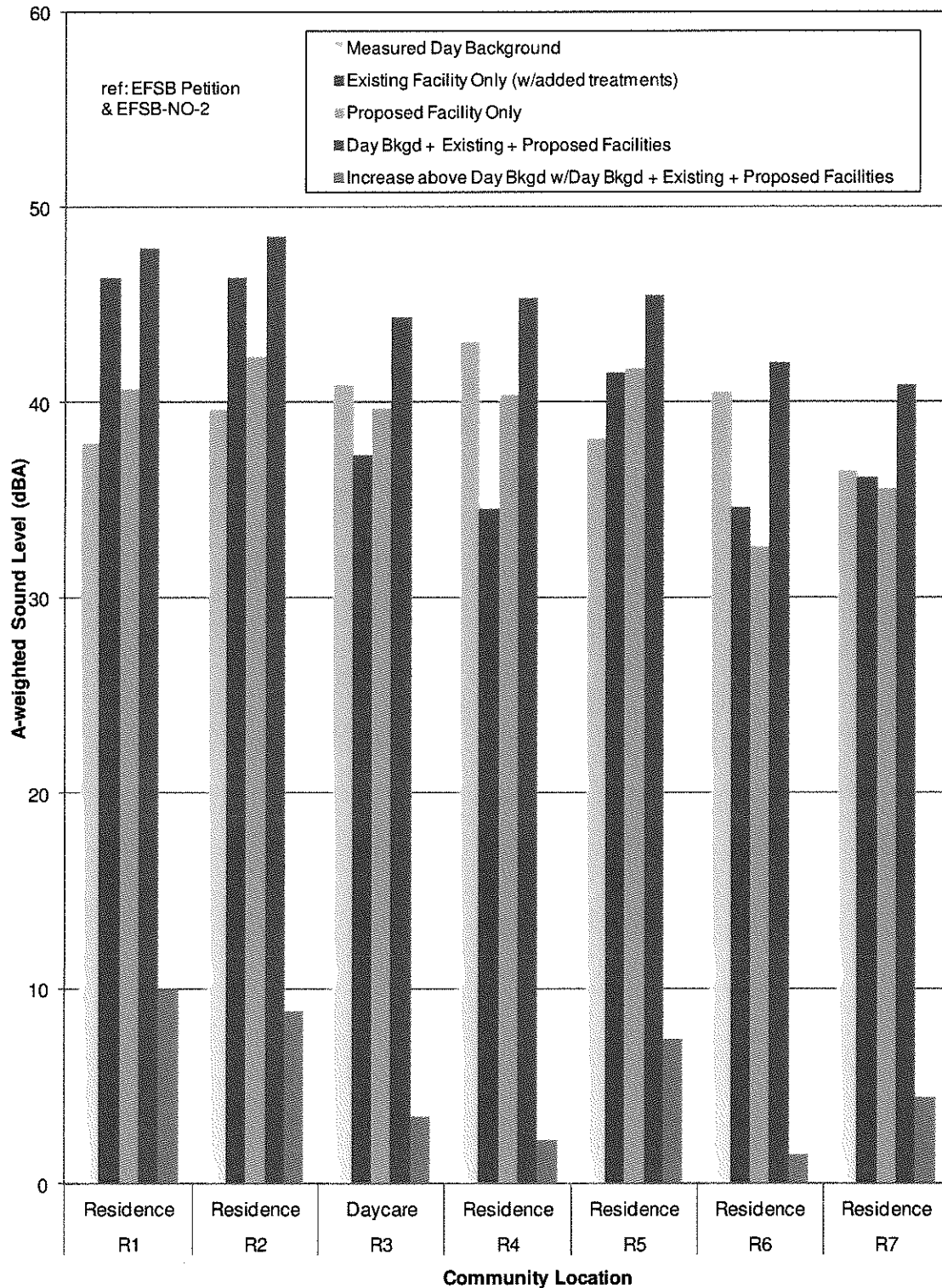


Figure 3.
Sound Levels (dBA) of Measured Nighttime Ambient Background, Estimated Proposed Facility, and Associated Increases at Community Locations.

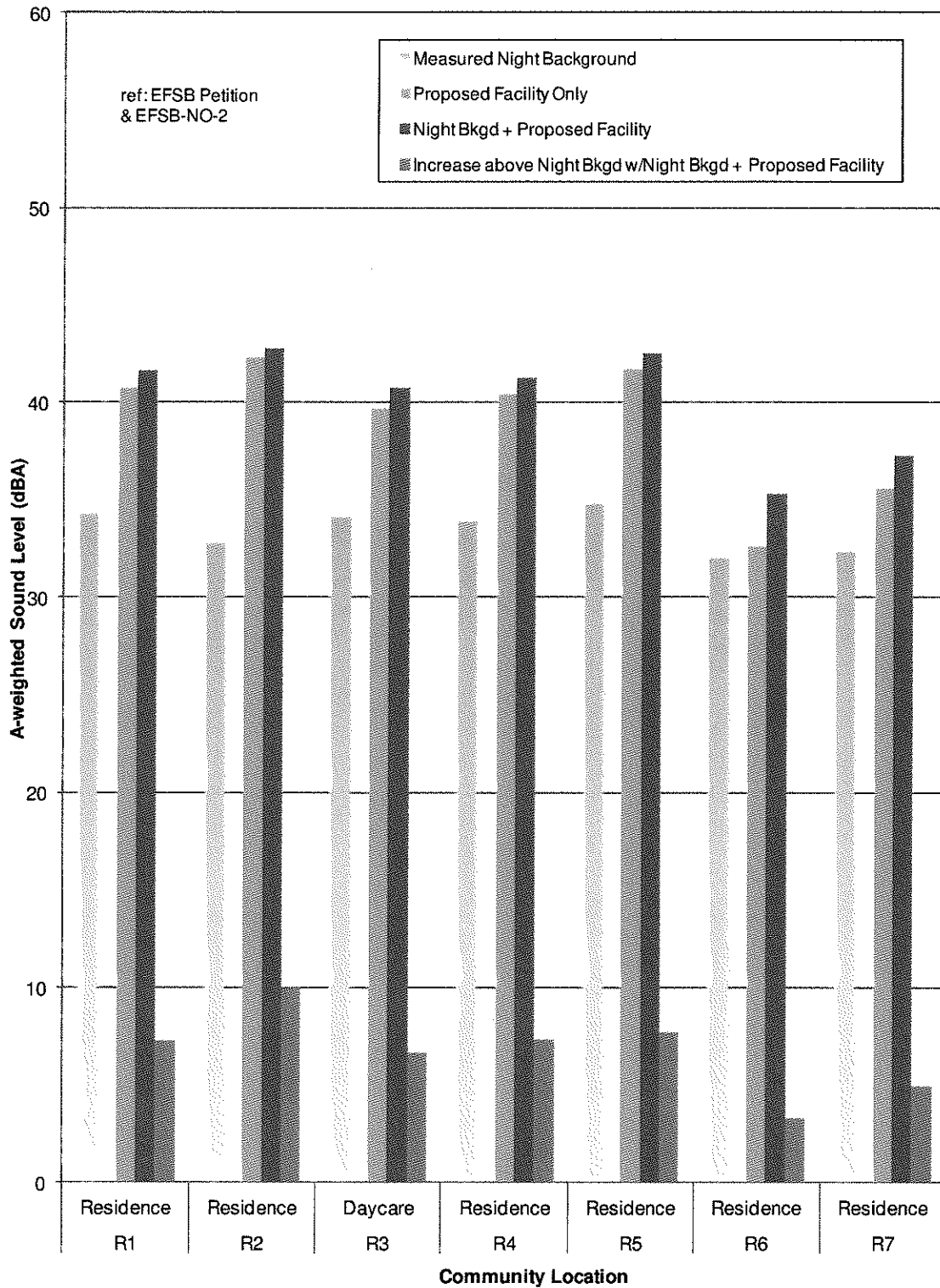
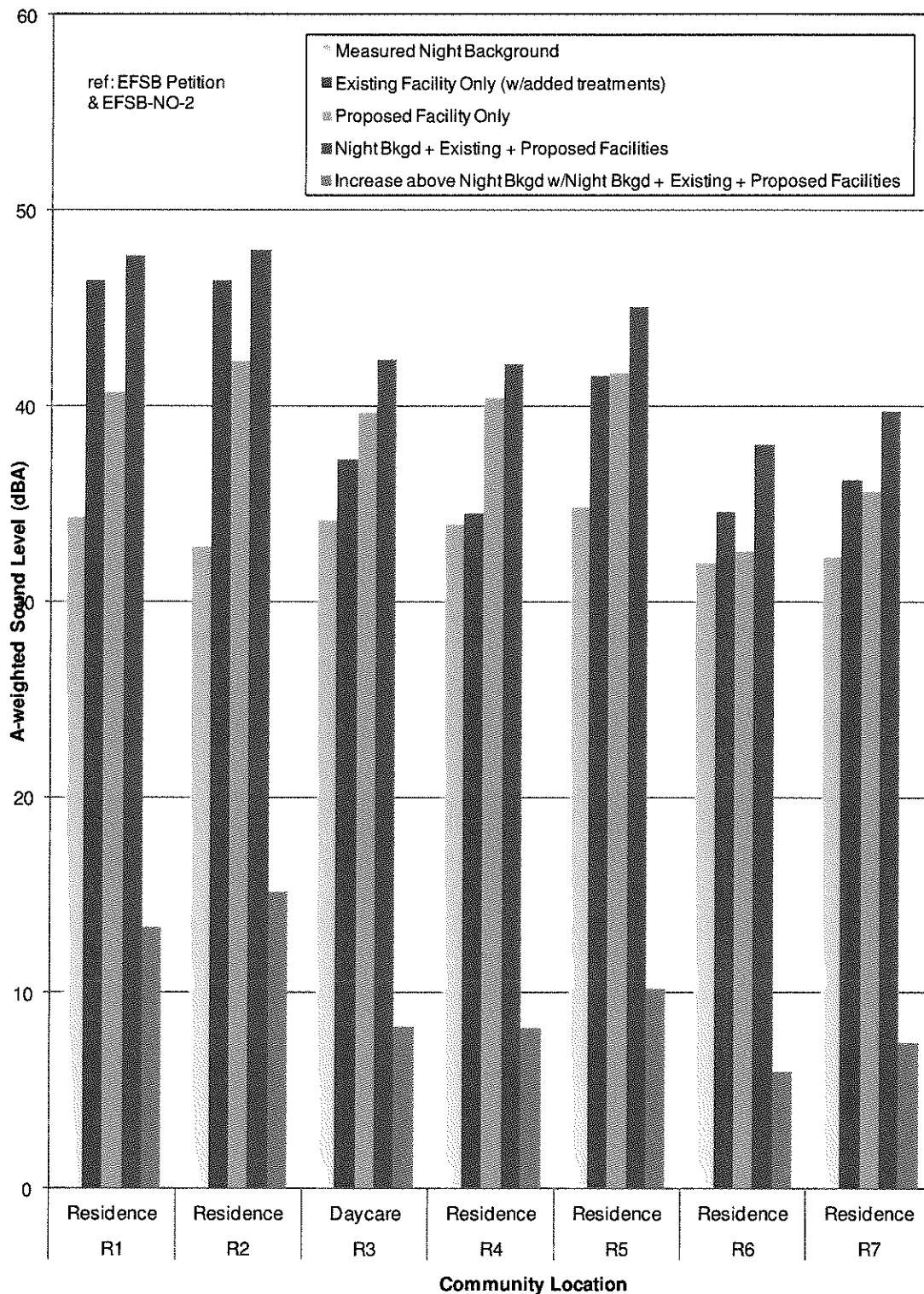


