

**May 8, 2018**  
**Medway Planning and Economic Development Board**  
**155 Village Street**  
**Medway, MA 02053**

	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matthew Hayes</b>	<b>Richard Di Iulio</b>
	<b>X</b>	<b>X</b>	<b>Absent with Notice</b>	<b>X</b>	<b>X</b>

Also Present:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

The Chairman called Engineering Consultant Steve Bouley from Tetra Tech so he could participate in the meeting.

**Applegate Subdivision:**

Chairman Rodenhiser recused himself from discussion and exited from the table.

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

- Tetra Tech construction services fee estimate (\$2,678 dated 5/1/18)
- Applegate Farm Subdivision construction account spreadsheet

The Board reviewed the proposed change order for Applegate dated May 1, 2018 as had been requested by the Board. This change order is for Tetra Tech to undertake 12 weekly inspection of the site for the purpose of ensuring that the applicant is maintaining the site. Weekly documentation will be provided.

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to approve the change order for Applegate in the amount of \$2,678.00.**

**NOTE - Chairman Rodenhiser did not vote.**

The Board would like an invoice sent to the applicant as well as the bank.

Chairman Rodenhiser returned to the table at 7:10 pm.

**Construction Reports:**

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

- Exelon inspection reports from Beta – 3/6, 3/23, 3/26, and 3/30.

**The Haven:**

Steve Bouley reported that a roof infiltrator was not installed on Lot 1 of the three lot subdivision on the noted on plan. The developer is aware of this oversight. The developer plans to close on selling this house at the end of this month. After discussion, the Board determined that the roof infiltrator should be installed per the plan and decision.

**Other Project Updates:**

- O'Brien & Son has started paving (17 Trotter Drive)
- Merrimack has poured the footings and is completing site work (20 Trotter Drive)
- Country Cottage has the frame up (37 Summer Street)

**Public Hearing Continuation - Milway Auto Site Plan – 50 Alder Street:**

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

- Public Hearing Continuation Notice
- Additional Waiver Requests
- Con Com Order of Conditions.
- Draft site plan decision dated 5-3-18

The Chairman opened the continued hearing for Milway Auto Site Plan.

Applicant and property owner Phil Anza was present.

The applicant and Board were provided with the draft decision to review.

The applicant indicated that he is seeking the following additional waivers from the *Site Plan Rules and Regulations*.

- 205-3(a) curb cuts. An additional curb cut is needed for emergency access and safe vehicular movements within the parking lot.
- 205-6(h) curbing. The proposed Cape Cod berm will delineate the parking lot the same as vertical granite curb.

**Findings:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to accept the Findings section of the decision.**

**Discussion:**

The Board made the following comments:

- Make reference to the trash on page 5.
- The berms need to be maintained to protect the drainage. (Discuss at a later date where granite/cape cod berms may be used for specific projects for its durability).
- Include condition that there will be no on-street parking. .
- Movement of vehicles will be handled by staff.

**Waivers:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the waiver requests as modified.**

Mr. Anza expressed his concern about the sidewalk not having adequate lighting. He does not want to be responsible if someone is hurt. It is his opinion that this is a safety hazard. The Board explained that if he would like to revise this plan in the future he can go to the ZBA for relief in terms of light spillage.

**Conditions:**

The following recommendations were made:

- Page 9 put in ramp at curb cuts (handicap).
- Add language that there is no parking on streets and any unloading needs to be done in the parking lot area.
- Revise the time limits noted in conditions.
- Remove the last sentence in item E.

**Site plan with waivers and condition:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the project and decision as modified.**

**Close Hearing:**

**On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to close the hearing for Milway Auto Site Plan.**

**IRVING GAS- VARIANCE PETITION TO ZBA:**

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

- 5-2-18 email from Barbara Saint Andre requesting PEDB comments on variance petition.
- Variance application and attachments from Pro-Signs on behalf of Norm Greene/Irving Gas.
- SAC memo dated 5-3-18 re: existing and proposed signs.

The ZBA will hold a hearing for variance petitions for proposed signage at Irving Gas (71 Main Street) on Wednesday, May 16, 2018. The application is for variances under Section 7.2 for the free standing sign and wall signs on the gas canopy. Irving is looking to install (2) wall signs internally illuminated icons on the gas canopy. The applicant is also proposing to install a new, internally illuminated free-standing sign with 61.55 sq. ft. of sign surface area on each side. The allowed size is total of 48 sq. ft. for a double sided sign. The Board was made aware that the DRC discussed this petition at its meeting last night (5-7-18). PEDB does not support the signs being this large. This is an off premise sign and is not located where the facility is. The Board would like to see if the location is still doing auto repairs. The illumination of the signs is also an issue.

The PEDB would like a letter be drafted to the ZBA in relation not supporting the Irving Gas variance petition.

**Correspondence:**

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

- A letter from Susy Affleck-Childs to Ralph Costello dated 4-30-18 regarding the increase in performance security for the Applegate subdivision.

### **Other Business:**

- Member Hayes will volunteer to be the Oak Grove Task Force representative for the Board.
- The Board would like an additional meeting scheduled prior to the 5/21/18 town meeting in case it is needed.
- OSRP Task Force had a successful land management workshop and Amphitheatre site visit meeting on Saturday May 5, 2018. A baseline document report will be prepared by consultant Anne Capra.

### **Contract Extension:**

Susy reported that the Town's contract with Tetra Tech expires on June 30, 2018. We are looking at a 2 year extension with no price increase for fiscal year 2019 and a 20% increase for fiscal year 2010.

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to support the extension of a contract for two years for Tetra Tech.**

### **PEDB Meeting Minutes:**

#### **April 24, 2018:**

**On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted unanimously to approve the minutes from the April 24, 2018 meeting.**

### **FUTURE MEETING:**

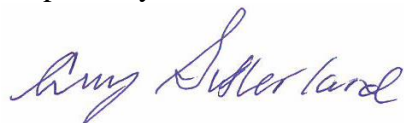
- Tuesday, May 22, 2018.

### **ADJOURN:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 8:36 pm.**

The meeting was adjourned at 8:36pm.

Prepared by,



Amy Sutherland  
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator







**May 8, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Applegate Farm – Fee Estimate for  
additional Construction Inspection  
Services**

- Tetra Tech fee estimate (\$2,678 dated 5/1/18)
- Applegate Farm Subdivision – Construction Services Project Accounting. Current balance is \$4,814.05

<b>Date:</b>	May 1, 2018	<b>Amendment No.:</b>	001
<b>Project:</b>	Applegate	<b>Project No.:</b>	143-21583-18007
<b>To:</b>	Ms. Susan Affleck-Childs	<b>Amendment 001 Cost Estimate</b>	
<b>Co./Dept.:</b>	Medway Planning and Economic Development Board	<b>Fee:</b>	\$ 2,550.00
<b>Address:</b>	155 Village Street Medway, MA 02053	<b>Expenses:</b>	\$ 128.00
		<b>Total:</b>	<b>\$ 2,678.00</b>
		<b>Revised Total Project Cost Estimate</b>	
		<b>Fee:</b>	\$ 4,930.00
		<b>Expenses:</b>	\$ 248.00
		<b>Total:</b>	<b>\$ 5,178.00</b>
			Estimated Date of Completion 2018

## SCOPE OF SERVICES


### Scope Change Descriptions

**Task 4 Erosion Control Inspections:** TT will provide 12 weekly inspections of the site for the purposes of ensuring the applicant is maintain the site in a clean and orderly manner to protect on-site drain infrastructure and adjacent properties from construction related sediment discharge. TT will provide weekly email message to the PEDB to confirm conditions during the inspection and any potential corrective actions needed at the site.

Budget Assumption: 6 hours @ \$140/hour=\$840  
18 hours @ \$95/hour=\$1,710  
 Total=\$2,550

Task	Task Description	Initial Contract	Revision 1	Project Total
1	Site Inspection	\$560.00	-	\$560.00
2	Punch List/Bond Estimate	\$1,400.00	-	\$1,400.00
3	Meeting Attendance	\$420.00	-	\$420.00
4	Erosion Control Inspections	-	\$2,550.00	\$2,550.00
	<i>Sub-Total</i>	\$2,380.00	\$2,550.00	\$4,930.00
	<i>Expenses</i>	\$120.00	\$128.00	\$248.00
	<b>Total Fee</b>	\$2,500.00	<b>\$2,678.00</b>	<b>\$5,178.00</b>

Please execute this change order to our existing Contract Agreement authorizing us to proceed with the above scope of service at the stated estimated cost. No work will be performed under this change order until it is signed and returned to Tetra Tech. Upon execution by both parties, this change order becomes part of our original Contract Agreement dated January 25, 2018.

Tetra Tech Authorization		Client Authorization (please sign and return)	
By:	Sean Reardon, P.E. 	By:	
Title:	Vice President	Title:	
Date:	May 1, 2018	Date:	

P:\21583\143-21583-18007 (APPLEGATE FARM 2018)\PROJMGMT\CONTRACTS\COS\CO 001\_MEDWAY APPLGATE EC INSPECTIONS\_2018-05-01.DOCX

SUBDIVISION - CONSTRUCTION OBSERVATION ACCOUNTING												
PROJECT NAME: Applegate Farm (Coffee & Ellis Streets - Ralph Costello)												
DATE: April 24, 2018												
Date				Date	Consultant's	Consultant's		Time Period	Date			
Check				Submtd to	Construction	Consultant's	Invoice	Invoice	Covered by	Submtd to		
Received	Amount	Check #	Payment Source	Treasurer	Observation Fee	Name	Date	Number	Invoice	Town Act.	Balance	Notes
1/31/2007	\$11,500.00		Unique Homes								\$11,500.00	
					\$649.45	Petrini	2/2/2007	????			\$10,850.55	Plan Review invoice - no funds left in that account
					\$111.00	Petrini	10/5/2009	22846			\$10,739.55	
					\$363.32	Tetra Tech	9/25/2009	50292931			\$10,376.23	
					\$37.00	Petrini	11/5/2009	22955			\$10,339.23	
					\$222.48	Tetra Tech	12/23/2009	50318721			\$10,116.75	
					\$434.83	Tetra Tech	3/3/2010	50340006			\$9,681.92	
					\$111.24	Tetra Tech	7/8/2010	50368557			\$9,570.68	
					\$2,787.18	Tetra Tech	8/27/2010	50382466			\$6,783.50	
					\$224.03	Tetra Tech	9/3/2011	50491967	7/1 - 9/16/11		\$6,559.47	
					\$149.35	Tetra Tech	1/3/2012	50523835	12/1 - 12/31/11		\$6,410.12	
					\$78.00	Petrini	6/25/2012	27064	6/1-6/24/12		\$6,332.12	
					\$2,371.79	Tetra Tech	6/28/2012	50574074	5/1 - 6/22/12		\$3,960.33	
					\$1,097.51	Tetra Tech	7/27/2012	50582900	6/23 - 7/20/12		\$2,862.82	
					\$1,557.69	Tetra Tech	9/13/2012	50597189	7/20 - 8/31/12		\$1,305.13	
					\$346.73	Tetra Tech	10/26/2012	50615307	8/31-10/5/12		\$958.40	
					\$6,841.61	Tetra Tech	1/16/2013	50641211	10/6 - 12/14/12	7/11/2013	-\$5,883.21	
7/11/2013	\$8,883.21	108653	Town of Medway - proceeds from a bond reduction for The Meadows subdivision								\$3,000.00	
					\$234.00	Petrini	5/7/2013	28379	April of 2013		\$2,766.00	
					\$160.43	Tetra Tech	3/21/2013	50660112	January of 2013		\$2,605.57	
					\$775.00	Tetra Tech	11/22/2013	50756472	7/10/13 - 11/1/2013		\$1,830.57	
					\$160.25	Tetra Tech	3/28/2014	50780726	thru 3/14/2014	4/22/2014	\$1,670.32	
8/26/2014	\$12,063.68	29881	Unique Homes								\$13,734.00	
					\$414.00	Tetra Tech	11/20/2014	50858404	thru 11/7/2014	11/24/2014	\$13,320.00	
					\$2,923.88	Tetra Tech	12/18/2014	50867825	thru 12/12/14	12/29/14 (fhl)	\$10,396.12	
					\$87.75	Petrini	1/9/2015	31220	December of 2014	1/15/15 (TA)	\$10,308.37	
					\$517.50	Tetra Tech	1/20/2015	50876531	thru 1/9/15	1/29/15 (fhl)	\$9,790.87	

Date				Date	Consultant's		Consultant's		Time Period	Date		
Check				Submtd to	Construction	Consultant's	Invoice	Invoice	Covered by	Submtd to		
Received	Amount	Check #	Payment Source	Treasurer	Observation Fee	Name	Date	Number	Invoice	Town Act.	Balance	Notes
					\$310.50	Tetra Tech	3/5/2015	50897518	thru 3/13/15		\$9,480.37	
					\$1,086.75	Tetra Tech	9/25/2015	50962912	thru 9/18/15		\$8,393.62	
					\$64.50	Petrini	10/5/156	32576	thru 9/30/15	to kk 10/8/15	\$8,329.12	
					\$258.75	Tetra Tech	10/23/2015	50975834	thru 10/16/15	to fhl 11/4/16	\$8,070.37	
					\$103.50	Tetra Tech	1/22/2016	51009715	thru 1/15/16	to fhl 1/29/16	\$7,966.87	
					\$326.04	Tetra Tech	3/25/2016	52030549	thru 3/18/16	to actg 4/5/16	\$7,640.83	
					\$108.68	Tetra Tech	5/27/2016	52055237	thru 5/13/16	to actg 6/9/16	\$7,532.15	
					\$1,306.72	Tetra Tech	10/28/2016	51111098	thru 10/14/16	to ml 11/4/16	\$6,225.43	
					\$706.42	Tetra Tech	12/23/2016	51130536	thru 12/16/16	to ml 1/3/17	\$5,519.01	
					\$489.06	Tetra Tech	1/27/2017	51141931	thru 1/13/17	to ml 2/6/17	\$5,029.95	
					\$543.40	Tetra Tech	2/24/2017	51151142	thru 2/10/17	to ml 3/2/17	\$4,486.55	
					\$168.75	Tetra Tech	4/28/2017	51173842	thru 4/21/17	??	\$4,317.80	
					\$33.75	Tetra Tech	6/23/2017	51192759	thru 6/9/17	to ml 7/5/17	\$4,284.05	
7/26/2017	\$5,000.00	31706	Unique Homes	7/26/2017							\$9,284.05	
					\$405.00	Tetra Tech	7/7/2017	51206765	thru 7/7/17	to ml 8/24/17	\$8,879.05	
					\$705.00	Tetra Tech	9/6/2017	51217818	thru 9/1/17	to ml 9/19/17	\$8,174.05	
					\$630.00	Tetra Tech	12/6/2017	51258081	thru 12/1/17	to ml 12/14/17	\$7,544.05	
					\$350.00	Tetra Tech	1/19/2018	51275872	thru 12/29/17	to ml 1/29/18	\$7,194.05	
					\$280.00	Tetra Tech	2/23/2018	51285669	thru 2/9/18	to ml 3/6/18	\$6,914.05	
					\$2,100.00	Tetra Tech	3/23/2018	51296299	thru 3/23/18	to ml 4/4/18	\$4,814.05	
	\$37,446.89				\$32,632.84						\$4,814.05	
	<b>Total</b>				<b>Total</b>						<b>Balance</b>	
	<b>Paid by</b>				<b>Cons. Obsrvtn.</b>							
	<b>Applicant</b>				<b>Fees</b>							



**May 8, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Construction Reports**

- Inspection reports from BETA – 3/6, 3/23, 3/26 and 3/30



ENGINEERING SUCCESS TOGETHER

## MEMORANDUM

Date: April 24, 2018  
To: Ms. Susan Affleck-Childs  
From: William P. McGrath, P.E. BETA Project #: 5491  
Subject: Exelon Site Plan Review

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The following is an update on progress for the period December 30, 2017 through March 30, 2018.

- Site inspections for drainage installation on 3/6/2018, 3/23/2018, 3/26/2018 and 3/30/2018. Daily reports attached..

