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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK
SEP 29 '22 PM2:03

20 Day Appeal
October 19, 2022

Milford Hospital Medical Facility Major Site Plan, Parking Location Special Permit, Building Type Special Permit, and Groundwater Protection Special Permit

Decision Date: September 27, 2022

Name/Address of Applicant/Permittee: Lobisser Companies
1 Charlesview Road
Hopedale, MA 01747

Name/Address of Property Owner: Friel Realty II, LLC
86 Holliston Street
Medway, MA 02053

Location: 86 Holliston Street

Parcel Size: 8.027 acres

Assessors' Reference: 41-08

Zoning District: Central Business District
Groundwater Protection District (Mass DEP Zone II Wellhead Protection)

Engineer: Guerriere & Halnon, Inc.
55 West Central Street
Franklin, MA 02038

Site Plan: Site Plan, 86 Holliston Street, Medway, MA dated April 14, 2022, last revised June 29, 2022, prepared by Guerriere & Halnon, Inc. to be further revised as specified herein before plan endorsement (herein the Site Plan)

The architectural drawings dated February 11, 2021, prepared by HPA Design, Inc. of Milford, MA, last revised April 18, 2022. Renderings undated, Keith Carlson Rendering Studios, received August 1, 2022. Architectural drawings, undated, prepared by DiGiorgio Associates, Inc., of Boston, MA.

Members Voting: Matthew Hayes, Robert Tucker, Richard Di Iulio, Jessica Chabot, and Sarah Raposa

I. PROJECT DESCRIPTION - The Applicant seeks major site plan approval, a groundwater protection special permit, a parking location special permit, and a building type special permit pursuant to Sections 3.5, 5.6.3, 10.2, and 10.4 of the Medway *Zoning Bylaw* for the development of a medical building for Milford Regional Medical Center, to be located on a 2.2 acre portion of the 8+ acre parcel known as 86 Holliston Street.

The proposed development includes construction of a one-story, 21,900 sq. ft. medical building for the Milford Regional Medical Center to be accessed from the existing curb cut on Main Street for Walgreens. Other planned improvements include driveways, parking, utilities, grading, lighting, landscaping, and stormwater management facilities. The facility will consist of pediatric care, women's health, wellness, emergency care, lab, and x-ray services. A total of 88 parking spaces are proposed. The planned improvements are shown on *Site Plan, 86 Holliston Street, Medway, MA*, dated April 14, 2022, last revised June 29, 2022, to be further revised as specified herein.

The property also includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission which issued an Order of Conditions and a Land Disturbance Permit pursuant to Article XXVI of the *Medway General Bylaws* on August 16, 2022.

It is noted that the Applicant and property owner intend to divide the subject property into 2 parcels, one for the proposed medical office building with a new Main Street address, and the other comprised of the remaining property (86 Holliston Street).

II. VOTES OF THE BOARD

A. MAJOR SITE PLAN - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on September 27, 2022, voted 5 to 0 to GRANT with CONDITIONS and WAIVERS from the *Site Plan Rules and Regulations* as specified herein, a site plan titled *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2022, last revised June 29, 2022, prepared by Guerriere & Halnon, Inc. to be further revised as specified herein before plan endorsement with associated attachments including architectural plans by HPA Design Inc.

B. PARKING LOCATION SPECIAL PERMIT - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on September 27, 2022, voted 5 to 0 to GRANT with CONDITIONS a parking location special permit for 86 Holliston Street pursuant to Section 10.2. D. 2. C. Parking Placement of the Zoning Bylaw.

C. BUILDING TYPE SPECIAL PERMIT - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on September 27, 2022, voted 5 to 0 to GRANT with CONDITIONS a building type special permit for 86 Holliston Street pursuant to Section 10.4 C. 2 of the Zoning Bylaw.

D. GROUNDWATER PROTECTION SPECIAL PERMIT - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on September 27, 2022, voted 5 to 0 to GRANT with CONDITIONS a groundwater protection special permit for 86 Holliston Street pursuant to Section 5.6.3 of the Zoning Bylaw.

III. PROCEDURAL HISTORY

- A. April 14, 2022 – Major site plan approval and groundwater protection district special permit applications were filed with the Board and provided to the Town Clerk on April 25, 2022
- B. April 25, 2022 - Public hearing notice was filed with the Town Clerk and posted at the Town of Medway web site.
- C. April 25, 2022 - Public hearing notice was mailed to abutters by certified sent mail.
- D. April 25 and May 3, 2022 - Public hearing notice was advertised in the *Milford Daily News*
- E. April 25, 2022 - Notice was distributed to Town boards and departments requesting review and comments
- F. May 10, 2022 - Public hearing commenced. The public hearing was continued to June 14, July 26, August 23, September 13, and September 27, 2022 when a decision was rendered, and the hearing was closed.
- G. August 2, 2022 – Special permit application for Central Business District standards for Building Type and Parking Location was filed with the Board and provided to the Town Clerk
- H. August 3, 2022 – Second public hearing notice was mailed to abutters by certified sent mail.
- I. August 5, 2022 - Second public hearing notice was filed with the Town Clerk and posted to the Town of Medway web site.
- J. August 8 and 16, 2022 – Second public hearing notice was advertised in the *Milford Daily News*.

IV. INDEX OF DOCUMENTS

- A. The following documents were provided at the time the site plan and groundwater special permit applications were filed with the Board:
 - Major site plan application dated 4-13-22 and groundwater protection special permit application dated 4-13-22 with Project Narrative, submittal letter, property deeds, and abutters list.
 - *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2022 by Guerriere & Halnon, Inc. of Franklin, MA
 - Photometric Plan dated April 15, 2022 by Holbrook Associates
 - Requests for Waivers from the *Medway Site Plan Rules and Regulations*, last revised October 8, 2019.
 - *Stormwater Report for Medway Medical Building, 86 Holliston Street, Medway, MA* dated April 14, 2022, prepared by Robert J. Duff, P.E., Guerriere & Halnon, Inc. of Franklin, MA.