Figure 4.
Sound Levels (dBA) of Measured Nighttime Ambient Background, Estimated Existing and Proposed Facilities, and Associated Increases at Community Locations.



APPENDIX A

Noise Mitigation Measures Proposed by Exelon (Ref: EFSB Petition and EFSB-NO-8 & 16)

As stated in submittals to the EFSB, Exelon proposes substantial noise mitigation treatments for both the proposed new units and the existing six units.

Proposed New Units

Exelon intends to purchase every noise control enhancement available from General Electric (GE) at a cost of approximately \$6 million dollars. These enhancements include:

- GE 'Low Noise' Configuration
 - Single-entry, louvered combustion air inlets with filters
 - Turbine and generator acoustical enclosures
 - Close-fitting noise barrier walls around turbine & generator enclosures
 - Turbine roof skid barriers
 - Turbine vent fan silencers
 - Acoustic enclosures for the VBV stack, water skid, and intercooler pipes
 - Lube oil sump pump barriers
- Combustion Exhaust Noise Control
 - Stack silencers
 - CO/SCR catalyst insertion losses
 - Fully-lined 90° bends
 - Perforated exhaust stacks
 - 5 dBA of additional noise reduction per stack

To provide additional mitigation for the GE equipment and other new equipment, Exelon is planning to expend \$10 million dollars for treatments that include:

- Gas Compressor Enclosure;
- Gas Compressor Yard Noise Barrier Wall (25 ft tall);
- Power Block Noise Barrier Wall (55 ft tall); and
- L-shaped Property-Line Noise Barrier Wall near #5 Summer St (R3, daycare center) (20 ft tall).

The noise barrier wall systems proposed for the gas compressor yard and power block area would be constructed of materials with adequate thickness and density to provide significant noise reduction in the lower octave-bands, normally achieved with solid, nonporous material (i.e., steel) or specially designed, commercially available, pre-cast concrete blocks. Louvered openings and other egress areas in the noise wall will be designed to achieve adequate transmission loss approximately equivalent to the wall itself. As a general design guideline, the interior faces of the barrier wall will be covered with sound absorbing material to avoid reflection from the barrier surface, which would increase sound levels at other locations.

Existing Units

Exelon identified a noise control plan to attenuate the sound levels from the six existing CTG's, which are expected to operate during infrequent daytime periods (6 AM – 11 PM) simultaneously with the proposed equipment. The current design consists of an 'L-shaped' noise barrier wall, approximately 25 feet high around the existing J2 lube oil cooler, acoustical louvers on the upper ventilation strips along the northern façades of the J2 and J3 buildings, and close-in 'L-shaped' barrier walls near the J1 and J3 generator inlets. Other noise control options may include a combination of acoustical louvers, enclosures, silencers, local barriers, and wing walls to be designed. Exelon has noted that the operation of all six existing CTGs alongside the two proposed units can be thought of as a "worst case" condition.



T 508.366.0560
F 508.366.4391
www.bealsandthomas.com
Regional Office: Plymouth, MA

June 22, 2016

Chief Jeffrey P. Lynch
Medway Fire Department
44 Milford St
Medway, MA 02053

Via: FedEx and email to ChiefLynch@townofmedway.org

Reference: Safety Documentation
West Medway II Facility
Summer Street and West Street
Medway, Massachusetts
B+T Project No. 1422.10

Dear Chief Lynch:

On behalf of the Applicant, Exelon West Medway, LLC and Exelon West Medway II, LLC, Beals and Thomas, Inc. respectfully submits the enclosed documentation relating to West Medway II, a new, fast-starting peaking facility including two simple-cycle peaking electric combustion turbines on Summer Street and West Street in Medway, Massachusetts (the Project).

As you are aware, Schedule 13(B) of the Host Community Agreement requires that Exelon provide Fire Safety and Emergency Medical Requirements as they relate to Design and Operation plans to the Town. In addition, the Project is currently seeking Major Site Plan Approval from the Medway Planning and Economic Development Board. We are providing this letter to formally respond to your requests for information for the Administrative Record. We have enclosed the most recent site plan set, dated June 17, 2016, for your review.

Storage Tanks and Materials Safety

Please find below a breakdown of the existing and proposed storage tanks on the site:

- Two (2) existing 157,000-gallon fuel oil tanks
- One (1) proposed 1,000,000-gallon ultra-low sulfur diesel (ULSD) tank
- One (1) proposed 500,000-gallon fire service/raw water tank
- One (1) proposed 450,000-gallon demineralized (finished) water storage tank
- One (1) proposed 12,000-gallon fully-diked and covered aqueous ammonia storage tank

The Project will operate primarily on natural gas, which would be delivered to the site via an interconnection to the existing Algonquin Gas Transmission Company (AGT) pipeline to the northeast. As a backup fuel, the Project will use ULSD, which will be delivered to the site via tanker truck. The proposed fuel oil tanks are located within an earthen containment berm with impervious liner, designed to provide 110% containment volume. Stormwater for this area will

be collected in a sump within the containment berm, which will have a drain pipe with a gate valve left in the closed position. The gate valve will only be opened, if necessary, once maintenance personnel have visually confirmed that no sheen is present. Clean stormwater from the area will then enter the closed drainage system for conveyance and treatment with other stormwater from the facility.