Ref: Document1

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## RESIDENT'S DAILY REPORT

<b>CLIENT:</b> Town of Medway, MA		<b>DATE:</b> March 6, 2018 <b>PAGE:</b> 1 of 1															
<b>CONTRACT:</b> Exelon Power Facility		<table style="width: 100%; text-align: center;"> <tr> <td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td> </tr> <tr> <td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td> </tr> </table> <b>DAY OF WEEK:</b>		S	M	T	W	T	F	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S	M	T	W	T	F	S											
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
<b>CONTRACT NO.</b> NA	<b>BETA Project No.</b> 5491	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>AM</b></td> <td style="width: 50%; text-align: center;"><b>PM</b></td> </tr> <tr> <td style="text-align: center;"><b>Weather</b></td> <td style="text-align: center;">Overcast</td> </tr> <tr> <td style="text-align: center;"><b>Temp. Range (°F)</b></td> <td style="text-align: center;">45</td> </tr> </table>		<b>AM</b>	<b>PM</b>	<b>Weather</b>	Overcast	<b>Temp. Range (°F)</b>	45								
<b>AM</b>	<b>PM</b>																
<b>Weather</b>	Overcast																
<b>Temp. Range (°F)</b>	45																
<b>LOCATION:</b> 9 Summer Street, Medway, MA		<b>CONTRACTOR:</b> Gemma Power Systems															
<b>CONTRACTOR'S HOURS OF WORK:</b> _____ to _____		<b>BETA Resident's Onsite Hours:</b> 13:30 to 14:30															

SUBCONTRACTORS WORKING ONSITE:		VISITORS TO JOB SITE:	Arrival	Departure
(1)	Bond Brothers (Excavation)			
(2)				
(3)				
(4)				

<b>DESCRIPTION OF WORK PERFORMED / SUMMARY:</b>	
BETA was called to be on on site to review utility installations.	
Met with Doug Blakeley, Environmental Monitor, Exelon Power who provided tour of the work.	
Layout of drainage piping has been revised from previous plan set. Revised drainage sheet (025-01) was provided.	
Reviewed site drainage located east side of site. DMH03A, 03, 04, DCB3A and associated HDPE piping was	
installed and backfilled. HDPE piping inside of manholes was mortared inplace, lifting holes need to be mortared.	
Section of HDPE piping between DMH04 and DMH11 was recently installed on stone bedding at grade. The	
contractor should exersize care while completeing the bedding, backfill and compaction operation at this location	
to avoid displacing the piping. On going pipe installation in this area would require completion of crushed stone	
envelope to 12" above the pipe as the area was brought up to grade.	
Drainage piping and structures along the south side in the proximity of the acoustic enclosure has been installed	
and substantially backfilled. The structures and associated piping include DMH11, 10, 09, 08, 07, 06, CB13, 06,	
12, 09, 08. CB07 on the west side was also in place.	
I requested Mr. Blakeley provide notification when additional piping was to be installed.	
FOR CONTINUATION SEE PAGE: _____ OF _____	

**BETA GROUP, INC. - Resident Representative**

Joe DiPilato, Construction Manager

(Printed Name and Title)

(Signature)





# RESIDENT'S DAILY REPORT

<b>CLIENT:</b> Town of Medway, MA	
<b>CONTRACT:</b> Exelon Power Facility	
<b>CONTRACT NO.</b> NA	<b>BETA Project No.</b> 5491
<b>LOCATION:</b> 9 Summer Street, Medway, MA	
<b>CONTRACTOR:</b> Gemma Power Systems	

**DATE:** March 23, 2018 **PAGE:** 1 of 1

**DAY OF WEEK:** S M T W T F S  
☐ ☐ ☐ ☐ ☐ ☒ ☐

	AM	PM
Weather	Overcast	
Temp. Range (°F)	40	

Contractor's Hours of Work: \_\_\_\_\_ to \_\_\_\_\_

BETA Resident's Onsite Hours: 10:00 to 11:00

SUBCONTRACTORS WORKING ONSITE:	
(1)	Bond Brothers (Excavation)
(2)	
(3)	
(4)	

VISITORS TO JOB SITE:	Arrival	Departure

## DESCRIPTION OF WORK PERFORMED / SUMMARY:

BETA was called to be on on site to review utility installations.

Met with Doug Blakeley, Environmental Monitor, Exelon Power and Paul Herlihy, Superintendent, Gemma Power Systems, who provided tour of the work.

Reviewed site drainage located east side of site. HDPE piping had been installed between DMH-04 and DMH-11 and backfilled. HDPE piping inside of manholes was mortared in place, lifting holes need to be mortared.

Section of HDPE piping between DMH-10 and CB-06 was recently installed on stone bedding at grade.

On going pipe installation in this area would require completion of crushed stone envelope to 12" above the pipe as the area was brought up to grade.

There was no drainage installed today. Drainage install was postponed due to site conflicts in that area.

Emergency diesel generator on pad and backfilled to grade. Gas compressor foundation installed to grade.

Power Control model for unit 2 backfilled to grade.

Drain install from DMH-06 to CB-07 (west side of site) scheduled to start 3/24/18. D.Blakeley requested BETA be on site for that install. More drainage install to take place on 3-26-18.

FOR CONTINUATION SEE PAGE: \_\_\_\_\_ OF \_\_\_\_\_

## BETA GROUP, INC. - Resident Representative

Bryan Harpin - Senior Resident Rep.

(Printed Name and Title)

(Signature)

## RESIDENT'S DAILY REPORT

<b>CLIENT:</b> <p style="text-align: center;">Town of Medway, MA</p>	<b>DATE:</b> March 26, 2018 <b>PAGE:</b> 1 of 1 <div style="display: flex; justify-content: space-around; font-size: small;"> <span>S</span><span>M</span><span>T</span><span>W</span><span>T</span><span>F</span><span>S</span> </div> <b>DAY OF WEEK:</b> <div style="display: flex; justify-content: space-around; font-size: x-small;"> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <th style="width: 50%;"></th> <th style="width: 25%; text-align: center;">AM</th> <th style="width: 25%; text-align: center;">PM</th> </tr> <tr> <td style="text-align: center;">Weather</td> <td></td> <td style="text-align: center;">Sun</td> </tr> <tr> <td style="text-align: center;">Temp. Range (°F)</td> <td></td> <td style="text-align: center;">40</td> </tr> </table> <p style="margin-top: 10px;">Contractor's Hours of Work: _____ to _____</p> <p>BETA Resident's Onsite Hours: 1:00 to 2:30</p>		AM	PM	Weather		Sun	Temp. Range (°F)		40
	AM	PM								
Weather		Sun								
Temp. Range (°F)		40								
<b>CONTRACT:</b> <p style="text-align: center;">Exelon Power Facility</p>										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>CONTRACT NO.</b> NA</td> <td style="width: 50%;"><b>BETA Project No.</b> 5491</td> </tr> </table>	<b>CONTRACT NO.</b> NA	<b>BETA Project No.</b> 5491								
<b>CONTRACT NO.</b> NA	<b>BETA Project No.</b> 5491									
<b>LOCATION:</b> <p style="text-align: center;">9 Summer Street, Medway, MA</p>										
<b>CONTRACTOR:</b> <p style="text-align: center;">Gemma Power Systems</p>										

SUBCONTRACTORS WORKING ONSITE:	VISITORS TO JOB SITE:	Arrival	Departure
(1) Bond Brothers (Excavation)			
(2)			
(3)			
(4)			

### DESCRIPTION OF WORK PERFORMED / SUMMARY:

BETA was called to be on on site to review utility installations.

Met with Matt Slaven PM Service group, who provided tour of the work.

Matt indicated that the drainage work scheduled for 3-24-18 and 3-26-18 did not happen. Conflicts with access to other parts of the site work were to blame and also the install of electrical conduit that needed to be in prior to the drain.

I asked that if there was no drainage work being done that day to notify me as to not waste a trip.

The area encapsulating DMH-06, CB-08, DMH-07, CB-08 and CB-09 has been backfilled and existing grade has been established.

FOR CONTINUATION SEE PAGE: \_\_\_\_\_ OF \_\_\_\_\_

**BETA GROUP, INC. - Resident Representative**

Bryan Harpin - Senior Resident Rep.

(Printed Name and Title)

(Signature)

## RESIDENT'S DAILY REPORT

<b>CLIENT:</b> <div style="text-align: center;">Town of Medway, MA</div>		<b>DATE:</b> March 30, 2018 <b>PAGE:</b> 1 of 1 <div style="text-align: center;">             S   M   T   W   T   F   S              DAY OF WEEK:               <input type="checkbox"/>   <input type="checkbox"/>   <input type="checkbox"/>   <input type="checkbox"/>   <input type="checkbox"/>   <input checked="" type="checkbox"/>   <input type="checkbox"/> </div>										
<b>CONTRACT:</b> <div style="text-align: center;">Exelon Power Facility</div>		<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <b>CONTRACT NO.</b> NA             </div> <div style="text-align: center;"> <b>BETA Project No.</b> 5491             </div> </div>										
<b>LOCATION:</b> <div style="text-align: center;">9 Summer Street, Medway, MA</div>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th style="text-align: center;">AM</th> <th style="text-align: center;">PM</th> </tr> <tr> <td style="text-align: center;"><b>Weather</b></td> <td style="text-align: center;">Cloudy</td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Temp. Range (°F)</b></td> <td style="text-align: center;">40-50</td> <td></td> </tr> </table>			AM	PM	<b>Weather</b>	Cloudy		<b>Temp. Range (°F)</b>	40-50	
	AM	PM										
<b>Weather</b>	Cloudy											
<b>Temp. Range (°F)</b>	40-50											
<b>CONTRACTOR:</b> <div style="text-align: center;">Gemma Power Systems</div>		<div style="text-align: center;"> <b>Contractor's Hours of Work:</b> _____ to _____   <b>BETA Resident's Onsite Hours:</b> 9:45 to 11:15             </div>										

SUBCONTRACTORS WORKING ONSITE:	VISITORS TO JOB SITE:	Arrival	Departure
(1) Bond Brothers (Excavation)			
(2)			
(3)			
(4)			

DESCRIPTION OF WORK PERFORMED / SUMMARY:
<p>BETA was called to be on on site to review utility installations.</p> <p>Met with Matt Slaven PM Service group, who provided tour of the work. Met with Paul Herlihy, Gemma, discussed the schedule for the day as pertaining to drainage installation.</p> <p>Bond Brothers had two crews excavating in two locations today.</p> <p>1) Installed DMH-15 and DMH-16. Installed the HDPE pipe between them. (Work completed prior to my site walk). Connected the 4" DI drain from the transformers, two locations, directly into the DMH's. (Work had not been completed before I left).</p> <p>2) Installed DMH-02. Connected DMH-02 to CB-02 with HDPE (all work done prior to site visit). Installation of HDPE from DMH-02 20'-30' east towards DMH-01 had been previously done prior to installation of the electrical conduit. Bond was to continue with pipe to DMH-01 today. Including the install of DMH-01. Bond Brothers was hammering ledge in the area of DMH-01 during my site walk. Did not witness that crew installing any pipe or structures.</p>
FOR CONTINUATION SEE PAGE: _____ OF _____

**BETA GROUP, INC. - Resident Representative**

Bryan Harpin - Senior Resident Rep.

(Printed Name and Title)

(Signature)

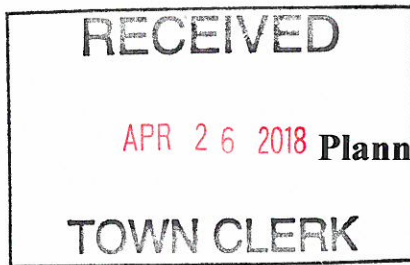


**May 8, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Milway Auto Site Plan - Public Hearing**  
**Continuation**

- Public Hearing Continuation Notice
- Additional Waiver Requests
- ConCom Order of Conditions
- DRAFT decision dated 5-3-18




**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**

April 26, 2018

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

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

RE: **Public Review Continuation: Milway Auto Site Plan, 50 Alder Street**  
**Continuation Date: Tuesday, May 8, 2018 at 7:15 p.m.**  
**Hearing Location: Medway Town Hall – Sanford Hall, 155 Village Street**

At its meeting on April 24, 2018, the Planning and Economic Development Board considered and approved the request of Alder Street Realty LLC of Medway, MA to continue the public hearing for approval of a site plan for the proposed construction of an automotive sales and service facility at 50 Alder Street. **The continued public hearing will take place on Tuesday, May 8, 2018 at 7:15 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.**

The subject property is 1+ acres and is located on the north side of Alder Street in the 495 Business Park in the West Industrial zoning district. The parcel, shown on the Medway Assessors Map as #63 – 001-0001, is owned by Alder Street Realty LLC. A portion of the site lies within the Town of Milford. The property is bordered by Interstate 495 on the west.

The proposed project includes construction of a 3,250 sq. ft., one-story building for automobile sales and service with three garage bays and office space. The site plan shows a 7,774 sq. ft. parking lot for 17 parking spaces, landscaping, stormwater drainage facilities, and connections to municipal water and sewer. Site access/egress is planned with 2 curb cuts on Alder Street.

The plan is titled *Proposed 3,250 S.F. Commercial Building Site Plan*, is dated March 30, 2016 and was prepared by Grady Consulting, LLC of Kingston, MA. Architectural drawings were provided by Clinton Design Architects of Holliston, MA.

The application, site plan, and other documents are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The application, site plan, and other documents are also posted at the Planning and Economic Development Board's web page at:

<https://www.townofmedway.org/planning-economic-development-board/pages/town-line-estates>

The Board expects to vote its decision and close the public hearing on May 8<sup>th</sup>.

Please contact me if you have any questions. Thanks.

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

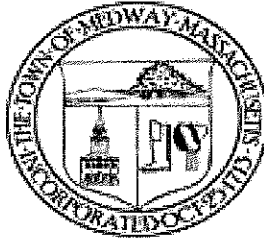
**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
 Complete 1 form for each waiver request

<b>Project Name:</b>	50 Alder Street, Proposed 3,250 sf Commercial Building
<b>Property Location:</b>	50 Alder Street
<b>Type of Project/Permit:</b>	Major Site Plan Project
<b>Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.</b>	205-3(A) Curb Cuts
<b>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</b>	Curb cuts for contiguous commercial areas may be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the applicant.
<b>What aspect of the Regulation do you propose be waived?</b>	One curb cut per street frontage
<b>What do you propose instead?</b>	To utilize the existing curb cut and propose an additional curb cut (2 total)
<b>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</b>	The additional curb cut is needed for emergency access and safe vehicular movements within the parking lot
<b>What is the estimated value/cost savings to the applicant if the waiver is granted?</b>	None
<b>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</b>	It will provide better access for emergency vehicles
<b>What is the impact on the development if this waiver is denied?</b>	The development would be limited to one curb opening and have limited access for emergency vehicles
<b>What are the design alternatives to granting this waiver?</b>	None
<b>Why is granting this waiver in the Town's best interest?</b>	It will provide better access for emergency vehicles
<b>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</b>	None
<b>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</b>	None
<b>What is the estimated value of the proposed mitigation measures?</b>	Not Applicable
<b>Other Information?</b>	Not Applicable
<b>Waiver Request Prepared By:</b>	Grady Consulting LLC
<b>Date:</b>	3-May-18
<b>Questions?? - Please contact the Medway PED office at 508-533-3291.</b>	

**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
 Complete 1 form for each waiver request

<b>Project Name:</b>	50 Alder Street, Proposed 3,250 sf Commercial Building
<b>Property Location:</b>	50 Alder Street
<b>Type of Project/Permit:</b>	Major Site Plan Project
<b>Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.</b>	205-6(h) Curbing
<b>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</b>	The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.
<b>What aspect of the Regulation do you propose be waived?</b>	Vertical Granite Curb
<b>What do you propose instead?</b>	Cape Cod Berm as a similar type of edge treatment
<b>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</b>	Granite curbing is very expensive and is not necessary for this site. Abutting properties do not have granite curbing within the parking lot. The proposed Cape Cod Berm meets the regulations as a "similar type of edge treatment".
<b>What is the estimated value/cost savings to the applicant if the waiver is granted?</b>	approximately \$10,000
<b>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</b>	The proposed cape cod berm will delineate the parking lot the same as vertical granite curb.
<b>What is the impact on the development if this waiver is denied?</b>	Unnecessary added cost to the development
<b>What are the design alternatives to granting this waiver?</b>	None
<b>Why is granting this waiver in the Town's best interest?</b>	The cape cod berm will match the existing parking lots along Alder Street
<b>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</b>	None
<b>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</b>	None
<b>What is the estimated value of the proposed mitigation measures?</b>	Not Applicable
<b>Other Information?</b>	Not Applicable
<b>Waiver Request Prepared By:</b>	Grady Consulting LLC
<b>Date:</b>	3-May-18
<b>Questions?? - Please contact the Medway PED office at 508-533-3291.</b>	
7/8/2011	

**MEDWAY CONSERVATION COMMISSION**



**Sanford Hall, Town Hall  
155 Village Street, Medway, MA 02053**

**REQUEST FOR THE RECORDING OF THE ENCLOSED  
DOCUMENT**

Please record the enclosed form, know as Order of Conditions, DEP File No. 216-0871 within the chain of title of the property described below. Please return the enclosed self addressed envelope with the Order of Conditions to the Medway Conservation Commission and include on it the date that this document went on record.

**DESCRIPTION OF PROPERTY**

The document to be recorded pertains to the property at 50 Alder Street, Medway, MA 02053, shown on Medway Assessor's Map 63, Lot 001-0001, further described as having been recorded in Book 798 Page 173, at the Norfolk County Registry of Deeds, Dedham, MA.

**Philip Anza- Alder Street Realty**

---

Name of Owner

*Bridget R. Graziano*

Bridget R. Graziano, Conservation Agent  
Medway Conservation Commission

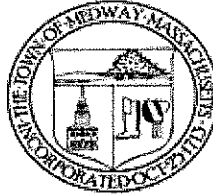
*8/29/16*

Date





## MEDWAY CONSERVATION COMMISSION



**Sanford Hall, Town Hall  
155 Village Street, Medway, MA 02053**

August 29, 2016

Philip Anza  
119 Milford Street  
Medway, MA 02053

Dear Mr. Anza:

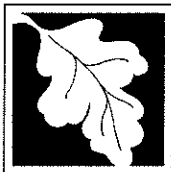
Enclosed please find the Order of Conditions, DEP File No. 216-0871, issued by the Medway Conservation Commission on August 29, 2016, this document is a record that reflects the approval of your proposal in response to your Notice of Intent for 50 Alder Street. It is required that this document be recorded with the Norfolk County Registry of Deeds after the ten day appeal period from the date of issuance has elapsed. Please note you will receive a letter confirming the recording once the Commission has successfully recorded the document.