- B. During the course of the review, the following additional materials were submitted to the Board by the Applicant and its representatives and consultants:
- Ground floor plan of proposed medical facility dated April 7, 2022 prepared by The SLAM Collaborative
 - Architectural elevations dated April 18, 2022 by HPA Design, Inc.
 - *Transportation Impact Assessment, Proposed Medical Office Building, 86 Holliston Street, Medway, MA*, dated April 2022 by Vanasse & Associates, Inc. of Andover, MA
 - Letter from Jeffrey Dirk of Vanasse & Associates dated May 31, 2022 in response to the Tetra Tech review letter dated May 23, 2022
 - Underground Piping Inspection dated June 22, 2022 from DWD Engineering
 - Letter from Jeffrey Dirk of Vanasse & Associates dated July 15, 2022 as a follow-up to the July 14, 2022 meeting with Town staff and Tetra Tech re: transportation improvement measures to be undertaken in connection with the medical office building project at 86 Holliston Street
 - Updated site plan dated June 29, 2022 by Guerriere & Halnon.
 - *Ladder Truck Turning Plan* for 86 Holliston Street dated April 14, 2022, last revised June 29, 2022 by Guerriere & Halnon.
 - Additional Requests for Waivers from the *Site Plan Rules and Regulations*, dated July 2022
 - Letter from Marc Wallace of Tech Environmental (Applicant's consultant), dated July 6, 2022 summarizing the results of an acoustic modeling study of the proposed medical building at 86 Holliston Street.
 - Revised lighting plan and light fixture specifications dated July 6, 2022 by Holbrook Associated
 - *Development Impact Statement* dated July 25, 2022 prepared by Guerriere & Halnon
 - Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2022 in response to review comments dated April 27, 2022 from Community and Economic Development Director Barbara Saint Andre
 - Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2022 in response to review comments dated May 25, 2022 from DPW Director Pete Pelletier
 - Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2022 in response to review comments dated May 9, 2022 from Planning and Economic Development Coordinator Susy Affleck-Childs
 - Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2022 in response to review comments dated May 10, 2022 from Police Safety Officer Sergeant Jeff Watson
 - Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2022 in response to review comments dated May 23, 2022 from Tetra Tech
 - Architectural elevations undated by DiGiorgio Associates, Inc. of Boston, MA, received July 29, 2022
 - Renderings undated, Keith Carlson Rendering Studios, received August 1, 2022
 - Special permit application for Central Business District parking location and building type, dated August 2, 2022, with associated narratives.
 - Email communication dated August 16, 2022 from Amanda Cavaliere of Guerriere & Halnon forwarding an email from Marc Wallace of Tech

Environmental in response to the sound study review memorandum issued on August 8, 2022 by Jeff Komrower of Noise Control Engineering, the Board's noise consultant.

- Letter from Tech Environmental dated September 6, 2022 – results of acoustic modeling study
- Email dated September 14, 2022 from Amanda Cavaliere of Guerriere & Halnon
- Email dated September 21, 2022 from Amanda Cavaliere of Guerriere & Halnon

C. During the course of the review, additional materials were submitted to the Board by the Board's consultants and Town staff:

- Plan review letter from Steve Bouley, P.E. Tetra Tech, dated May 23, 2022
- *Road Safety Audit – Main Street (Route 109) at Medway Commons and Walgreens Driveways*, March 2022, prepared for Mass Department of Transportation by Vanasse & Associates, Inc. of Andover, MA
- Review comments dated April 27, 2022 by Medway Community and Economic Development Director Barbara Saint Andre
- Review comments dated May 9, 2022 from Fire Chief Jeff Lynch
- Review comments dated May 9, 2022 from Planning and Economic Development Coordinator Susan Affleck-Childs
- Review comments dated May 10, 2022 from Police Safety Officer Sergeant Jeff Watson
- Review comments dated May 10, 2022 from the Medway Design Review Committee
- Review comments dated May 25, 2022 from Medway DPW Director Pete Pelletier
- Review comments dated July 21, 2022 from Building Commissioner Jack Mee re: building type within the Central Business District
- Review comments dated August 8, 2022 from Jeff Komrower of Noise Control Engineering, the Board's noise consultant, of the noise modeling study prepared for the applicant by Tech Environmental
- Plan review letter from Steve Bouley at Tetra Tech, dated July 19, 2022
- Email comments dated July 27, 2022 from Medway DPW Director Pete Pelletier
- Noise Control Engineering memo dated September 11, 2022 reviewing revised acoustic modeling study
- Email from Deputy Fire Chief Fasolino dated September 16, 2022

D. Citizen Comments

- Email dated May 11, 2022 from resident Andrew Page, 11 Applegate Road
- Email dated May 15, 2022 from Matthew and Courtney Fricker, 110 Village Street
- Email from Glenn Trindade dated August 10, 2022 with attachment

E. Other Documentation

1. Mullins Rule Certification dated July 10, 2022 for Board member Jessica Chabot pertaining to the June 14, 2022 hearing.
2. Mullins Rule Certification dated June 29, 2022 for Board member Robert Tucker pertaining to the June 14, 2022 hearing.

