

**May 24, 2016**  
**Medway Planning and Economic Development Board Meeting**  
**155 Village Street**  
**Medway, MA 02053**

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

**ALSO PRESENT:**

Gino Carlucci, PGC Associates  
Steve Bouley, Tetra Tech  
Andrew Ogilvie, BETA Group  
Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

**ANR Plan - 12 & 16 Oak Street- Fred Sibley:**

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

- ANR Application
- ANR Plan dated 5-16-16 by Colonial Engineering
- PGC Review Letter dated 5-18-18.

Consultant Carlucci noted that there were a few minor revisions which were needed. The surveyor has revised the plan (dated 5-20-16) and it is ready to endorse. The Board reviewed the plan.

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to endorse and sign the ANR plan (dated May 20, 2016) for 12 & 16 Oak Street.**

**Eversource Plan Review Fee REFUND**

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

- Project Accounting Spreadsheet dated 5/17/16.

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to refund the balance of \$499.60 to Eversource.**

**PEDB Meeting Minutes:**

**May 10, 2016:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to accept the minutes from the May 10, 2016 PEDB meeting as presented.**

**2 Marc Road Site Plan - Public Hearing Continuation**

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

- Public Hearing Continuation Notice dated 5-11-16.
- 5-18-16 response letter from Merrikin Engineering
- Revised site plan by Merrikin Engineering dated 5-18-16
- Host Community Agreement dated 5-16-16

The new plan set was sent and submitted to the consultant for review. The applicant provided trip generation data. Give such low rates of traffic, a detailed assessment is not warranted. The future expansion was noted on plan. Signage information was also provided. The sign will only have the name of the business. Cape Cod berm is proposed around the perimeter of parking. The street catch basin has a curb inlet to drain manhole with landscaping. There will be temporary fencing added during construction. The street name has been changed to Marc Road on all plans.

The Board would like the applicant to ask the Fire Chief if there needs to be a fire hydrant at the end of the driveway.

The applicant will ask for a waiver from the parking spaces being 9' x 18'.

The lighting plan will need to be revised to make sure there is no spill over (illumination over property). The regulation requires it to be 0.

The applicant is going before the Conservation Commission on Thursday, May 26, 2016.

There was a recommendation to include an apron to preserve the edge of the street.

Tetra Tech informed Board that all their comments have been addressed.

**Resident, Ann St. Vrain, 1 Causeway Street:**

Ms. Vrain noted that Section 8.9 of the Zoning Bylaw specifies that the maximum building size is 25,000 sq. ft. The Chairman informed the resident that the Town Meeting had voted to change the maximum size to 60,000 sq. ft. Ms. Vrain asked wouldn't the Town want to keep this type of business away from community organizations. There is a dance studio near this site. How far away is this site from the studio? The applicant responded that it is 750 feet away from the dance studio. She also wanted to know about the smell. The applicant responded that they will have an odor mitigation system.

The Chairman informed the resident that all information about the project is on the Town website. The Town has spoken twice on this topic at town meetings.

The applicant noted that they will still need to go to the State for approval. The Town entered into host community agreement. It was well negotiated and signed. The Town will use funds generated by the host community agreement for life saving equipment and other things. It was noted that this site is for cultivation only.

The Board would like Susy to start drafting a decision.

**Public Hearing Continuation:**

**On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted to continue the hearing for 2 Marc Road to June 14, 2016 at 7:15 pm.**

**Cumberland Farms and Medway Gardens**

The Chairman informed the Board that the Cumberland Farms site needs an inspection since it is referenced in the decision.

The following needs to be inspected:

- Inspect catch basin
- Address dead brown spruce

The Chairman would also like Tetra Tech to look at the paving space for handicap at Medway Gardens.

Consultant Bouley left the meeting at 7:45 pm.

**Exelon Expansion Site Plan (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 5-11-16.
- Public Hearing Schedule dated 5-10-16
- BETA Group plan review letter dated 5-18-16
- Memo from the Design Review Committee dated 5-18-16
- Beals and Thomas letter dated 5-23-16 in response to DRC memo dated 5-18-16

Representatives from Exelon started the presentation by explaining that they are in receipt of the Design Review Committee letter dated May 18, 2016. They are opposed to the request from DRC to retain a consultant to provide an expert visual resource analysis and to recommend schemes for the site. The applicant explained that they have been to the DRC three times and this has not come up in any of their meetings. Exelon presented 25 different colors and it was narrowed down to five colors. It is the applicant's interpretation that this request came out of nowhere. The DRC has also requested landscaping off site in the Town of Bellingham which the applicant is comfortable doing, The DRC was clear about the color samples and this was shown in brochures.

The Chairman asked if color shading can mitigate the impact.

Exelon representatives explained that the mitigation was discussed and the DRC showed examples from the southwest which is a totally different look than what is needed in the Northeast. This area is in an industrial zone area. There is no need for an outside consultant.

The Chairman asked if the applicant can present to the DRC the most popular colors and present those in renderings.

The Board is in agreement that if several renderings and color choices are provided, there is no need for a consultant.

Member Tucker explained that he has a problem with any committee doing an applicant's design work. If Exelon knows what they want, then present it to DRC. The DRC is an advisory board. The DRC will make a recommendation on what you present.

Mr. Charlie Myers informed the Board that he attended the last three DRC meetings and he was not aware that there was a selection of three colors. There was discussion of coloring and ways to mitigate and he volunteered to contact Natick Soldiers System to explore mitigating options. This was presented to DRC. The Town's host community agreement with Exelon does reference ways to mitigate the visual impacts of the development. Mr. Myers reported that he had contacted the manufacturer of the material for the noise wall and it comes in sections and is cut together in columns. It is possible to order a production of 300 of one color and 300 of another color. This can be done. He did not explore the pricing.

The applicant responded that they are proposing a single color for the noise wall. There are many color options for the stacks and administrative building. The Chairman recommended bringing renderings to the next DRC meeting showing different colors. The next DRC meeting will be June 6, 2016.

The Board is in agreement that it is not necessary to have a consultant on this since several color options were presented.

Engineer Eric Las of Beals and Thomas provided an overview of the stormwater topics:

- Site layout and key components
- Pre-development hydraulic conditions
- Post-development
- Stormwater management design features
- Mass DEP standards
- Town Requirements

**Site layout:**

The project is located on approximately 13 acres of a larger 94 acre property. The site is presently in use as a power generation facility. The majority of the site is located within the Industrial II zoning district with the remainder of the site within the Agricultural Residential II zoning district. Some of the key components of the project include:

- Control buildings
- Two new turbine generators
- Stacks (locations shown)
- Proposed Sound wall
- Water storage tanks

**Pre-Hydraulic Conditions:**

The steps to acquire the pre-hydraulic conditions included getting the calculations on site while examining the major features on site which might have an impact on stormwater runoff. The area near the brook on Summer Street was reviewed along with the bordering vegetation to the west. There was review of the sub-watershed, existing conditions and run off rates. From this there was review of the proposed areas with anticipated grading while seeing how drainage would convey flow to design points. At the main facility, there will be two infiltration basins designed to handle a 100 year storm. There will be on site treatment along with a deep sump hooded catch basins. There will be a closed drainage system with surface inlets to drainage manholes. The applicant is proposing a CDS unit and the majority of the flow will drain to the rain garden and basin. The rain garden will provide treatment and infiltration to recharge and the basin will handle everything else. This will all drain within 72 hours. Basin can capture and infiltrate without any outflow. The site has Type A soil which is good. At the entrance drive on Summer St. a manhole is proposed to improve peak flow. This will provide a significant improvement for this area.

**Pre-Development Gas Metering Station Hydraulic Conditions:**

The pre-development gas metering station will have HDPE outlet from basin one. The swale or stormwater management facilities are proposed adjacent to the metering station.

Consultant Ogilvie indicated that he did not see the most recently revised plan. His review letter focused on the plans which were dated February 2016. The applicant indicated that the plans have been revised since that previous date. This needs to be checked and verified.

Eric Las indicated that this information is also as an addendum and service letter which is a standalone items for stormwater and portions of site.

**Massachusetts Stormwater Management Standards this project will meet:**

1. No discharge of untreated stormwater directly to wetland or waters.
2. This project will not increase peak rate of runoff from site. There will be deep sump basins and rain gardens.
3. The site recharge proposed exceeds requirements. A summary table was shown with post and pre development peak discharge.
4. The site removes 80% of total suspended solids (TSS) chart was referenced. There will be periodic cleaning which will be documented.
5. The storage of fuel oil on site makes this project a Land Use with Higher Potential Pollutant Loads (LUHPPL) however, it complies with the standard.
6. This project is outside the limits of the stormwater critical area and is not applicable.
7. This standard does not apply since the project does not meet the definition for redevelopment.

8. The project will disturb greater than one acre and will require a Notice of Intent with the Conservation Commission/DEP and a Stormwater Pollution Prevention Plan (SWPPP).
9. The operation and maintenance plan was included in the stormwater drainage report and it complies with the standard.
10. An illicit discharge statement has been provided.

Member Tucker asked if there is a system in place to monitor stormwater in the event of a breach of the oil line. Who monitors? Is there a containment program?

Exelon representative Tammy Sanford responded that all the oil is above ground and there is a secondary containment and it is not around the entire site. There is leak detection.

**Town Requirements:**

This project meets the Town requirement since the pipes and grates shall be designed for a 25 year storm. In regards to the hydraulic segment, it is modeled for a closed drainage system and all pipes have been sized to comply with the Town's requirements. The stormwater management facilities shall be designed for the 100 year storm and the best management practices will be utilized.

**Total Maximum Daily Load (TMDL):**

The TMDL requires 65% reduction for phosphorus.

- Post development reduction within thin the limit of work is 83.5%.

Town of Medway requires 32% reduction in phosphorus for full site according to MS4 permit.

- Post development reduction for the full site is 46.5%.

Both ways demonstrate that the stormwater design more than adequately complies with TMDL goals.

A chart was shown referencing the phosphorous removal for site and future pre-development conditions were shown.

The Chairman wanted to know if this is going to be compliant with the MS4 permit.

Consultant Carlucci indicated that it does meet the requirements.

**Peer Review:**

The peer review was done by Beta Group. They have provided a peer review letter dated May 18, 2016.

Consultant Andrew Ogilvie replied that the methodology used by the applicant was very appropriate and there were minimal comments.

There were no public comments.

The next hearing which is scheduled for the Tuesday, June 14, 2016 PEDB meeting will cover the following topics: aesthetics, landscaping and lighting.

**Public Hearing Continuation:**

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the board voted to continue the public hearing for Exelon to June 14, 2016 at 7:45 pm.**

**Millstone Village ARCPUD:**

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

- Tetra Tech email dated 5-19-16
- Aerial photo dated 5-18-16
- Revised Bond estimate Phase 1 dated 5-19-16
- Revised Bond estimate for Phase 2 dated 5-19-16
- New partial release of covenant
- Amendment to the Tri Party Agreement

Developer Steve Venincasa informed the Board that the first phase of the development is substantially underway and they are starting to do the landscaping. There are a few items which need to be resolved with the Conservation Commission. The affordable housing lottery went well and a local resident will be occupying one of the affordable units. Steve met with a member of the Open Space Committee about a trail. This will need to be discussed further.

**Release Covenant:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to release the following:**

- 1,2,3,4,5,6,7,8,9,10,11, and 12 Fieldstone Drive
- 1,2,3,4,5 and 6 Steppingstone Drive
- 1,3,5,7,9 and 11 Riverstone Drive
- 1,2,3,4,5 and 6 Flagstone Drive
- 4,6,8,10,11,12,13, 15, and 16 Cobblestone Drive

**Phase 2 Bond Amount:**

**On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to set the Phase two bond estimate at \$439,285 based on the Tetra Tech estimate dated 5/19/16.**

**Amendment to the Lenders Agreement:**

**On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to reduce the Phase 1 performance security amount by \$290,575 from \$470,596 to \$180,021 based on the Tetra Tech estimate dated 5/19/16.**


**CORRESPONDENCE:** A memo dated May 11, 2016 from the Medway Housing Authority regarding Capital Improvement planning was received but not discussed.