The Medway Conservation Commission staff would be glad to set up an appointment to review the Order of Conditions with you prior to the commencement of proposed work. Our office is open Tuesday 7:30 am – 4:30 pm, Thursday 10:30 am – 4:30pm and Friday 7:30 am - 12:30 pm or by appointment. You may contact the Conservation office with any questions you may have at (508) 533-3292.

Thank you,

Bridget R. Graziano, Conservation Agent  
Medway Conservation Commission





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

216-871

MassDEP File #

eDEP Transaction #

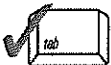
Medway

City/Town

**A. General Information**

**Please note:**  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

**Important:**  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: Medway  
Conservation Commission

2. This issuance is for  
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Phil

a. First Name

Anza

b. Last Name

Alder Street Reality, LLC

c. Organization

119 Milford Street

d. Mailing Address

Medway

e. City/Town

MA

f. State

02053

g. Zip Code

4. Property Owner (if different from applicant):

Travis

a. First Name

Snell

b. Last Name

Concord Milford Holdings

c. Organization

1 Main Street

d. Mailing Address

Concord

e. City/Town

MA

f. State

01742

g. Zip Code

5. Project Location:

50 Alder Street

a. Street Address

Medway

b. City/Town

63

c. Assessors Map/Plat Number

001-0001

d. Parcel/Lot Number

Latitude and Longitude, if known:

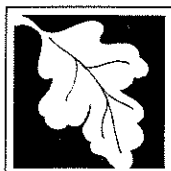
42d08m03.74s

d. Latitude

-71d38m33.37s

e. Longitude





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
216-871  
MassDEP File #

eDEP Transaction #  
**Medway**  
City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
**Norfolk**  
a. County **561** b. Certificate Number (if registered land) **191**  
c. Book d. Page
7. Dates: **5/26/2016** **7/14/2016** **8/29/16**  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
**Proposed 3,250 S.F. Commercial Building**  
a. Plan Title  
**Grady Consulting** **Richard Grady PE no.38072**  
b. Prepared By c. Signed and Stamped by  
**August 15, 2016** **1"=20'**  
d. Final Revision Date e. Scale  
**Notice of Intent** **May 2016**  
f. Additional Plan or Document Title g. Date

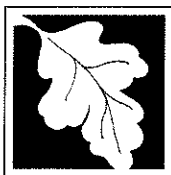
**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 26.5  
a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet







Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____	_____
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____	_____
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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City/Town

## B. Findings (cont.)

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

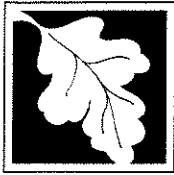
b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 8/29/2019 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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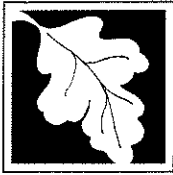
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            216-871            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;







**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.





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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See attachment Part II for special conditions under the Medway General Bylaw Article XXI**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.





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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Medway hereby finds (check one that applies):  
Conservation Commission
- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Medway General Bylaw Article XXI

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attachment Part II for special conditions under the Medway General Bylaw Article XXI





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Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

BRC

29  
8/29/2016

1. Date of Issuance

4  
2. Number of Signers

Signatures:

*David A. Trovati* (David A. Trovati)  
*Brig G. Smith* (Brig G. Smith)  
*David J. Blackwell* (David J. Blackwell)  
*Ken M. (CM)* (Ken M. (CM))

☒ by hand delivery on

☒ by certified mail, return receipt requested, on

8/29/16

Date

Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.





Phil Anza  
Alder Street Realty, LLC  
50 Alder Street  
DEP File No. 216-871

**MEDWAY CONSERVATION COMMISSION**  
**ORDER OF CONDITIONS – PART II**  
**FINDINGS AND CONDITIONS UNDER THE MEDWAY GENERAL WETLANDS**  
**PROTECTION BYLAW (ARTICLE XXI)**  
**PROJECT SITE: 50 Alder Street Map 63 Lot 001-0001**  
**DEP # 216-871**  
**MEDWAY, MASSACHUSETTS**  
**DATE: August 29, 2016**

**PROJECT APPLICANT: Phil Anza- Alder Street Realty, LLC**

In connection with the Conditions set forth in this Order, the Medway Conservation Commission (the “Commission”) makes the following FINDINGS:

- A. The proposed project consists of (a) construction of new building with a 3 bay garage for automotive sales and repair, (b) parking lot, (c) stormwater management system, and (d) mitigation planting plan for temporary alteration within the 0-25’ No Alteration Zone.
- B. The lot consists of forest with within Bordering Vegetated Wetlands with an associated 100’ buffer zone under the Medway General Bylaw Article XXI (and the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00).
- C. Submitted documents consist of (a) “Notice of Intent Application- by EcoTerra dates May 2016, (b) site plan titled, “Proposed 3,250 SF Commercial Building Site Plan #51 Alder Street Medway, Massachusetts” by Grady Consulting, LLC, dated March 20, 2016, revised 6/27/16, 8/5/16, and 8/15/16, (c) Stormwater Management Design Calculations, Proposed Commercial Site by EcoTerra, no date as part of May 2016 NOI, (d) Operations and Maintenance Plan Proposed Drainage System –During Construction, by EcoTerra, not date as part of May 2016 NOI, (e) Operations and Maintenance Plan Proposed Drainage System - Post Construction, by EcoTerra, not date as part of May 2016 NOI.
- D. The Commission has agreed to waive the 25’ no disturb set back for Bordering Vegetated Wetland for temporary disturbance only. This disturbance shall be mitigated through a planting plan, as depicted on plans titled, “Site Plan Details #51 Alder Street Medway, Massachusetts” by Grady Consulting, dated August 15, 2016 (sheet 6 of 7).
- E. The Commission hereby finds that the work proposed for construction of new commercial building for the operations of car sales and repair, associated parking, stormwater management system all within 100’ of a Bordering Vegetated Wetland plan were presented during the public hearing process and the applicant has offered evidence sufficient to demonstrate that the proposed activity shall have no impact on this wetlands resource and meets the provisions under 310 CMR 10.02 (2)(b) and (3) and 310 CMR 10.05(6)(k-q), and Medway General Bylaw Article XXI Regulations for performance standards (working within a buffer zone) under Section 5. It was noted that all conditions of this Order must be met in order to meet the above mentioned provisions. The Commission additionally finds that the work must be conditioned to protect all interests of the MA Wetlands Protection Act and the Medway General Wetlands Protection Bylaw.
- F. Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions, section of

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this Order. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

G. Following review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the area in which work is proposed is significant to the following interests of the Medway Wetlands By-Law:

1. Groundwater Supply
2. Flood Control
3. Storm Damage Prevention
4. Prevention of Pollution
5. Protection of Flora and Fauna and their Habitats
6. Erosion Prevention

H. Furthermore, the Medway Conservation Commission hereby finds that the proposed project is:

**Approved, subject to the findings and conditions contained herein.**

- A. The Medway Conservation Commission based its decision to approve the proposed project upon the information provided in the Notice of Intent referenced in the WPA Form 5 – Order of Conditions (“Part I”) issued concomitantly with this Part II OOC for the project, together with all of its contents and attachments, including the plans and documents identified in Part I, Sec. A, para. 8, the findings and conditions contained in this Part II, and the information presented and discussed at the public hearing.
- B. The Medway Conservation Commission further finds the following:
1. Wetland Resource Areas and Boundaries: The site contains the following wetland resource areas protected by the Massachusetts Wetlands Protection Act and the Medway Wetlands By-Law:
    - i. 100’ buffer zone of Bordering Vegetated Wetlands
    - ii. 25’ No Alteration Zone for temporary disturbance only
  2. Additional General Findings:
    - i. This Order protects the interests specified in the Wetlands Protection Act and the Medway Wetlands By-Law. The Wetland resource areas on the lot are identified on the Plan.
    - ii. The Commission accepts the resource areas as depicted on the above-referenced Plan and as described in the Notice of Intent Project Narrative.
  3. Wildlife Habitat: The Commission finds that the project areas is not within an estimated habitat for state-listed rare wetland wildlife as depicted on the most recent Estimated Habitat Map provided by the Natural Heritage and Endangered

Species Program. The Commission further finds that the project is not within an Area of Critical Environmental Concern.

4. Stormwater Management: The Commission finds that the project is not subject to the Department of Environmental Protection's Stormwater regulation and policy. However, due to the local Planning Board Regulations, the Applicant has met requirements of the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k-q).

In addition to the General Conditions and Findings stated in Parts I and II of the Order of Conditions for this project, the General and Special Conditions below are necessary to comply with the Medway Wetlands By-Law and the Medway Conservation Commission Regulations as well as the Wetlands Protection Act and regulations.

***General Conditions***

- 1) All work shall be performed in accordance with the General and Special Conditions in Parts I and II of this Order, and in accordance with the Plans referenced in Part I, sec. A, para. 8, the Notice of Intent and its attached and additional materials, and the Notice of Intent Project Narrative.
- 2) To the extent that the following special conditions modify or differ from the Plans, specifications, or other proposals submitted with the Notice of Intent or the Notice of Intent Project Narrative, the Special Conditions shall control.
- 3) Erosion and sediment controls shall remain in place until such time as the Commission approves their removal.
- 4) All work shall be conducted in accordance with the approved site plan titled, "Proposed 3,250 SF Commercial Building Site Plan #51 Alder Street Medway, Massachusetts" by Grady Consulting, LLC, dated March 20, 2016, revised 6/27/16, 8/5/16, and 8/15/16 and the conditions of this Order.
- 5) The Conservation commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
- 6) The work shall be conducted so that there will be no erosion and sedimentation into wetlands and surface waters during or after construction.
- 7) All trash and non-organic debris shall be removed from the 100' buffer zone of the wetland resource.
- 8) A Conservation Commissioner, agent or designee of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and may obtain any information, measurements, photographs, observations, and/or materials, or may require the submittal of data or information deemed necessary by the Commission, or the Department of Environmental Protection for such evaluation. Further, work shall be halted on the site if a Commissioner, agent or DEP determines that

- any activities on the Site have created a non-compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
- 9) This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or any part of or share (in fact) of the property.
  - 10) This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
  - 11) If any changes are made to the project which may impact, or alter, or impact an area subject to protection under the Wetlands Protection Act and/or the Medway General Bylaw Article XXI or any change(s) in activity subject to regulations under G.L. Ch. 131 §40, the applicant shall inquire from the Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent, or a Request to Amend this Order of Conditions. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedure shall be followed.
  - 12) The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
  - 13) No filling of Bordering Vegetated Wetland as defined in 310 CMR 10.55 is authorized by this Order.
  - 14) It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
  - 15) All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the proposed construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site. No mulch shall be placed in wetland resource areas.
  - 16) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto.
  - 17) There shall be no underground storage of fuel, oil, or hazardous substance on the property within the Buffer Zones or Wetland Resource Areas.
  - 18) Removal and storage of hazardous substances, hazardous waste, or hazardous material in a resource area or buffer zone area subject to protection under Massachusetts Wetlands Protection Act and/or Medway General Bylaw Article XXI:
    - a. Shall be conducted only when approved and directed by the Department of Environmental Protection, Environmental Protection Agency or other applicable state or federal agency under which removal or remedial activities are directed and shall be conducted in the manner specified in the Notice of

Intent and appropriate agency directives.

- b. All hazardous materials, hazardous substances, and hazardous waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the Order of Conditions and appropriate state and federal licensing and permitting agencies.
  - c. No hazardous materials, substances, or wastes shall be introduced or discharged into or toward wetland resource areas.
  - d. No hazardous materials, substances, or wastes shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, Board of Health, Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency.
  - e. Identification of all types of hazardous materials, hazardous substances, or hazardous wastes used, produced, or stored on the site shall be submitted to the Conservation Commission in writing.
- 19) All temporary disturbance within the 0-25' No Disturbance Area shall be returned to natural buffer zone through seed and planting of vegetation. Additionally, once work is completed within this area, the erosion control line shall be moved to the 25' to prevent further disturbance during construction.
- 20) In the case of a conflict between a specific condition in this Order and a referenced document, the condition shall prevail.

***Administrative***

- 21) This Order of Conditions becomes final ten (10) business days after the issuance date if no authorized person has requested the Department of Environmental Protection to issue a Superseding Order of Conditions. The issuance date of the Order is the date specified on page 2 of Part I-WPA Form 5 of this Order.
- 22) Before commencement of work and after ten (10) business days from the issuance date have elapsed, this Order of Conditions must be recorded at the Middlesex County Registry of Deeds or Land Court as provided in Part I-WPA Form 5, sec. C, para. 8. The recording will be executed by and through the Commission's Agent. The Agent will notify the applicant of the recording fee. When the Commission has received the check for the appropriate amount, the Agent will arrange for the Order of Conditions to be recorded.
- 23) If any permit, license or approval by any other municipal agency, board or commission is withdrawn, obtained or reversed and the construction work is to be altered or changed from the plans filed with the Commission, the applicant shall notify the Commission in writing. Such notice shall be addressed to the Chair and submitted prior to any work commencing on the project. If the Commission determines that the changes or alterations are significant, the Commission, by majority vote, may require a new Notice of Intent or a modification of the existing Order of Conditions. The Medway Conservation

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Commission considers that any errors in the plans or information submitted by the applicant are changes and, as such, requires application of the foregoing procedures.

- 24) With respect to all conditions, the "Commission" shall include an Agent of the Commission, which may be a Commission Member, the Conservation Agent, or a person specifically hired by the Commission to administer and enforce this Order, except where action by the Commission acting as a body is required by law.
- 25) Members and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with this Order, and the Commission may require submittal of any information deemed necessary by the Commission for that evaluation.
- 26) A copy of this Order shall be included in all construction contracts and subcontracts dealing with the work proposed, and this Order shall supersede all contract requirements.
- 27) A copy of this Order shall be provided to the project supervisor and shall be available on the site at all times during construction, until completion.

***Pre-construction***

- 28) Prior to the Pre-Construction Meeting and any work commencing on the site, a sign of minimum size two-feet by two-feet shall be displayed so as to be clearly visible from the street showing DEP file No. 216-0871.
- 29) Emergency Contacts – The applicant shall provide to the Commission the identity and 24-hour contact information for one or more persons who will act as emergency contacts in the event of an environmental problem that occurs outside of normal working hours. The applicant shall be responsible for insuring that adequate, round-the-clock coverage including holidays, vacations, weekends, etc. is provided by an adequate number of persons so that a qualified person is always available, and that appropriate contact information has been provided to the Commission. The emergency contact person(s) shall have the authority to expend resources, including necessary manpower, materials, and required subcontracted services, to alleviate any environmental problems at the site in short order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.
- 30) The designated emergency contact shall respond and remediate all emergencies within 2 hours of finding the impacts to areas outside the limit of work and/or within the Commission's jurisdiction.
- 31) Prior to the Pre-Construction Meeting and commencement of any activity on this site, the approved erosion control and limit of work lines shall be staked, by survey. The location of erosion controls shall be adjusted, if necessary, during the pre-construction meeting.
- 32) Prior to the commencement of any activity on this site other than the marking of locations for erosion controls and limits of work, there shall be a **PRE-CONSTRUCTION MEETING** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting to comply with the approved plans. The

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- applicant shall contact the Conservation Commission office at 508-533-3292 at least three (3) business days prior to any activity to arrange for the pre-construction meeting.
- 33) Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls.
  - 34) Immediately after the Pre-Construction Meeting, all erosion controls and limits of work lines shall be installed along the approved and staked line. Erosion controls and limits of work lines shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation, on the uphill side.
  - 35) Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls.
  - 36) Prior to the commencement of work erosion controls shall be installed according to the site plan titled, "Proposed 3,250 SF Commercial Building Site Plan #51 Alder Street Medway, Massachusetts" by Grady Consulting, LLC, dated March 20, 2016, revised 6/27/16, 8/5/16, and 8/15/16 and then inspected by the Conservation Commission and/or its Agent. The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
  - 37) Erosion and sediment controls shall remain in place until such time as the Commission approves their removal.
  - 38) Once the stormwater system is construction all portions of this system shall be protected through erosion controls or stabilization during construction of the building and parking areas, as the system would accrue additional sedimentation from an unstable site.
  - 39) It is the responsibility of the applicant, owner and/or successor(s) to ensure that all conditions of this Order of Conditions (Order) are complied with. The project engineer and contractors are to be provided with a copy of this Order and referenced documents before commencement of construction.
  - 40) The limits of work depicted on the plan must be clearly marked in the field prior to commencement of construction. The erosion control barrier shall serve as a work limit line for this project. Under no circumstances is any work allowed to take place on the wetland resource area side of the barrier.

***Erosion Control Inspection and Monitoring***

- 41) It shall be the responsibility of the Applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site such that wetland impacts do not occur. The erosion control measures designated on the site plans, provided in the SWPPP and the Long Term Pollution Prevention Plan and described in this Order of Conditions, shall be considered a minimum standard for compliance. In addition, it shall



be the responsibility of the applicant to take whatever measures are necessary to prevent any form of wetland impacts not approved within this Order. Additional requirements related to site monitoring and control are:

- A. Erosion Control Inspector. The Applicant shall designate and identify to the Commission a qualified Erosion Control Inspector. This person shall have appropriate credentials in the field of engineering or environmental science, and erosion and sedimentation control.
- B. Erosion control inspections. At least once every 14 calendar days and within 24 hours of any rainstorm generating more than 0.5 inches of rainfall, the designated Erosion Control Inspector shall conduct a thorough inspection of the site. At a minimum, each inspection shall include a visual inspection of all erosion control barriers, visual inspection of all temporary sediment traps and other erosion control measures, inspection of all stockpile areas.
- C. Inspection reports. Within one week of the completion of an inspection, the Erosion Control Inspector shall submit a report of findings to the Medway Conservation Commission. The contents of this report shall include, but are not limited to the form provided within the SWPPP.