V. TESTIMONY – During the course of the public hearing, the Board heard and received verbal testimony from:

- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Courtney Sudak, P.E. Tetra Tech – Commentary related to parking and traffic
- Kevin Lobisser, Applicant
- Amanda Cavaliere, Guerriere & Halnon, engineering consultant for the Applicant
- Mike Hassett, Guerriere & Halnon, engineering consultant for the Applicant
- Jeffrey Dirk, Vanasse and Associates, traffic consultant for the Applicant
- Resident Nicholas Fair, 3 Howe Street
- Abutter Jessica Collins, 9 Robin Circle
- Unspecified abutter

VI. FINDINGS

A. Site Plan Rules and Regulations Findings – The 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 Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended October 8, 2019. and Section 3.5 of the *Bylaw*:

- 1) **Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?** *The site plan and traffic impact assessment study has been thoroughly reviewed by Town officials and the Board's Consulting Engineer. No access from minor streets is necessary or available, there is no backing onto a public way, and Main Street is adequate to safely handle the additional traffic from the new establishment. Based on input from the Board and Police Department, vehicular access to the parking area in front of the building has been adjusted so that the front parking area is not immediately accessible from the entry driveway into the site, so to avoid back-up out onto Main Street.*
- 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 design of the proposed building has been positively reviewed by the Design Review Committee. There are no particularly distinguished buildings in the vicinity with which the proposed building renovation and new construction would conflict in terms of character, materials, and scale.*
- 3) **Is reasonable use made of building location, grading, and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g., waste removal) from public views or from (nearby) premises residentially used and zoned.** *The subject property is located within the Central Business zoning district and abutted on the east and south sides by other business properties. The dumpster is located within the rear parking area in the northwestern corner of the site, well out of public view from Main Street. The landscaping plan shows a fence and landscape buffer along the southern property line to screen the building for nearby residential properties. A robust landscaping plan has been developed for the open*

space area between Main Street and the front parking area and adjacent to wetland resources.

- 4) **Is adequate access to each structure for fire and service equipment provided?** *Access for fire and service equipment is provided with paved surfaces on four sides of the proposed building. The Fire Department has reviewed the proposed driveway and parking lot reconfiguration and the auto turn analysis provided by the Applicant's engineering consultant and agrees that the project will comply with its requirements.*
- 5) **Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?**
- a) the volume of cut and fill;
 - b) the number of trees to be removed with particular care taken with mature trees and root systems;
 - c) the visual prominence of man-made elements not necessary for safety;
 - d) the removal of existing stone walls;
 - e) the visibility of building sites from existing streets;
 - f) the impacts on waterways and environmental resource areas;
 - g) soil pollution and erosion;
 - h) noise.

The site plan and proposed stormwater drainage system have been rigorously reviewed by the Town's Consulting Engineer and the Conservation Commission which issued an Order of Conditions and Land Disturbance Permit on August 16, 2022. Appropriate soil pollution and erosion controls have been incorporated into the plan. The building will be highly visible from Main Street. However, the robust landscaping plan and building design have been reviewed and positively recommended by the Design Review Committee. No stone walls are being removed. The site is presently undeveloped and functions as agricultural land for cow grazing. Since the site is located within a Groundwater Protection District, this Decision also includes a groundwater protection special permit to ensure that the project will not adversely affect groundwater. Tech Environmental, the applicant's sound engineer, performed an acoustic study which was peer reviewed by the Town's consultant, Jeff Komrower of Noise Control Engineering. The Town's consultant concurred with the analyses submitted by the applicant that the proposed development will comply with the Town's Zoning Bylaw requirements, Section 7.3.

- 6) **Is pedestrian and vehicular safety both on the site and egressing from it maximized?** *The entrances and egresses to the site and its parking facilities have been designed for safe operation and have been reviewed by the Board's consulting engineer. The site plan has been revised to adjust access to the parking area in front of the building. The site plan shows the provision of bicycle racks to accommodate employees and patients who may wish to cycle to the facility. A sidewalk is planned on the three sides of the building with public access plus a connecting sidewalk between the building and the Main Street sidewalk is included.*
- 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?** *The site is presently undeveloped and functions as agricultural land for cow grazing. The prominent*

feature of the open field to the west of the proposed building will not be directly affected. The fencing design to separate the new commercial use from the agricultural use is in keeping with the agricultural character of the adjacent property.

- 8) **Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?** *The lighting plan was reviewed by the Board's consulting engineer and the Permittee is required to comply with Section 7.1.2 of the Zoning Bylaw regarding Outdoor Lighting.*
- 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 site plan has been vigorously reviewed by both the Conservation Commission and the Planning and Economic Development Board and their consulting engineer and has been modified to address environmental concerns. The limit of work is reasonable. The location of the building and parking on the site has been repositioned northerly onto the site to protect environmental resources. An Order of Conditions has been issued by the Conservation Commission.*

Vote on Site Plan Findings - The Planning and Economic Development Board, at its meeting on September 27, 2022 voted 5 to 0 to approve the above noted **Site Plan Findings** regarding the major site plan application for the Milford Regional Medical facility (the "Property").

- B. **Groundwater Protection Special Permit Findings (Sub-Section 5.6.3 of the Zoning Bylaw)** – The subject property at 86 Holliston Street is located within the Town's Groundwater Protection District (MA Department of Environmental Protection Zone 2 recharge area). The scope of the project will increase the extent of impervious surface to more than 15% of the lot area. Accordingly, a groundwater protection special permit is required. Section 5.6.3 specifies that the following findings must be made in order to issue a groundwater protection special permit:

- 1) **Permitted Uses** – *New construction is a permitted use, subject to certain restrictions, within the Groundwater Protection District. As conditioned herein, the project will comply with those restrictions.*
- 2) **Prohibited Uses** - *There are no prohibited uses. However, the project will include a natural gas-powered emergency generator which is acceptable as it does not use liquid petroleum products.*
- 3) **Uses and Activities Requiring a Groundwater Special Permit** – *Specific to this project, the following activities are allowed only upon issuance of a special permit.*
 - *Any use which will render impervious more than 15% or 2,500 sq. ft. of any lot whichever is greater. The proposed building and site improvements planned for the new parcel increase the extent of impervious surface from 0% to 68.3% of the site, thus triggering the need for a Groundwater Protection special permit.*
- 4) **Special Permit Granting Authority** - *The Board of Appeals is the designated special permit granting authority for the Groundwater Protection District. However, the Bylaw*

(Section 3.5. Site Plan Review, 4. a.) provides that authority to the Planning and Economic Development Board when both site plan approval and a special permit are needed so as to consolidate the review process.