The proposed fuel oil tank system will be interconnected with the existing fuel oil tanks. Two new unloading pumps are proposed at the new fuel oil tank. Only one of the new pumps will be in operation at any one time; the other will serve as a back-up. Upon completion of the project, a total of three fuel unloading stations (two at the existing tanks, one at the proposed tank) will be located on site. Accordingly, the facility will have the capability to unload three oil trucks at a time. The new facility may operate on ULSD for a maximum of 30 days per year, and is anticipated to operate on ULSD an average of 10 days per year.

The aqueous ammonia used for emissions control is a water solution containing up to 19% ammonia by weight, and will be used in the Selective Catalytic Reduction (SCR) system to reduce nitrous oxide (NOx) emissions. A Material Safety Data Sheet (MSDS) has been enclosed for your review. The tank will be approximately 12-feet in diameter by 15-feet in length and will be placed in a full capacity (110%) concrete containment dike. The dike will be partly enclosed by four upper wall segments and a roof approximately 24-feet high above grade. The open interior of the containment area will be filled with a layer of buoyant plastic spheres. In the very unlikely event of a spill or leak, these spheres would float on the surface of the ammonia solution, thus reducing the exposed surface area. This is a standard mitigation measure for aqueous ammonia storage tanks. The truck offloading area will be properly curbed with a sump to contain any spill during unloading.

Traffic

The internal site driveways will consist of a 24-foot wide perimeter access road bounded by a bituminous concrete berm extending from the existing facility site driveway, and a secondary 12-foot wide gravel drive for emergency access only connecting to an existing access drive from West Street. Internal site circulation has been designed to facilitate adequate access for delivery trucks and emergency response vehicles. Please see enclosed for an exhibit depicting AutoTURN turning radii for a 40-foot ladder truck along the main site driveway off Summer Street and internal access drives.

Under a peak operating scenario (approximately 10 days per calendar year), there will be no more than two truck deliveries per hour to the site. Truck deliveries to the site are anticipated to consist primarily of ammonia trucks, demineralization trailers, and seasonally, oil tankers during winter months. An exhibit depicting proposed truck queuing areas is enclosed for your review. Note that the paved width of road has been increased to 24 feet since this evaluation, and truck queuing is now planned to occur on the paved surface since (a) adequate width is provided to allow occasional bypass of queued vehicles given the low volume nature of the internal roadways and (b) the paved surface includes a closed drainage system that includes basins that

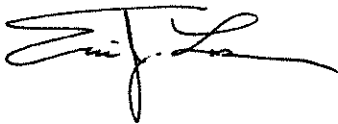
Chief Jeffrey P. Lynch
Medway Fire Department
June 22, 2016
Page 3

have oil/gas separators that would collect any incidental vehicle pollutants from queued vehicles as a preferred option to a non-paved queuing area.

We understand that you will be attending the June 28, 2016 hearing of the Medway Planning and Economic Development Board. If the enclosed information is acceptable, please sign the enclosed signature form and return it to us prior to that hearing. Should you have any questions or would like to discuss the matter further, please contact us at (508) 366-0560. We are also available to meet with you if necessary.

Very truly yours,

BEALS AND THOMAS, INC.



Eric J. Las, PE, LEED AP
Principal

Enclosures

cc: Susan Affleck-Childs, Medway Planning & Economic Development Board (via email to sachilds@townofmedway.org)

MKS/EJL/ars/142210LT006

The Applicant, Exelon West Medway, LLC and Exelon West Medway II, LLC, has provided the Medway Fire Department with the following documentation related to the West Medway II project:

- Plan set entitled “West Medway II Facility,” prepared by Beals and Thomas, Inc., dated June 17, 2016, in 21 sheets.
- Exhibit entitled “Potential Staging Area,” prepared by MDM Transportation Consultants, Inc., in 1 page.
- AutoTURN analysis, prepared by Beals and Thomas, Inc., in 1 sheet.
- “Safety Data Sheet, Aqua Ammonia (5-19.9%),” prepared by Airgas, in 13 pages.

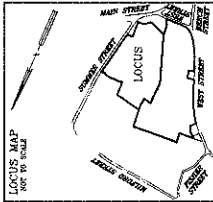
I have reviewed the information provided, and determined it to be adequate for the Fire Department’s review of relevant Project components.

Name: _____ Title: _____

Signature: _____ Date: _____

PREPARED FOR:

**Exelon West
Medway, LLC and
Exelon West
Medway II, LLC**
300 Exelon Way
Kennett Square, PA 19348



**FOR PERMITTING
ONLY**

CONSENT OF BEALS & THOMAS, INC.
ALL RIGHTS RESERVED

PREPARED BY:
BEALS & THOMAS, INC.
148 Torrance Road
Medway, Massachusetts 01954
Tel: 508.365.2060 | www.btlweb.com

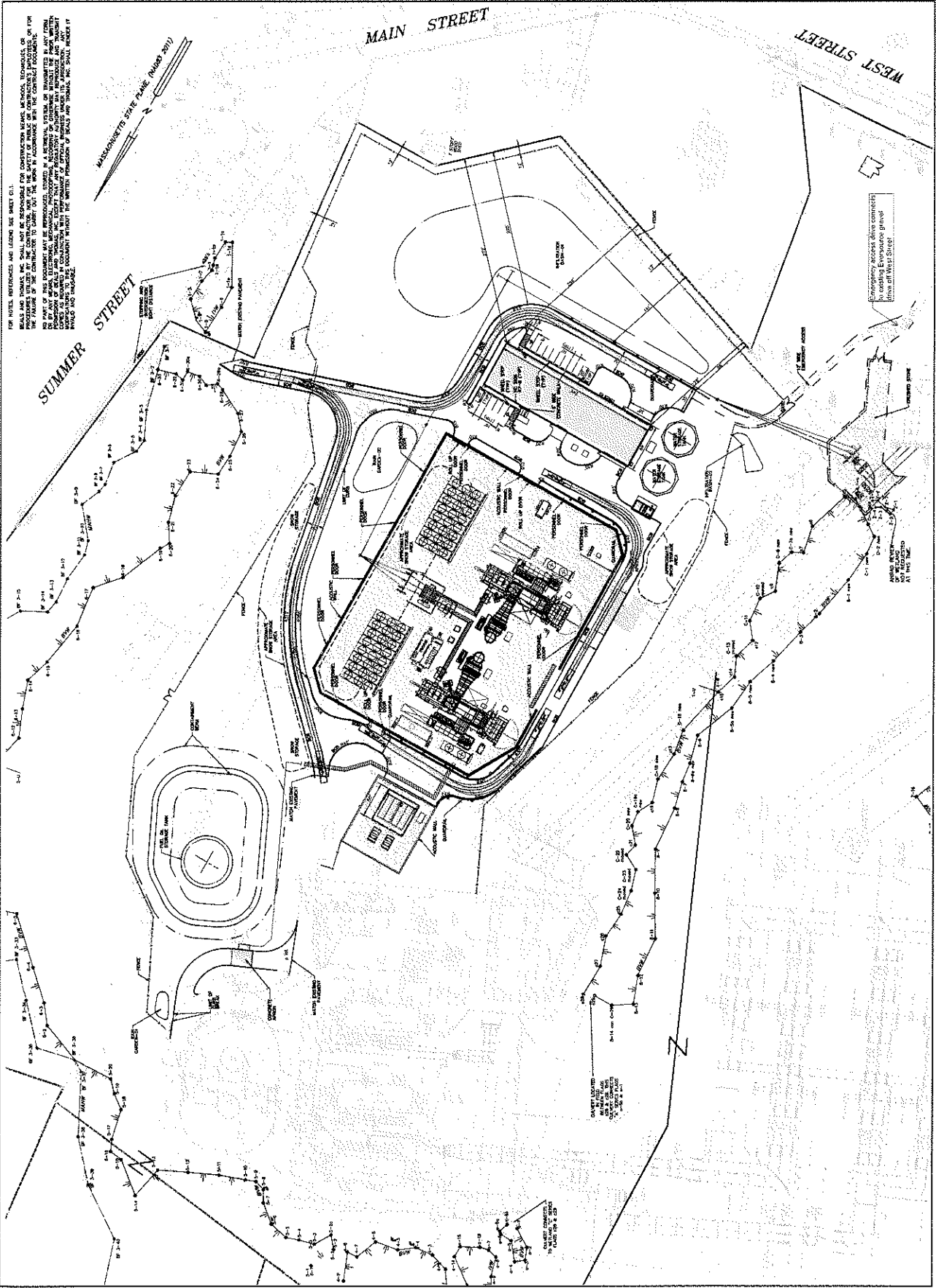
1	1. EXISTING LAYOUT OF SITE
2	2. EXISTING LAYOUT OF SITE
3	3. EXISTING LAYOUT OF SITE
4	4. EXISTING LAYOUT OF SITE
5	5. EXISTING LAYOUT OF SITE