**Adjourn:**

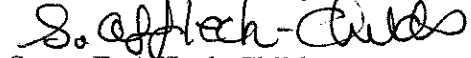
**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted to adjourn the meeting.**

**The meeting was adjourned at 9:20 pm.**

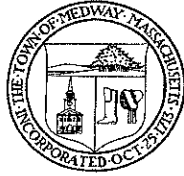
Respectfully Submitted,

  
Amy Sutherland  
Recording Secretary

Reviewed and edited by

  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator





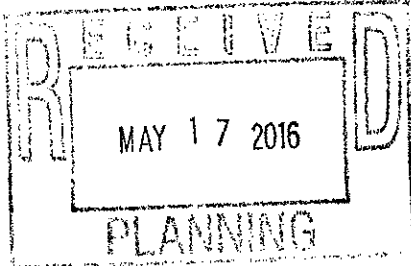
**Tuesday, May 24, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ANR Plan – 12 and 16 Oak Street**

- **ANR application**
- **ANR Plan dated 5-16-16 by Colonial Engineering**
- **PGC Review Letter dated 5-18-16**

Gino Carlucci's review letter identified a couple of very minor needed revisions. That letter has been forwarded to the applicant (Fred Sibley) and Paul DeSimone. Paul will make those changes and bring the mylar to the meeting for your signature.

Colonial Engineering, Inc.  
Surveying and Engineering



11 Awl Street  
Medway, Ma. 02053  
(508) 533- 1644  
(508) 533-1645 FAX  
colonial.eng@verizon.net

May 17, 2016

Medway Planning Board  
155 Village Street  
Medway, Ma. 02053

Re: 12 & 16 Oak Street

Dear Board Members,

Please accept this submission for Fred Sibley to re-subdivide his property at 12, 16 Oak Street. There are two existing structures on the lots as shown on the plan provided. One structure will be razed to make room for another. If you have any questions please do not hesitate to call.

Thank-You  
Paul DeSimone P.L.S.

# LAND SUBDIVISION – FORM A

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

Planning & Economic Development Board - Town of Medway, MA

### INSTRUCTIONS TO APPLICANT/OWNER

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

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

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

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

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

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

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

MAY 16, 2016

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

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

### ANR PLAN INFORMATION

Plan Title: Plan of Land in Medway, MA.

Prepared by: Paul J. DeSimone

P.E. or P.L.S registration #: 30466 Plan Date: MAY 16 2016

### PROPERTY INFORMATION

ANR Location Address: 12916 Oak St.

The land shown on the plan is shown on Medway Assessor's Map # 47 Parcel # 23824

Total Acreage of Land to be Divided: 6.615 AC

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: AR II

Frontage Requirement: 150' Area Requirement: 22,500 S.F.

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

The owner's title to the land that is the subject matter of this application is derived under deed from: Carol Holmes to Fredric Francis Sibley dated June 27 2001 and recorded in Norfolk County Registry of Deeds, Book 15704 Page 348 or Land Court Certificate of Title Number \_\_\_\_\_, Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District Volume \_\_\_\_\_, Page \_\_\_\_\_.

#### APPLICANT INFORMATION

Applicant's Name: Fred Sibley

Applicant's Signature: [Signature]

Address: 12 Oak St.

Medway, MA 02053

Telephone: 508-328-2071 Email: \_\_\_\_\_

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

#### PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: FREDERIC SIBLEY

Owner's Signature: [Signature]

Address: 12 OAK ST

MEDWAY, MA

Telephone: 608-533-6861 Email: SIBLEYS1@MSN.COM

#### ENGINEER or SURVEYOR INFORMATION

Name: Paul J. Desimone

Address: 11 Aul St.

Medway, MA 02053

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

#### ATTORNEY INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### **ANR PLAN FILING FEE**

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

**Please prepare two checks: one for \$95 and one for the balance.  
Each check should be made payable to: Town of Medway**

*Fee approved 11-2-06*

### **APPLICATION CHECKLIST – All items must be submitted**

- \_\_\_\_\_ 2 signed original ANR applications (FORM A)
- \_\_\_\_\_ 8 prints of ANR plan – 1 for Town Clerk and 7 for Planning
- \_\_\_\_\_ Electronic version of ANR plan for Planning
- \_\_\_\_\_ Project Explanation - 1 for Town Clerk and 1 for Planning
- \_\_\_\_\_ Application/Filing Fee (2 checks)

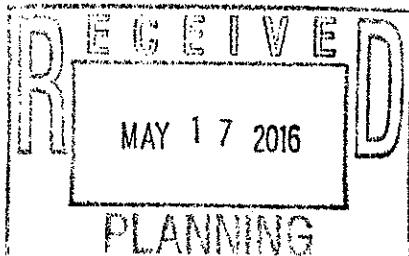
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Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic  
Development Board: 5-17-16

ANR Application/Filing Fee Paid: Amount: \$345

Check # 6167 - \$95

Check # 6149 \$250



## PROJECT EXPLANATION

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

## APPROVAL NOT REQUIRED JUSTIFICATION

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

- ☐ 1. The accompanying plan does not show a division of land.
- ☒ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on DAVE ST. (name of way(s), which is:
- ☐ a. A public way. Date of street acceptance: \_\_\_\_\_
- ☐ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- ☐ c. A way shown on a definitive subdivision plan entitled \_\_\_\_\_  
\_\_\_\_\_ that was previously endorsed by the Planning and Economic Development Board on \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds on \_\_\_\_\_  
\_\_\_\_\_ Provide detailed recording information: \_\_\_\_\_
- ☐ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of \_\_\_\_\_ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ☒ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: No New ways or Streets  
\_\_\_\_\_  
\_\_\_\_\_

## CONFIRMATORY DEED

Carol Holmes, of Holliston, Middlesex County, Massachusetts, in consideration of One Dollar (\$1.00) paid, grants to:

Frederic Francis Sibley, of 12 Oak Street, Medway, MA 02053, with *Quitclaim Covenants*, all of my right, title and interest in the following described premises:

A certain parcel of land with the buildings and improvements thereon situated in the Westerly part of Medway, Norfolk County, Massachusetts, on the Northerly side of Oak Street, bounded and described as follows:

Beginning on the northerly sideline of said Oak Street at the southwesterly corner of the granted premises at land now or formerly of Robert P. and Marie Klein, thence running

S 88 degrees 08' 04" W 131.75 feet by said Oak Street; thence  
S 85 degrees 30' 55" W 102.31 feet; thence  
S 89 degrees 04' 04" W 36.22 feet; thence  
S 41 degrees 42' 10" W 253.17 feet; thence  
S 05 degrees 10' 29" E 182.00 feet; thence  
S 89 degrees 17' 13" E 98.71 feet; thence  
S 05 degrees 14' 02" E 230.50 feet; thence  
N 89 degrees 19' 47" E 259.46 feet; thence  
N 89 degrees 56' 26" E 414.96 feet; thence  
N 16 degrees 30' 00" E 150.00 feet; thence  
N 51 degrees 27' 55" W 259.84 feet; thence  
N 19 degrees 50' 45" W 175.00 feet; thence  
N 25 degrees 31' 19" W 155.30 feet.

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA  
CERTIFY  
*Paul D. Harold*  
PAUL D. HAROLD, REGISTER

079221

Being also shown as Lot "C" on a plan of land in Medway, Massachusetts, owned by E. Frederic and Loretta A. Sibley, prepared by GLM Engineering Consultants, dated April 30, 1984, recorded with Norfolk Registry of Deeds as Plan Number 688 of 1984, Plan Book 312.

The premises contain approximately 483,123 square feet according to said plan. The said premises are conveyed subject to a 20 foot wide access easement to be used solely for driveway purposes for the benefit of Lot #2 which is shown together with location of the said Frederic F. and Donna M. Sibley, scale 1" = 40' 0", dated March 8, 1988, East Coast Engineering, Inc., Medway, Mass.

The said premises are also conveyed subject to an overhead utility easement for electronic, telephone, cable television and any other similar lines and wires as may be reasonably necessary or convenient for use in residential premises, together with the right to enter and reenter the said premises to install, construct, maintain and repair the said transmission lines and wires, for the benefit of Lot #2 which is shown together with the location of the said overhead utility easement on the aforesaid plan.

Property Address: Lot C Oak Street, Medway, MA 02053

01 JUN 27 PM 1:31

Said premises are conveyed subject to an easement in favor of the American Telephone and Telegraph Company as set forth in a grant dated July 13, 1904, and recorded with Norfolk Registry of Deeds in Book 985, Page 564.

Being the same premises conveyed to Frederic Francis Sibley and Carol Holmes as joint tenants, subject to a life estate to Loretta A. Sibley, by deed of Loretta A. Sibley, recorded with Norfolk County Registry of Deeds in Book 12023, Page 593. Loretta A. Sibley died on August 17, 1999. See death certificate recorded with Norfolk Deeds in Book 13835, Page 493.

This deed is given to correct and confirm a prior deed of the Grantor recorded with Norfolk Deeds on Nov. 5, 1999 in Book 13835, Page 494, wherein the Grantee was incorrectly named as "Frederic Francis".

Witness My Hand and Seat this 27th day of June, 2001

Carol Holmes  
Carol Holmes

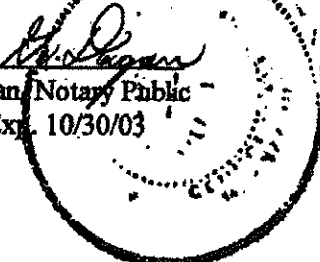
COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

June 27, 2001

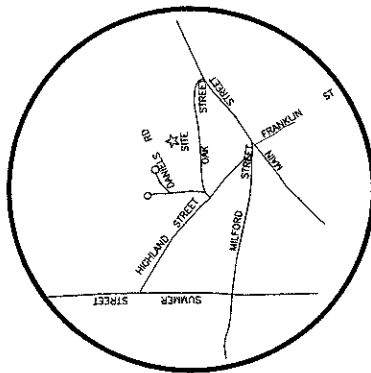
Then personally appeared the above-named Carol Holmes, and acknowledged the foregoing instrument to be her free act and deed, before me.

John G. Dugan  
John G. Dugan, Notary Public  
My Comm. Exp. 10/30/03





LOCUS MAP



N.T.S.

N/F TOWN OF MEDWAY

DN/FND.

N 89°19'47" E

379.41'

EXISTING 10' DRAIN EASEMENT

DRAIN & GRADING EASEMENTS  
SHOWN ON PLAN DATED 3/26/2010  
RECORDED IN PLAN BK. 604 PG. 52

EXISTING 15' GRADING EASEMENT

167.00'

N 00°03'34" W

N/F DESORBO

LOT 2D  
6.063 ACRES  
4.11+ ACRES UPLANDS  
L.S.F.=18.74

N/F KLE

N/F TODD

N 89°56'26" E

161.48'

N 05°19'18" W

157.48'

WETLANDS

POND

OLD LOT LINE

S 05°10'29" E

171.85'

S 05°14'02" E

172.49'

S 05°51'40" E

121.92'

S 86°49'26" W

52.88'

N 86°49'26" E

186.11'

N 19°50'45" W

150.02'

N 05°19'18" W

157.48'

N 89°56'26" E

161.48'

N 00°03'34" W

167.00'

N 89°19'47" E

379.41'

S 05°14'02" E

172.49'

S 05°10'29" E

171.85'

S 05°51'40" E

121.92'

S 86°49'26" W

52.88'

N 86°49'26" E

186.11'

N 19°50'45" W

150.02'

N 05°19'18" W

157.48'

N 89°56'26" E

161.48'

N 00°03'34" W

167.00'

N 89°19'47" E

379.41'

S 05°14'02" E

172.49'

S 05°10'29" E

171.85'

S 05°51'40" E

121.92'

S 86°49'26" W

52.88'

N 86°49'26" E

186.11'

N 19°50'45" W

150.02'

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**PGC ASSOCIATES, INC.**

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

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**MEMO TO:** Medway Planning Board

**FROM:** Gino D. Carlucci, Jr.

**DATE:** May 18, 2016

**RE:** Sibley lots on Oak Street

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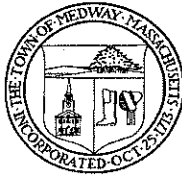
I have reviewed the ANR plan submitted for endorsement by Fred Sibley of Medway. The plan was prepared by Colonial Engineering Inc. of Medway and is dated May 16, 2016. The plan proposes to reconfigure 2 lots by adjusting the lot lines between them. The result is that one lot becomes substantially smaller and the other becomes larger. The two new lots (both now called Lot 2D, which needs to change) both retain the required frontage and area.

The application letter states that an existing dwelling will be razed to make room for another. It should be noted that the dwelling to be razed is on the portion of the existing smaller lot that will become part of the larger lot. An access and utility easement is retained in favor of the larger lot which will continue to obtain its access through the smaller lot rather than through its own frontage (which would require a significant wetlands crossing). The smaller lot will now have 24,082 square feet of area of which 15,051 square feet is uplands.

I have comments as follows:

1. The plan clearly meets the substantive and technical requirements for ANR endorsement.
2. The Zoning Bylaw requires that lots meet the area requirement with at least 50% contiguous uplands. In AR-1 that would be 22,000 square feet. The 15,051 square feet of uplands meets this requirement.
3. As noted above, one of the lot designations needs to change since they are both labeled "Lot 2D."
4. Oak Street is not a Scenic Road.