***Stormwater Management System***

- 42) The applicant shall install the proposed stormwater management system as depicted on site plan titled, "Proposed 3,250 SF Commercial Building Site Plan #51 Alder Street Medway, Massachusetts" by Grady Consulting, LLC, dated March 20, 2016, revised 6/27/16, 8/5/16, and 8/15/16.
- 43) The applicant shall follow all aspects and requirements for maintenance under the document titled "Construction Period Erosion and Sediment Control Stormwater Pollution Prevention Plan" by Faist Engineering, dated June 2015 to be referred to as the SWPPP and the document titled, "Stormwater Management System Long Term Operations and Maintenance Plan" by Faist Engineering, dated June 2015.
- 44) All roof run-off shall be directed into the proposed stormwater management system, if the proposed system is changed in any form, the Commission shall be contacted immediately and the applicant shall request an amendment to the Order of Conditions.
- 45) The applicant and their successors shall meet all the requirements of documents titled, (1) Operations and Maintenance Plan Proposed Drainage System – During Construction, by EcoTerra, not date as part of May 2016 NOI and (2) Operations and Maintenance Plan Proposed Drainage System - Post Construction, by EcoTerra, not dated as part of May 2016 NOI.
- 46) All components of the stormwater management system shall remain in proper working order at all time, this conditions shall remain in perpetuity.
- 47) All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, Stormwater Management System Operation and

- Maintenance Plan pre and post construction, and the Department of Environmental Protection Stormwater Management Standards. This includes following;
- a. Catch basins shall be equipped with sumps, oil and gas traps, and shall be inspected and cleaned as outlined in O&M plan. After each inspection and cleaning, the inspector shall provide to the Commission written confirmation that the inspection and cleaning were conducted, and records maintained.
  - b. All catch basins located on the property shall be inspected four times per year or and cleaned when the sediment reaches 2 feet or 50%, and at least twice per year, as stated in the Operation and Maintenance Plan.
- 48) All Stormwater best management practices shall be maintained and inspected as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions.
- 49) During construction, all drainage structures shall be inspected on the same schedule as the erosion controls and cleaned as necessary.
- 50) There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
- 51) A Spill Containment Kit including five catch basin grate inlet protection devices shall be stored within or directly adjacent to the refueling area. This Kit shall be located within a highly visible area and shall be marked by signage clearly identifying the Spill Containment Kit.
- 52) The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and any portion of the stormwater management system, are to be performed.

### ***Erosion Control***

- 53) Erosion control shall consist of straw bales and siltation fencing with the addition of snow fencing due to the close proximity of construction to the 0-25' No-Alteration Zone. This condition shall prevail if the plans differ in any way from this condition.
- 54) All catch basins in Alder Street (within the vicinity of the proposed project) shall be equipped with siltation sacks prior to the commencement of work. This shall be approved by the Agent and/or the Commission.
- 55) For the duration of the project, the construction supervisor shall conduct daily inspections to evaluate the need for erosion control and/or stabilization. If such measures are indicated, the applicant or their agent shall immediately notify the Agent and/or the Commission and shall install sediment control measures as directed by the Agent and/or the Commission.
- 56) Immediately after installation of erosion control measures and any dewatering areas, but before any other work occurs the Agent and/or the Commission shall be notified in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines

have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission has inspected and approved the installation of the erosion controls.

- 57) During restoration, disturbed areas will be kept to a minimum and vegetative stabilization of these areas will occur as soon as possible.
- 58) Erosion controls and limit of work lines shall be installed as proposed in the Notice of Intent with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation.
- 59) It shall be the responsibility of the applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures such that wetland impacts do not occur. The erosion control measures designated on the site plans and described in this Order of Conditions shall be considered a minimum standard for compliance.
- 60) The areas of construction shall remain in a condition that is protected by erosion control devices at the close of each construction day. Erosion controls shall be inspected daily and, as necessary, promptly repaired, reinforced, or replaced.

#### ***Construction***

- 61) All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.
- 62) Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any activity on the site. Dewatering activities shall be monitored daily to ensure that sediment laden water is not discharged toward the wetland resource areas. No discharge of water is allowed directly or indirectly into an area subject to jurisdiction of the Wetlands Protection Act. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission for approval, which provides for the pumped water to be contained in a settling basin, to adequately reduce turbidity prior to discharge into a resource area of Buffer Zone. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures.
- 63) All exposed soil finish grade surfaces shall be immediately landscaped and stabilized, or loamed, seeded or mulched with a layer of mulch hay or stabilized with proposed treatments as indicated on the approved plans. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods include, but not be limited to, hydro-seeding, straw mats, jute netting, sod or other Commission-approved method.
- 64) Erosion controls devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Commission has authorized their removal.

65) Prior to any fill being brought onto the premises from any off property sources, the Medway Conservation Commission requires that Any soil, including loam, brought into the resource areas, buffer zones, or other jurisdictional area should be free of trash and deleterious material and free of any chemical contaminants in excess of Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Soil should also be free of invasive species. While the MCP as a regulation at the State level may or may not apply to the project, soil characterization shall be completed in a manner consistent with this regulation. Prior to delivering to the project soil, material should be characterized by sampling the soil as outlined below and a certification shall be provided to the Conservation Commission or its agent. The certification shall include a letter signed by a Licensed Site Professional (see MCP) describing the Site history of the originating soil location and certifying sampling collection procedures, quality control, results, and compliance with RCS-1 Standards. Soil containing concentrations of contaminants in Exemptions from reporting outlined in the MCP including but not limited to lead paint, emmissions, arsenic, and ash, shall not be allowed in jurisdictional areas. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
  - Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Exceptions:

Washed Stone Materials (The Commission may elect to require sampling of these materials if materials are suspect when inspected by the Commission or its agent)

Alternative Sampling Plans;

The Commission may consider alternative sampling plans or soil materials at its sole discretion. Approval of the commission or its agent is required for alternate plans. These may include management of soils consistent with MassDEP WSC#-13-500, Similar Soils Provision Guidance. These may also include originating facilities that are

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known to the Commission based on previous certifications, historical operations, and sampling to produce soils below RCS-1.

- 66) The applicant shall complete required restoration of 0-25' No Alteration Zone for temporary alteration ONLY. The required restoration shall be as depicted on plan titled, "Site Plan Details #51 Alder Street Medway, Massachusetts" by Grady Consulting, dated August 15, 2016 (sheet 6 of 7). The Applicant shall request approval of the Commission and/or the Agent, prior to implementing any changes to this plan.
- 67) The applicant shall notify the Commission and/or the Agent once the vegetation for the proposed restoration of the 0-25' No Alteration Zone has been planted and schedule a site visit for review of compliance.
- 68) All restoration areas consisting of vegetation proposed on the plans titled, "Site Plan Details #51 Alder Street Medway, Massachusetts" by Grady Consulting, dated August 15, 2016 (sheet 6 of 7) shall be water for a period of 24 to 48 hours after planting/seeding.

***Perpetual Conditions***

- 69) The annual maintenance or repair of drainage systems, stormwater management best management practices shall be the responsibility of the applicant/property owner. The design capacity, storm water management treatment capacity and structural integrity of these facilities shall be inspected and maintained annually.
- 70) Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris in or into wetlands jurisdictional areas, or any component of the Stormwater Management System.
- 71) Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state and local wetlands protection laws and regulations.
- 72) The documents titled, (1) Operations and Maintenance Plan Proposed Drainage System – During Construction, by EcoTerra, not date as part of May 2016 NOI and (2) Operations and Maintenance Plan Proposed Drainage System - Post Construction, by EcoTerra, not date as part of May 2016 NOI is attached to this document and shall be followed amended to restrict the use of only organic landscape/lawn management products. Snow and ice issues include that (a) deicing chemicals use should be minimized while ensuring safety, (b) snow storage shall be on paved areas only and will not adversely affect the storm water system.
- 73) **No use of pesticides, herbicides, fungicides or insecticides** is permitted within the Buffer Zone and only the use of slow-release organic granular type fertilizer is allowed in the Buffer Zone.
- 74) No leaves, lawn clippings or landscaping materials, organic or non-organic may be placed within the wetland resource.

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- 75) The applicant and its successors shall submit annual reports to the Medway Conservation Commission showing compliance with the document titled, Operations and Maintenance Plan Proposed Drainage System - Post Construction, by EcoTerra, not date as part of May 2016 NOI.
- 76) At no time shall the applicant or any successors of this property alter the 0-25' No Alteration zone (post restoration) without prior written permission/approval of the Medway Conservation Commission.

***Post-Construction***

- 77) Once the site is stabilized to the satisfaction of the Commission, all fabric sedimentation fencing shall be removed and properly disposed of.
- 78) The following Conditions shall remain in perpetuity # 67-74.
- 79) Upon completion of the project and after two growing seasons have passed, the applicant shall submit the following to the Commission:
  - (1) A completed Request for a Certificate of Compliance ("COC") (WPA Form 8a or other form if required by the Conservation Commission at the time of request) and associated fee.
  - (2) A letter from a Registered Professional Engineer or certified wetlands specialist certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential for adverse impact on wetland resource areas and buffer zones. Said certification shall also include a statement that the work is in "substantial compliance" with Parts I and II of the Order of Conditions.
  - (3) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.
  - (4) An "As-Built" plan signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Commission by virtue of the Massachusetts Wetlands Protection Act and the Medway Wetlands Protection By-Law. This plan shall include at a minimum:
    - (a) All wetland resource area boundaries with associated Buffer Zones and regulatory setback areas taken from the plan(s) approved in the Order of Conditions;
    - (b) Distance(s) from any structures constructed under this Order to wetland resource areas and buffer zones: the term "structures" shall include, but not be limited to, all buildings, septic systems components, wells, utility lines, fences, retaining walls, and roads/driveways.
    - (c) A line delineating the limit of work actually performed—"work" includes any filling, excavating and/or disturbance of soils or vegetation under this Order.





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

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

May 3, 2018

***Major Site Plan Review Decision  
Milway Auto – 50 Alder Street  
with Waivers and Conditions***

**Decision Date:** May 8, 2018

**Name/Address of Applicant:** Alder Street Realty, LLC  
119 Milford ST.  
Medway, MA 02053

**Name/Address of Property Owner:** Alder Street Realty, LLC  
119 Milford ST.  
Medway, MA 02053

**Project Location:** 50 Alder Street

**Assessors' Reference:** 63-001-0001

**Zoning District:** West Industrial (formerly known as Industrial III)

**Engineer:** Grady Consulting, Inc.  
71 Evergreen ST. Suite 1  
Kingston, MA 02364

**Site Plan:** *Proposed 3,250 Sq. Ft. Commercial Building for 50 Alder ST*  
Medway, MA  
Dated March 30, 2016, last revised April 2, 2018



**I. PROJECT DESCRIPTION** – The proposed project includes construction of a 3,250 sq. ft., one-story building for automobile sales and service with three garage bays and office space. The site plan shows a 7,774 sq. ft. parking lot for 17 parking spaces, landscaping, stormwater drainage facilities, and connections to municipal water and sewer. Site access/egress is planned with 2 curb cuts on Alder Street. The parcel is 1.03 acres. 60% of the property is located in Medway; the remaining portion of the property is located in Milford, MA. Approximately 12,900 sq. ft. of the parcel will be cleared for construction of the building, drainage system and parking.

A portion of the site lies within the 100' buffer zone of wetlands resources and is subject to review by the Medway Conservation Commission.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on May 8, 2018, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, **voted to approve with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of an approximately 3,250 sq. ft. building and site improvements at 50 Alder Street as shown on *Proposed 3,250 sq. ft. Commercial Building for 50 Alder Street* prepared by Grady Consulting, of Kingston, MA, dated March 30, 2016, last revised April 2, 2018, to be further revised as specified herein.

All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

The motion was approved by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**Planning & Economic Development Board Member**

**Vote**

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

Absent

**III. PROCEDURAL HISTORY**

- A. January 11, 2019 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. January 18, 2018 – Site plan public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. January 19, 2018 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. January 22, 2018 – Site plan public hearing notice mailed to abutters by certified sent mail.
- E. January 30 and February 5, 2018 - Site plan public hearing notice advertised in *Milford Daily News*.
- F. February 13, 2018 - Site plan public hearing commenced. The public hearing was continued to February 27, March 27, April 24<sup>th</sup> and May 8, 2018 when the hearing was closed and a decision rendered.

- G. March 22, 2018 - Applicant requested and Board approved (March 27, 2018) an extension of the action deadline to May 11, 2018.

#### **IV. INDEX OF SITE PLAN DOCUMENTS**

- A. The site plan application for the proposed Milway Auto project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:
1. Major Site Plan Application dated January 11, 2018 with Project Description, Development Impact report, property owners' authorization, purchase and sale agreement, and certified abutters' list.
  2. *Proposed 3,250 Sq. Ft. Commercial Building for 50 Alder Street* site plan dated March 30, 2016, last revised August 22, 2016, prepared by Grady Consulting of Kingston, MA.
  3. *Stormwater Management Design Calculations dated March 30, 2016* prepared by Grady Consulting of Kingston, MA
  3. *Requests for Waivers from the Medway Site Plan Rules and Regulations*, prepared by Grady Consulting of Kingston, MA, dated August 22, 2018
  4. Building Elevations for Milway Auto dated November 2018 prepared by Clinton Design Architects of Holliston, MA
- B. During the course of the public hearing and review, a variety of other materials were submitted to the Board by the applicant and its representatives:
1. Paul Seaberg of Grady Consulting, engineering consultant for the applicant – Letter dated February 21, 2018 in response to Tetra Tech, PGC and Medway Design Review Committee review comments.
  2. Paul Seaberg of Grady Consulting, engineering consultant for the applicant – Letter dated March 21, 2018 with revised plan plus Hantush mounding information, pipe/grate sizing analysis (25 year and 100 year storms) dated February 20, 2018, and TSS Removal Calculation Worksheet prepared 2-29-18.
  3. Lighting plan and specifications dated March 14, 2018 by Reflex Lighting of Boston, MA.
  4. *Proposed 3,250 Sq. Ft. Commercial Building* site plan dated March 30, 2016 revised March 19, 2018 prepared by Grady Consulting of Kingston, MA.
  5. Supplemental waiver request from the *Site Plan Rules and Regulations*, submitted March 22, 2018, prepared by Grady Consulting
  6. Paul Seaberg of Grady Consulting, engineering consultant for applicant – letter dated April 2, 2018 with revised site plan and information.
  7. *Proposed 3,250 Sq. Ft. Commercial Building* site plan dated March 30, 2016, revised April 2, 2018 prepared by Grady Consulting of Kingston, MA.
  8. Letter dated April 19, 2018 from Christopher Davidson, PE from ESI regarding outdoor lighting. 30, 2016.
  9. Revised building façade drawings by Clinton Design Architects received April 17, 2018.

10. Supplemental waiver requests from the *Site Plan Rules and Regulations*, submitted May 3, 2018, prepared by Grady Consulting

C. All documents and exhibits received during the public hearing are contained in the Planning and Economic Development Board's project file.

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

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated February 8 and March 28, 2018 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated February 6, 2018 and commentary throughout the public hearing process.
- Review letter from the Medway Design Review Committee dated February 7, 2018
- Fire Chief Jeff Lynch – Emails dated March 5 and March 12, 2018
- Susy Affleck-Childs – Emails dated March 6, 2018 to applicant Phil Anza re: uplands requirements and installation of American flag mural on building façade.
- Zoning Board of Appeals decision dated February 7, 2018 granting a use variance for automotive sales and service and a dimensional variance to allow a front yard setback of 24.9' instead of the standard 30'.
- Conservation Commission Order of Conditions for the subject property, dated August 29, 2016

VI. **FINDINGS** – In making its findings and reaching the decision described herein, the Board is guided by Board's *Site Plan Rules and Regulations*, and the *Medway Zoning Bylaw*. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

The Planning and Economic Development Board, at its meeting on May 8, 2018, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for the Milway Auto building and site at 50 Alder Street. The motion was approved by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

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

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

*Ingress and egress is off Alder Street, an industrial roadway designed to handle this type of facility. Two curb cuts are provided which will facilitate internal site movement. There are no residential properties abutting the subject parcel.*

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

*The proposed building and site are in an industrial style and scale with materials similar to other buildings within the industrial park. The building design has been positively reviewed by the Design Review Committee and is acceptable for its location.*

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

*Trash will be stored inside the building in standard trash containers; no outside dumpster is planned. The property immediately surrounding the building is industrially zoned or bordered by Interstate 495 so there are no impacts on residentially used or zoned property.*

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

*The building is accessible from three sides. There are 264' linear feet of frontage along Alder Street. The site plan was provided to the Fire Chief and no negative comments have been received.*

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

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

*The volume of cut and fill is the minimum necessary to construct the building and associated facilities. Large trees on site have been identified but much of the site needs to be cleared in order to accommodate the building, parking and drainage system. The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and has been determined to be adequate to protect waterways and environmental resources. Appropriate soil pollution and erosion controls have been incorporated into the plan. The Conservation Commission has issued an Order of Conditions for the project due to its location near wetlands resources.*

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

*The entrance and egress to the site and its parking and loading facilities have been designed for safe operation and to minimize conflict. A sidewalk already exists along Alder Street. The turning movements for the loading area have been identified and reviewed by the Town's Consulting Engineer and found to be acceptable.*

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

*There are no visually prominent natural or historic features on site.*

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

*Site lighting does not produce glare to adjoining properties. .*

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

*The limit of work is reasonable for the proposed facility. The environmental resources on site have been reviewed by the Conservation Commission and are protected through an Order of Conditions dated August 29, 2016.*

**VII. WAIVERS** – At its May 8, 2018 meeting, the Planning and Economic Development Board, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

The motion was approved by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

1. **Section 204-4 B. Standards for Site Plan Preparation** - The site plan shall be drawn at a scale of 1" = 40'.