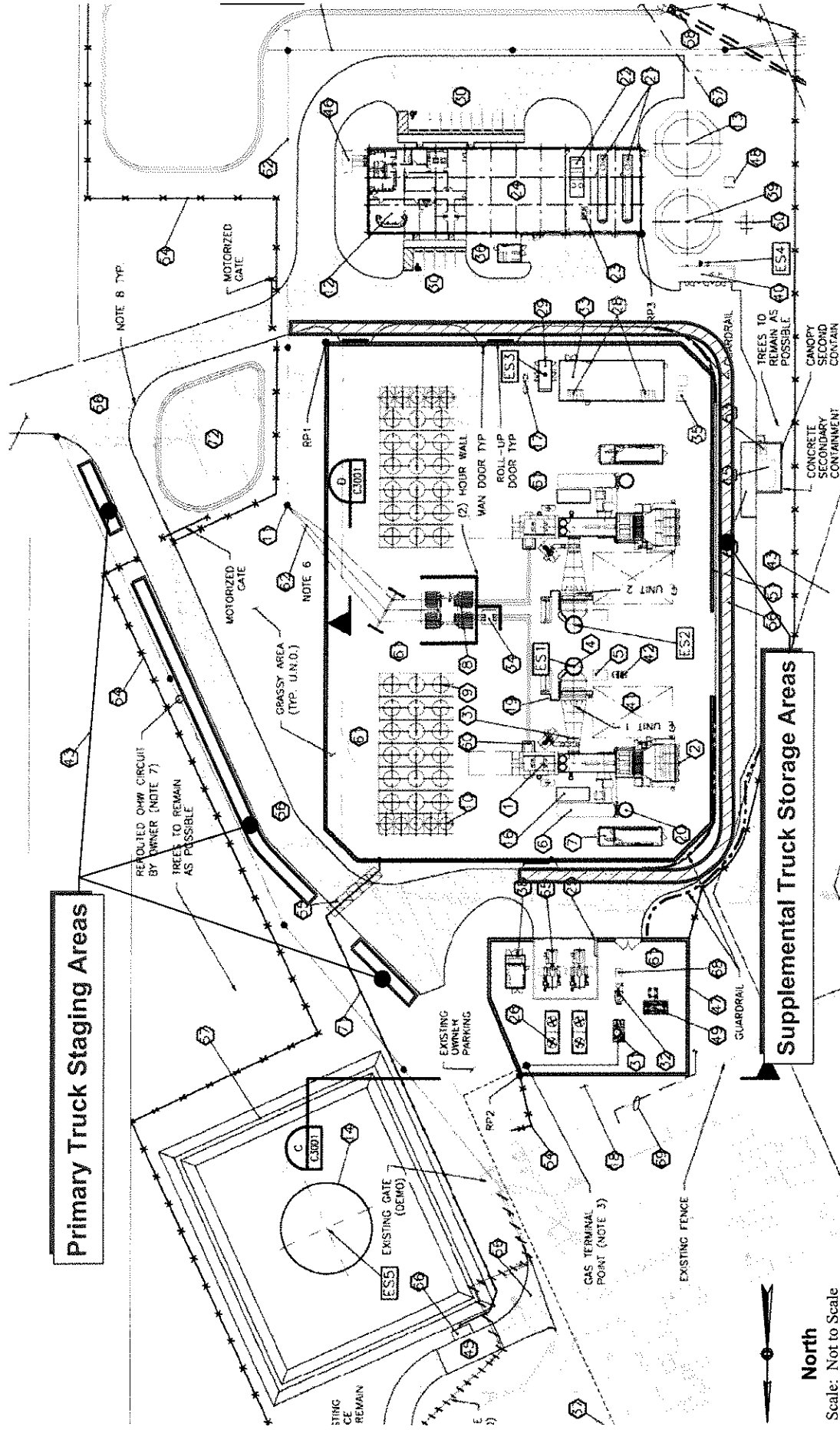
PROJECT:
**WEST MEDWAY II
FACILITY**
MEDWAY, MASSACHUSETTS

SCALE: 1" = 40' DATE: FEBRUARY 08, 2018
SHEET NO. 1 OF 1

**LAYOUT AND
MATERIALS PLAN**

C3.1





SAFETY DATA SHEET

Airgas

Aqua Ammonia (5-19.9%)

Section 1. Identification

GHS product identifier : Aqua Ammonia (5-19.9%)
Other means of identification : Aqua Ammonia, Ammonium Hydroxide
Product use : Synthetic/Analytical chemistry.
Synonym : Aqua Ammonia, Ammonium Hydroxide
SDS # : 001196
Supplier's details : Airgas USA, LLC and its affiliates
259 North Radnor-Chester Road
Suite 100
Radnor, PA 19087-5283
1-610-687-5253

Emergency telephone number (with hours of operation) : 1-866-734-3438

Section 2. Hazards identification

OSHA/HCS status : This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).
Classification of the substance or mixture : SKIN CORROSION/IRRITATION - Category 1B
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Respiratory tract irritation) - Category 3
AQUATIC HAZARD (ACUTE) - Category 1

GHS label elements

Hazard pictograms :



Signal word : Danger

Hazard statements : May displace oxygen and cause rapid suffocation.
Causes severe skin burns and eye damage.
May cause respiratory irritation.
Very toxic to aquatic life.

Precautionary statements

General : Read label before use. Keep out of reach of children. If medical advice is needed, have product container or label at hand.

Prevention : Wear protective gloves. Wear eye or face protection. Wear protective clothing. Use only outdoors or in a well-ventilated area. Avoid release to the environment. Avoid breathing vapor. Wash hands thoroughly after handling.

Response : Collect spillage. IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing. Immediately call a POISON CENTER or physician. IF SWALLOWED: Immediately call a POISON CENTER or physician. Rinse mouth. Do NOT induce vomiting. IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water or shower. Wash contaminated clothing before reuse. Immediately call a POISON CENTER or physician. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Immediately call a POISON CENTER or physician.

Date of issue/Date of revision : 4/24/2015. **Date of previous issue** : 4/24/2015. **Version** : 3 **1/13**

Section 2. Hazards identification

- Storage** : Store locked up.
- Disposal** : Dispose of contents and container in accordance with all local, regional, national and international regulations.
- Hazards not otherwise classified** : None known.

Section 3. Composition/information on ingredients

- Substance/mixture** : Mixture
- Other means of identification** : Aqua Ammonia, Ammonium Hydroxide

CAS number/other identifiers

- CAS number** : Not applicable.
- Product code** : 001196

Ingredient name	%	CAS number
Aqua Ammonia	100	1336-21-6
WATER	80.1 - 95	7732-18-5
ammonia, anhydrous	5 - 19.9	7664-41-7

There are no additional ingredients present which, within the current knowledge of the supplier and in the concentrations applicable, are classified as hazardous to health or the environment and hence require reporting in this section.

Occupational exposure limits, if available, are listed in Section 8.