I recommend that the plan be endorsed after one of the lot designations is changed.



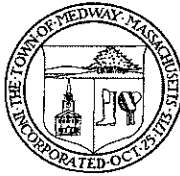
**Tuesday, May 24, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**EVERSOURCE SITE PLAN**  
**Plan Review Fee Refund**

- **Project Accounting Spreadsheet dated 5/17/16**

**Recommendation** – I recommend the PEDB vote to refund the balance in the Eversource plan review fee account in the amount of \$499.60. Both Tetra Tech and PGC Associates have indicated they have no further invoices for this project.

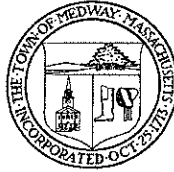




**Tuesday, May 24, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**2 Marc Road Site Plan and Special**  
**Permits**  
**Public Hearing Continuation**

- Public Hearing Continuation Notice dated 5-11-16
- 5-18-16 Response Letter from Merrikin Engineering to previously issued review letters from Tetra Tech and PGC Associates
- Revised plan set by Merrikin Engineering dated 5-18-16 *not included*



**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**

May 11, 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, May 24, 2016 at 7:15 p.m.**  
**LOCATION: Medway Town Hall – Sanford Hall, 155 Village Street**

***At its meeting on May 10, 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, May 24, 2016 at 7:15 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>

***If Town staff have not yet reviewed the proposed development and wish to provide comments, please do so by May 18<sup>th</sup> so that we can share them with the Board and the applicant and enter them into the public record. The Board will soon begin preparing its decision.*** Please contact me if you have any questions. Thanks.

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

# Merrikin Engineering, LLP

*Consulting Engineers*

730 MAIN STREET  
SUITE 2C

MILLIS, MA 02054

TELEPHONE (508) 376-8883

May 19, 2016

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

Ref: 2 Marc Road  
Medical Marijuana Cultivation Facility

Dear Members of the Board:

I am in receipt of comments from the Board's consultant, Tetra Tech, Inc, dated May 5, 2016 and offer the following responses for the Board's consideration:

1. *Comment: The applicant requested a waiver to eliminate a traffic impact assessment from the required elements of the Development Impact Statement. (Ch. 200 §204-3.A.7.a) The applicant states that the Project is near the end of dead end road with light traffic and does not have direct access to major state route. TT is not opposed to granting this waiver request, however the applicant should provide additional information regarding expected traffic generation.*

**Response:** Given that this is essentially a manufacturing facility, the most appropriate ITE trip generation use is Manufacturing (code 140). Trip generation rates based on building size are not appropriate because the proposed facility has large areas dedicated to growing plants, rather than actual manufacturing operations. Thus, an estimate based on the expected number of employees is a more reasonable assumption. For the expected maximum employee count of 30, the expected average weekday trip generation for the facility is therefore 65 (30 x 2.13 trips per day). A copy of the ITE trip generation data is included in Attachment A. Given such low rates of traffic generation in close proximity to a major travel route, we do not believe that a detailed assessment is warranted.

2. *Comment: The Plans shall be stamped, signed and dated by qualified Registered Architect. (Ch. 200 §204- 4.A)*

**Response:** Included in Attachment B are floor plans stamped by the RLA.

3. *Comment: The applicant shall verify that all existing and proposed elevations refer to North American Vertical Datum of 1988 (NAVD 88). (Ch. 200 §204-4.D)*

**Response:** The survey datum is NAVD88. General Note 2 has been added to sheet 2 accordingly.

4. Comment: *The locus plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. (Ch. 200 §204-5.B.1)*

**Response:** The existing conditions plan is the Site Context Plan. While locus plans are shown on the cover sheet, we have added a locus to the existing conditions plan to show all streets within 2,000 feet of the site as required. The locus plan is at 1"=1,000 and the existing conditions plan is at 1"=40'.

5. Comment: *The applicant requested a waiver for "Existing Landscape Inventory" due to the existing site being previously developed. TT is not opposed to granting this waiver as the site is currently in a cleared condition being used to process earthen materials. (Ch. 200 §204-5.C.3)*

**Response:** No response needed.

6. Comment: *The applicant shall provide radius of proposed curb radii at curb cuts to Marc Road. (Ch. 200 §204-5.D.2)*

**Response:** The information has been added to the plans. Also note that we replaced outside 90 degree angle points on the curbing with 3' radius arcs.

7. Comment: *The applicant requested a waiver for "Landscape Architectural Plan" as the Department of Public Health (DPH) prohibits shrubs and trees in proximity to the building. Perimeter tree plantings are proposed adjacent to property lines. TT is not opposed to this waiver as the DPH recommendation appears to be required to maintain safety in and around the facility. (Ch. 200 §204-5.D.7)*

**Response:** No response needed.

8. Comment: *The applicant shall provide a Signage Plan including design, materials, dimensions and lighting. (Ch. 200 §204-5.D.12)*

**Response:** Signage information was provided under separate cover and has been added to the site plan. Note that the dimensions of the sign changed slightly from our previous submittal.

9. Comment: *The applicant shall provide a Lighting Plan for the proposed site. (Ch. 200 §204-5.D.13)*

**Response:** This was included in our May 3<sup>rd</sup> submission. The information has been added to the site plan.

10. Comment: *It is recommended bituminous concrete surfacing within the parking area be a minimum of three and one-half (3½") inches. (Ch. 200 §205-6.D)*

**Response:** The detail has been revised accordingly.

11. Comment: *The applicant has provided 9' X 18' standard parking spaces on-site. The regulations state that standard spaces are to be 10' X 20'. A 9' x 18' standard space is typical for the industry, however, end parking stalls are recommended to be 10' X 18' to allow for proper maneuvering into and out of the end spaces. (Ch. 200 §205-6.G.3.a)*

**Response:** Section 7.1.1.E.3.a of the Zoning Bylaw requires that standard parking spaces be 9'x18'. All proposed spaces are standard spaces within the meaning of the bylaw.

12. Comment: *The proposed site plans show landscaped islands adjacent to the building at the front entrance. However, the rendering shown in the KKA set of plans shows the island in the front of the*



*building as a sidewalk. If the southern side of the building is to be bounded with sidewalk, wheel stops are recommended at the head of each parking stall to prevent bumper overhang over the sidewalk. (Ch. 200 §205-6.G.3.b)*

**Response:** The area between the parking lot and the building is a landscape island as shown on the site plan. A cape cod berm is proposed around the perimeter of the parking area.

13. *Comment:* Existing swales are proposed to be utilized as discharge points of the proposed stormwater system. It is recommended the applicant provide data on existing available swale capacity and likelihood of upstream runoff impacting the proposed stormwater design.

**Response:** The proposed design matches or lowers the peak rate of runoff from the site into these swales and will therefore not affect peak flow rates through the swale systems. The swales have overgrown and accumulated sediments over the years, which has diminished their capacity somewhat. The applicant proposes to cleanout all swales and to restore them to their original capacity. As a whole, the proposed development will improve stormwater management system functionality in the area.

14. *Comment:* The applicant is proposing to use infiltration basins as BMP's in the proposed stormwater design. However, the proposed HydroCAD model and Stormwater Report (Standard 3) does not provide for exfiltration from the basins. Furthermore, the bottom of the basins are located within 4 feet of the seasonal high groundwater elevation which would require mounding analysis for each basin.

**Response:** Infiltration is not included in the Hydrocad in order to demonstrate that infiltration is not necessary to mitigate peak rates of runoff. As such, we do not believe that mounding calculations are technically required. We have, however, included such calculations in Attachment C.

15. *Comment:* The Applicant shall add note "Plumbers and drain layers of established reputation and experience will be licensed by the Board as Drain Layers authorized to perform work." (Article 111-2)

**Response:** This has been added as Utility Note 6 on sheet 4.

16. *Comment:* TT recommends a construction fence be installed during construction to promote safety by restricting unauthorized entry by the general public.

**Response:** A construction fence has been specified at the Marc Road frontage. We do not believe it is necessary to fence the entire property given its location in an industrial park.

17. *Comment:* It is recommended the applicant provide detail for CO2 Pad, 3,000 gal CO2 tank, and Vaporizer.

**Response:** The structural design of the slab and more specific details of the assembly would be included with the architectural plans submitted as part of the building permit process. A typical layout detail is included in Attachment D.

18. *Comment:* TT recommends the applicant provide pavement markings or signage at the rear of the site to further direct traffic to one of the two exits and loading dock area.

**Response:** Two signs have been added to the rear of the building as shown on sheet 3.

19. *Comment: TT recommends decreasing the paved area located behind the building to reduce impervious cover and likelihood of vehicles using the area for parking. In the current phase of the project, the paved area has no intended use.*

**Response:** The future expansion area has been assumed to be impervious for the purposes of the stormwater system design so that changes to the stormwater system would not be necessary if the building expansion were to occur. As recommended, we have converted a portion of this area to a landscape island.

20. *Comment: It is recommended the applicant provide a cross-section of the proposed improvements to Jayar Road. It is recommended the applicant re-construct the roadway to town standards due to the applicant's intention to have the road accepted by the town in the future.*

**Response:** A standard reconstruction cross-section has been added to sheet 5.

21. *Comment: It is recommended a hydrant be placed at the rear of the site or per recommendation of fire chief/Medway DPS.*

**Response:** We have sought comment from the Fire Chief on this topic.

In addition, we have made the following changes based on other comments:

- The shade trees at the front of the property have been relocated closer to parking spaces.
- A curb inlet has been proposed to relocate the existing street catch basin to the edge of the travelled way. The existing catch basin will be retained with a manhole frame and cover.
- We have changed the road name for the segment leading from Industrial Park Road to match the Assessor's records (Marc Road).

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

Sincerely,

Daniel J. Merrikin P.E.

cc: File

## ATTACHMENT A

### ITE Trip Generation Data

# Manufacturing (140)

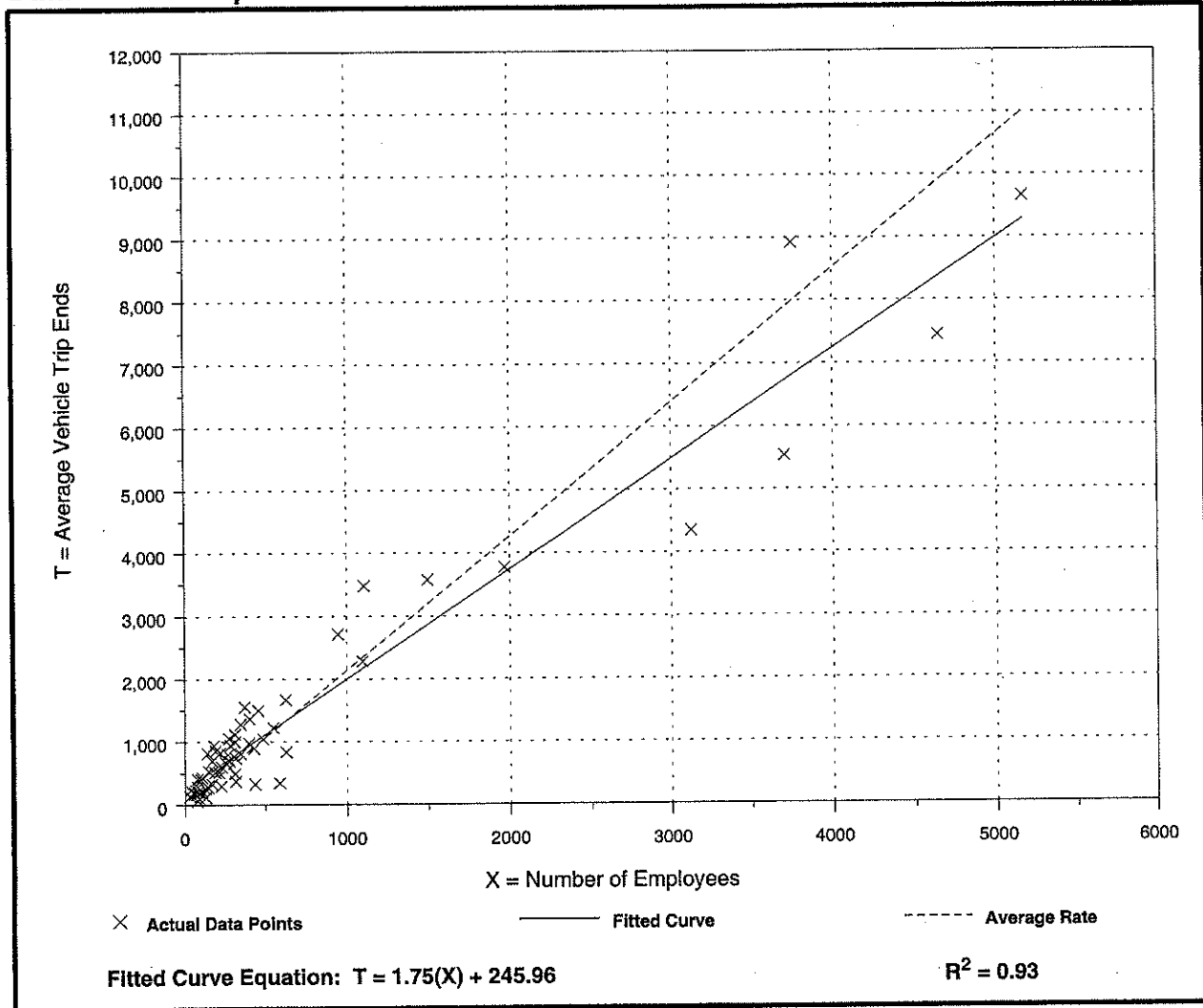
Average Vehicle Trip Ends vs: Employees  
On a: Weekday