*The applicant has requested a waiver from this plan scale requirement and instead has proposed a scale of 1" = 20'. The developed portion of the site consists of approximately 15,000 sq. ft. The site plan would be difficult to read at a scale of 1"=40'. The revised scale results in a more efficient review and construction process as the plan would be clearer, more readable and more accurately interpreted. Therefore, the Board APPROVES this waiver request.*

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

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

*The applicant has requested a waiver from the full extent of this requirement as the planned developed portion of the site consists of roughly 13,000 sq. ft. of wooded area that has to be cleared to accommodate the building, drainage and parking. Instead, the applicant has provided an inventory of trees with a diameter of 18" or greater which is shown on the revised existing conditions sheet in the revised plan dated March 19, 2018. A landscaping plan has been provided which will enhance the site. Therefore, the Board APPROVES this waiver request.*

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

*The applicant has requested a waiver from this requirement. Due to the small scale of the site and the amount of clearing needed to construct the building, parking and drainage system, the area for planting is extremely limited. A limited scope of planned landscaping has been provided both as part of the site plan and in conjunction with the Order of Conditions. Therefore, the Board APPROVES this waiver request.*

2. **Section 205-3 Traffic – B. Internal Site Driveways, 2.** No part of any driveway shall be located within fifteen (15) feet of a side property line.

*The applicant has requested a waiver from this regulation and proposes a 5' 1" setback from the eastern side property line for the internal driveway. Due to the wetlands on the property and the shape of the lot, the amount of land available for parking and driveways is limited. Without the reduced setback, the project will not meet the zoning bylaw requirements for the minimum number of parking spaces. The abutting properties are the right-of-way for Interstate 495 on the west and a stone wall with undeveloped woods and wetlands on the east so there are no expected impacts on abutters.*

2. **Section 205-6 Parking - G. Parking Spaces & Stalls, 3. a)** - Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet, except that handicap stalls shall be in accordance with the current ADA standards. Each handicapped space/stall must be identified on the ground surface and by a sign.

*The applicant has requested waiver from this regulation and has proposed parking space stalls at a size of 9' by 18' which is the allowed minimum standard parking space size per Section 7.1.1. E. 3. a. of the Medway Zoning Bylaw. Smaller parking spaces reduces the overall size needed for the parking area and the amount of impervious surface area. Without the reduced parking space size, the project will not meet the Zoning Bylaw requirements for the number of parking spaces. Therefore, the Board APPROVES this request.*

5. **Section 205-6 Parking - G. Parking Spaces & Stalls, 4. b)** - Stalls shall not be located within 15' of the front, side or rear property lines.

*The applicant has requested a waiver from this setback standard for the parking stalls located closest to the eastern and western property lines. The applicant has proposed a 1' 8" setback from the side property lines instead of the standard 15' setback. Without the reduced setback, the project will not meet the zoning bylaw requirements for the minimum number of parking spaces. The Town's consulting engineer has no objection to this waiver. The abutting properties are the right-of-way for Interstate 495 on the west and a stone wall with undeveloped woods and wetlands on the east so there are no expected impacts on abutters. Therefore, the Board APPROVES this waiver.*

6. **Section 205 - 6 Parking - G. Parking Spaces & Stalls, 4. d)** After the last parking stall in any dead end row not adjacent to a travel lane parallel to the car stall, there shall be a twelve (12) foot long and twenty (20) foot wide turning area beyond the travel lane to allow proper maneuvering.

*The applicant has requested a waiver from this requirement to allow for a vehicular turning area of 5' x 24'. Due to the wetlands on the property and the shape of the lot, the amount of land available for parking is limited. Without the reduced setback, the project will not meet the zoning bylaw requirements for the minimum number of parking spaces. **MAYBE MORE NEEDED HERE**. Therefore, the Board APPROVES this waiver.*

7. **Section 205 – 9 Trees and Landscaping – Buffers, Parking Areas, Screening, Trees, Tree-Replacement, Tree Size.**

*The applicant has requested a waiver from this entire section of the Site Plan Rules and Regulations and has proposed landscaping as shown on the revised site plan dated April 2, 2018. The developed portion of the site is compact due to the wetlands on the property and the shape of the lot. In consideration of the nature of the lot and its location, the alternative landscaping plan is acceptable. Therefore, the Board APPROVES this waiver.*

8. **Section 205 – 3 A. Curb Cuts, 2.** Curb cuts on public ways shall be minimized.  
a) Curb cuts for contiguous commercial areas may be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the applicant.

*The applicant has designed the site to include two curb cuts onto Alder Street; one existing curb cut to the site and one additional opening. The additional*

*opening is needed for emergency access and safe vehicular movements within the parking area. The Board's Consulting Engineer does not oppose this waiver request due to the site location and use of property. Therefore, the Board APPROVES this waiver.*

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

*The applicant proposes to use Cape Cod berm in lieu of granite curbing around the perimeter of the parking area. Granite curbing is very expensive and is not necessary for this site. The applicant believes the proposed alternative curbing material is an appropriate method to delineate the boundary of the proposed parking lot, is consistent with the general industrial park area and will appropriately improve the site. The Board has approved this same waiver request for other recent site plan projects in the 495 Business Park area.*

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

#### **SPECIFIC CONDITIONS OF APPROVAL**

- A. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan for the project at 50 Alder Street dated March 30, 2016, last revised April 2, 2018 prepared by Grady Consulting, Inc. of Kingston, MA and Clinton Design Architects of Holliston, MA shall be further revised to reflect all Conditions and required revisions, including those as follows, and submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a set of the revised Plan in its final form to the Board for its signature/endorsement. All plan sheets shall be bound together in a complete set.
- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the *Proposed 3,250 Sq. Ft. Commercial Building Site Plan* dated March 30, 2016, last revised April 2, 2018 shall be further revised to:
1. List the **approved** waivers from the *Site Plan Rules and Regulations* as specified herein.
  2. Reference the February 2018 ZBA use and dimensional variance decision.
  3. Update the information re: the record owner of the property
  4. Revise the Sheet Index List to add a reference to the building elevation and floor plan drawings by Clinton Design Architects and the Lighting Plan by ReflexLighting.



- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the *Proposed 3,250 Sq. Ft. Commercial Building Site Plan* dated March 30, 2017, last revised April 2, 2018.
1. Plan shall be revised to indicate that asphalt parking surfaces shall have a minimum of 3 ½ inch depth bituminous concrete surface.
  2. The most recent set of building elevation and floor plan drawings by Clinton Design Architects and the Lighting Plan by ReflexLighting shall be added to the site plan set to make it complete.
  3. Landscaping detail on Sheet 6 of the site plan set shall be revised to indicate that lemon thyme grass will be used instead of juniper plants.
  4. Add a Stormtech Isolator Row and a weir manhole to the drainage design in order to prevent premature failure of the system due to sediment loading.
- D. **Use Limitations** – Parking or use of the parking area at 50 Alder Street shall be limited only to vehicles for Milway Auto employees, deliveries and customers. The parking area may not be leased or made available to any other business for any purpose.
- E. **Site Access** – Access to the site is provided from Alder Street. The applicant shall instruct its employees, delivery companies and customers to use only Trotter Drive and not the portion of Alder Street east of Trotter Drive to access the property. Any printed or electronic marketing materials that provide directions to the Milway Auto site shall indicate the Trotter Drive route. Deliveries shall occur only between 7 am and 6 pm.
- F. **Trash Removal** – Trash removal shall be scheduled to occur only between 7 am and 6 pm. Trash and recycling containers are to be kept inside and rolled out as needed for pick up. If the need develops to have an outside dumpster, it shall be fully enclosed by wood appearance vinyl fencing of sufficient height to fully screen and conceal the dumpster equipment. The siting of such dumpster shall be subject to Administrative Site Plan review through the Town of Medway Community and Economic Development Department.
- G. **Stormwater Management Operations and Maintenance Plan** - The applicant and any future property owner has ongoing and perpetual responsibility and obligation to carry out the Post Construction Stormwater Operations and Maintenance Plan included as pages 71 – 73 in the Stormwater Management Design Calculations report dated March 30, 2016 prepared by Grady Consulting, Inc.
- H. **Signage** - A concept drawing of a proposed wall sign has been shared with the Design Review Committee and its planned position on the building is shown on the site plan. The applicant shall secure the required sign permit from the Medway Building Department which shall include review by the Design Review Committee before the permit is issued as specified in Section 7.2.6.3 Sign Regulation of the *Zoning Bylaw*.

**I. *Lighting***

1. Lighting shall not result in any light spillage off the property. This may be accomplished through the addition of light shields, the lowering and/or relocating of light fixtures, and other suitable measures.
2. LED lights shall be of a lower color temperature [2700-3000K] to provide a more natural appearance.

**GENERAL CONDITIONS OF APPROVAL**

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

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

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

**B. *Other Permits*** – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.

**C. *Restrictions on Construction Activities*** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

1. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings.
2. *Neighborhood Relations* – The applicant shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
3. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.

4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
5. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
6. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, Section 7.3.C.2. Environmental Standards.

D. ***Landscape Maintenance***

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

E. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Zoning Bylaw*.

2. The applicant shall make the fullest possible effort to remove accumulated snow which exceeds the capacity of the designated on-site snow storage areas from the premises within 48 hours after the conclusion of a storm event.

F. ***Construction Oversight***

1. Construction Account

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

2. Pre-Construction Meeting - Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with Planning and Economic Development Coordinator, the Building Commissioner, Department of Public Services Director, the Conservation Agent, the Town's Consulting Engineer and other Town staff or Applicant's representatives as may be determined. The general contractor shall request such conference at least one week prior to commencing any work on the property by contacting the Planning and Economic Development office.
3. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.

4. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
5. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

**G. *Modification of Plan and/or Decision***

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

**H. *Compliance with Plan and Decision***

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

**I. *Performance Security***

1. No occupancy permit for the building shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that

any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining work.

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

**J. Project Completion**

1. Site plan and special permit approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site

plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic Development Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the applicant shall:
  - a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

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

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

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

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

###

**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
Milway Auto, 50 Alder Street**

*APPROVED with Waivers and Conditions by the Medway Planning & Economic Development Board: May 8, 2018*

**AYE:**

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**NAY:**

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**ATTEST:**

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

\_\_\_\_\_  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D’Amico, DPS Director  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department Safety Officer  
Phil Anza, Alder Street Realty LLC  
Paul Seaberg, Grady Consulting Inc.  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates





**May 8, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Irving Gas - Variance Petition to ZBA**

- 5-2-18 email from Barbara Saint Andre requesting PEDB comments on variance petition
- Variance application and attachments from Pro-Signs on behalf of Norm Greene/Irving Gas
- SAC memo dated 5-3-18 re: existing and proposed signs

## Susan Affleck-Childs

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**From:** Barbara Saint Andre  
**Sent:** Wednesday, May 02, 2018 9:29 AM  
**To:** Allison Potter; 'Andy Rodenhiser'; ArmandPires; Barry Smith; Beth Hallal; Bridget Graziano; Carol Pratt; Chief Tingley; David Damico; Donna Greenwood; Doug Havens; Jack Mee; Jeff Lynch; Jeff Watson; Joanne Russo; 'Matt Buckley'; Susan Affleck-Childs; 'Andy Rodenhiser'; 'Bob Tucker'; Bob Tucker  
**Cc:** Mackenzie Leahy  
**Subject:** REQUEST FOR COMMENTS: 71 Main St. Irving Gas  
**Attachments:** Irving\_Deed.pdf; Irving\_Easement.pdf; Submitted ZBA Application.pdf

To:	Department of Public Services	Planning & Economic Development Board
	Fire Department	Board of Health
	Police Department	Conservation Commission
	Building Department	Design Review Committee
	Treasurer/Collector	
	Assessing Department	

The ZBA has received an Application for a variance under Section 7.2 for free standing sign and wall signs for Irving Gas 71 Main Street

The hearing is scheduled for May 16, 2018 at 7:35 PM.

**The ZBA is requesting comments from your Department/Board, if applicable.** Please forward any comments you may have prior to the hearing **no later than 4:30 PM on May 14, 2018.** The Application is attached for your review.

**Planning, Design Review department(s) please provide comments.**

Thank you,

Mackenzie Leahy  
Administrative Assistant  
Community & Economic Development  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508.321.4915  
[mleahy@townofmedway.org](mailto:mleahy@townofmedway.org)



**TOWN OF MEDWAY**  
Zoning Board of Appeals  
155 Village Street, Medway, MA 02053  
Phone: (508) 5321-4915 • Fax: (508) 321-4988

### **Application Checklist**

*It is the responsibility of the applicant to furnish all supporting documentation with the application. Please include the checklist with your application.*

**Ten copies** of the following shall be submitted:

- ☐ **Application** – Every application shall be submitted on an official application form, provided by the Community and Economic Development Office or Town Clerk. Please make sure to fill out the entire application completely.
- ☐ **Plot Plans** – Prepared by and under the seal of a registered engineer or registered land surveyor, the plan shall include existing conditions and proposed changes to show clearly the nature of the specific request being made by the applicant. The plans shall include a north point, names of streets, zoning districts, property lines, dimensions of the subject lot, locations of buildings on the lot, parking areas, driveways and all other information pertinent to the petition or application as required by the Zoning Bylaw, other Bylaws or Rules and Regulations. All changes requested by the applicant shall be clearly identified. For Variance requests – show topography (and soil condition if pertinent) of the property.
- ☐ **Building Plans** - If necessary, include accurate scaled renderings of elevations, showing exterior facades indicating height, materials, architectural features; and floor plans.
- ☐ **Other supportive material** that will give the Board the necessary information about the project.

**One copy** of the following shall be submitted:

- ☐ **Legal Notice Billing Agreement Form**
- ☐ **Site Access Agreement Form**
- ☐ **Certified List of Abutters** - Includes two sets of labels. Fill out the attached form and submit to Board of Assessors. (Note: It may take up to 10 days to receive this list, please request the abutters list as soon as possible)
- ☐ **Fees** – All applications shall be accompanied by a filing fee made payable to the Town of Medway in the specified amount. See schedule of fees in this application packet.
- ☐ **Electronic Submission** – All applications shall include one electronic copy of all information (except the Certified List of Abutters and fee) in a PDF form. All PDFs and electronic information should be labeled. Submissions may be accepted via email to [zoning@townofmedway.org](mailto:zoning@townofmedway.org), thumb-drive or on CD.



## TOWN OF MEDWAY

### ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

## GENERAL APPLICATION FORM

Case Number: \_\_\_\_\_

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

### TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	Application Request(s):
Pro Signs	
Property Owner(s): NWG Automotive Repairs, Inc.	Appeal <input type="checkbox"/>
	Special Permit <input type="checkbox"/>
Site Address(es): 71 Main St. - Medway, MA 02053	Variance <input checked="" type="checkbox"/>
	Determination/Finding <input type="checkbox"/>
	Extension (provide previous case #) <input type="checkbox"/>
	Modification (provide previous case #) <input type="checkbox"/>
Parcel ID(s): 04-064	Withdrawal <input type="checkbox"/>
	Comprehensive Permit <input type="checkbox"/>
Zoning District(s): C-B	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Per Registry of Deeds there is no Land Court Certificate No.	

### TO BE COMPLETED BY STAFF:

Check No.:

Date of Complete Submittal:

Comments:

**GENERAL APPLICATION FORM**

Case Number: \_\_\_\_\_

**APPLICANT/PETITIONER INFORMATION**

*The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.*

<b>Applicant/Petitioner(s):</b> Pro Signs	<b>Phone:</b> 610-518-5881 Ext. 141
	<b>Email:</b> aschultz@prosign.net
<b>Address:</b> 251 Boot Road - Downingtown, PA 19335	
<b>Attorney/Engineer/Representative(s):</b> Gary Bolduc	<b>Phone:</b> 508-889-9405
	<b>Email:</b> gbolduc@poyantsigns.com
<b>Address:</b> 125 Samuel Barnet Blvd. - New Bedford, MA 02745	
<b>Owner(s):</b> NWG Automotive Repairs, Inc.	<b>Phone:</b> 508-533-2375
	<b>Email:</b> nwgracing38@comcast.net
<b>Mailing Address:</b> 71 Main Street - Medway, MA 02053	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

Irving Oil

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

N/A

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Amanda Schultz

4/19/18

Signature of Applicant/Petitioner or Representative

Date

NWG Automotive Repairs, Inc.