Section 4. First aid measures

Description of necessary first aid measures

- Eye contact** : Get medical attention immediately. Call a poison center or physician. Immediately flush eyes with plenty of water, occasionally lifting the upper and lower eyelids. Check for and remove any contact lenses. Continue to rinse for at least 10 minutes. Chemical burns must be treated promptly by a physician.
- Inhalation** : Get medical attention immediately. Call a poison center or physician. Remove victim to fresh air and keep at rest in a position comfortable for breathing. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. If not breathing, if breathing is irregular or if respiratory arrest occurs, provide artificial respiration or oxygen by trained personnel. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband. In case of inhalation of decomposition products in a fire, symptoms may be delayed. The exposed person may need to be kept under medical surveillance for 48 hours.
- Skin contact** : Get medical attention immediately. Call a poison center or physician. Flush contaminated skin with plenty of water. Remove contaminated clothing and shoes. Wash contaminated clothing thoroughly with water before removing it, or wear gloves. Continue to rinse for at least 10 minutes. Chemical burns must be treated promptly by a physician. Wash clothing before reuse. Clean shoes thoroughly before reuse.
- Ingestion** : Get medical attention immediately. Call a poison center or physician. Wash out mouth with water. Remove dentures if any. Remove victim to fresh air and keep at rest in a position comfortable for breathing. If material has been swallowed and the exposed person is conscious, give small quantities of water to drink. Stop if the exposed person feels sick as vomiting may be dangerous. Do not induce vomiting unless directed to do so by medical personnel. If vomiting occurs, the head should be kept low so that vomit does not enter the lungs. Chemical burns must be treated promptly by a physician. Never give anything by mouth to an unconscious person. If unconscious, place in

Section 4. First aid measures

recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.

Most important symptoms/effects, acute and delayed

Potential acute health effects

- Eye contact** : Causes serious eye damage.
- Inhalation** : May cause respiratory irritation. Exposure to decomposition products may cause a health hazard. Serious effects may be delayed following exposure.
- Skin contact** : Causes severe burns.
- Frostbite** : Try to warm up the frozen tissues and seek medical attention.
- Ingestion** : May cause burns to mouth, throat and stomach.

Over-exposure signs/symptoms

- Eye contact** : Adverse symptoms may include the following:
pain
watering
redness
- Inhalation** : Adverse symptoms may include the following:
respiratory tract irritation
coughing
- Skin contact** : Adverse symptoms may include the following:
pain or irritation
redness
blistering may occur
- Ingestion** : Adverse symptoms may include the following:
stomach pains

Indication of immediate medical attention and special treatment needed, if necessary

- Notes to physician** : In case of inhalation of decomposition products in a fire, symptoms may be delayed. The exposed person may need to be kept under medical surveillance for 48 hours.
- Specific treatments** : No specific treatment.
- Protection of first-aiders** : No action shall be taken involving any personal risk or without suitable training. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Wash contaminated clothing thoroughly with water before removing it, or wear gloves.

See toxicological information (Section 11)

Section 5. Fire-fighting measures

Extinguishing media

- Suitable extinguishing media** : Use an extinguishing agent suitable for the surrounding fire.
- Unsuitable extinguishing media** : None known.

- Specific hazards arising from the chemical** : In a fire or if heated, a pressure increase will occur and the container may burst. This material is very toxic to aquatic life. Fire water contaminated with this material must be contained and prevented from being discharged to any waterway, sewer or drain.
- Hazardous thermal decomposition products** : Decomposition products may include the following materials:
nitrogen oxides

Section 5. Fire-fighting measures

- Special protective actions for fire-fighters** : Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. No action shall be taken involving any personal risk or without suitable training.
- Special protective equipment for fire-fighters** : Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode.

Section 6. Accidental release measures

Personal precautions, protective equipment and emergency procedures

- For non-emergency personnel** : No action shall be taken involving any personal risk or without suitable training. Evacuate surrounding areas. Keep unnecessary and unprotected personnel from entering. Do not touch or walk through spilled material. Do not breathe vapor or mist. Provide adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Put on appropriate personal protective equipment.
- For emergency responders** : If specialised clothing is required to deal with the spillage, take note of any information in Section 8 on suitable and unsuitable materials. See also the information in "For non-emergency personnel".
- Environmental precautions** : Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air). Water polluting material. May be harmful to the environment if released in large quantities. Collect spillage.

Methods and materials for containment and cleaning up

- Small spill** : Stop leak if without risk. Move containers from spill area. Dilute with water and mop up if water-soluble. Alternatively, or if water-insoluble, absorb with an inert dry material and place in an appropriate waste disposal container. Dispose of via a licensed waste disposal contractor.
- Large spill** : Stop leak if without risk. Move containers from spill area. Approach release from upwind. Prevent entry into sewers, water courses, basements or confined areas. Wash spillages into an effluent treatment plant or proceed as follows. Contain and collect spillage with non-combustible, absorbent material e.g. sand, earth, vermiculite or diatomaceous earth and place in container for disposal according to local regulations (see Section 13). Dispose of via a licensed waste disposal contractor. Contaminated absorbent material may pose the same hazard as the spilled product. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

Section 7. Handling and storage

Precautions for safe handling

- Protective measures** : Put on appropriate personal protective equipment (see Section 8). Do not get in eyes or on skin or clothing. Do not breathe vapor or mist. Do not ingest. Avoid release to the environment. Use only with adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Keep in the original container or an approved alternative made from a compatible material, kept tightly closed when not in use. Empty containers retain product residue and can be hazardous. Do not reuse container.
- Advice on general occupational hygiene** : Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Section 7. Handling and storage

Conditions for safe storage, including any incompatibilities : Store in accordance with local regulations. Store in original container protected from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10) and food and drink. Store locked up. Keep container tightly closed and sealed until ready for use. Containers that have been opened must be carefully resealed and kept upright to prevent leakage. Do not store in unlabeled containers. Use appropriate containment to avoid environmental contamination.

Section 8. Exposure controls/personal protection

Control parameters

Occupational exposure limits

Ingredient name	Exposure limits
ammonia, anhydrous	ACGIH TLV (United States, 6/2013). STEL: 24 mg/m ³ 15 minutes. STEL: 35 ppm 15 minutes. TWA: 17 mg/m ³ 8 hours. TWA: 25 ppm 8 hours. NIOSH REL (United States, 4/2013). STEL: 27 mg/m ³ 15 minutes. STEL: 35 ppm 15 minutes. TWA: 18 mg/m ³ 10 hours. TWA: 25 ppm 10 hours. OSHA PEL (United States, 2/2013). TWA: 35 mg/m ³ 8 hours. TWA: 50 ppm 8 hours. OSHA PEL 1989 (United States, 3/1989). STEL: 27 mg/m ³ 15 minutes. STEL: 35 ppm 15 minutes.

- Appropriate engineering controls** : Use only with adequate ventilation. If user operations generate dust, fumes, gas, vapor or mist, use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits.
- Environmental exposure controls** : Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, fume scrubbers, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.

Individual protection measures

- Hygiene measures** : Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.
- Eye/face protection** : Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: chemical splash goggles and/or face shield. If inhalation hazards exist, a full-face respirator may be required instead.

Skin protection

Section 8. Exposure controls/personal protection

- Hand protection** : Chemical-resistant, impervious gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is necessary. Considering the parameters specified by the glove manufacturer, check during use that the gloves are still retaining their protective properties. It should be noted that the time to breakthrough for any glove material may be different for different glove manufacturers. In the case of mixtures, consisting of several substances, the protection time of the gloves cannot be accurately estimated.
- Body protection** : Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
- Other skin protection** : Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
- Respiratory protection** : Use a properly fitted, air-purifying or air-fed respirator complying with an approved standard if a risk assessment indicates this is necessary. Respirator selection must be based on known or anticipated exposure levels, the hazards of the product and the safe working limits of the selected respirator.

Section 9. Physical and chemical properties

Appearance

- Physical state** : Liquid.
- Color** : Colorless.
- Boiling/condensation point** : Lowest known value: 38°C (100.4°F) (ammonia). Weighted average: 68.21°C (154.8°F)
- Melting/freezing point** : May start to solidify at the following temperature: 0°C (32°F) This is based on data for the following ingredient: water. Weighted average: -29.74°C (-21.5°F)
- Critical temperature** : Not available.
- Odor** : Pungent.
- Odor threshold** : Not available.
- pH** : Approx. 11.6 for 1 N Sol'n. in water
- Flash point** : Not available.
- Burning time** : Not applicable.
- Burning rate** : Not applicable.
- Evaporation rate** : Not available.
- Flammability (solid, gas)** : Not available.
- Lower and upper explosive (flammable) limits** : Not available.
- Vapor pressure** : Not available.
- Vapor density** : Highest known value: 0.6 to 1.2 (Air = 1) (ammonia).
- Gas Density (lb/ft³)** : Weighted average: 0.33
- Relative density** : Not available.
- Solubility** : Not available.
- Solubility in water** : Complete
- Partition coefficient: n-octanol/water** : Not available.
- Auto-ignition temperature** : Not available.
- Decomposition temperature** : Not available.
- SADT** : Not available.
- Viscosity** : Not available.