Number of Studies: 62  
Avg. Number of Employees: 648  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
2.13	0.60 - 6.66	1.66

## Data Plot and Equation



**COMMCAN, INC.**

**Host Community Agreement**

**Registered Marijuana Dispensary - Cultivation & Processing Facility**

**Medway, Massachusetts**

This Host Community Benefit Agreement for a Registered Marijuana Dispensary cultivation and processing facility, ("RMD") is entered into this 16<sup>th</sup> day of May, 2016 by and between CommCan, Inc. a Massachusetts not-for-profit corporation formed under MGL ch.180 *et seq.* with a principal office address of 730 Main Street, Millis, Massachusetts 02054 ("OPERATOR") and the Town of Medway, a Massachusetts municipal corporation with a principal address of 155 Village Street, Medway, Massachusetts 02053 ("TOWN"). The obligations of OPERATOR and the TOWN recited herein are specifically contingent upon OPERATOR obtaining a Final Certificate of Registration for operation of a RMD in the TOWN from the Department of Public Health ("DPH") and upon OPERATOR obtaining municipal approvals for construction and operation of the RMD cultivation and processing facility from the TOWN.

WHEREAS, OPERATOR has submitted three (3) applications to operate RMDs in the Commonwealth of Massachusetts, consisting of one (1) cultivation facility in Medway and three (3) retail locations in communities other than Medway;

WHEREAS, OPERATOR intends to locate a RMD cultivation and processing facility at 2 Marc Road, Medway, in accordance with regulations issued by the DPH and zoning by-laws issued by the TOWN;

WHEREAS, OPERATOR has obtained a letter of support from the TOWN for the siting and operation of a RMD cultivation and processing facility in the TOWN;

WHEREAS, OPERATOR intends to provide certain benefits to the TOWN in the event that OPERATOR obtains a Final Certificate of Registration to operate a RMD cultivation and processing facility in the TOWN and has received all state and local approvals, and begins providing marijuana for medical use to patients, their caregivers, the public, or other RMDs:

NOW, THEREFORE, in consideration of the above, OPERATOR offers the TOWN and the TOWN accepts this Host Community Agreement in accordance with MGL ch.44 §53A:

1. In the event that OPERATOR obtains a Final Certificate of Registration from DPH for the operation of a RMD cultivation and processing facility in the TOWN and receives any and all necessary and required permits and licenses issuable by the TOWN, which said permits and/or licenses allow OPERATOR to locate, occupy and operate the RMD cultivation and processing facility in the TOWN, then OPERATOR agrees to provide the TOWN with the following benefits:
  - a. Self-contained Breathing Apparatus (SCBA) devices for the fire department, with a total value of two hundred sixty-three thousand two-hundred dollars (\$263,200). This gift will be provided in four (4) equal annual installments of sixty-five thousand eight hundred (\$65,800), commencing on August 1, 2017 ("Payment Commencement Date"), with the following three (3) payments due on or before that anniversary date;
  - b. A Youth Activity Program through the Medway Public Library funding at the rate of ten thousand dollars (\$10,000) per year, with such gift commencing on February 1, 2018, and provided annually thereafter for the duration of this Agreement;

- c. School Department health and substance abuse prevention curriculum funding at the rate of ten thousand dollars (\$10,000) per year, with such gift commencing on February 1, 2018, and provided annually thereafter for the duration of this Agreement; and
  - d. Department of Public Services Department of Transportation ("DPS DOT") Drug Testing Program Funding at the rate of ten thousand dollars (\$10,000) per year, with such gift commencing on February 1, 2018, and provided annually thereafter for the duration of this Agreement.
2. In addition to the items identified above in Paragraphs 1 (a)-(d), OPERATOR shall provide an annual financial contribution of twenty-five thousand dollars (\$25,000) to the Town for any municipal purpose, provided that such payments shall commence on February 1, 2018, and shall continue on an annual basis thereafter, with each annual gift to be made on or before February 1<sup>st</sup> of each year for the duration of this agreement.
3. Notwithstanding the gifts identified above in Paragraphs 1 and 2, at all times during the term of this Agreement, real property, owned or operated by OPERATOR shall be treated as taxable, and all applicable real estate and personal property and excise taxes for that property shall be paid either directly by OPERATOR or by its landlord. OPERATOR shall not challenge the taxability of such property and shall not submit an application for any statutory exemption from such taxes, except to ensure that the property is assessed at the fair cash value of such property as described in M.G.L. c. 59 §38.
4. Notwithstanding Paragraph 3 above: (a) if real and/or personal property owned or operated by OPERATOR is determined to be exempt for taxation or partially exempt, or (b) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at the fair cash value of such property as described in M.G.L. c. 59 §38, then OPERATOR shall pay to the TOWN an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no abatement or exemption. The payment described in this Paragraph 4 shall be in addition to the payments made by OPERATOR under Paragraphs 1(a)-(d) and 2 of this Agreement.
5. In the event that OPERATOR becomes eligible for status as a charitable organization and a related decrease or elimination of real property taxes, and tax revenue from OPERATOR's cultivation and processing facility located in the TOWN is reduced or eliminated, OPERATOR will continue to make the assessed, fair cash value tax payment directly to the TOWN as an additional payment under this Agreement.
6. If the TOWN receives other payments from OPERATOR (other than additional voluntary payments made by OPERATOR including property taxes under Paragraphs 3, 4 and 5 above) or from the Department of Revenue or any other source, the funds for which have been collected by assessment against OPERATOR, including but not limited to taxes imposed by an act of the Massachusetts Legislature, or a mandate from the TOWN for said payments, the amounts due from OPERATOR to the TOWN under Paragraphs 1(a)-(d) and 2 this Agreement shall be reduced by the amount of such other payments.

7. OPERATOR will endeavor to hire local, qualified employees to the extent consistent with law and with the demands of OPERATOR's business. OPERATOR will also endeavor in a good faith, legal and non-discriminatory manner to use local vendors and suppliers where possible.
8. OPERATOR shall coordinate with the Medway Police Department in the development and implementation of required security measures, under 105 CMR 725.110 and otherwise, including in determining the placement of exterior security cameras. OPERATOR will maintain a cooperative relationship with the Medway Police Department, including but not limited to periodic meetings to review operational concerns and communication to Medway Police Department of any suspicious activities on the site.
9. It shall be the responsibility of the OPERATOR, as a condition in the special permit process and herein, to make repairs and improvements to Marc Road, included but not limited to drainage, surface, lighting, and safety improvements, as identified as necessary by the Town's consulting engineer and Department of Public Services.
10. The purpose of this Agreement is to assist the TOWN in addressing any public health, safety and other effects or impacts the RMD cultivation and processing facility may have on the TOWN. The TOWN shall use the above-referenced payments in its sole discretion consistent with the purpose of this Agreement, which may include allocating a portion of said payments for community wellness programs, educational programs, parks and recreation, public safety, and other efforts and initiatives for the support of the health of the citizens of the TOWN. However, the TOWN is under no obligation to use the foregoing payments in any particular manner.
11. The obligations of OPERATOR and the TOWN recited herein are contingent upon the issuance of a Final Certificate of Registration by the DPH to OPERATOR to operate a RMD cultivation and processing facility in the TOWN, and OPERATOR conducting operations in TOWN.
12. This Agreement shall terminate at the time that any of the following occurs: the TOWN notifies OPERATOR of the TOWN's termination of this Agreement; the TOWN notifies OPERATOR of the TOWN's termination of this Agreement for CAUSE (to be defined); OPERATOR ceases to operate a RMD cultivation and processing facility in the TOWN; OPERATOR ceases to operate a RMD in the Commonwealth. CAUSE shall be defined as if OPERATOR violates any laws of the Commonwealth with respect to the operation of a RMD, and such violation remains uncured for sixty (60) days; or if OPERATOR fails to make payments to the TOWN as required under this Agreement, and such failure remains uncured for sixty (60) days.
13. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. OPERATOR shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town, which consent shall not be unreasonably withheld.
14. OPERATOR shall comply with all laws, rules, regulations and orders applicable to the work provided pursuant to this Agreement, such provisions being incorporated herein by reference,

and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the performance of such work.

15. Should TOWN enter into an agreement with any other RMD for siting in TOWN at material terms more favorable to that RMD than the terms of this Agreement are to OPERATOR, specifically requiring cash payments or gifts which are less on an annual basis than those described in this Agreement in Paragraphs 1(a)-(d) and 2, and not considering other terms of this Agreement, the OPERATOR shall have the opportunity to request that this agreement be reopened to discuss the specific term or terms in question for the purpose of providing a level playing field.
16. Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered postage prepaid mail, return receipt requested; by hand; by registered or certified mail; or by other reputable delivery services, to the Parties at the addresses set forth on the first page of this Agreement or furnished from time to time in writing hereafter by one party to the other party. Any such notices or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the USPS or, if sent by private overnight or other delivery service, when deposited with such delivery service.
17. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable, then the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both of the Parties would be substantially or materially prejudiced.
18. This Agreement, including all documents incorporated therein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiation and representations, either written or oral and it shall not be modified or amended except by a written document executed by the Parties hereto.
19. This Agreement shall be for a period of five (5) years, and shall automatically be reopened for negotiations on the first day of the fourth (4th) year after the Payment Commencement Date (August 1, 2017) to discuss renewal possibilities. The Parties agree that if they are unable to reach an agreement on a successor Host Community Agreement, the terms of this Agreement shall continue for two (2) additional years.

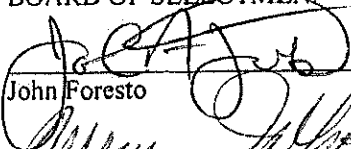
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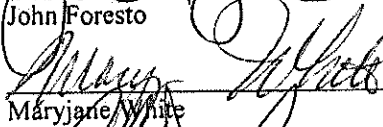


20. In the event that the non-medical use of marijuana is authorized under the laws of the Commonwealth, and OPERATOR cultivates marijuana at its facility in TOWN, that is sold for non-medical purposes, OPERATOR agrees to gift to the TOWN annually on August 1 payments in an amount of one percent (1%) of OPERATOR's gross revenues generated by the OPERATOR's production of marijuana that is sold for non-medical use, subtracted by payments made under Paragraphs 1(b)-(d) and 2 of this Agreement, with a maximum of \$155,000.00 per year, on an annual basis, where such amount of \$155,000.00 shall include the payments under Paragraphs 1(b)-(d) and 2.

Agreed to by CommCan, Inc. and the Town of Medway, Massachusetts as of the 16<sup>th</sup> day of May, 2016.

FOR THE TOWN OF MEDWAY, ITS  
BOARD OF SELECTMEN:

  
John Foresto

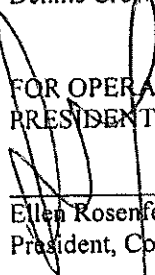
  
Maryjane White

  
Richard D'Innocenzo

  
Glenn Trindade

  
Dennis Crowley

FOR OPERATOR COMMCAN, INC, ITS  
PRESIDENT:

  
Ellen Rosenfeld  
President, CommCan, Inc.

TREASURER:

  
Treasurer, CommCan, Inc.

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FOR THE TOWN OF MEDWAY, ITS  
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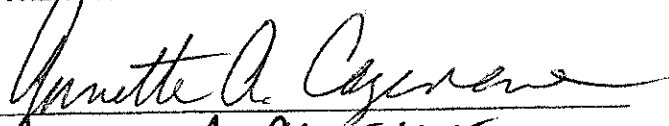
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Glenn Trindade

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Dennis Crowley

FOR OPERATOR COMMCAN, INC, ITS  
PRESIDENT:

\_\_\_\_\_  
Ellen Rosenfeld  
President, CommCan, Inc.

TREASURER:

  
\_\_\_\_\_  
ANNETTE A. CAZENAVE  
Treasurer, CommCan, Inc.