- 5) **Does the site design include a system for groundwater recharge which does not degrade groundwater quality? Does the recharge system use stormwater infiltration basins, or a similar system covered with natural vegetation? Are such basins preceded by oil, grease, and sediment traps to facilitate removal of contamination? Is there a plan for all recharge areas to be permanently maintained in full working order by the owner?** *The proposed building and site improvements will render the site to be 68.3% impervious. The stormwater management system consists of Deep Sump Hooded Catch Basins, Contech water quality manholes, a rain garden and three Cultec infiltration chamber systems. The stormwater management system has been designed in accordance with the Town of Medway's Stormwater Bylaw and will be permanently maintained in full working order by the owner in accordance with Standard 9 of the Stormwater Management Standard 9 – Long-Term Operation and Maintenance Plan.*

The Board's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality. The Conservation Commission is responsible for stormwater review on this site and has issued its Order of Conditions and a Land Disturbance permit which includes numerous conditions and protective measures.

- 6) **Does the proposed use, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District?** *The project has been reviewed by the Conservation Commission and the Town's Consulting Engineer to ensure that the planned stormwater management facilities and the associated groundwater recharge does not degrade groundwater quality. The Conservation Commission issued an Order of Conditions and Land Disturbance Permit on August 16, 2022 which specifies suitable measures to protect groundwater.*
- 7) **Is the proposed development designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed?** *The plan for the proposed development has been developed and revised such that the impact of the planned stormwater infrastructure on groundwater is minimized.*
- 8) **Has the applicant provided sufficiently detailed, definite, and credible information to supportive positive findings in relation to the standards given herein?** *The Board finds that the Applicant has provided sufficiently detailed, definite, and credible information to support positive findings in relation to the standards for a Groundwater Protection special permit as documented in the application materials and additional information provided during the course of the public hearing.*
- 8) **Were the submission requirements and hearing procedures conducted in accordance with Section 3.4 of the Zoning Bylaw?** *The submission requirements and public hearing procedures have been conducted in accordance with Section 3.4 of the*

Bylaw and the Board's Site Plan Rules and Regulations including the posting of a public hearing notice with the Town Clerk, abutter notification, and legal advertisement in a local newspaper of general circulation. Information about the project has also been posted to the Board's web page and review and comments have been sought from the Board of Health, Conservation Commission, and the Department of Public Works.

- 9) **Has the Board consulted with the Board of Health, Conservation Commission, and the Department of Public Works and referred this project to those entities for review and comment?** *The site plan has been provided to the Board of Health, Conservation Commission, and Department of Public Works Services for review and consultation. The noted boards and committees were kept apprised of the status of the Board's review of the project and were able to provide information and recommendations throughout the process.*
- 10) For further protection, the Board has included a series of conditions in this Decision which require certain measures to address groundwater protection. See Specific Condition F.
- 11) Accordingly, the Board finds that the proposed development meets the criteria for a Groundwater Protection special permit under Section 5.6.3.

Vote on Groundwater Protection Findings - The Planning and Economic Development Board, at its meeting on September 27, 2022 voted 5 to 0 to approve the above noted Groundwater Protection Special Permit Findings for the Milford Regional Medical office facility (the "Property").

C. **Central Business District Building Type Special Permit Findings** – Section 10.4 Central Business District, C. Building Types, 1. specifies a series of building types allowed in the Central Business District by right.

- 1) Building Commissioner/Zoning Enforcement Officer Jack Mee has determined that the proposed medical office building does not fit any of the specified building types allowed in the Central Business District.
- 2) Section 10.4.C.2. authorizes the Planning and Economic Development Board to issue a special permit for alternative building types.
- 3) The proposed uses of the medical office building include pediatric care, women's health, family medicine, urgent care, laboratory, and x-ray services. These uses are consistent with a General Commercial Building, one of the authorized building types.
- 4) The larger size of the proposed building is only minimally larger than the 20,000 sq. ft. allowed by right for a General Commercial Building. The building design has been positively reviewed by the Design Review Committee and the Board finds that the scale is compatible and complimentary to the Central Business zoning district.
- 5) Accordingly, the Board finds that the proposed development meets the criteria for a Central Business District Building Type special permit under Section 10.4.

Vote on Central Business District Building Type Findings - The Planning and Economic Development Board, at its meeting on September 27, 2022 voted 5 to 0 to approve

the above noted Building Type Findings for the Milford Hospital facility for 86 Holliston Street, (the “Property”).

D. **Central Business District Parking Location Special Permit** - Section 10.2 Central Business District Site Development Standards, D.2.c. Parking Placement specifies that all off-street parking shall be located behind or beside buildings. Vehicle parking between the front building line and the street right-of-way line is permitted only if the Board grants a special permit and the applicant can demonstrate that no other reasonable alternative exists.

- 1) The proposed parking plan as shown on the June 29, 2022 revised site plan includes 88 parking spaces, 29 of which are located between the front building line and the Main Street right-of-way line. The remaining parking spaces are to be located north (behind) and west (beside) of the proposed building.
- 2) Parking and building placement were coordinated to align with the existing Walgreens building located to the east of the shared access driveway so as to provide a coordinated appearance from the street.
- 3) If the building were positioned on the site closer to Main Street and parking was relocated to the back of the building, customer accessibility to the main entrances of the various medical disciplines to be housed within the facility would be impacted. This would result in a longer walking distance to the customer entrances on the south and western sides of the building, and thus would be less convenient for the facility’s patients.
- 4) The positioning of the building further away from the frontage is dictated in great measure by the need to locate the building and parking area outside the 25’ no disturb buffer and 50’ no structure buffer under the Medway Wetlands Protection Bylaw.
- 5) Accordingly, the Board finds that the proposed development meets the criteria for a Central Business District Parking Location special permit under Section 10.4.