Section 10. Stability and reactivity

- Reactivity** : No specific test data related to reactivity available for this product or its ingredients.
- Chemical stability** : The product is stable.
- Possibility of hazardous reactions** : Under normal conditions of storage and use, hazardous reactions will not occur.
- Conditions to avoid** : No specific data.
- Incompatibility with various substances** : Extremely reactive or incompatible with the following materials: oxidizing materials.
Highly reactive or incompatible with the following materials: metals.
- Hazardous decomposition products** : Under normal conditions of storage and use, hazardous decomposition products should not be produced.
- Hazardous polymerization** : Under normal conditions of storage and use, hazardous polymerization will not occur.

Section 11. Toxicological information

Information on toxicological effects

Acute toxicity

Product/ingredient name	Result	Species	Dose	Exposure
Aqua Ammonia ammonia, anhydrous	LD50 Oral	Rat	350 mg/kg	-
	LC50 Inhalation Gas.	Rat	7338 ppm	1 hours

Irritation/Corrosion

Product/ingredient name	Result	Species	Score	Exposure	Observation
Aqua Ammonia	Eyes - Severe irritant	Rabbit	-	250 Micrograms	-
	Eyes - Severe irritant	Rabbit	-	0.5 minutes 1 milligrams	-

Sensitization

Not available.

Mutagenicity

Not available.

Carcinogenicity

Not available.

Reproductive toxicity

Not available.

Teratogenicity

Not available.

Specific target organ toxicity (single exposure)

Section 11. Toxicological information

Name	Category	Route of exposure	Target organs
Aqua Ammonia	Category 3	Not applicable.	Respiratory tract irritation

Specific target organ toxicity (repeated exposure)

Not available.

Aspiration hazard

Not available.

Information on the likely routes of exposure : Not available.

Potential acute health effects

- Eye contact** : Causes serious eye damage.
- Inhalation** : May cause respiratory irritation. Exposure to decomposition products may cause a health hazard. Serious effects may be delayed following exposure.
- Skin contact** : Causes severe burns.
- Ingestion** : May cause burns to mouth, throat and stomach.

Symptoms related to the physical, chemical and toxicological characteristics

- Eye contact** : Adverse symptoms may include the following:
pain
watering
redness
- Inhalation** : Adverse symptoms may include the following:
respiratory tract irritation
coughing
- Skin contact** : Adverse symptoms may include the following:
pain or irritation
redness
blistering may occur
- Ingestion** : Adverse symptoms may include the following:
stomach pains

Delayed and immediate effects and also chronic effects from short and long term exposure

Short term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Long term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Potential chronic health effects

Not available.

- General** : No known significant effects or critical hazards.
- Carcinogenicity** : No known significant effects or critical hazards.
- Mutagenicity** : No known significant effects or critical hazards.

Section 11. Toxicological information

Teratogenicity	: No known significant effects or critical hazards.
Developmental effects	: No known significant effects or critical hazards.
Fertility effects	: No known significant effects or critical hazards.

Numerical measures of toxicity

Acute toxicity estimates

Not available.

Section 12. Ecological information

Toxicity

Product/ingredient name	Result	Species	Exposure
Aqua Ammonia ammonia, anhydrous	Acute LC50 37 ppm Fresh water	Fish - Gambusia affinis - Adult	96 hours
	Acute EC50 29.2 mg/l Marine water	Algae - Ulva fasciata - Zoea	96 hours
	Acute LC50 2080 µg/l Fresh water	Crustaceans - Gammarus pulex	48 hours
	Acute LC50 0.53 ppm Fresh water	Daphnia - Daphnia magna	48 hours
	Acute LC50 300 µg/l Fresh water	Fish - Hypophthalmichthys nobilis	96 hours

Persistence and degradability

Not available.

Bioaccumulative potential

Not available.

Mobility in soil







Soil/water partition coefficient (K_{oc}) : Not available.

Other adverse effects : No known significant effects or critical hazards.

Section 13. Disposal considerations

Disposal methods : The generation of waste should be avoided or minimized wherever possible. Disposal of this product, solutions and any by-products should at all times comply with the requirements of environmental protection and waste disposal legislation and any regional local authority requirements. Dispose of surplus and non-recyclable products via a licensed waste disposal contractor. Waste should not be disposed of untreated to the sewer unless fully compliant with the requirements of all authorities with jurisdiction. Waste packaging should be recycled. Incineration or landfill should only be considered when recycling is not feasible. This material and its container must be disposed of in a safe way. Care should be taken when handling emptied containers that have not been cleaned or rinsed out. Empty containers or liners may retain some product residues. Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers.

Section 14. Transport information

	DOT	TDG	Mexico	IMDG	IATA
UN number	UN2672	UN2672	UN2672	UN2672	UN2672
UN proper shipping name	Ammonium Hydroxide	Ammonium Hydroxide	Ammonium Hydroxide	Ammonium Hydroxide	Ammonium Hydroxide
Transport hazard class(es)	8 	8 	8 	8  	8 
Packing group	III	III	III	III	III
Environment	No.	No.	No.	Yes.	No.
Additional information	Reportable quantity 502.51 lbs / 228.14 kg Package sizes shipped in quantities less than the product reportable quantity are not subject to the RQ (reportable quantity) transportation requirements.	-	-	The marine pollutant mark is not required when transported in sizes of ≤5 L or ≤5 kg.	The environmentally hazardous substance mark may appear if required by other transportation regulations.

"Refer to CFR 49 (or authority having jurisdiction) to determine the information required for shipment of the product."

Special precautions for user : **Transport within user's premises:** always transport in closed containers that are upright and secure. Ensure that persons transporting the product know what to do in the event of an accident or spillage.

Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code : Not available.

Section 15. Regulatory information

U.S. Federal regulations : TSCA 8(a) CDR Exempt/Partial exemption: Not determined
United States inventory (TSCA 8b): All components are listed or exempted.
Clean Water Act (CWA) 311: ammonia; ammonia, anhydrous

Clean Air Act (CAA) 112 regulated toxic substances: ammonia, anhydrous

Clean Air Act Section 112 (b) Hazardous Air Pollutants (HAPs) : Not listed

Clean Air Act Section 602 Class I Substances : Not listed

Clean Air Act Section 602 Class II Substances : Not listed

DEA List I Chemicals (Precursor Chemicals) : Not listed

DEA List II Chemicals (Essential Chemicals) : Not listed

SARA 302/304

Section 15. Regulatory information

Composition/information on ingredients

Name	%	EHS	SARA 302 TPQ		SARA 304 RQ	
			(lbs)	(gallons)	(lbs)	(gallons)
ammonia, anhydrous	5 - 19.9	Yes.	500	-	100	-

SARA 304 RQ : 502.5 lbs / 228.1 kg

SARA 311/312

Classification : Immediate (acute) health hazard

Composition/information on ingredients

Name	%	Fire hazard	Sudden release of pressure	Reactive	Immediate (acute) health hazard	Delayed (chronic) health hazard
Aqua Ammonia ammonia, anhydrous	100 5 - 19.9	No. Yes.	No. Yes.	No. No.	Yes. Yes.	No. No.

SARA 313

	Product name	CAS number	%
Form R - Reporting requirements	ammonia	1336-21-6	100
	ammonia, anhydrous	7664-41-7	5 - 19.9
Supplier notification	ammonia	1336-21-6	100
	ammonia, anhydrous	7664-41-7	5 - 19.9

SARA 313 notifications must not be detached from the SDS and any copying and redistribution of the SDS shall include copying and redistribution of the notice attached to copies of the SDS subsequently redistributed.

State regulations

- Massachusetts** : The following components are listed: AMMONIUM HYDROXIDE; AMMONIA
- New York** : The following components are listed: Ammonium hydroxide; Ammonia
- New Jersey** : The following components are listed: AMMONIUM HYDROXIDE; AMMONIA
- Pennsylvania** : The following components are listed: AMMONIUM HYDROXIDE ((NH₄)(OH)); AMMONIA

Canada inventory : All components are listed or exempted.