**TETRA TECH**

May 5, 2016  
(revised May 24, 2016)

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

Re: Major Site Plan Review  
Proposed Marijuana Cultivation Facility  
2 Marc Road  
Medway, Massachusetts

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned project. The project includes the construction of a proposed two story, 60,000 square foot marijuana cultivation facility on land that consists of three parcels held in common ownership. The sites are currently being used as a storage and processing area of earthen products. The applicant is also proposing to reconstruct a portion of Jayar Road from the intersection of Marc Road to Industrial Park Road.

Proposed stormwater infrastructure includes utilizing catch basins, manholes, water quality units, swales and infiltration basins to mitigate increase in post condition peak runoff rates. Existing drain swales located on-site are also proposed to be cleaned out and maintained as part of the proposed project to ensure all proposed drain infrastructure performs as designed. The applicant will be filing necessary paperwork with the Town of Medway Conservation Commission concurrently with the Site Plan Approval process.

TT is in receipt of the following materials:

- A plan (Plans) set titled "2 Marc Road, Site Plan of Land in Medway, Massachusetts", dated March 30, 2016, prepared by Merrikin Engineering, LLP (ME).
- A plan (Plans) set titled "Rosenfeld, Medway Cultivation Facility Medway, Massachusetts", dated November 24, 2015, prepared by Keenan + Kenny Architects, Ltd (KKA).
- A form (Application Forms) set titled "Application for Major Site Plan Approval", dated April 1, 2016, prepared by ME.
- A description (Projection Description) titled "Project Description and Development Impact Statement for 2 Marc Road" prepared by ME.
- A form set titled "Medway Planning and Economic Development Board, Form Q - Request for Waiver from Rules and Regulations", dated January 26, 2016, prepared by ME.
- A stormwater management report (Stormwater Report) titled "Stormwater Report" dated March 30, 2016, prepared by ME.

The Plans, Stormwater Report and accompanying materials were reviewed for conformance with the Town of Medway Planning Board Rules and Regulations (Chapter 200), MA DEP Stormwater Management Standards (Revised January 2008), Town of Medway Water/Sewer Rules and Regulations and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

**On May 4, 2016 and May 19, 2016, TT received updated plans and information which reflect comments received during the review process. Responses by the applicant's engineer have been provided under the**

**Infrastructure Northeast**  
Marlborough Technology Park 100 Nickerson Road, Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201 [tetratech.com](http://tetratech.com)

original comments. We have reviewed the above-mentioned plans and updated our comments as bulleted below applicant engineer's response.

Conformance with Planning Board Rules and Regulations for Submission and Review of Site Plans (Chapter 200):

- 1) The applicant requested a waiver to eliminate a traffic impact assessment from the required elements of the Development Impact Statement. (Ch. 200 §204-3.A.7.a) The applicant states that the Project is near the end of dead end road with light traffic and does not have direct access to major state route. TT is not opposed to granting this waiver request, however the applicant should provide additional information regarding expected traffic generation.
  - *ME 05/19/16 Response: Given that this is essentially a manufacturing facility, the most appropriate ITE trip generation use is Manufacturing (code 140). Trip generation rates based on building size are not appropriate because the proposed facility has large areas dedicated to growing plants, rather than actual manufacturing operations. Thus, an estimate based on the expected number of employees is a more reasonable assumption. For the expected maximum employee count of 30, the expected average weekday trip generation for the facility is therefore 65 (30 x 2.13 trips per day). A copy of the ITE trip generation data is included in Attachment A. Given such low rates of traffic generation in close proximity to a major travel route, we do not believe that a detailed assessment is warranted.*
  - **TT 05/23/16 Update: This item has been addressed to our satisfaction.**
- 2) The Plans shall be stamped, signed and dated by qualified Registered Architect. (Ch. 200 §204-4.A)
  - *ME 05/19/16 Response: Included in Attachment B are floor plans stamped by the RLA.*
  - **TT 05/23/16 Update: This item has been addressed to our satisfaction.**
- 3) The applicant shall verify that all existing and proposed elevations refer to North American Vertical Datum of 1988 (NAVD 88). (Ch. 200 §204-4.D)
  - *ME 05/19/16 Response: The survey datum is NAVD88. General Note 2 has been added to sheet 2 accordingly.*
  - **TT 05/23/16 Update: This item has been addressed to our satisfaction.**
- 4) The locus plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. (Ch. 200 §204-5.B.1)
  - *ME 05/19/16 Response: The existing conditions plan is the Site Context Plan. While locus plans are shown on the cover sheet, we have added a locus to the existing conditions plan to show all streets within 2,000 feet of the site as required. The locus plan is at 1"=1,000 and the existing conditions plan is at 1"=40'.*
  - **TT 05/23/16 Update: This item has been addressed to our satisfaction.**
- 5) The applicant requested a waiver for "Existing Landscape Inventory" due to the existing site being previously developed. TT is not opposed to granting this waiver as the site is currently in a cleared condition being used to process earthen materials. (Ch. 200 §204-5.C.3)
  - *ME 05/19/16 Response: No response needed.*

- TT 05/23/16 Update: No action required for this item.
- 6) The applicant shall provide radius of proposed curb radii at curb cuts to Marc Road.(Ch. 200 §204-5.D.2)
- *ME 05/19/16 Response: The information has been added to the plans. Also note that we replaced outside 90 degree angle points on the curbing with 3' radius arcs.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 7) The applicant requested a waiver for "Landscape Architectural Plan" as the Department of Public Health (DPH) prohibits shrubs and trees in proximity to the building. Perimeter tree plantings are proposed adjacent to property lines. TT is not opposed to this waiver as the DPH recommendation appears to be required to maintain safety in and around the facility.(Ch. 200 §204-5.D.7)
- *ME 05/19/16 Response: No response needed.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 8) The applicant shall provide a Signage Plan including design, materials, dimensions and lighting. (Ch. 200 §204-5.D.12)
- *ME 05/19/16 Response: Signage information was provided under separate cover and has been added to the site plan. Note that the dimensions of the sign changed slightly from our previous submittal.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 9) The applicant shall provide a Lighting Plan for the proposed site. (Ch. 200 §204-5.D.13)
- *ME 05/19/16 Response: This was included in our May 3<sup>rd</sup> submission. The information has been added to the site plan.*
  - TT 05/23/16 Update: The proposed Lighting Plan shows light spillover along the eastern property line. In addition, there are parking spaces in the southeastern portion of the site that show zero foot-candle readings.
- 10) It is recommended bituminous concrete surfacing within the parking area be a minimum of three and one-half (3½") inches. (Ch. 200 §205-6.D)
- *ME 05/19/16 Response: The detail has been revised accordingly.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 11) The applicant has provided 9' X 18' standard parking spaces on-site. The regulations state that standard spaces are to be 10' X 20'. A 9' x 18' standard space is typical for the industry, however, end parking stalls are recommended to be 10' X 18' to allow for proper maneuvering into and out of the end spaces. (Ch. 200 §205-6.G.3.a)
- *ME 05/19/16 Response: Section 7.1.1.E.3.a of the Zoning Bylaw requires that standard parking spaces be 9'x18'. All proposed spaces are standard spaces within the meaning of the bylaw.*

- **TT 05/23/16 Update:** It is recommended the applicant apply for a waiver from this regulation as specified in the Planning and Economic Development Board Rules and Regulations. (Ch. 200 §205-6.G.3.a)
- 12) The proposed site plans show landscaped islands adjacent to the building at the front entrance. However, the rendering shown in the KKA set of plans shows the island in the front of the building as a sidewalk. If the southern side of the building is to be bounded with sidewalk, wheel stops are recommended at the head of each parking stall to prevent bumper overhang over the sidewalk. (Ch. 200 §205-6.G.3.b)
- **ME 05/19/16 Response:** *The area between the parking lot and the building is a landscape island as shown on the site plan. A cape cod berm is proposed around the perimeter of the parking area.*
  - **TT 05/23/16 Update:** This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information as it relates to site drainage facilities:

- 13) Existing swales are proposed to be utilized as discharge points of the proposed stormwater system. It is recommended the applicant provide data on existing available swale capacity and likelihood of upstream runoff impacting the proposed stormwater design.
- **ME 05/19/16 Response:** *The proposed design matches or lowers the peak rate of runoff from the site into these swales and will therefore not affect peak flow rates through the swale systems. The swales have overgrown and accumulated sediments over the years, which has diminished their capacity somewhat. The applicant proposes to cleanout all swales and to restore them to their original capacity. As a whole, the proposed development will improve stormwater management system functionality in the area.*
  - **TT 05/23/16 Update:** This item has been addressed to our satisfaction.
- 14) The applicant is proposing to use infiltration basins as BMP's in the proposed stormwater design. However, the proposed HydroCAD model and Stormwater Report (Standard 3) does not provide for exfiltration from the basins. Furthermore, the bottom of the basins are located within 4 feet of the seasonal high groundwater elevation which would require mounding analysis for each basin.
- **ME 05/19/16 Response:** *Infiltration is not included in the Hydrocad in order to demonstrate that infiltration is not necessary to mitigate peak rates of runoff. As such, we do not believe that mounding calculations are technically required. We have, however, included such calculations in Attachment C.*
  - **TT 05/23/16 Update:** This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the Town of Medway Water/Sewer Rules and Regulations:

- 15) The Applicant shall add note "Plumbers and drain layers of established reputation and experience will be licensed by the Board as Drain Layers authorized to perform work." (Article 111-2)
- **ME 05/19/16 Response:** *This has been added as Utility Note 6 on sheet 4.*
  - **TT 05/23/16 Update:** This item has been addressed to our satisfaction.

**The following items were found to be not in conformance with good engineering practice or requiring additional information:**

- 16) TT recommends a construction fence be installed during construction to promote safety by restricting unauthorized entry by the general public.
- *ME 05/19/16 Response: A construction fence has been specified at the Marc Road frontage. We do not believe it is necessary to fence the entire property given its location in an industrial park.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 17) It is recommended the applicant provide detail for CO2 Pad, 3,000 gal CO2 tank, and Vaporizer.
- *ME 05/19/16 Response: The structural design of the slab and more specific details of the assembly would be included with the architectural plans submitted as part of the building permit process. A typical layout detail is included in Attachment D.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 18) TT recommends the applicant provide pavement markings or signage at the rear of the site to further direct traffic to one of the two exits and loading dock area.
- *ME 05/19/16 Response: Two signs have been added to the rear of the building as shown on sheet 3.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 19) TT recommends decreasing the paved area located behind the building to reduce impervious cover and likelihood of vehicles using the area for parking. In the current phase of the project, the paved area has no intended use.
- *ME 05/19/16 Response: The future expansion area has been assumed to be impervious for the purposes of the stormwater system design so that changes to the stormwater system would not be necessary if the building expansion were to occur. As recommended, we have converted a portion of this area to a landscape island.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 20) It is recommended the applicant provide a cross-section of the proposed improvements to Jayar Road. It is recommended the applicant re-construct the roadway to town standards due to the applicant's intention to have the road accepted by the town in the future.
- *ME 05/19/16 Response: A standard reconstruction cross-section has been added to sheet 5.*
  - TT 05/23/16 Update: This item has been addressed to our satisfaction.
- 21) It is recommended a hydrant be placed at the rear of the site or per recommendation of fire chief/Medway DPS.
- *ME 05/19/16 Response: We have sought comment from the Fire Chief on this topic.*

- TT 05/23/16 Update: TT recommends this item remain open until notice from Fire Chief is acquired.

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.

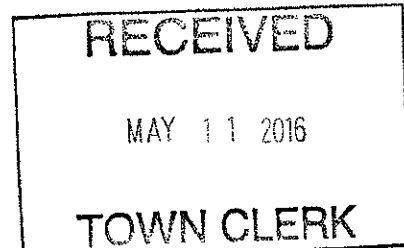
Very truly yours,

A handwritten signature in black ink, appearing to read 'S. P. Reardon', followed by a long horizontal flourish.

Sean P. Reardon, P.E.  
Vice President

P:\21583\143-21583-16004 (2 MARC ROAD PEDB REVIEW SERVICES)\DOCS\REVIEW\TR\_MEDICAL MARIJUANA CULTIVATION FACILITY 02\_2016-05-05 (REVISED 2016-05-24).DOCX





**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**

May 11, 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, May 24, 2016 at 7:15 p.m.**  
**LOCATION: Medway Town Hall – Sanford Hall, 155 Village Street**

*At its meeting on May 10, 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, May 24, 2016 at 7:15 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.