4/19/18

Signature Property Owner (if different than Applicant/Petitioner)

Date

## APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw: <b>7.2. Signs</b>	Requesting Waivers?	<input checked="" type="radio"/>	<input type="radio"/>
	Does the proposed use conform to the current Zoning Bylaw?	<input type="radio"/>	<input checked="" type="radio"/>
Present Use of Property: Irving Oil gas station	Has the applicant applied for and/or been refused a building permit?	<input type="radio"/>	<input checked="" type="radio"/>
	Is the property or are the buildings/ structures pre-existing nonconforming?	<input checked="" type="radio"/>	<input type="radio"/>
Proposed Use of Property: Irving Oil gas station	Is the proposal subject to approval by the BOH or BOS?	<input type="radio"/>	<input checked="" type="radio"/>
	Is the proposal subject to approval by the Conservation Commission?	<input type="radio"/>	<input checked="" type="radio"/>
Date Lot was created:	Is the property located in the Floodplain District?	<input type="radio"/>	<input checked="" type="radio"/>
Date Building was erected:	Is the property located in the Groundwater Protection District?	<input type="radio"/>	<input checked="" type="radio"/>
Does the property meet the intent of the Design Review Guidelines? Yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="radio"/>	<input checked="" type="radio"/>
<p><b>Describe Application Request:</b></p> <p><b>Wall Signs:</b> There is currently a building sign indicating the auto services available on the premises. According to the Zoning Bylaws only (2) wall signs are allowed per location. Irving Oil is looking to install (2) internally illuminated canopy icons along with the auto services sign.</p> <p><b>Freestanding Sign:</b> Irving is proposing to install (1) 61.55 sq. ft. internally illuminated freestanding sign. The allowed size is 48 sq. ft. for a single sided sign or 24 sq. ft. per side for a double sided sign. Signs in the C-B district are only allowed to be externally illuminated. The proposed sign is internally illuminated with LEDs along with fuel pricers. The max height permitted is 8'. The proposed sign is 16' 1 1/2" high.</p>			



# GENERAL APPLICATION FORM

Case Number: \_\_\_\_\_

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Irving Oil gas station	Irving Oil gas station
B. Dwelling Units			
C. Lot Size		21,554 sq. ft.	21,554 sq. ft.
D. Lot Frontage		200'	200'
E. Front Setback		Icons - 18.16' / Freestanding - 12.48'	Icons - 18.16' / Freestanding - 13.49'
F. Side Setback		Icon - 125.2' / Freestanding - 59.42'	Icon - 125.2' / Freestanding - 59.42'
G. Side Setback		Icon - 41.64 / Freestanding - 210.08'	Icon - 41.64 / Freestanding - 210.08'
H. Rear Setback		Icon - 137.61 / Freestanding - 233.25'	Icon - 137.61 / Freestanding - 233.25'
I. Lot Coverage		21,554 sq. ft.	21,554 sq. ft.
J. Height		16' 1 1/2"	16' 1 1/2"
K. Parking Spaces			
L. Other			

## FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

\_\_\_\_\_  
Date Reviewed

\_\_\_\_\_  
Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org) and 10 paper copies to the Community & Economic Development Department.



## TOWN OF MEDWAY

### ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

## TREASURER/COLLECTOR CERTIFICATION

Case Number: \_\_\_\_\_

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

### TO BE COMPLETED BY THE APPLICANT

<b>Applicant/Petitioner(s):</b> Pro Signs
<b>Property Owner(s):</b> NWG Automotive Repairs, Inc.
<b>Site Address(es):</b> 71 Main Street - Medway, MA 02053
<b>Parcel ID(s):</b> 04-064
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b> Per Registry of Deeds there is no Land Court Certificate No.

Amanda Schultz

4/19/18

*Signature of Applicant/Petitioner or Representative*

*Date*

### FOR TOWN HALL USE ONLY

*To be filled out by the Treasurer/Collector:*

\_\_\_\_\_  
Date Reviewed

\_\_\_\_\_  
Medway Treasurer/Collector

Tax Delinquent:    Y    N

Comments:



Case Number: \_\_\_\_\_



## TOWN OF MEDWAY

## ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

## TO BE COMPLETED BY THE APPLICANT

*Please provide evidence regarding how the Variance Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.*

- 1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)**

The canopy signs will be mounted on an existing structure and will not impede in any crosswalk, right-of-way, or adjoining property.

The freestanding sign will need a new foundation but will not be moving from it's current location. This will not affect any adjacent businesses as it's not located in an entrance or exit. The "harp" shape of the sign is Irving's way of keeping a clean, non-muddled image.

- 2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be *personal hardship*)**

The existing canopy material does not reference the up-to-date, fresh Irving brand that is more appealing to a consumer.

Operating under a lesser image with the existing freestanding sign may result in a loss of income to Irving and it's distributor/owner. Additionally Irving has incorporated a "Brand Rewards Program" which helps a consumer save money. The current sign does not reference this program.

- 3. State why you believe the grant of relief would not nullify or derogate from the intent of the Zoning Bylaw.**

The ordinance appears to understandably protect residential properties. This property is located in a business district with few residential properties. Irving's intent to is to provide an existing consumer service under an updated brand with an overall intention to provide a clean, non-muddled image. The primary usage for this property will benefit the consumer and not interfere or exasperate any residential areas.

Amanda Schultz

04.19.18

Signature of Applicant/Petitioner or Representative

Date



**MAIN STREET**  
(COUNTY LAYOUT-60' WIDE)

200.00'

**MAP 6 PARCEL 366B**  
21,554 ±sq. ft.

IP SET

136.48'

IP SET

±14.8'

144.98'

±32.8'

RR SPK SET

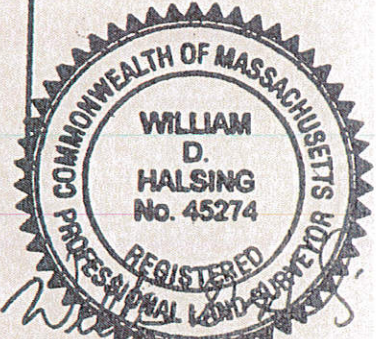
15' WIDE RIGHT OF WAY  
123.00'

RR SPK SET

freestanding sign  
12.48'  
25.47'

18.16'  
±53.5'  
24'6"  
33'  
16.30'  
icon

**EXISTING BUILDING #71**



2/15/07

**PLOT PLAN**

LOCATED AT  
**71 MAIN STREET  
MEDWAY, MA**

OWNED BY  
**NORMAN W. GREENE REALTY TRUST**  
71 MAIN STREET



**LAND PLANNING, INC.**  
CIVIL ENGINEERS • LAND SURVEY  
ENVIRONMENTAL CONSULTANTS

167 HARTFORD AVENUE  
BELLINGHAM, MA 0201  
508-988-4130  
FAX 508-988-5054



Existing



Proposed



71 Main St.  
Medway, MA

# PERMIT

## File Locations

DESIGN:  
W:\Irving 06\SITES\MA\  
Medway (007510)\Design\  
-007510-1\_PRM.cdr

## Fonts

**FS SILAS SLAB BOLD**

## Color Palette | Pantone • Paint • Vinyl



251 Boot Road  
Downingtown, PA 19335  
610.518.5881  
610.518.5244  
info@prosign.net

## IRVING SITE | RE-IMAGE

DESIGNER: FXH  
REVISIONS:

2 - 10/13/2017  
EXISTING SIGN SUBMISSION ON HAMP HIGH  
3. 06/09/2018 - PHD - Removed Paved E&S. Added "Visual Alert" to M&D structures.  
4. 06/11/2018 - PHD - Revised M&D TO RE-LEARN AND BROWN SCOT P&H  
5. PHD - 07/10/2018 - Added Visual Alert to sign sign  
6. PHD - 07/10/2018 - Added sign of entry / Location in site details / M&D: Illumination details /  
compare M&D sign picture

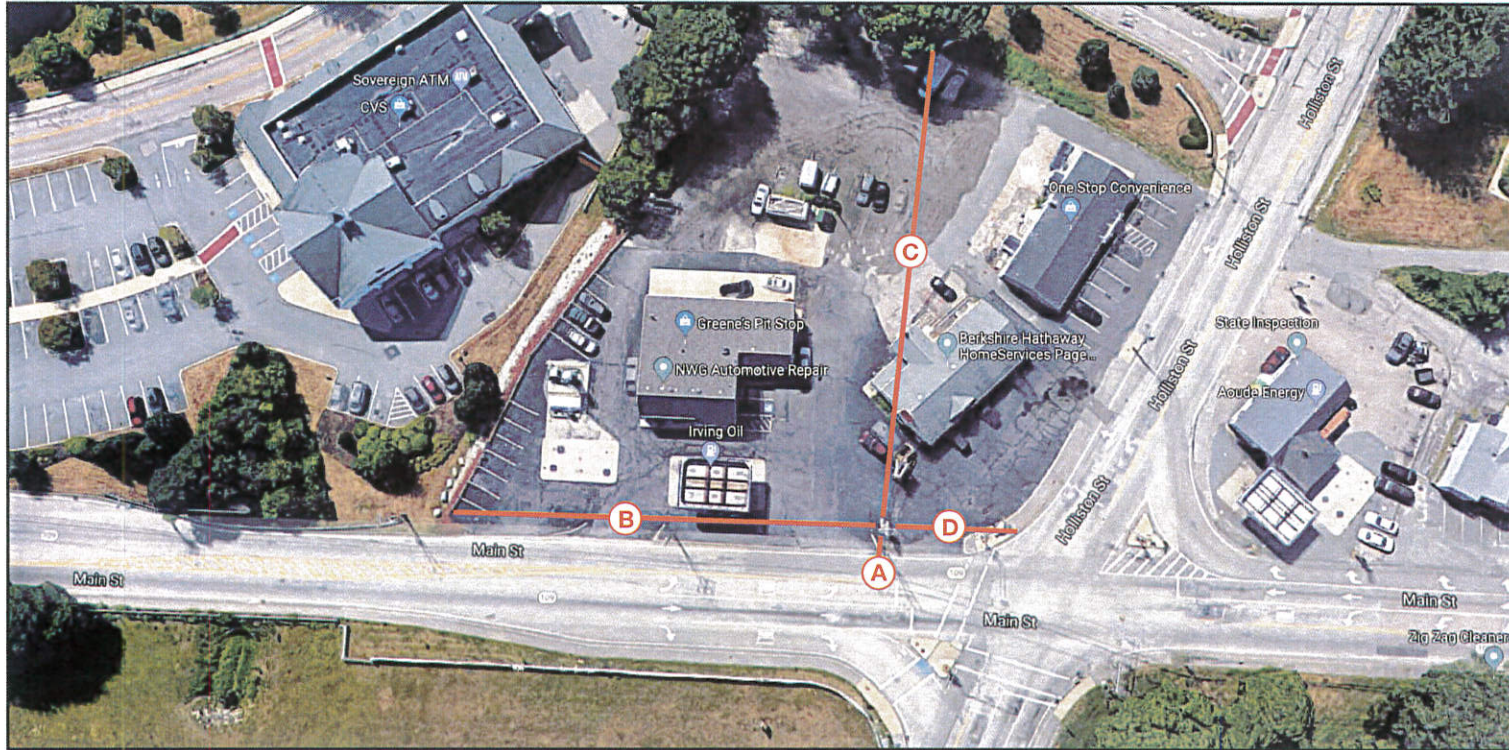
PM: JMA  
DESIGNER: EMA

DATE: 6/2/2017

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EXTENT PROVIDED IN THE RESULTING CONTRACT.

Page  
1





A - 13.49 Ft.  
B - 210.08 Ft.  
C - 233.25 Ft.  
D - 59.42 Ft.

O-1 Aerial View  
Not To Scale



71 Main St.  
Medway, MA

## PERMIT

### File Locations

DESIGN:  
W:\Irving\_OA\SITES\MA\  
Medway (007510)\Design\  
-007510-1\_PRM.cdr

### Fonts

**FS SILAS SLAB BOLD**

### Color Palette | Pantone • Paint • Vinyl

Pantone Color: 185C  
Pantone Color: 2746C



251 Boot Road  
Dorchester, MA 01935  
610.518.5881  
610.518.5244  
info@prosign.net

## IRVING SITE | AERIAL VIEW

DESIGNER: FXH  
REVISIONS:

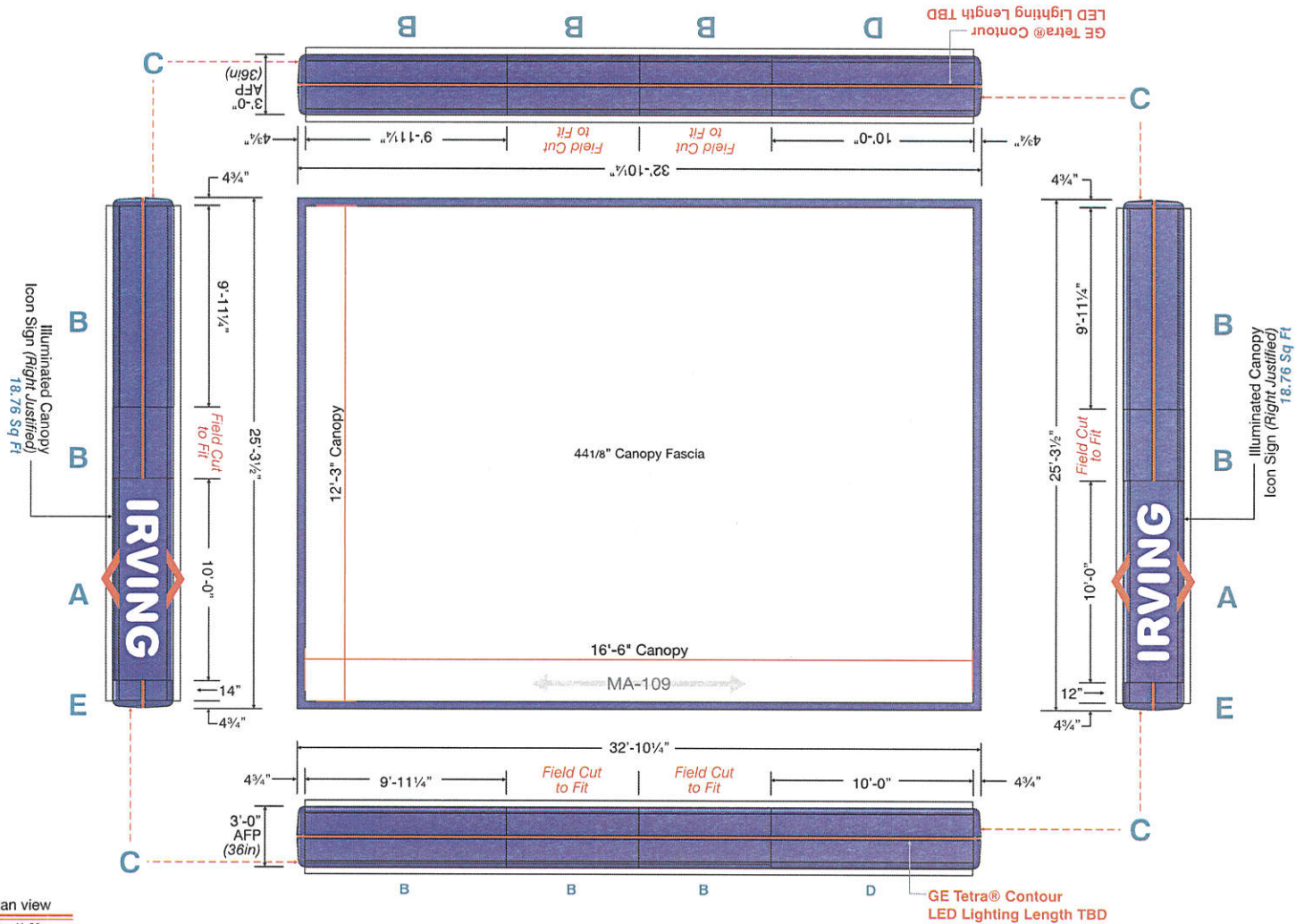
1 - 10/15/2017  
REVISION: SUBMITTAL ON MAP 10/17  
2 - 10/15/2017 - PRELIMINARY MAP 10/17  
3 - 10/15/2017 - PRELIMINARY MAP 10/17  
4 - 10/15/2017 - PRELIMINARY MAP 10/17  
5 - 10/15/2017 - PRELIMINARY MAP 10/17  
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8 - 10/15/2017 - PRELIMINARY MAP 10/17  
9 - 10/15/2017 - PRELIMINARY MAP 10/17  
10 - 10/15/2017 - PRELIMINARY MAP 10/17

PM: JMA  
DESIGNER: EMA

DATE: 6/2/2017

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Page  
2



O-1 Canopy plan view  
Scale | 3/16" = 1'-0"



71 Main St.  
Medway, MA

## PERMIT

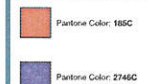
### File Locations

DESIGN:  
V:\Irving\_OASITES\MA\  
Medway\007510\Design\  
-007510-1\_PRM.cdr

### Fonts

FS SILAS SLAB BOLD

### Color Palette | Pantone • Paint • Vinyl



251 Boot Road  
Dorchester, MA 01938  
610.518.5881  
610.518.5244  
info@prosign.net

## AFP CANOPY GRAPHICS | LAYOUT

DESIGNER: FXH  
REVISIONS:

1. NOT TO SCALE
2. BASED ON PRELIMINARY DRAWINGS ON HAND
3. DIMENSIONS ARE APPROXIMATE
4. DIMENSIONS ARE APPROXIMATE
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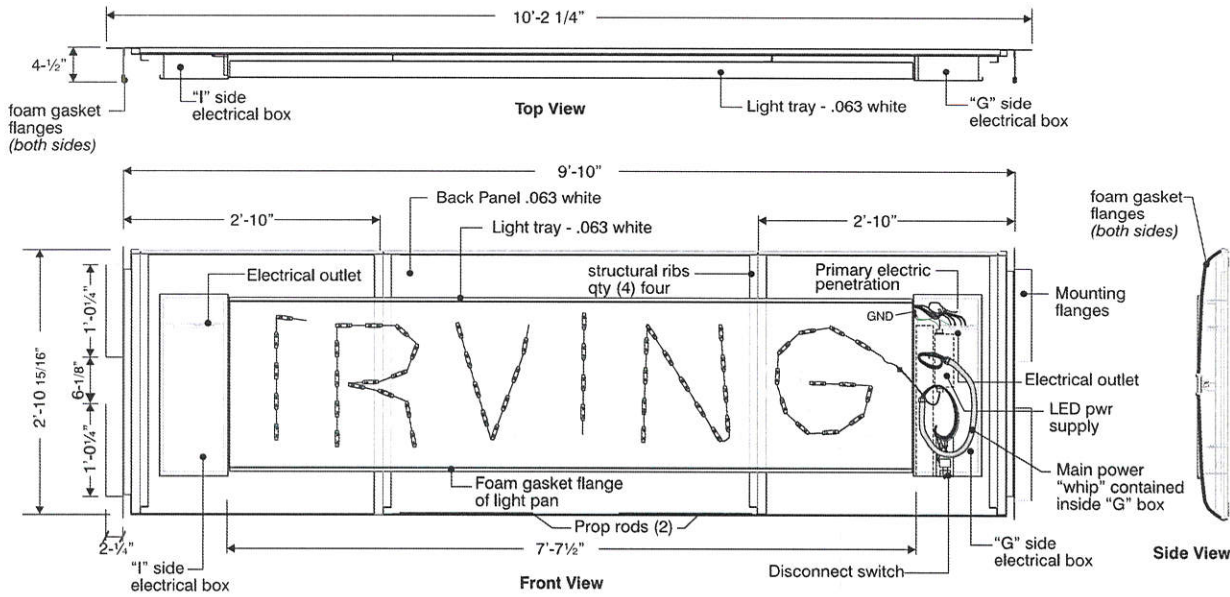
PM: JMA  
DESIGNER: EMA

DATE: 6/2/2017

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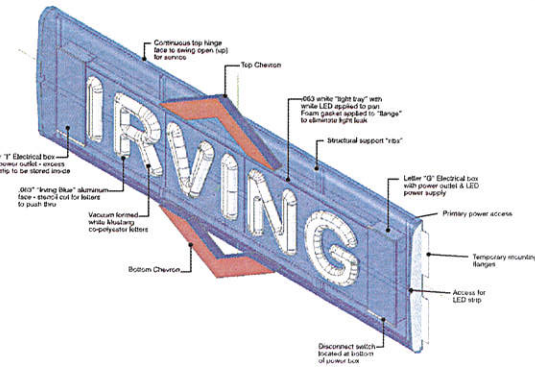
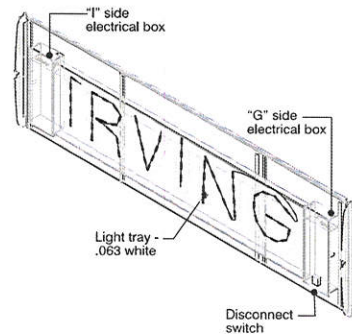
## Icon Interior Structure



Icon lighting is 0.28 foot candles at 20 feet

O-1 Icon Interior Details  
 Scale | 3/4" = 1'-0"

O-2 Isometric View  
 Not To Scale



71 Main St.  
 Medway, MA

PERMIT

File Locations

DESIGN: W:\Working On\SITES\MA\ Medway\007510\Design\ 007510-1\_PRM.cdr

Fonts

FS SILAS SLAB BOLD

Color Palette | Pantone • Paint • Vinyl



Existing 47.04Ft.<sup>2</sup>



Proposed 61.55Ft.<sup>2</sup>



12" LED units



71 Main St.  
Medway, MA

PERMIT

#### File Locations

DESIGN:  
W:\Irving\08\SITES\MA\  
Medway\007510\Design\  
-007510-1\_PRM.cdr

#### Fonts

FS SILAS SLAB BOLD

#### Color Palette | Pantone • Paint • Vinyl

Pantone Color: 185C  
Pantone Color: 2746C

O-1 Re-imaging  
Scale | NTS



251 Boot Road  
Doveringtown, PA 19335  
610.518.5881  
610.518.5244  
info@prosign.net

HARP MAIN ID | RE-IMAGE

DESIGNER: FXH  
REVISIONS:

2 - 10/13/2017  
Revised sign dimensions on HARP IDH  
3 - 10/13/2017 - PSD - Revised sign size, added "Food Mart" to sign  
4 - 10/13/2017 - Revised sign to reflect new sign size  
5 - 10/13/2017 - Added LED panel to sign  
6 - 10/13/2017 - Added LED panel to sign  
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100 - 10/13/2017 - Added LED panel to sign

PM: JMA  
DESIGNER: EMA

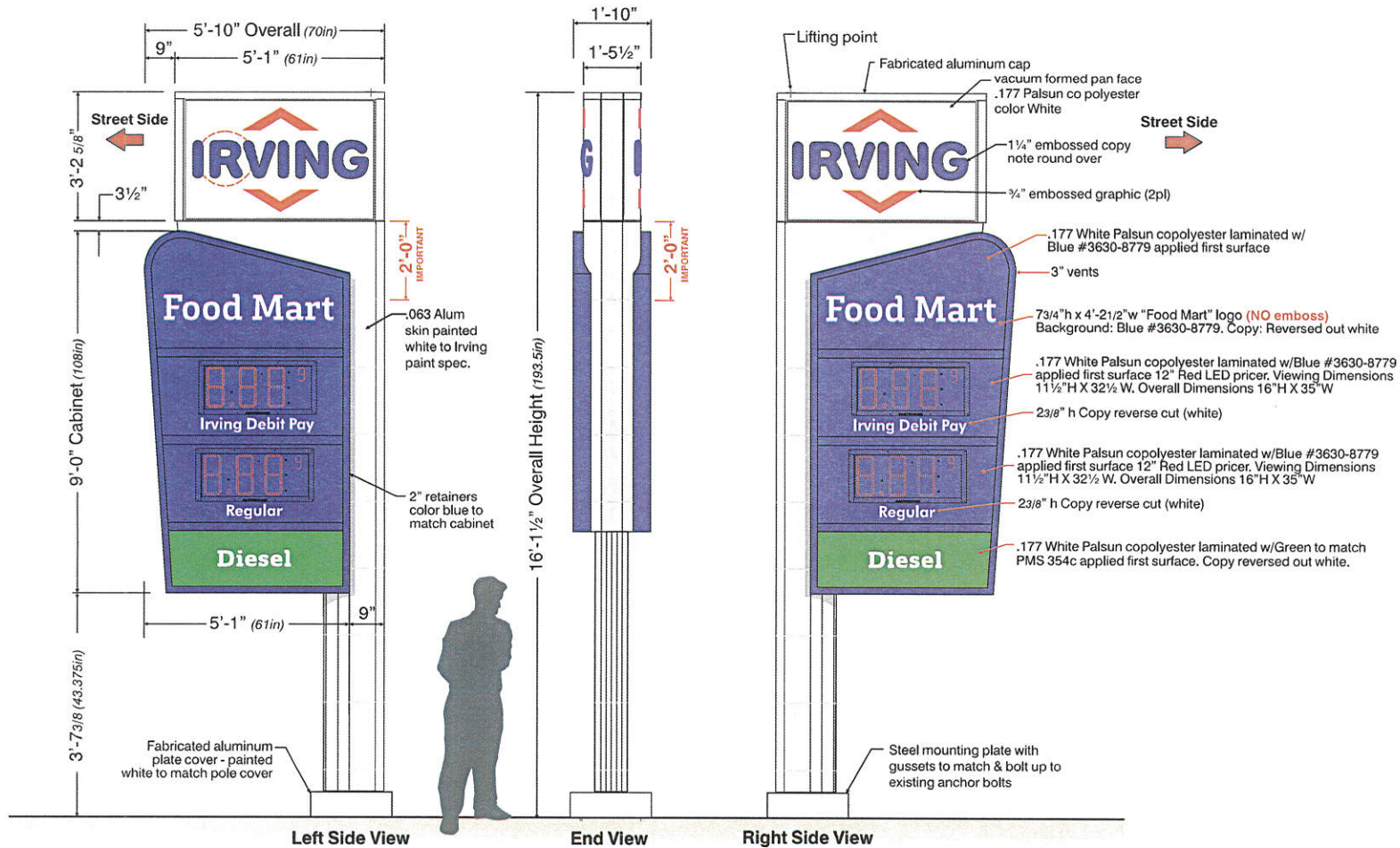
DATE: 6/2/2017

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Page  
5



NOTE: Sign cabinets are illuminated with LED units.



71 Main St.  
Medway, MA

**PERMIT**

**File Locations**

DESIGN: Y:\Irving On-SITES\MA\ Medway (007510)\Design\ -007510-1\_PRM.cdr

**Fonts**

**FS SILAS SLAB BOLD**

**Color Palette | Pantone • Paint • Vinyl**

Pantone Color: 185C

Pantone Color: 2746C

O-1 Main ID Overview  
Scale | 1/4" = 1'-0"



251 Boot Road  
Dorchester, PA 19335  
610.518.5881  
610.518.5244  
info@prosign.net

## HARP MAIN ID | OVERVIEW

DESIGNER: FXH  
REVISIONS:

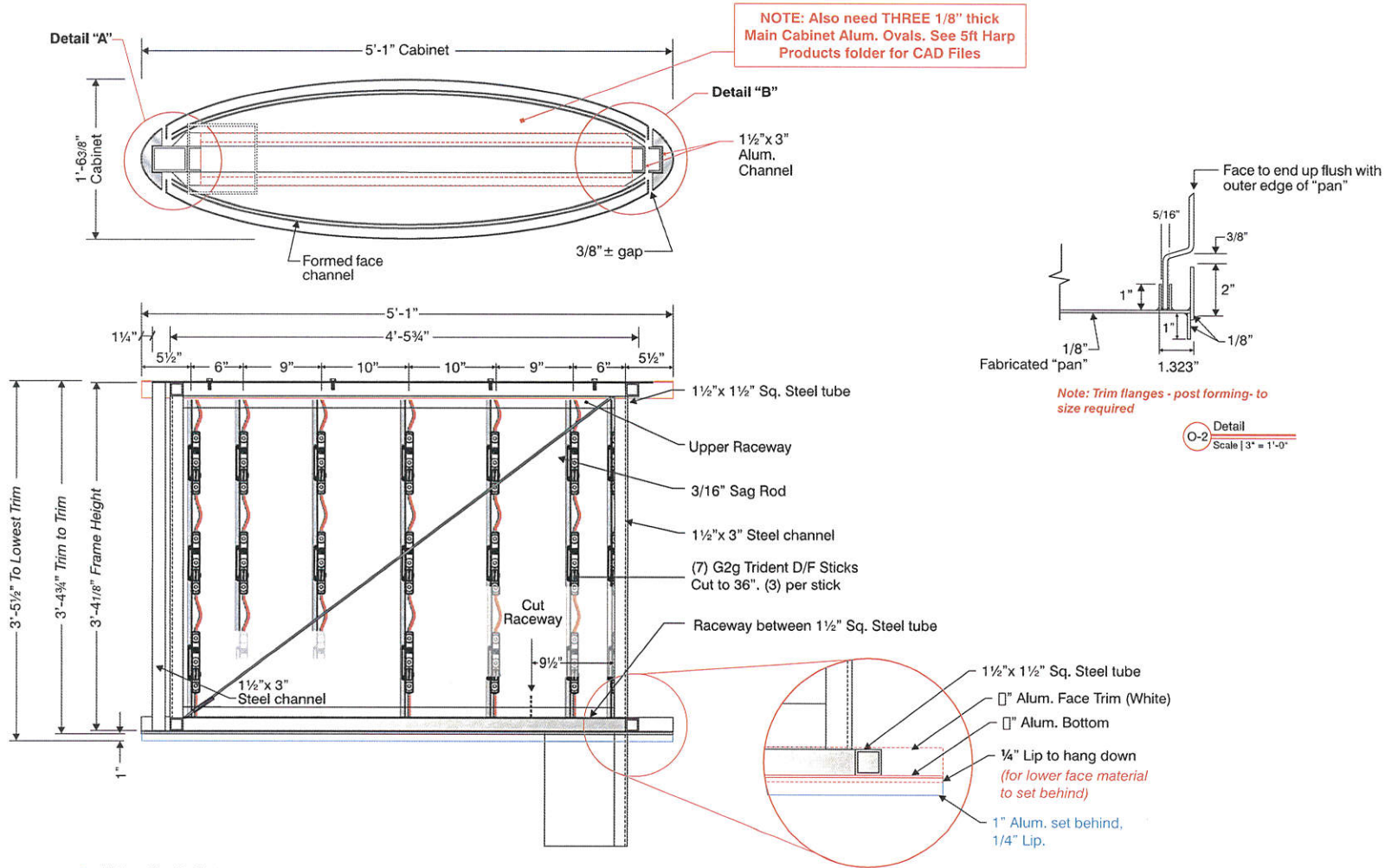
- 1 - 10/13/2017
- 2 - 10/13/2017
- 3 - 10/13/2017
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- 100 - 10/13/2017

PM: JMA  
DESIGNER: EMA

DATE: 6/2/2017

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71 Main St.  
Medway, MA

## PERMIT

### File Locations

DESIGN:  
W:\Irving\OASIS\MA\Medway\007510\Design\007510-1\_PRM.cdr

### Fonts

FS SILAS SLAB BOLD

### Color Palette | Pantone • Paint • Vinyl



251 Boot Road  
Dorchester, MA 01935  
610.518.5881  
610.518.5244  
info@prosign.net

## HARP MAIN ID | MID ILLUMINATION

DESIGNER: FXH  
REVISIONS:

1. 10/13/2017  
2. 10/13/2017  
3. 10/13/2017  
4. 10/13/2017  
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PM: JMA  
DESIGNER: EMA

DATE: 6/2/2017

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THIS DRAWING INCLUDES DATA THAT IS PROPRIETARY INFORMATION OF PRO SIGN COMPANY. IT SHALL NOT BE USED, REPRODUCED OR DISCLOSED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN TO FULFILL THE OBLIGATIONS OF THE CONTRACT. IF A CONTRACT IS AWARDED TO THIS PROJECT, THE CONTRACTOR SHALL HAVE THE RIGHT TO USE OR DISCLOSE THE DATA TO THE EXTENT PROVIDED IN THE RESULTING CONTRACT.

Page  
7





**IRVING**

**Rusty Lantern**  
MARKET

203.9 clean regular

237.9 clean diesel

**Market & Fresh Food**

**Bangor Savings Bank**  
1.877.Bangor1.1.226-4673 | www.bangor.com





251 Boot Road  
Downingtown, PA 19335  
Tel: 610-518-5881  
Fax: 610-518-5244  
<http://www.prosign.net>

4/17/18

Town of Medway  
155 Village St.  
Medway, MA 02053

To Whom it may concern:

Irvng Oil is looking to install a new freestanding sign at their existing site located at 71 Main St. in Medway, MA.

There is a Shell gas station located at 86 Main Street that seems to have a sign that does not conform to the ordinance standards.

Please take this into consideration when reviewing our proposed freestanding sign.

Thank you for your time.

Amanda Schultz  
Pro Signs  
251 Boot Road  
Downingtown, PA 19335  
Ph.: 610-518-5881 Ext. 141  
Email: [aschultz@prosign.net](mailto:aschultz@prosign.net)





Regular

2.69 <sup>9</sup>/<sub>10</sub>

Diesel

2.79 <sup>9</sup>/<sub>10</sub>

**FR** FUEL REWARDS

Food Mart







**TOWN OF MEDWAY**  
Zoning Board of Appeals  
155 Village Street, Medway, MA 02053  
Phone: (508) 5321-4915 • Fax: (508) 321-4988

**Legal Notice Billing Agreement Form**

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

**Pro Signs**

Applicant Name

71 Main St. - Medway, MA 02053

Property Address

610-518-5881 Ext. 141

Telephone Number

40-064

Parcel ID

aschultz@prosign.net

E-mail Address

C-B

Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.

Amanda Schultz

Digitally signed by Amanda Schultz  
DN: cn=Amanda Schultz, o=Pro Signs,  
ou, email=aschultz@prosign.net, c=US  
Date: 2018.04.19 15:00:37 -04'00'

Signature

04.19.18

Date

**Please Note:** This form must be returned to the Zoning Board of Appeals when submitting your application package.



**TOWN OF MEDWAY**  
Zoning Board of Appeals  
155 Village Street, Medway, MA 02053  
Phone: (508) 5321-4915 • Fax: (508) 321-4988

**Site Access Agreement Form**

*Please complete this form, sign at the bottom, and return to the address indicated above.*

By submitting this form with an application to the Zoning Board of Appeals (the Board),

I, Amanda Schultz, hereby give the Board, and/or Staff to the Board, access to the  
(Print Name)  
property in order to complete a site visit, if determined necessary. The Board, and/or Staff to the Board,  
may also determine and request the necessary site visits from other Town of Medway Staff, Consultants,  
Boards, and/or Committees.