International regulations

- International lists** :
- Australia inventory (AICS)**: All components are listed or exempted.
 - China inventory (IECSC)**: All components are listed or exempted.
 - Japan inventory**: All components are listed or exempted.
 - Korea inventory**: All components are listed or exempted.
 - Malaysia Inventory (EHS Register)**: Not determined.
 - New Zealand Inventory of Chemicals (NZIoC)**: All components are listed or exempted.
 - Philippines inventory (PICCS)**: All components are listed or exempted.
 - Taiwan inventory (CSNN)**: Not determined.

Chemical Weapons Convention List Schedule I Chemicals : Not listed

Chemical Weapons Convention List Schedule II Chemicals : Not listed

Chemical Weapons Convention List Schedule III Chemicals : Not listed

Section 15. Regulatory information

Canada

WHMIS (Canada) : Class D-1A: Material causing immediate and serious toxic effects (Very toxic).
 Class E: Corrosive material
CEPA Toxic substances: The following components are listed: Ammonia dissolved in water
Canadian ARET: None of the components are listed.
Canadian NPRI: The following components are listed: Ammonia (total); Ammonia (total)
Alberta Designated Substances: None of the components are listed.
Ontario Designated Substances: None of the components are listed.
Quebec Designated Substances: None of the components are listed.

Section 16. Other information

Canada Label requirements : Class D-1A: Material causing immediate and serious toxic effects (Very toxic).
 Class E: Corrosive material

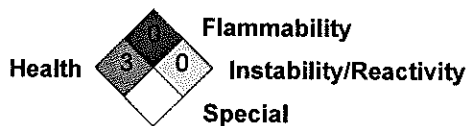
Hazardous Material Information System (U.S.A.)

Health	3
Flammability	0
Physical hazards	0

Caution: HMIS® ratings are based on a 0-4 rating scale, with 0 representing minimal hazards or risks, and 4 representing significant hazards or risks. Although HMIS® ratings are not required on SDSs under 29 CFR 1910.1200, the preparer may choose to provide them. HMIS® ratings are to be used with a fully implemented HMIS® program. HMIS® is a registered mark of the National Paint & Coatings Association (NPCA). HMIS® materials may be purchased exclusively from J. J. Keller (800) 327-6868.

The customer is responsible for determining the PPE code for this material.

National Fire Protection Association (U.S.A.)



Reprinted with permission from NFPA 704-2001, Identification of the Hazards of Materials for Emergency Response Copyright ©1997, National Fire Protection Association, Quincy, MA 02269. This reprinted material is not the complete and official position of the National Fire Protection Association, on the referenced subject which is represented only by the standard in its entirety.

Copyright ©2001, National Fire Protection Association, Quincy, MA 02269. This warning system is intended to be interpreted and applied only by properly trained individuals to identify fire, health and reactivity hazards of chemicals. The user is referred to certain limited number of chemicals with recommended classifications in NFPA 49 and NFPA 325, which would be used as a guideline only. Whether the chemicals are classified by NFPA or not, anyone using the 704 systems to classify chemicals does so at their own risk.

History

Date of printing : 4/24/2015.
 Date of issue/Date of revision : 4/24/2015.
 Date of previous issue : 4/24/2015.
 Version : 3

Section 16. Other information

Key to abbreviations

- : ATE = Acute Toxicity Estimate
- BCF = Bioconcentration Factor
- GHS = Globally Harmonized System of Classification and Labelling of Chemicals
- IATA = International Air Transport Association
- IBC = Intermediate Bulk Container
- IMDG = International Maritime Dangerous Goods
- LogPow = logarithm of the octanol/water partition coefficient
- MARPOL 73/78 = International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978. ("Marpol" = marine pollution)
- UN = United Nations
- ACGIH – American Conference of Governmental Industrial Hygienists
- AIHA – American Industrial Hygiene Association
- CAS – Chemical Abstract Services
- CEPA – Canadian Environmental Protection Act
- CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act (EPA)
- CFR – United States Code of Federal Regulations
- CPR – Controlled Products Regulations
- DSL – Domestic Substances List
- GWP – Global Warming Potential
- IARC – International Agency for Research on Cancer
- ICAO – International Civil Aviation Organisation
- Inh – Inhalation
- LC – Lethal concentration
- LD – Lethal dosage
- NDSL – Non-Domestic Substances List
- NIOSH – National Institute for Occupational Safety and Health
- TDG – Canadian Transportation of Dangerous Goods Act and Regulations
- TLV – Threshold Limit Value
- TSCA – Toxic Substances Control Act
- WEEL – Workplace Environmental Exposure Level
- WHMIS – Canadian Workplace Hazardous Material Information System

References : Not available.

☑ Indicates information that has changed from previously issued version.

Notice to reader

To the best of our knowledge, the information contained herein is accurate. However, neither the above-named supplier, nor any of its subsidiaries, assumes any liability whatsoever for the accuracy or completeness of the information contained herein.

Final determination of suitability of any material is the sole responsibility of the user. All materials may present unknown hazards and should be used with caution. Although certain hazards are described herein, we cannot guarantee that these are the only hazards that exist.

Susan Affleck-Childs

From: Eric Las <elas@bealsandthomas.com>
Sent: Monday, June 20, 2016 11:27 AM
To: Susan Affleck-Childs
Cc: Amy E. Kwesell; Mary Kate Schneeweis
Subject: Exelon - URAM Plan
Attachments: Medway URAM Cover letter to ConsComm 6-14-16.pdf; WM_20160617_URAM Plan - Final.pdf

Hi Susy -- The attached documents relate to an item that came up during our initial public hearing(s) with the Planning and Economic Development Board. It was also discussed during our public hearings with the Conservation Commission. The attached final documents are being submitted to the Conservation Commission, but I wanted to ensure that the PEDB was copied as well. Can you please distribute these to the PEDB along with our documents from Friday. Thanks. -Eric

Eric J. Las, PE, LEED AP
Principal



BEALS + THOMAS
celebrating 30 years

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

June 17, 2016

Town of Medway Conservation Commission
155 Village Street
Medway, MA 02053

Re: Utility Related Abatement Measure
Exelon West Medway II
9 Summer Street
Medway, MA

Dear Commissioners:

The purpose of this letter is to summarize recent activities conducted in association with a proposed Utility-Related Abatement Measure (URAM) for a portion of the natural gas pipeline servicing the Exelon West Medway II project. The URAM has been prepared in accordance with the Massachusetts Contingency Plan (MCP) at 310 CMR 40.0000. The URAM Plan will be submitted to the Massachusetts Department of Environmental Protection (MassDEP) prior to the start of URAM activities as required by 40 CMR 40.0462.

As discussed at the last Conservation Commission meeting, OHI Engineering conducted soil precharacterization activities along the proposed natural gas pipeline corridor to identify potential petroleum-impacted soil and to confirm the extent of the proposed URAM. Soil precharacterization activities included completion of 23 soil probes and installation of monitoring well OHI-211. Eight groundwater wells were also sampled; results were consistent with prior sampling results.

Petroleum-impacted soil was encountered in eight probe locations, which were used to define the URAM area. The URAM area as previously shown on **Figure 2- Site Plan** was confirmed to be located outside of areas under the jurisdiction of the Wetlands Protection Act (310 CMR 10.00) and the Town of Medway Wetland Bylaw. Soil screening was conducted with a Photoionization Detector (PID) with Total Organic Vapors (TOVs) results ranging from 75 to 130 ppmv within the URAM area; TOVs were not detected outside the URAM area. The URAM area is approximately 80 feet long. Petroleum-impacted soils were found to be at four to six feet below grade. The geology in the URAM area is a consistent dense glacial till which limits potential migration. Laboratory data confirmed that the material meets the permit criteria for soil recycling at Aggregate Industries in Avon, MA.

Excavated material with PID field screening results greater than one hundred parts per million by volume (ppmv) or evidence of contamination (based on significant petroleum and/or chemical odor; an oily sheen; and/or material with staining or significant change of color inconsistent with previous characterizations) will be considered as significantly impacted, and will be directly loaded into trucks for off-Site disposal. Some soil may be temporarily stockpiled in areas outside the jurisdiction of the Wetlands Protection Act and the Medway Wetland Regulation depending on the contractor's schedule and the time of day.

During soil excavation, an OHI representative will screen excavated soil with a PID. Any soil exhibiting PID readings or other conditions inconsistent with previous soil data will be segregated and sampled for laboratory analysis. Analyses will be selected based on observations and screening.