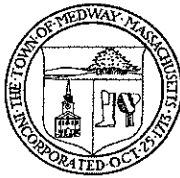
The applicant proposes to develop the site and construct a registered medical marijuana cultivation and processing facility. That use requires a special permit, the location requires a groundwater protection district special permit, and the overall project requires site plan review and approval. The *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>

*If Town staff have not yet reviewed the proposed development and wish to provide comments, please do so by May 18<sup>th</sup> so that we can share them with the Board and the applicant and enter them into the public record. The Board will soon begin preparing its decision. Please contact me if you have any questions. Thanks.*

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



**Tuesday, May 24, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

## **Exelon Public Hearing Continuation**

- **Public Hearing Continuation Notice dated 5-11-16**
- **BETA Group plan review letter dated 5-18-16**
- **Memo from the Design Review Committee dated 5-18-16.**



RECEIVED

MAY 11 2016

TOWN CLERK

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

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

**MEMORANDUM**

May 11, 2016

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

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

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*If Town staff have not yet reviewed the proposed development and wish to provide comments, please do so by May 18<sup>th</sup> so that we can share them with the Board and the applicant and enter them into the public record. The Board will soon begin preparing its decision. Please contact me if you have any questions. Thanks.*

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



May 18, 2016

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

Attn.: Ms. Susan E. Affleck-Childs

Re: Excelon Major Site Plan Review  
8 Summer Street  
Medway, MA  
Peer Review Scope & Fee

Dear Ms. Affleck-Childs:

BETA Group, Inc. is pleased to provide this peer review of the proposed Excelon West Medway II Facility at 8 Summer Street Medway, MA. This letter is provided to outline BETA's findings, comments and recommendations.

#### **BASIS OF REVIEW**

BETA received the following items:

- Application for Major Site Plan Approval dated February 9, 2016
- Plans titled West Medway Facility II – Permit Plan Set, Prepared by Beals & Thomas dated February 9, 2015
- Stormwater Management Report prepared by Beals & Thomas dated February 9, 2016.
- Traffic Impact Report prepared by MDM Transportation Consultants Inc., dated February 9, 2016
- Final Environmental Impact Report prepared by Epsilon Associates, Inc dated February 1, 2016

The review by BETA will include the above items along with the following:

- *Town of Medway Planning Board Rules and Regulations for the Submission and Review of Site Plans (Chapter 200)*
- *Massachusetts Stormwater Handbook* effective January 2, 2008 by MassDEP
- Applicable federal and state regulations

#### **PROJECT OVERVIEW**

The project is located on approximately 13 acres of a larger 94 acres property. The site is presently in use as a power generation facility. The proposed project would expand the existing facility. The majority of the site is located within the Industrial II zoning district with the remainder of the site within the Agricultural Residential II zoning district.

### **Zoning**

The plans presented meet the required setbacks and dimensional requirements of the Town of Medway Zoning Bylaws except as noted below:

1. The maximum allowable building height in the industrial II district is 40 feet. The sound wall is proposed to be 55 feet tall and the chimney stack is proposed to be about 160 feet tall. The applicant should submit a request for a waiver from the maximum height requirements.

### **Chapter 200 – Submission and Review of Site Plans**

1. Section 204-5(C)3 requires that an existing landscape inventory be compiled including the size and major plant species present on the site. The plans indicate areas of “trees and hedgerows”, but do not specify the size of species of the existing trees on site.
2. The applicant has requested a waiver from Section 205-9(f) requiring an equivalent diameter of trees be provided as replacements for those removed, stating that they are providing a robust planting plan which includes a large number of evergreen trees for year round screening. Without the inventory of existing trees BETA is unable to determine what ratio of replacements has been provided, although the applicant has acknowledged that it is less than 1:1.
3. The applicant has requested a waiver from Section 204-4(b) requiring that drawings be presented at a scale of 1”=40’. The plans are presented at 1”=60’ so that the site may fit on one plan sheet and be reviewed more easily. BETA takes no exception to this request.
4. The light pole height was not specified on the plans. Please verify that all light poles are less than 20 feet in height as per section 205-8.C.

### **General Comments**

1. A detail for the surface treatment proposed in the temporary parking area should be provided.
2. The landscape plans should include loam and seed areas to restore the construction parking area to a natural state.
3. The proposed stockpile locations should be shown on the erosion control plans.

### **Stormwater Management Review**

The applicant has provided a comprehensive Stormwater Report detailing the installation of the Stormwater management system to be put in place. The information provided was in compliance with the Town of Medway Stormwater Bylaw, MassDEP Stormwater Standards and standard engineering practice with the exception of those items noted below:

1. The stormwater collected in the containment area for the proposed fuel tank area is calculated as part of the overall sub catchment and identified as having a CN of 39 for being a grass surface in highly permeable soil. Although the area inside the containment berm will be vegetated it will also have an impervious liner. Due to the inability of the soil to accept much recharge the CN of 39 will not be achieved. To be conservative BETA suggests that this area be modeled similar to an impervious surface and the drainage calculations be adjusted accordingly.
2. Please verify that the 100 year stormwater flow will be contained within the sump area of the containment berm. It is understood that the water collected in this area will be contained by means of a shut off valve and will not be opened until after it has been visually inspected to verify that there is no oil sheen in the runoff. As the timing of the opening of the valve cannot be assured, we

suggest that the sump be capable of holding the 100 year volume so it does not leave the bottom of the storage tank in standing water.

3. The snow storage area adjacent to the main access drive drains towards the wetlands by overland flow. Given that this area has been identified as a queuing area for tanker deliveries BETA suggests that snow storage from the pavement areas be placed in a location that will drain to the stormwater collection system for treatment.
4. The grading plans and the HydroCAD model indicate that there is a portion of the pavement around the fuel delivery area that drains to the adjacent slope and then overland to the wetland area. Please revise the grading and drainage layout so that all impervious surfaces within the fuel delivery area drain to the stormwater collection system and an oil water separator.
5. The area surrounding the proposed natural gas line connection and metering facility has not been addressed in the stormwater report and calculations of existing and peak flows were not presented. Please provide additional calculations.
6. The grading seems to indicate that swales or stormwater management facilities are proposed adjacent to the metering station but construction notes are not shown on the plans. Without calculations and more detailed information on what is proposed we are unable to assess the adequacy of these installations.
7. There is a manhole and pipe shown in infiltration basin 1 that is not labeled. This appears to be a stray line – please confirm.
8. The HDPE outlet from Infiltration Basin 1 will have approximately one foot cover over the pipe. Maintenance vehicles may drive over this area while servicing the basin. BETA suggests that a ductile iron pipe be considered.
9. The detail for the emergency spillway should be revised to remove the notation of x' and include a numerical depth of the stone required.
10. A portion of the berm surrounding infiltration basin 1 is to be constructed over an area of existing trees and hedgerow. A note should be added to the plans to remove all stumps and organic material below the area of fill to ensure the integrity of the berm.

#### **Massachusetts Stormwater Management Standards:**

The project is subject to the Massachusetts Stormwater Management Standards. The following are the 10 standards and relative compliance provided by the submitted documentation.

**No untreated stormwater (Standard Number 1):** No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.

- The project does not propose untreated stormwater discharges to wetlands – **complies with standard.**

**Post-development peak discharge rates (Standard Number 2):** Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

- The stormwater management report presented verifies that the project will not increase the peak rate of runoff from the site – **complies with standard.**

**Recharge to groundwater (Standard Number 3):** Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to maximum extent practicable.

- The site is predominately comprised of soils rated in Hydrologic Soil Group A which is well suited for infiltration. The project includes two infiltration basins and a rain garden. The recharge proposed by the applicant exceeds the requirements. – **complies with standard.**

**80% TSS Removal (Standard Number 4):** For new development, stormwater management systems must be designed to remove 80% of the annual load of Total Suspended Solids.

- Stormwater runoff from the site is collected and routed through water quality inlets, a rain garden and an infiltration basin prior to discharge to the adjacent wetland areas. TSS worksheets have been provided verifying the removal rates. – **complies with standard.**

**Higher Potential Pollutant Loads (Standard Number 5):** Stormwater discharges from Land Uses with Higher Potential Pollutant Loads (LUHPPL) require the use of specific stormwater management BMPs.

- The storage of fuel oil on site makes this project a LUHPPL. The applicant has proposed the appropriate BMP's for site. – **complies with standard.**

**Critical Areas (Standard Number 6):** Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas.

- This project is outside limits of a stormwater critical area – **not applicable.**

**Redevelopment (Standard Number 7):** Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable.

- This project does not meet the definition for redevelopment – **not applicable.**

**Construction Period Erosion and Sediment Controls (Standard Number 8):** Erosion and sediment controls must be implemented to prevent impacts during construction or land disturbance activities.

- The project will disturb greater than one acre and will require a Notice of Intent with EPA and a Stormwater Pollution Prevention Plan (SWPPP). A draft SWPPP was provided for review. – **complies with standard.**

**Operations/maintenance plan (Standard Number 9):** A long-Term Operation and Maintenance Plan shall be developed and implemented to ensure that stormwater management systems function as designed.

- An Operation and Maintenance Plan was included in the Stormwater Drainage Report - **complies with standard.**

**Illicit Discharges (Standard Number 10):** All illicit discharges to the stormwater management systems are prohibited.

- An illicit discharge statement has been provided but was not signed by the Owner. A signed statement should be provided. - **complies with standard.**

Exelon Site Plan Review Medway, MA  
Major Site Plan Review  
Page 5 of 5

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,  
BETA Group, Inc.

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

Andrew W. Ogilvie, P.E.  
Senior Project Engineer







Town of Medway  
DESIGN REVIEW COMMITTEE  
155 Village Street  
Medway MA 02053  
508-533-3291  
[drc@townofmedway.org](mailto:drc@townofmedway.org)

May 18, 2016

TO: Medway Planning and Economic Development Board  
FROM: Matthew Buckley, Chairman  
RE: DRC Update - Exelon site plan-visual mitigation

Dear Members of the Medway Planning and Economic Development Board,

The DRC has met on three occasions with representatives from Exelon to discuss the design and visual impact of the proposed power plant expansion project. A number of mitigation concepts have been discussed to screen the site, its large systems and the planned sound wall. The considerable dimensions of these elements and their position on the site are impossible to adequately screen. Additionally, any vegetative screening that may be installed will be absent or diminished for the majority of the year.

The DRC has been exploring ideas of visual mitigation through means that are more akin to camouflage. The technique of creating specific color shifts and pattern changes can effectively obscure or disguise a structure. It is the DRC's belief that this will be the most significant means to reduce the visual impact of the site. These methods are not within the expertise of the DRC members' skill sets. Therefore, the DRC requests that the Planning and Economic Development retain a consultant to provide an expert visual resource analysis and recommend schemes that will most effectively mask this site. I am available to detail any of these topics and thank you for your consideration.

Sincerely,

Matthew Buckley, Chairman

## Medway Planning and Economic Development Board

### EXELON EXPANSION SITE PLAN PUBLIC HEARING SCHEDULE - For Discussion 5-10-16

FOCUS TOPIC	DATE	NOTES
Project Overview	22-Mar-16	
Traffic Study	3-May-16	
Exelon/Town of Medway Host Community Agreement	10-May-16	
Public Safety	10-May-16	
Stormwater Management & Site Design	24-May-16	
Aesthetics - Landscaping, Buffers, Lighting, Building/Wall/ Tanks/Stacks Materials, etc.	14-Jun-16	
Environmental Issues	28-Jun-16	
Noise		
Water Supply		
Air Quality		
Public Health Concerns		
Current Deadline for PEDB Decision	9-Jul-16	
TBD	12-Jul-16	
TBD	26-Jul-16	
5/9/2016		



May 18, 2016

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

Attn.: Ms. Susan E. Affleck-Childs

Re: Excelon Major Site Plan Review  
8 Summer Street  
Medway, MA  
Peer Review Scope & Fee

Dear Ms. Affleck-Childs:

BETA Group, Inc. is pleased to provide this peer review of the proposed Excelon West Medway II Facility at 8 Summer Street Medway, MA. This letter is provided to outline BETA's findings, comments and recommendations.

#### **BASIS OF REVIEW**

BETA received the following items:

- Application for Major Site Plan Approval dated February 9, 2016
- Plans titled West Medway Facility II – Permit Plan Set, Prepared by Beals & Thomas dated February 9, 2015
- Stormwater Management Report prepared by Beals & Thomas dated February 9, 2016.
- Traffic Impact Report prepared by MDM Transportation Consultants Inc., dated February 9, 2016
- Final Environmental Impact Report prepared by Epsilon Associates, Inc dated February 1, 2016

The review by BETA will include the above items along with the following:

- *Town of Medway Planning Board Rules and Regulations for the Submission and Review of Site Plans (Chapter 200)*
- *Massachusetts Stormwater Handbook* effective January 2, 2008 by MassDEP
- Applicable federal and state regulations

#### **PROJECT OVERVIEW**

The project is located on approximately 13 acres of a larger 94 acres property. The site is presently in use as a power generation facility. The proposed project would expand the existing facility. The majority of the site is located within the Industrial II zoning district with the remainder of the site within the Agricultural Residential II zoning district.