This request is made by Amanda Schultz, who is the applicant for this project and/or  
(Print Name)  
the rightful property owner.

This form is submitted with the application for Variance with respect to the property  
(Special Permit, Variance, or Appeal)  
located at 04-064.  
(Property Address and/or Parcel ID)

I am the: ☒ Applicant  
(Check All That Apply) ☐ Property Owner

Signature: Amanda Schultz  
Digitally signed by Amanda Schultz  
DN: cn=Amanda Schultz, o=Pro Signs,  
ou, email=aschultz@prosign.net, c=US  
Date: 2018.04.19 15:03:58 -04'00'

Date: 04.19.18

*By declining or neglecting to submit this form, you are denying access to the property prior to opening of the hearing. Upon opening of the hearing, the Board and/or Staff to the Board may determine that a site visit is necessary.*



TOWN OF MEDWAY  
BOARD OF ASSESSORS  
155 VILLAGE STREET  
MEDWAY, MA 02053  
PHONE: 508-533-3203 FAX: 508-321-4981  
www.townofmedway.org

## REQUEST FOR ABUTTERS

Date of Request: 4/17/2018  
Property owner: Norman W. Green Realty  
Property location: 71 Main St. - Medway, MA 02053  
Parcel (Property) ID: 40-064

Please specify: 100', 300' or 500' from subject parcel: 300'

### THIS LIST IS REQUESTED FOR:

- |                                     |                                       |
|-------------------------------------|---------------------------------------|
| <input type="checkbox"/>            | Planning & Economic Development Board |
| <input checked="" type="checkbox"/> | Zoning Board of Appeals               |
| <input type="checkbox"/>            | Conservation Commission               |

### REQUESTER INFORMATION:

Name: Amanda Schultz Email address: aschultz@prosign.net  
Address: 251 Boot Road  
Downingtown, PA 19335  
Phone: 610-518-5881 Ext. 141

**Please Return to MEDWAY ZBA  
Mackenzie Leahy or Stephanie Mercandetti  
Community & Economic Development Department**

THERE IS A FEE OF \$15.00 DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE.

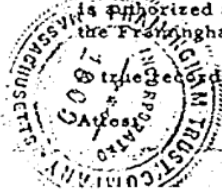
**THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS.**

\*\*\*IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU,  
YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.\*\*\*



September 1, 1964

I hereby certify that at a meeting of the Board of Directors of the Framingham Trust Company held on September 1, 1964, the within partial release of a certain mortgage from Alfred N. Rabaioli and Robert L. Rossetti to the Framingham Trust Company dated June 6, 1961 and recorded with Norfolk Registry of Deeds, Book 3901, Page 232, was considered, and it was VOTED that the Vice President, Edmund W. Shaw, be and he hereby is authorized and directed to execute the same in the name and behalf of the Framingham Trust Company and under its corporate seal.



*Edmund W. Shaw*

Clerk

Recorded Feb. 12, 1965 at 2h.33m.P.M.

DEED

WE, ALFRED N. RABAIOLI and ROBERT L. ROSSETTI, both of the Town of Medway, County of Norfolk, Commonwealth of Massachusetts, for the consideration of TEN DOLLARS (\$10.00), and other good and valuable considerations to us in hand paid, the receipt whereof is hereby acknowledged, grant to ARTINA CORPORATION, a Delaware corporation, with its principal office at 20 Broad Street, New York 5, New York, with ~~COVENANTS~~ <sup>QUITCLAIM</sup> COVENANTS, ALL THAT CERTAIN piece or parcel of land, with the buildings and improvements thereon, SITUATE in the Town of Medway, County of Norfolk, Commonwealth of Massachusetts, more particularly described as follows in accordance with survey dated September 17, 1964, made by Gilbert & Maloney, Architects, Engineers and Land Surveyors of Providence, R. I., to wit:

BEGINNING at a set iron rod at the northwesterly corner of land now or formerly of Francis J. Cassidy which point is in the southerly line of Main Street and 218.18 feet easterly from a point of curvature at the intersection of Main Street and Holliston Street and running thence (1) South 4 degrees 0 minutes 40 seconds West bounding easterly on said land now or formerly of Francis J. Cassidy 136.57 feet to a set iron rod; thence (2) running South 70 degrees 15 minutes 10 seconds West bounding southerly on other land now or formerly of Alfred N. Rabaioli and Robert L. Rossetti 144.98 feet to a set iron rod; thence (3) running North 19 degrees 44 minutes 50 seconds West bounding westerly on said other land now or formerly of Alfred N. Rabaioli and Robert L. Rossetti 125 feet to a set iron rod in the southerly line of Main Street; thence (4) running North 70 degrees 15 minutes 10 seconds East bounding northerly on Main Street 200 feet to a set iron rod, the point of beginning.

CONTAINING 21,560 square feet or 495/1000 acres.

EXCEPTING AND RESERVING therefrom and thereout unto Grantors, their heirs and assigns, the right of ingress, egress and regress in common with Grantee, its successors and assigns, for purpose of access to and from other lands of the Grantors adjoining the premises herein conveyed on the West and South by pedestrians and vehicles (but not for parking) over, across and upon the westernmost 15 feet of the premises herein conveyed.

TOGETHER WITH the right of ingress, egress and regress for all purposes for which driveways are commonly used in common with Grantors, their heirs and assigns, for purposes of access to and from the premises herein conveyed by pedestrians and vehicles (but not for parking) over, across and upon the following described premises:

BEGINNING at the northwesterly corner of the premises herein conveyed and running thence (1) South 19 degrees 44 minutes 50 seconds East bounding easterly on the said premises herein conveyed 55.00 feet to a point; thence (2) running South 70 degrees 15 minutes 10 seconds West bounding southerly on said other land of Alfred N. Rabaioli and Robert L. Rossetti 15.00 feet to a point; thence (3) running North

49 degrees 44 minutes 20 seconds West bounding southwesterly on said other land of Alfred N. Rabaioli and Robert L. Rossetti 59.38 feet to the curved intersection of Main Street and Holliston Street; thence (4) running northeasterly to easterly on a curve bearing to the right with a radius of 100 feet bounding northwesterly to northerly on the intersection of Main Street and Holliston Street 26.82 feet to a point of tangency (the chord of said arc bearing North 62 degrees 34 minutes 10 seconds East a distance of 26.74 feet); thence (5) running North 70 degrees 15 minutes 10 seconds East bounding northerly on Main Street 18.18' to the point of beginning.

TOGETHER WITH the right in the Grantee, its successors and assigns, to grade, pave and keep paved said easement area and to install, use, replace, maintain and repair in said easement area, a sign standard with floodlights and sign thereon and electrical conduits and wires leading thereto.

TOGETHER with all right, title and interest of the Grantors in and to any land lying in the bed of any street, avenue, road, highway or alley abutting or adjoining the above described premises to the center line thereof.

WE, DOROTHY RABAIOLI, wife of Alfred N. Rabaioli, and LILLIAN C.

ROSSETTI, wife of Robert L. Rossetti, release to said ARTINA CORPORATION all our rights of dower and all our other interests in the aforescribed premises.

WITNESS our hands and seals this 12th day of Feb A. D. 1965.

Alfred N. Rabaioli (SEAL)  
(Alfred N. Rabaioli)

Dorothy Rabaioli (SEAL)  
(Dorothy Rabaioli)

Robert L. Rossetti (SEAL)  
(Robert L. Rossetti)

Lillian C. Rossetti (SEAL)  
(Lillian C. Rossetti)

COMMONWEALTH OF MASSACHUSETTS:

SS

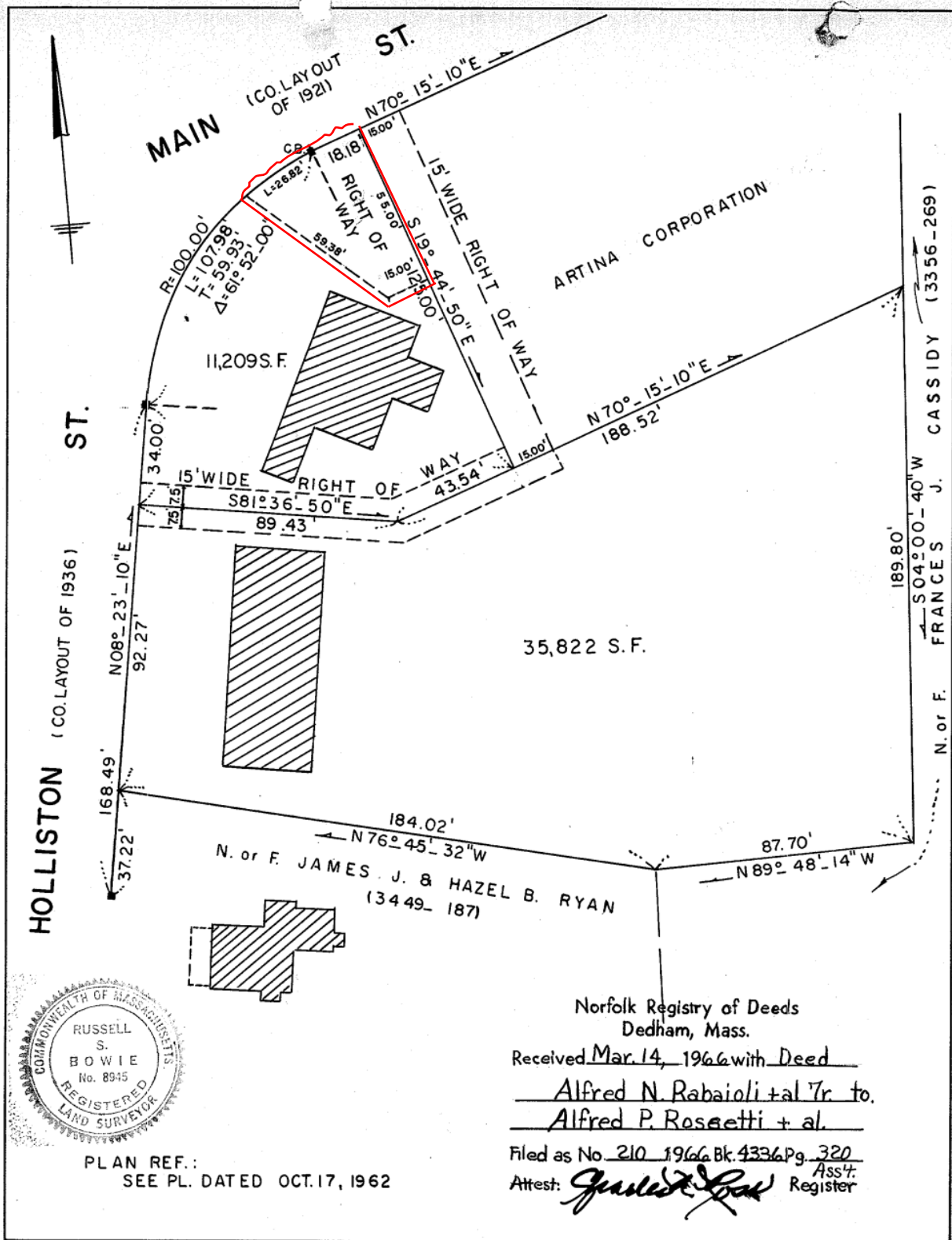
COUNTY OF NORFOLK

On this 12th day of Feb. , 1965 before me personally appeared ALFRED N. RABAIOLI and DOROTHY RABAIOLI, husband and wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

My commission expires October 4, 1969

Joseph K. Kenealy  
Notary Public





Approval Not Required Under  
The Subdivision Control Law.

**MEDWAY PLANNING BOARD**

*Joseph D. Malloy*

DATE 3/1/66

**PLAN OF LAND  
IN  
MEDWAY, MASS.**

SCALE: 1 IN. = 40 FT. NOV. 30, 1965  
BOWIE ENGINEERING CO. CIVIL ENGINEERS  
MILLIS, MASS.



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

**MEMORANDUM**

May 3, 2018

TO: PEDB Members  
FROM: Susy Affleck-Childs  
RE: Variance petition to the ZBA for Irving Gas, 71 Main Street

**Proposed Signs**

**1. New Free-Standing Pole Sign**

	Existing	Proposed Replacement	Allowed by Bylaw
<b>Sign Surface Area</b>	6' 5/8" x 7' 8" = 50 sq. ft. per side x 2 sides = 100 sq. ft.	5' 10" x 12' 6" = 61.25 sq. ft. per side x 2 sides = 122.5 sq. ft.	48 sq. ft. total (for both sides) for a single business
<b>Sign Height</b>	16' 1 1/2"	16' 1 1/2"	8
<b>Illumination</b>	External	Internal – including proposed 12" tall LED gas price letters	External

**COMMENTS on Free-Standing Pole Sign**

1. The proposed free-standing pole sign is non-conforming to the current sign regulations section of the Zoning Bylaw in terms of height, amount of sign surface area, and type of lighting. These are the three elements for which variances are sought.
2. The overall height and sign surface area should be reduced.
3. If there is any interest in allowing for internal illumination, I would recommend limiting it to the white text for Food Mart, Irving Debit Pay, Regular, and Diesel. The blue and green background panels should be opaque so as to not appear illuminated at night.
4. Reduce size of LED gas lettering to 6" instead of 12".
5. On the white Irving box at the type of the sign, allow for internal illumination only for the blue lettering for Irving and the red chevron elements. Have the white background be opaque so as to not appear illuminated at night.

6. The entire style of the sign may be better suited for a Route 1 or Route 9 location. It is overkill for Main Street/Route 109 in Medway. Perhaps an alternative style could be considered.
7. Note – The location of the current and proposed pole sign is actually on the adjacent property at 82 Holliston Street (Berkshire Hathaway – Page Realty). There is an easement and deed dating back to 1965 that allows for this.

### Wall Signs

	Existing	Proposed	Allowed by Bylaw
<b>Sign Surface Area</b>	36" x 72" = 19.25 sq. ft. per sign x 2 = 38.5 sq. ft. total for gas canopy  ?? for NWG awning sign	10' by 3' = 30 sq. ft. per sign x 2 signs = 60 sq. ft. total for gas canopy  Keep NWG awning sign	TOTAL maximum allowed for wall signs = 104.85 sq. ft. (Based on width of the building and width of the north face of the gas canopy)
<b>Sign Height</b>	NA	NA	NA
<b>Number of wall signs</b>	3 - one on the awning for NWG and 2 on the gas canopy	3	2
<b>Illumination</b>	Internal for the logo portion of the gas canopy; ?? on awning sign	Internal	Internal or External

### COMMENTS on Gas Canopy Signs

1. Allow only the white Irving text and the red chevron to be internally illuminated. The remainder of the blue canopy with the thick red horizontal stripe should not be illuminated.

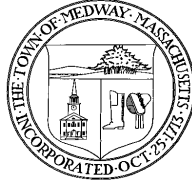


**May 8, 2018**

**Medway Planning & Economic Development Board  
Meeting**

**Correspondence**

- 4-30-18 letter to Ralph Costello re: increase in performance security for Applegate Subdivision



**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*

April 30, 2018

Mr. Ralph Costello  
Unique Homes  
503 Main Street  
Medfield, MA 02052

RE: Applegate Farm Subdivision – Performance Security

Dear Mr. Costello,

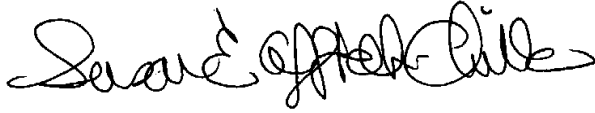
I am writing to you regarding the amount of performance security for the Applegate Farm subdivision provided in accordance with General Laws chapter 41, §81U. The present level of performance security is \$290,969 and is held through a tri-party agreement among you, the Planning and Economic Development Board (the Board) and Needham Bank dated February 23, 2016.

As you know, the Board recently asked Tetra Tech to inspect the Applegate Farm subdivision site, prepare an updated punch list, and revise the surety estimate. A copy of Tetra Tech's surety estimate and updated punch list dated March 7, 2018 is provided. The revised estimate is \$419,521 to complete the construction of ways and installation of municipal services as required by the Subdivision Control Law, the Board's *Rules and Regulations Governing Subdivision of Land*, and the approved modified subdivision plan endorsed October 22, 2014. The revised surety information was emailed to you on March 8, 2018 and thereafter on March 12, 20, and 26, 2018. On April 10, 2018, we spoke and I informed you that the Board would consider increasing the amount of the required surety during one of its April meetings. You indicated you would not attend Board meetings on this matter.

At its meeting on April 24, 2018, the Board voted unanimously to increase the amount of subdivision performance security for the Applegate Farm subdivision from \$290,969 to \$419,521. This letter serves as notification of that increase. In accordance with the Subdivision Control law, you are required to provide supplemental surety in the amount of \$128,552. The Board established a sixty day deadline; the funds must be paid within sixty days (by June 29, 2018).

Thank you for your immediate attention to this matter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

cc: John Shea, Needham Bank  
Bill Rodenhiser, Rodenhiser Excavating