Vote on Central Business Parking Location Findings - The Planning and Economic Development Board, at its meeting on September 27, 2022 voted 5 to 0 to approve the above noted Parking Location Findings for the Milford Hospital facility for 86 Holliston Street, (the “Property”).

E. **Special Permit Decision Criteria Findings (Zoning Bylaw, Section 3.4 C. 1-9)**
Special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Bylaw, shall make findings on all of the applicable criteria. The Board makes the following Findings in accordance with Section 3.4 of the *Bylaw*.

- 1) **The proposed site is an appropriate location for the proposed use.** *The proposed use is a 21,900 sq. ft. medical office facility for Milford Regional Hospital to be located on Route 109, Medway’s primary east/west travel route, in the Central Business zoning district. It will offer a variety of medical services including pediatric care, women’s health, family medicine, urgent care, and lab and x-ray services. Such a facility will be*

an asset to the community and provide additional health care services not presently available in Medway.

- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** *As documented in the plans and associated materials, and conditioned herein, adequate, and appropriate facilities will be provided for the operation of the proposed medical facility. Town officials and the Town's Consulting Engineer have reviewed the proposed facility and associated site improvements. The project will be serviced by Town water and sewer systems. The stormwater management system has been designed in accordance with the applicable local and State regulations.*
- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.** *The site plan and traffic impact assessment study has been thoroughly reviewed by the Board and its Consulting Engineer. Sidewalks are included to provide pedestrian access to the site and within the site. The access driveway to serve the facility is shared with the adjacent Walgreen's property so no new curb cuts are needed. Parking areas are provided. The project has been reviewed by the Conservation Commission which issued an Order of Conditions on August 16, 2022.*
- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** *The project's use of the existing curb cut for Walgreens for access will be instrumental in avoiding congestion at the intersection Main and Holliston Street. The expected traffic to be generated by the planned facility can be accommodated by Main Street.*
- 5) **The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use.** *The Applicant has provided documentation reviewed by the Town's Consulting Engineer that its stormwater management plan is adequate to prevent flooding. The dumpster is located within the rear parking area in the northwestern corner of the site and will be fully screened from view. The photometric plan documents that there is no light trespass off the property. A substantial landscaping plan will be implemented to enhance the property's aesthetics and provide a buffer to the residential property to the north. A noise study was prepared and reviewed, and suitable noise mitigation measures have been incorporated into the project.*
- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** *The site is abutted on the east and south by other business properties. The project will include substantial landscaping and fencing to buffer the residential property to the north. A robust landscaping plan has been developed, particularly for the frontage area along Main Street to enhance the property's aesthetics. The architectural design of the building has been thoroughly reviewed by the Design Review Committee and the Board and modified to further refine the building's style and character.*
- 7) **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** *The proposed use fulfills one of the purposes of the Zoning Bylaw which is to support the most appropriate use of land throughout the town. This presently vacant parcel is located in the Central Business District (CBD). As the town has limited areas*

for commercial development, it is important to utilize the land area within the CBD to help strengthen the community's business tax base.

- 8) **The proposed use is consistent with the goals of the Medway Master Plan.** *The proposed medical office building use is consistent with the 2009 Master Plan goals of facilitating smart redevelopment of the Route 109 corridor and encouraging commercial and industrial development in the community.*
- 9) **The proposed use will not be detrimental to the public good.** *As documented in the plans and application, and the Findings and Conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts.*

For all of the above reasons, the Board finds the adverse effects of the proposed Milford Regional medical facility use will not outweigh the beneficial impacts of the proposed development to the town or neighborhood.

VII. WAIVERS - At its September 27, 2022 meeting, the Board, voted 5 to 0 to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019*. The Board's action and reasons for granting each waiver are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

1. **Section 204-5 B. Site Context Sheet.** The site plan shall include a site context sheet including a locus plan, abutters' names and addresses; lot lines with dimensions and easement area; existing topography at 2' intervals; easements and rights of way; zoning district boundaries.

The Applicant has requested a waiver from this requirement that all of the required information be included on one sheet. Instead, the site plan has been developed with the abutter information, zoning parcel IDs, and street names being shown on Sheet 2 of the plan set. This is an acceptable alternative as all the needed information is supplied. For the foregoing reason, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

2. **Section 204-5 D. (8). a) Landscape Plan.** A Landscape Plan shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.

The Applicant has requested a waiver from this requirement. Instead, a landscape plan has been prepared by personnel of Guerriere and Halnon with many years of experience who have completed many such plans for other development projects. The landscape plan has been reviewed by both the Conservation Commission and the Design Review Committee and has been found to be acceptable. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

3. **Section 204-5 D. (14) Master Signage Plan.** The site plan submittal shall include a master signage plan with preliminary proposed designs, locations, materials, dimensions and lighting for the proposed development sign and all business identification signage, standards for tenant signs, etc.

The Applicant has requested a waiver from this regulation and has asked that the Board authorize a delay in the submittal of a master signage plan until such time as an occupancy permit is approved. The delay is needed because the design of the building façade has been modified during the course of project review and because input needs to be secured from all the various Milford Hospital groups and services that will be occupying the building. The Board has included a Condition in this Decision to require the master signage plan to be submitted within 120 days after plan endorsement. For the foregoing reasons, the Board APPROVES this waiver request with the noted condition as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

4. **Section 207-9 B. (1). Pedestrian and Bicycle Access and Sidewalks.** Five-foot sidewalks shall be provided within parking areas. Where sidewalks abut parking areas, the sidewalk width shall be increased by two feet to accommodate vehicular bumper overhang so as to not impede foot traffic.