No soil will be removed from the site without the approval of the LSP. URAM Soils requiring off-Site disposal will be characterized in accordance with the facility's acceptance criteria and will be transported in accordance with the Bill of Lading (BOL) process. Soil will be managed in accordance with the Interim Remediation Waste Management Policy for Petroleum Contaminated Soils #WSC-94-400 and/or the Similar Soils Provision Guidance WSC#-13-500. OHI will prepare the BOL for the hauling and disposal of the soil. Copies of certified weight slips and/or manifests and the original completed BOL will be submitted to MassDEP within the required time frame in accordance with 310 CMR 40.0034.

Trench stops consisting of a clay barrier or high-density polyethylene (HDPE) boot will be installed at the upper and lower extent of the URAM area to prevent potential preferential migration along the pipeline.

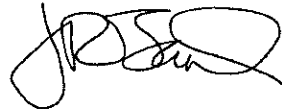
Upon completion of URAM activities, a URAM Completion Statement will be prepared and submitted to the MassDEP.

Sincerely,

OHI Engineering, Inc.



Douglas C. Morrison
Senior Project Manager



James R. Borrebach, P.E., LSP
Principal

Cc: Tammy Sanford - Exelon Medway , LLC
Amy Kwezell – Rubin and Rudman, LLP
Jeremy Fennell – Epsilon Associates
Eric Las – Beals and Thomas

UTILITY-RELATED ABATEMENT MEASURE PLAN

**EXELON- MEDWAY
9 SUMMER STREET
MEDWAY, MASSACHUSETTS**

Prepared for:

**EXELON MEDWAY, LLC
776 SUMMER STREET
BOSTON, MA 02127**

Prepared by:

**OHI ENGINEERING, INC.
44 WOOD AVENUE
MANSFIELD, MA 02048
508-339-3929
508-339-3140 (FAX)**

OHI PROJECT 16-1714

Report Date:

JUNE 17, 2016

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	CONTACT INFORMATION	2
3.0	SUMMARY OF PREVIOUS RESPONSE ACTIONS.....	2
4.0	PROPOSED UTILITY-RELATED ABATEMENT MEASURE	5
4.1	General	5
4.2	Worker Health and Safety	6
4.3	Pre-Characterization Subsurface Investigation.....	6
4.4	Soil Excavation	7
4.5	Soil Stockpiling Procedures.....	8
4.6	Soil Disposal Facilities	9
4.7	Soil Transportation	10
4.8	Soil Re-Use and Backfill	10
4.9	Dewatering and Groundwater Control.....	10
5.0	PERMITS	11
6.0	PROPOSED IMPLEMENTATION SCHEDULE	11
7.0	LSP EVALUATION & OPINION.....	11

Figures

Figure 1 – Site Locus

Figure 2 – Site Plan

Tables

Table 1 – Soil Data

Table 2 – Tank Field Soil Data

Table 3 – August 2015 Groundwater Results

Table 4 – Gauging Table

Table 5 – Soil Pre-characterization Table

Appendix

Appendix A – Laboratory Reports

Appendix B – Probe Logs



Town of Medway
DESIGN REVIEW COMMITTEE
155 Village Street
Medway MA 02053
508-533-3291
drc@townofmedway.org

June 27, 2016

TO: Medway Planning and Economic Development Board
FROM: Matthew Buckley, Chairman
RE: DRC Comments – Exelon Site Plan – 34 West & 9 Summer Streets

Dear Members of the Medway Planning and Economic Development Board:

The DRC has met with the applicant four times (March 7th, April 4th, May 25th and June 6th, 2016) to review their submittal for the expanded Exelon power generating facility. The DRC also discussed the project during its April 25th and May 16th meetings. During these meetings the discussion focused on the aesthetics of the site composition, architecture, landscape and site amenities.

Several large site elements, such as the 55-foot-high sound wall, 160-foot-high smoke stacks and other components that exceed 40 feet in height were the primary points of discussion. The scale of these elements are unprecedented and so, fall well outside the effective scope of the updated *Medway Design Review Guidelines*. Although exemptions are sought for these significant aspects, the DRC has provided recommendations that attempt to better align these features with the *Guidelines*. While improvements were made, none of these features can be brought into complete alignment with the *Design Review Guidelines* and they fail to comply on several points. These comments are prepared using the most recently updated plans that are dated June 17th, 2016.

Landscape - The applicant has provided a landscape plan which complies with the *Design Review Guidelines*. This plan incorporates native vegetation and landscape berms in an effort to naturalize and screen the large site.

- Please note: In the letter to the DRC from Attorney Amy Kwesell, dated 6-14-16, she indicates. "The proposed fencing will be black vinyl (or other coating) chain link at the project entrance and along abutting residences and standard galvanized diamond mesh elsewhere. Exelon is exploring if the barbed wire on the top of the fencing can also be black".
- The plan set dated June 17th does not included this change on Sheet 9.5 Site Details that outlines the fencing specifications but does include it in a note of Sheet C3.1 – Layout and Materials Plans. The DRC recommends that Sheet 9.5 be revised.
- Where possible retain and reuse existing fieldstone walls.

Lighting - The applicant has provided a lighting plan which complies with the *Design Review Guidelines*. This plan incorporates LED fixtures, which are color coordinated to their space of use. Roadside fixtures are to be black. Building light fixtures are to be white over the entrances on the sound wall and black on the administration building.

- The DRC recommends that light shrouds be used in spaces where fixtures are adjacent to the light colored sound wall. This would diminish the amount of reflected light off the wall and reduce the visual impact of the site during low light hours.

Building Materials and Architecture - As instructed by the Planning and Economic Development Board (PEDB), the applicant provided variations of color schemes for the site from which the DRC could choose. From the three options provided the DRC has chosen:

Building Colors

- The 55-foot sound wall – Luna (TCI, 9416-9503M).
- The 20-foot sound wall adjacent to day care center – Luna (TCI, 9416-9503M)
- The water tanks – Federal Standard 10219 (R=146, G=121, B=103).
- The administration building walls – Federal Standard 10059 (R=94, G=80, B=76) and the roof of the administration building will be off-white in color
- The two stacks – ASA-70 Grey

Administration Building

- This building is well over 200 feet in length and should have visual breaks in the façade with varied set-backs and color changes. [see DRG *Industrial Guidelines* section D-1, b) *Visually Reduce Large Building Scale* and c) *Interrupt and Balance Uniform Massing* and D-2, a) *Emphasize Façade Rhythm and Patterns*, b) *Avoid Long and Blank Facades*, and f) *Integrate Utilitarian Aspects of Design*]

Sound Walls

- The 55-foot-high sound wall around the turbines and stacks is of great length and height. It should incorporate visual breaks through a vertical change in color from darker to lighter. [see DRG *Industrial Guidelines* section D-1, b) *Visually Reduce Large Building Scale* and c) *Interrupt and Balance Uniform Massing* and D-2, a) *Emphasize Façade Rhythm and Patterns*, b) *Avoid Long and Blank Facades*, and f) *Integrate Utilitarian Aspects of Design*]
- The L-shaped 20-foot-high sound wall at the eastern property line, between the wall and the abutters property, should be planted with a robust landscape screen to buffer its impact on the daycare center [see DRG *Industrial Guidelines* section C-6, e) *Reinforce Additional Residential Landscape Buffer*, and f) *Integrate Functional Features into Landscape*]. Additionally, should that property be sold, the wall will need to be screened when looking into the Exelon site. No landscape plan for this area has been presented.

Water Tanks

- The pair of water tanks are over 40 feet high and with a diameter of 30 or more feet, they are a massive site component that defy screening or visual mitigation. The DRC has recommended tall growing conifers in this area, such as large sized white pines. These species have been included in the current plan. In 10-15 years this vegetation should begin to provide some screen.

Smoke Stacks

- The pair of 160-foot-high smoke stacks are another massive site component that defy screening or visual mitigation. The DRC has recommended a muted grey color ASA-70 Grey that will most closely match the common New England sky.

Signage

No signage plan has been presented and the applicant has indicated they will not install any site or entry signage.

The DRC respectfully submits these review comments for the consideration of the PEDB.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Buckley". The signature is fluid and cursive, with the first name "Matthew" and last name "Buckley" clearly distinguishable.

Matthew Buckley
Chairman

cc: Eric Las, Beals and Thomas
Amy Kwesell, Rubin and Rudman