### **Zoning**

The plans presented meet the required setbacks and dimensional requirements of the Town of Medway Zoning Bylaws except as noted below:

1. The maximum allowable building height in the industrial II district is 40 feet. The sound wall is proposed to be 55 feet tall and the chimney stack is proposed to be about 160 feet tall. The applicant should submit a request for a waiver from the maximum height requirements.

### **Chapter 200 – Submission and Review of Site Plans**

1. Section 204-5(C)3 requires that an existing landscape inventory be compiled including the size and major plant species present on the site. The plans indicate areas of “trees and hedgerows”, but do not specify the size of species of the existing trees on site.
2. The applicant has requested a waiver from Section 205-9(f) requiring an equivalent diameter of trees be provided as replacements for those removed, stating that they are providing a robust planting plan which includes a large number of evergreen trees for year round screening. Without the inventory of existing trees BETA is unable to determine what ratio of replacements has been provided, although the applicant has acknowledged that it is less than 1:1.
3. The applicant has requested a waiver from Section 204-4(b) requiring that drawings be presented at a scale of 1”=40’. The plans are presented at 1”=60’ so that the site may fit on one plan sheet and be reviewed more easily. BETA takes no exception to this request.
4. The light pole height was not specified on the plans. Please verify that all light poles are less than 20 feet in height as per section 205-8.C.

### **General Comments**

1. A detail for the surface treatment proposed in the temporary parking area should be provided.
2. The landscape plans should include loam and seed areas to restore the construction parking area to a natural state.
3. The proposed stockpile locations should be shown on the erosion control plans.

### **Stormwater Management Review**

The applicant has provided a comprehensive Stormwater Report detailing the installation of the Stormwater management system to be put in place. The information provided was in compliance with the Town of Medway Stormwater Bylaw, MassDEP Stormwater Standards and standard engineering practice with the exception of those items noted below:

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Exelon Site Plan Review Medway, MA  
Major Site Plan Review  
Page 5 of 5

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,  
BETA Group, Inc.

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Andrew W. Ogilvie, P.E.  
Senior Project Engineer





Town of Medway  
DESIGN REVIEW COMMITTEE  
155 Village Street  
Medway MA 02053  
508-533-3291  
[drc@townofmedway.org](mailto:drc@townofmedway.org)

May 18, 2016

TO: Medway Planning and Economic Development Board  
FROM: Matthew Buckley, Chairman  
RE: DRC Update - Exelon site plan-visual mitigation

Dear Members of the Medway Planning and Economic Development Board,

The DRC has met on three occasions with representatives from Exelon to discuss the design and visual impact of the proposed power plant expansion project. A number of mitigation concepts have been discussed to screen the site, its large systems and the planned sound wall. The considerable dimensions of these elements and their position on the site are impossible to adequately screen. Additionally, any vegetative screening that may be installed will be absent or diminished for the majority of the year.

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Sincerely,

Matthew Buckley, Chairman





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

May 23, 2016

Mr. Andy Rodenhiser, Chair  
c/o Stephanie Mercandetti, Director, Community & Economic Development  
Town of Medway Planning & Economic Development Board  
155 Village Street  
Medway, MA 02053

Via: email to [andy@rodenhiser.com](mailto:andy@rodenhiser.com) and [smmercandetti@townofmedway.org](mailto:smmercandetti@townofmedway.org)

Reference: Response to Design Review Committee Comments  
West Medway II Facility  
West Street and Summer Street  
Medway, Massachusetts  
B+T Project No. 1422.10

Dear Chairperson Rodenhiser and Members of the Board:

On behalf of the Applicant, Exelon West Medway, LLC and Exelon West Medway II, LLC (Exelon), Beals and Thomas, Inc. (B+T) respectfully provides this response to the letter from the Medway Design Review Committee (DRC) dated May 18, 2016, related to the Major Site Plan Review Application for the West Medway II Facility (the Project).

Over the course of our three recent meetings with the DRC, we have promptly responded to their requests to date by: providing several requested photographic renderings of the proposed facility from various viewpoints; providing our Registered Landscape Architect to answer any questions; making revisions to the landscaping plan including providing a number of trees larger than those required by the Town of Medway Site Plan Rules and Regulations; obtaining different samples of colors that are available for the exhaust stacks, noise wall, water tank, and administration building; and providing the Town via the DRC the opportunity to select a color for each of these features. In their letter, the DRC indicated that they are considering "*specific color shifts and pattern changes*" to mask site features. We believe the DRC's new request goes beyond the scope of their review. As discussed during the DRC meetings on April 4 and May 2, 2016, due to the specialized paint required for both the exhaust stacks and sound wall, it is infeasible to apply more than one color to these features.

Mr. Andy Rodenhiser, Chair  
c/o Stephanie Mercandetti, Director, Community & Economic Development  
Town of Medway Planning & Economic Development Board  
May 23, 2016  
Page 2

In addition, the letter further requested that "...the Planning and Economic Development retain a consultant to provide an expert visual resource analysis and recommend schemes that will most effectively mask this site." While we acknowledge the DRC's concerns regarding the visual impact of the proposed facility, the site is currently occupied by an existing industrial use (and has been since the 1970s), and does not represent pristine conditions, such as a national park, as is the focus of the color shift and pattern change documentation that the DRC is referencing. Exelon is proposing to provide a robust landscaping plan, which is being amended and further enhanced to accommodate specific requests from the DRC. Moreover, in response to a request from the DRC, Exelon has additionally agreed to consult with Eversource regarding possible vegetative screening on the Eversource easement area along West Street.

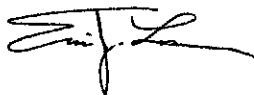
The proposed landscaping has been designed to maintain a naturalistic appearance, with minimized tree clearing along property boundaries to screen the proposed facility to the maximum extent practicable. The Project is an allowed use on the property under the Zoning Bylaw, and the renderings provided demonstrate that it will be visible only from limited vantage points. Additionally, the Project substantially complies with the Town of Medway Design Review Guidelines, the Site Plan Review Bylaw and the Site Plan Review Rules and Regulations.

At the previous DRC meeting on May 2, 2016, we had collectively agreed that the DRC would select several potential colors from the choices available, and B+T would prepare new photorealistic renderings depicting what each of those colors would look like when applied to the Project features. Therefore, it was anticipated that the DRC would quite simply need to select the photorendering of color choices that is most aesthetically pleasing. Accordingly, a much more elaborate visual resource analysis of the sort requested by the DRC is unwarranted and will lead to unnecessary delay. We believe that the previously agreed-to approach should be sufficient to address the scope of the DRC's review.

We will be available to discuss this matter further during the public hearing on May 24, 2016.

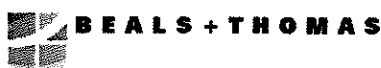
Very truly yours,

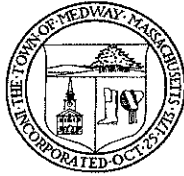
BEALS AND THOMAS, INC.



Eric J. Las, PE, LEED AP  
Principal

MKS/EJL/cp/142210LT007





**Tuesday, May 24, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**MILLSTONE VILLAGE ARCPUD**  
**Bond Estimates, Release of Covenant and**  
**Amendment to Performance Security**  
**Agreement**

- Tetra Tech email dated 5-19-16 based on 5-18-16 site visit
- Aerial photograph dated 5-18-16 courtesy of Tetra Tech
- Updated bond estimate from Tetra Tech– Phase 1 dated 5-19-16
- Updated bond estimate from Tetra Tech – Phase 2 dated 5-19-16
- New Partial Release of Covenant for 39 dwelling units. This is all but the 6 dwelling units on Ridgestone Drive.
- Amendment to the Tri Party Agreement based on updated bond estimates

**Recommendation** – Please sign the Partial Release of Covenant for 39 dwelling units and the Amendment to the Lender's Agreement

## Susan Affleck-Childs

---

**From:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Sent:** Thursday, May 19, 2016 1:50 PM  
**To:** Susan Affleck-Childs  
**Cc:** Guthman, Frank  
**Subject:** RE: Millstone  
**Attachments:** Bond Estimate\_06\_Millstone 2016-06-18 Phase I.pdf; Bond Estimate\_06\_Millstone 2016-06-18 Phase II.pdf

Hi Susy,

We are just finishing this up as we speak. Please see attached revised bond estimates for Phase I and II. The following items in red have not been completed in Phase II as specified in Section 6.6.3 of Chapter 100 of the Planning Board Rules and Regulations:

- a) Gravel Subbase: Gravel has not been placed for "Common Road-Ridgestone Drive". However, the main roadway has been installed throughout Phase II.
- b) Binder Course: Binder has not been installed for "Common Road-Ridgestone Drive". However, the main roadway has been installed throughout Phase II.
- c) Drainage System: The system has been completed for Phase II. This item has been addressed to our satisfaction.
- d) Interim Drainage As-Builts: As-Builts have been supplied for the drainage system and appear to be satisfactory as submitted.
- e) Street Name Signs: Street Name signs are missing for Flagstone Drive and Ridgestone Drive.
- f) Stop Line/Pavement Markings: Stop lines and pavement markings have been installed. This item has been addressed to our satisfaction.
- g) Sidewalk Binder: Sidewalk binder has not been installed in any portion of Phase II.
- h) Fire Protection: Hydrants have been installed and are active. This item has been addressed to our satisfaction.

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

Steve

---

**From:** Susan Affleck-Childs [mailto:sachilds@townofmedway.org]  
**Sent:** Thursday, May 19, 2016 12:08 PM  
**To:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Cc:** Guthman, Frank <Frank.Guthman@tetrattech.com>  
**Subject:** RE: Millstone

Hi there,

Sorry to be a nudge, but I need your site inspection report and revised bond estimates asap!

Susy

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

Town of Medway  
155 Village Street

Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

*Town of Medway – A Massachusetts Green Community*

*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:** Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]  
**Sent:** Tuesday, May 17, 2016 12:57 PM  
**To:** Susan Affleck-Childs  
**Cc:** Guthman, Frank  
**Subject:** RE: Millstone

Hi Susy,

Will do, I will have Frank head out tomorrow to take care of this, thanks.

Steve

---

**From:** Susan Affleck-Childs [<mailto:sachilds@townofmedway.org>]  
**Sent:** Tuesday, May 17, 2016 12:05 PM  
**To:** Bouley, Steven <[Steven.Bouley@tetrattech.com](mailto:Steven.Bouley@tetrattech.com)>  
**Subject:** FW: Millstone

Hi Steve,

Per Steve Venincasa's email, please conduct a site visit/inspection to revise the bond amounts for Phases 1 and 2 at Millstone.

Also, please advise on whether all of the minimum work is completed in Phase 2 to allow the PEDB to release that area for building.

Thanks.

*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](mailto: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:** Steven Venincasa [<mailto:sv@casarealty-builders.com>]

**Sent:** Tuesday, May 17, 2016 11:57 AM

**To:** Susan Affleck-Childs

**Cc:** Steve Bouley; Brian Clarke ([brian-clarke@live.com](mailto:brian-clarke@live.com))

**Subject:** Re: Millstone

I do request that we revise the bond to reflect the additional work that has been completed.

Sent from my iPad

On May 16, 2016, at 2:32 PM, Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi Steve,

Brian Clarke has been in touch with me regarding next steps for Millstone and asking about what needs to be done to secure the Board's approval to start home construction in the other parts of the site.

I have prepared the Release of Covenant for the remaining dwelling units so it is ready for the Board's signature.

The next document to address is Amendment #2 to the Lenders Agreement. (See attached). This was drafted last December and reviewed by the PEDB. However, the Board did not execute the amendment at that time as the minimum work required elements for Phase II had not been completed. I am in communication with Steve Bouley at Tetra Tech to get a status report on those items.

The draft Amendment #2 to the Lender's Agreement includes a bond amount of \$252,724 for Phase 1 AND \$690,348 for the "new" Phase II. Both of those bond amounts were based on Tetra Tech estimates from December 2015. My question to you is whether you want me to have Tetra Tech conduct a site inspection and prepare updated bond estimates, or whether you want to keep the bond amounts noted above?

Please let me know.

Thanks.