The Applicant has requested a waiver to authorize them to provide a 5' sidewalk for approximately 28' feet in front of the building near the main entrance where a 7' sidewalk is required. The front entrances to the building are positioned perpendicular to the right and left of the proposed 5' sidewalk. Pedestrians can access the building from either entrance and will not be impeded by vehicular overhang. The doorways will not open outward into the sidewalk area. Further, there are no access points to the building within that 28' area. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

5. **Section 207-12 G. (3) a) Parking.** Parking spaces shall not be located in fire lanes or within twenty feet of building entrances, building exits, emergency access points, loading and unloading areas, pedestrian ways, and location for fire hydrants, and sprinkler and standpipe connections. Parking shall not be located within 20' of building entrances or exits

The Applicant has requested waiver from this requirement as they wish to locate parking within 20' of building entrances and exits. Due to the multiple medical services offered in the building with multiple entrances and exits and varied hours of operation, such a requirement would serve to reduce the amount of available parking. Allowing parking closer to the entrances would provide safer access/egress for patients. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

6. **Section 207-19 B. (2). Landscape Buffers.** Landscaping shall be provided around the perimeter of all parking areas to prevent direct views of parked vehicles from the streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties, and to provide parking areas with a reasonable measure of shade.

The Applicant has requested a waiver from the full applicability of this requirement to all parking areas. Landscaping along the northern edge of the parking area in the rear is provided and a robust landscaping plan will be installed between the front parking area and Main Street. Adding landscaping along the western edge of the property and the side parking area will conflict with the existing sub-surface drainage piping in that area. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

7. Section 207-19 C. (1) d) Parking Areas. At least one deciduous shade or canopy tree of a minimum three inches caliper with a height of not less than 12 feet above grade shall be provided for every parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. The Board may waive this requirement in favor of the preservation for existing site trees.

The Applicant has requested a waiver from this regulation. Instead, they propose to provide shade trees where possible that do not interfere with the required underground utilities and the stormwater drainage system which together limit planting options. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

VIII. CONDITIONS The *Specific and General Conditions* included in this Decision are to assure that the Board's approval of the major site plan, groundwater protection special permit, and reduced parking special permit are consistent with the *Zoning Bylaw*, 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. These conditions are binding on the Permittee.

SPECIFIC CONDITIONS OF APPROVAL

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The tract(s) of land on which this proposed development will be located is presently located at 86 Holliston Street. It is understood that the parcel will be divided into two lots, one for the proposed medical facility (with a Main Street address) and the other for the remaining property at 86 Holliston Street. The new parcel shall not be altered or used except:
 - a) as granted by this site plan and special permits decision;
 - b) substantially as shown on the site plan titled *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2022, last revised June 29, 2022, prepared by Guerriere & Halnon, Inc. including landscaping, lighting, and architectural plans, to be further revised as specified herein before plan endorsement
 - c) in accordance with any subsequently approved field changes, modified plans, or amendments to this site plan/special permit decision; and
 2. The tract of land and buildings comprising the Milford Regional medical facility Road shall not be used, sold, transferred, or leased except in conformity with this Decision and approved site plan and shall not be further divided.

- B. **Plan Endorsement** - Within 60 days after the Board has filed its Decision with the Town Clerk, the site plan entitled *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2022, last revised June 29, 2022, prepared by Guerriere & Halnon, Inc. including building elevations by HPA Designs, renderings, landscaping plan and lighting plan, shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's Decision. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee shall also provide a Certificate from the Town Clerk's office. The time period may be extended by mutual agreement of the Permittee and Board.
- C. **Recording** - No construction shall begin on the site and no building permit for any work shall be issued before this Decision and the Plan are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board within thirty days of recording.
- D. **Cover Sheet Revisions**
1. Update waiver information to specify all APPROVED waivers
 2. Revise signature box to include Decision approval date AND plan endorsement date
 3. Revise Town Clerk box to remove reference to a covenant and include reference to the decision
- E. **Other Plan Revisions (Civil and Architectural)**
1. As recommended by Tetra Tech, add a specific note to the plan set that the utilities will be installed underground.
 2. As recommended by Tetra Tech, the plan shall be revised to install Cultec Separator Rows on the proposed SIS systems as required by Section 207-14. D of the *Site Plan Rules and Regulations*.
 3. As recommended by Tetra Tech, the plan shall be revised to round off the northern end of the access driveway to prevent vehicles parking at the squared-off (as currently shown) portion of the driveway.
 4. As recommended by the Design Review Committee, the plan shall be revised to adjust the height of the parking lot light poles to 14'. The fixture head should include shielding to prevent glare at the street and the LED light color rendering index (CRI) should be a little higher (>79), and correlated color temp (CCT) between 3200-3500 for both safety and aesthetics. A more decorative head for the post top should be selected to coordinate with the decorative lighting on the building.
 5. As recommended by the Design Review Committee and as requested by the Applicant, the color of the proposed "barn style doors" on the east and west building façade should be a dark red or burgundy color.

6. As recommended by the Design Review Committee, the detail on the proposed natural wood-look vinyl perimeter fence should be revised to indicate a grey or wood color.
7. As recommended by the Design Review Committee, the proposed new split rail agricultural style fence along the western boundary should be fabricated with a non-glossy finish in order to more closely resemble the existing wood painted fence on the property.

F. Conditions Pertaining to Groundwater Protection District Special Permit

1. Use and storage of toxic and hazardous materials is prohibited unless stored within a free-standing container located inside the building. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
2. Any commercial fertilizers, as defined in Massachusetts General Law, c. 128 §64 will be stored within containers and kept inside the building. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to prevent adverse impacts on groundwater.
3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
4. There shall be no outdoor storage of pesticides, herbicides, fungicides, or insecticides anywhere on the site. Any such products shall be stored inside.
5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
6. Plowed snow for the site shall be stored only in the designated areas shown on the Plan or taken off site in times of substantial storms.
7. All vehicles shall be parked and stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
8. There shall be no earth removal within six feet of the historical high groundwater level except for excavations for building foundations, roads, or utility works.

9. The Conservation Commission issued an Order of Conditions and Land Disturbance Permit on August 16, 2022 which specifies suitable measures to protect groundwater. This groundwater special permit is subject to those applicable conditions.
- G. **Hours of Operation** – The hours of operation for the facility are as follows:
- Monday through Friday from 7 a.m. to 8 p.m.
 - Saturday and Sunday from 9 a.m. to 5 p.m.
- H. **Nuisance** – The Permittee shall construct and maintain the property and building so as to not create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the area. The Permittee shall comply with Section 7.3 Environmental Standards of the *Zoning Bylaw*.
- I. **Tree Preservation** – Sheet 8 Landscape Plan of the site plan denotes the location of ten trees along the west side of the driveway into Walgreens which are specified to be retained or transplanted.
1. The Permittee and its contractors shall not remove the ten noted trees during site preparation and construction of infrastructure and the buildings unless necessary. Any trees removed shall be replanted on the site if feasible.
 2. The ten trees shall be clearly identified in the field and verified by the Board's consulting engineer before site preparation and construction commences.
 3. If any of the ten identified trees are removed or damaged during site preparation or construction, and cannot be successfully replanted on the site, the Permittee shall be responsible for tree restoration by replacing the removed or damaged trees on a one tree for one tree basis with nursery grade trees of at least three inch caliper within one year after the tree removal or damage has occurred. The location of the replacement trees shall be recommended by the Permittee and approved by the Planning and Economic Development Board (as a field change). The species of replacement tree(s) shall be from those listed in the *Site Plan Rules and Regulations* or as otherwise approved by the Board.
- J. **Open Space** – At least 20% of the site shall be permanently retained as open space and/or yard in perpetuity. This is an on-going obligation of the Permittee. This area shall be unpaved but may be landscaped or left natural with the balance being trees, shrubs, and grass suitable for the site. The area may include communal gathering space for employees.

- K. **Signage** – Prior to 120 days after plan endorsement, the Permittee shall provide a master signage plan for review by the Design Review Committee and approval of the Planning and Economic Development Board.
- L. **Snow Storage and Removal**
1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Bylaw.
 2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises.
- M. **Water Conservation** – The development is relying on the Town’s public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures:
1. Any landscape irrigation system shall not be connected to municipal water supply. Irrigation wells must be permitted by the Board of Health.
 2. rain-gauge controlled irrigation systems
 3. low flow plumbing fixtures
 4. water efficient appliances for toilets, etc.
- N. **Construction** – In conjunction with the pre-construction meeting (see General Condition V.1), the Permittee shall provide the following:
1. Stormwater Pollution Prevention Plan (SWPPP) and documentation under the NPDES General Construction Permit program of the US EPA.
 2. Construction Management Plan compliant with Section 204-3 H. of the *Site Plan Rules and Regulations*
 3. Soil Management Plan Compliant with Section 207-8. D of the *Site Plan Rules and Regulations*
- O. **Street Openings** – The Permittee will comply with the Medway DPW requirements for all street openings. It is noted that Main Street in front of the site was recently re-paved, and the DPW imposes a five year moratorium on street openings after a public way has been paved. As a result, any street openings that are granted by DPW will include more stringent requirements under the DPW Street Opening Guidelines.
- P. **ANR plan** – The applicant shall prepare and submit to the Board a plan for review and endorsement under G.L. c. 41, §81P, dividing the parcel on which the project will be built into a separate lot. This plan must be recorded prior to the issuance of a building permit.
- Q. **Traffic Safety** – A Traffic Safety Audit (TSA) was conducted by Vanasse & Associates for MassDOT of the signalized intersection at Walgreens driveway/ Medway Commons driveway/Main Street, dated March 2022. The TSA analyzed the crash data for this intersection and made recommendations for improvements to increase safety. The applicant has agreed to implement the following recommendations set forth in the TSA, to the extent these items are within the applicant’s authority, or the applicant is granted permission by the Town. These items are to be completed in accordance with Medway DPW instructions and requirements and shall be completed prior to occupancy of the building.

1. Install retroreflective strips to the backplates of the signal heads to make signal heads more conspicuous.
2. Trim trees on the north side of Main Street that obscure signal heads. The trees should be checked when they have leaves to determine what needs to be trimmed.
3. Restriping the intersection.
4. Post warning sign of solar glare on westbound side of Main Street, at location to be determined by Medway DPW. Sign shall comply with Medway DPW specifications.

GENERAL CONDITIONS OF APPROVAL

- R. **Applicability** – This Decision shall apply to any successor in control or successor in interest to the subject property
- S. **Fees** - Prior to plan endorsement, the Board requires the Applicant to pay:
1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering or other consultants;
 2. 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.
- T. **Compliance with Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses, and approvals. The Permittee or agent shall apply for, obtain, pay for, and comply with all other required Town permits.
- U. **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 Permittee 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* - Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday through Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
 2. *Neighborhood Relations* – The Permittee 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 Permittee 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 and 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 Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
5. The Permittee 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 Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic and 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 Environmental Standards.
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with the Construction Period Pollution Prevention Plan included in *Stormwater Report for Medway Medical Building, 86 Holliston Street, Medway, MA* dated April 14, 2022, prepared by Robert J. Duff, P.E., Guerriere & Halnon, Inc. of Franklin, MA.