*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](mailto:sachilds@townofmedway.org)

Town of Medway – *A Massachusetts Green Community*

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<2015 12 22 Tri Party Amendment #2.doc>







**TETRA TECH****Bond Estimate****Millstone Village (Phase I NEW<sup>2</sup>)****Medway, Massachusetts****May 19, 2016****Marlborough Technology Park****100 Nickerson Road****Marlborough, MA 01752****Tel 508.786.2200 Fax 508.786.2201**

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course-Main Road	473	TON	\$100.00	\$47,300
HMA Top Course-Common Road	87	TON	\$100.00	\$8,700
HMA Top Course-Sidewalk	7	TON	\$100.00	\$700
HMA Binder Course-Sidewalk	7	TON	\$100.00	\$700
Gravel Borrow-Sidewalk	19	CY	\$35.00	\$665
Adjust Castings	46	EA	\$350.00	\$16,100
Electrical Services	0	LS	\$10,000.00	\$0
Vertical Granite Curb	208	FT	\$46.00	\$9,568
Cape Cod Berm	433	FT	\$8.00	\$3,464
Rehandled Topsoil	460	CY	\$25.00	\$11,500
Seed	2,310	SY	\$2.00	\$4,620
Sloped Granite Curb	75	FT	\$45.00	\$3,375
Line Striping (Binder)	1	LS	\$500.00	\$500
Line Striping (Top) <sup>3</sup>	1	LS	\$4,000.00	\$4,000
Signage	1	EA	\$300.00	\$300
Landscaping <sup>3</sup>	1	LS	\$20,000.00	\$20,000
As-Built Plans	2,505	LF	\$5.00	\$12,525
<b>Subtotal</b>				<b>\$144,017</b>
<b>25% Contingency</b>				<b>\$36,004</b>
<b>Total</b>				<b>\$180,021</b>

**Notes:**

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 12/2014 - 12/2015.
2. This bond estimate is based upon Phasing of the project as shown on updated Phasing Plan dated April 2, 2014.
3. This item has been updated to reflect current project Phasing as shown on updated Phasing Plan dated April 2, 2014.

**TETRA TECH****Bond Estimate****Millstone Village (Phase II NEW<sup>2</sup>)****Medway, Massachusetts****May 19, 2016****Marlborough Technology Park****100 Nickerson Road****Marlborough, MA 01752****Tel 508.786.2200 Fax 508.786.2201**

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course-Main Road	346	TON	\$100.00	\$34,600
HMA Top Course-Common Road	117	TON	\$100.00	\$11,700
HMA Top Course-Sidewalk	71	TON	\$100.00	\$7,100
HMA Binder Course-Common Road	196	TON	\$100.00	\$19,600
HMA Binder Course-Sidewalk	99	TON	\$100.00	\$9,900
Gravel Borrow-Common Road	243	CY	\$35.00	\$8,505
Gravel Borrow-Sidewalk	330	CY	\$35.00	\$11,550
Fine Grading and Compacting	635	SY	\$4.00	\$2,540
Catch Basin Hood	0	EA	\$410.00	\$0
Frame and Grate	1	EA	\$750.00	\$750
Frame and Cover	4	EA	\$700.00	\$2,800
Adjust Castings	41	EA	\$350.00	\$14,350
6" HDPE Pipe	1,230	FT	\$36.00	\$44,280
12" RCP Pipe	0	FT	\$72.00	\$0
Cultec Recharger 2P	0	LS	\$81,000.00	\$0
Cultec Recharger 5P	0	LS	\$27,000.00	\$0
Cultec Recharger 6P	0	LS	\$36,000.00	\$0
Stone for Pipe Ends	0	SY	\$60.00	\$0
Gas Main-Services	0	LS	\$5,000.00	\$0
Electrical Services <sup>3</sup>	1	LS	\$30,000.00	\$30,000
Vertical Granite Curb	876	FT	\$46.00	\$40,296
Cape Cod Berm	2,136	FT	\$8.00	\$17,088
Sloped Granite Curb	75	FT	\$45.00	\$3,375
Rehandled Topsoil	517	CY	\$25.00	\$12,925
Seed	2,587	SY	\$2.00	\$5,174
Landscaped Cul-De-Sac Island	1	LS	\$5,000.00	\$5,000
Line Striping (Top)	1	LS	\$2,000.00	\$2,000
Line Striping (Binder)	1	LS	\$2,000.00	\$2,000
Signage	3	EA	\$300.00	\$900
Landscaping <sup>3</sup>	1	LS	\$30,000.00	\$30,000
Openspace-Gravel Parking Area	1	LS	\$18,000.00	\$18,000
Openspace-Grass Trail	1	LS	\$6,000.00	\$6,000
As-Built Plans	2,199	LF	\$5.00	\$10,995

**Subtotal** \$351,428**25% Contingency** \$87,857**Total** \$439,285**Notes:**

- Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 12/2014 - 12/2015. Items shown in gray have changed since our
- This bond estimate is based upon Phasing of the project as shown on updated Phasing Plan dated April 2, 2014.
- This item has been updated to reflect current project Phasing as shown on updated Phasing Plan dated April 2, 2014.

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

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that the dwellings with the following addresses:

- 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 Fieldstone Drive
- 1, 2, 3, 4, 5 and 6 Steppingstone Drive
- 1, 3, 5, 7, 9 and 11 Riverstone Drive
- 1, 2, 3, 4, 5 and 6 Flagstone Drive
- 4, 6, 8, 10, 11, 12, 13, 15 and 16 Cobblestone Drive

to be constructed in the Millstone Village condominium, to be created by Master Deed and recorded at the Norfolk County Registry of Deeds, and being a portion of Parcel A as shown on a plan entitle *Adult Retirement Community Planned Unit Development, Millstone Village, Medway, MA* dated October 15, 2013, last revised July 22, 2014, drawn by GLM Engineering of Holliston, MA which was recorded with the Norfolk County Registry of Deeds on August 7, 2014 as pages 77 – 79 in Plan Book 632 of 2014, to which reference may be made for a more particular description, are hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in an Adult Retirement Community Planned Unit Development Covenant between the Medway Planning and Economic Development Board and Millstone Builders LLC dated July 29, 2014 and recorded on August 7, 2014 with the Norfolk County Registry of Deeds in Book 32460, Pages 326 - 331. The above noted addresses comprise only a portion of all buildings to be constructed.

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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


**COMMONWEALTH OF MASSACHUSETTS**

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

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

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

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

**AMENDMENT #2**  
***Performance Secured by Lender's Agreement***  
***Millstone Village***

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

WHEREAS, on the 24<sup>th</sup> day of April, 2015, the Town of Medway, acting through its Planning & Economic Development Board, (hereinafter referred to as "the Board") with an address of 155 Village Street, Medway, MA 02053, Millstone Builders, LLC ("Applicant") with an address of 1 Golden Court, P.O. Box 1205, Westborough, MA 0158, and Southbridge Savings Bank ("Lender") with an address of P.O. Box 370, Southbridge, MA 01550, entered into a Lender's Agreement to secure the construction of ways and installation of municipal services in accordance General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws on the land shown on an approved Millstone Village Adult Retirement Community Planned Unit Development Plan dated October 15, 2013, last revised July 22, 2014, prepared by GLM Engineering of Holliston, MA showing the development of Parcels A and B at 129 Lovering Street, as recorded in the Norfolk County Registry of Deeds in Plan Book 632, pages 77 – 79 (hereinafter referred to as "the ARCPUD Plan"); and

WHEREAS, the Applicant has modified the phasing plan for building out the Millstone development (see Attached revised Millstone Phasing Plan dated April 2, 2015, last revised June 12, 2015 prepared by GLM Engineering of Holliston, MA) to be comprised of just two phases; and

WHEREAS, the Board approved the modified phasing plan at its June 23, 2015 meeting; and

WHEREAS, the Applicant wishes to construct the remaining residential dwelling units in the Phase 2 area as shown on the above noted modified Millstone Phasing Plan; and

WHEREAS, the Applicant now needs to modify the Lender's Agreement as follows in order to post additional security to ensure secure the completion of the construction of ways and installation of municipal services in the Phase 1 and Phase 2 areas by:

1. reducing the Phase 1 performance security amount by \$290,575 from \$470,596 to \$180,021 in accordance with the bond reduction estimate prepared by Tetra Tech Engineering dated 5/18/2016 (as attached) and approved by the Board on May 24, 2016; and
2. establishing a bond amount of \$439,285 for the Phase 2 area in accordance with the bond estimate prepared by Tetra Tech Engineering dated 5/18/16 (as attached) and approved by the Board on May 24, 2016;

for a combined total of \$619,306.

NOW, THEREFORE, the parties agree that the paragraph numbered 1 in the Lender's Agreement shall be further modified to read as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$619,306 and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Board's Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this development; the application submitted for approval of this development; the special permit and all conditions of approval; the recommendations of the Board of Health; the ANR Plan and the ARCPUD Plan; all conditions subsequent to approval of this development due to any amendment, modification or revision of the special permit, ANR Plan or the ARCPUD Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents: \_\_\_\_\_ (hereinafter the "Approval Documents")."

2. All other provisions of the Lender's Agreement executed April 24, 2015 remain in effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

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

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board \_\_\_\_\_

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

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

**Millstone Builders, LLC**

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

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

Print name: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as \_\_\_\_\_ of Millstone Builders, LLC.

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

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

**Southbridge Savings Bank**

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

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

Print name: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

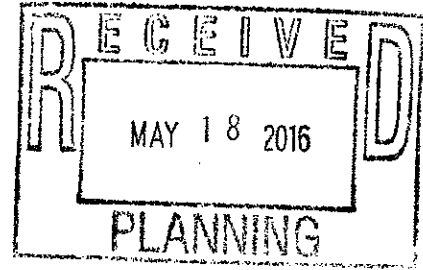
On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as \_\_\_\_\_ of Southbridge Savings Bank.

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

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

Memorandum

To: Medway Board of Selectman  
Planning and Economic Development Board  
Medway Redevelopment Authority  
Economic Development Committee  
Affordable Housing Trust  
Affordable Housing Committee  
State Senator Karen Spilka  
State Representative Jeff Roy  
State Representative John Fernandes



From: Medway Housing Authority  
Board of Commissioners

Re: Intention to Seek Consultation with Regional Capital Assistance Team  
Date: May 11, 2016

As members of the key authorities and planning groups for the Town of Medway and as the Town's elected representatives, we are writing to inform you, our municipal planning partners, that it is our intention as the Board of Commissioners of the Medway Housing Authority to seek the services of the new Regional Capital Assistance Team in developing plans for the modernization and/or replacement of our two DHCD-controlled properties. The recently approved 2016 Housing Production Plan recommends that the AHC/AHT "determine the extent of the need for new and replacement of existing public housing."

Regional Capital Assistance Teams (RCATs) are a major component of the new Public Housing Law established by the State Legislature in August, 2014 and signed into law by Governor Deval Patrick. The implementation phase of the new law is now underway and RCAT Directors have been hired by their host agencies and they are in the process of hiring Project Managers. The Taunton Housing Authority will serve LHA's in Norfolk County. The objective is to provide LHAs with assistance in activities related to procurement issues, **capital improvement planning**, and eventually unit turnovers.

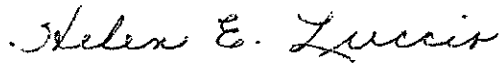
RCAT services in year one will include portfolio needs assessment, capital plan creation and plan maintenance, capital project management, and securing funds for projects. Year two will provide services related to creating a maintenance plan, implementing a bulk procurement program and initiating special projects, such as unit turnover.

Services will be provided to participating LHAs free of charge. All LHAs may participate in the program, but LHAs with 500 or fewer state-aided units are required to participate unless granted a waiver. The goal is to increase the technical capacity available for smaller LHAs to maximize the utility of the state modernization program and to facilitate collaboration across the LHAs to capture economies of scale through bulk purchasing.

It is our hope that by this action on our part, we will better serve the housing needs of the growing number of senior citizens within the Town of Medway. We also look forward to working with you more closely as we engage together in the various planning processes now underway.

If you would like to discuss our intention and future needs further, we would be pleased to meet with you at your earliest convenience.

Attached please find a brief summary description of Kenney Drive and Lovering Heights Senior Citizen Residences for your consideration.



Helen E. Luccio  
Executive Director and Secretary  
Medway Housing Authority

**Board of Commissioners:**

Mary C. O'Leary, Chairperson  
Michael F. Matondi  
Helen T. O'Donnell  
Carl M. Rice  
Robert D. Ferrari

**TOWN OF MEDWAY—DHCD PROPERTIES**

**Kenney Drive, 1965**

51 Years Old  
Not Handicap Accessible  
Roof Replacement, 1999  
Fire Alarm Replacement, 2008  
Town Sewerage Connection 2013  
Window Replacement 2013  
Electric Heat  
Hot Water Heaters Replaced 2014

**Lovering Heights, 1972**

44 Years Old  
Not Handicap Accessible  
Roof Replacement, 2004  
Fire Alarm Replacement, 2004  
Town Sewerage 1972  
Window Replacement 2013  
Electric Heat and Ranges  
Hot Water Heaters Replaced 2013