V. Construction Oversight

1. *Pre-Construction Meeting* – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, other Town officials as may be appropriate, and the Permittee's project engineer and site contractors for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed.
2. *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 Permittee shall establish a construction account with the 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, 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 Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the 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 Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
3. Right to Enter Property - Board members, its staff, consultants or other designated Town agents and staff shall have the right to enter the property at reasonable times during construction and with advance notice to the Permittee to inspect the site for compliance with the terms and conditions of this Decision and the Plan and while on site, may acquire any information, measurements, photographs, and observations deemed necessary for that evaluation.
 4. DPW Inspections – Permittee will coordinate with the Department of Public Works for 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. Monthly Reports - The Permittee 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 and shall start immediately once any work begins on the property. The Permittee's engineer shall prepare a written report of each inspection and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.

W. On-Site Field Changes

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved Plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this Decision and the *Zoning Bylaw* nor conflict with a

specific condition of the Decision. Field changes shall not substantially alter the intent, layout, or design of the approved Plan.

2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and the Planning and Economic Development Coordinator and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

X. Modification of Plan and/or Decision

1. Proposed modifications, not including on-site field changes, to this Decision or the endorsed Plan shall be subject to review by the Board.
2. This site plan and special permit 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 Board for review as site plan modifications.
3. Any work that deviates from the approved Plan or this Decision may be a violation of the *Zoning Bylaw* unless the Permittee requests approval of a modification pursuant to Section 208-4 of the *Site Plan Rules and Regulations* and such approval is provided in writing by the Board, or as provided in condition W.
4. The request for a modification to a previously approved special permit and/or *Plan* shall be subject to the same application and review process including a public hearing. Whenever additional reviews by the Board, its staff or consultants are necessary due to proposed modifications, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, 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 Board may reduce the scope of the required review and waive part of the filing and review fees.
5. The Board shall issue a modification decision, file such with the Town Clerk, and provide copies to the Building Commissioner and other Town officials and the Permittee. Any modification approved by the Board shall be made a permanent part of the approved special permit documents and shall be shown on the final as-built plan

Y. Compliance with Plan and Decision

1. The Permittee shall construct all improvements in compliance with the approved and endorsed Plan and this Decision any modifications thereto.
2. The Board or its agent(s) may 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 Decision and the foregoing Specific and General Conditions of Approval.
3. The Specific and General Conditions of Approval are enforceable under Section 3.1.F. of the *Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

Z. Performance Security

1. Prior to grant of an occupancy permit, the Board shall provide a Certificate of Site Plan Completion to the Building Commissioner or notify the Building Commissioner that suitable performance security has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining site work.
2. The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance security be accompanied by an agreement which shall define the obligations of the Permittee and the performance security company including:
 - a) the date by which the Permittee shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Board
 - c) procedures for collection upon default.
3. The amount of the performance security shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities, and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance security estimate is prepared if the developer failed to do so.
4. The performance security amount shall be approved by the 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 Permittee 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 30% contingency.
5. Final release of performance security is contingent on project completion.

AA. Project Completion

1. Site plan approval shall lapse after two years of the grant thereof as provided in Section 3.5.7 of the Zoning Bylaw if construction has not begun except for good cause. Upon receipt of a written request from the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and specify the additional 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. The work shown on the approved Plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and specify the additional 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.
3. Prior to issuance of a final occupancy permit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that, in its opinion, the completed work conforms to the approved 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 performance security that has been provided to the Town of Medway.
 - a) Before issuing such Certificate, a Board member or the Board's Agent shall conduct a final inspection of the site and prepare a punch list to identify any remaining work to be completed. The Board may consult with its consulting engineer and various Town staff and boards or committees to determine whether the project is complete.
 - b) To secure a Certificate of Site Plan Completion, the Permittee shall complete or provide the following items to the satisfaction of the Board.
 - i. receipts to document cleaning of the stormwater system
 - ii. a signed statement from the Permittee committing to the ongoing maintenance of the stormwater management facilities and replacement of landscaping.
 - iii. removal of erosion controls
 - iv. full stabilization of the site
 - v. a written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site Plan, and any modifications thereto; and
 - vi. an electronic version of a final As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the 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 As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

- BB. ***Landscape Maintenance*** - 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 Plan. Any shrubs, trees, bushes, or other landscaping features shown on the Plan that die shall be replaced by the following spring.

Conflicts –If there is a conflict between the Plan and the Decision's Specific and General Conditions, the Decision shall rule. If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

IX. APPEAL – The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Permittee, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty-day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.

Decision Date: _____

By a vote of 5 to 0, the Planning and Economic Development Board hereby GRANTS the Applicant, Lobbiser Companies, a major site plan approval, a groundwater protection special permit, a parking location special permit, and a building type special permit pursuant to Sections 3.5, 5.6.3, 10.2, and 10.4 of the Medway *Zoning Bylaw* for the development of a medical building for Milford Regional Medical Center, to be located on a 2.2 acre portion of the 8+ acre parcel known as 86 Holliston Street, to be constructed in accordance with this Decision, the Site Plan, the architectural plans, and subject to the **CONDITIONS** herein.

Member:	Vote:	Signature:
Matthew Hayes, Chair		_____
Robert Tucker		_____
Richard Di Iulio		_____
Jessica Chabot		_____
Sarah Raposa		_____

Date Signed: _____

Decision Date: September 27, 2022

By a vote of 5 to 0, the Planning and Economic Development Board hereby GRANTS the Applicant, Lobbiser Companies, a major site plan approval, a groundwater protection special permit, a parking location special permit, and a building type special permit pursuant to Sections 3.5, 5.6.3, 10.2, and 10.4 of the Medway *Zoning Bylaw* for the development of a medical building for Milford Regional Medical Center, to be located on a 2.2 acre portion of the 8+ acre parcel known as 86 Holliston Street, to be constructed in accordance with this Decision, the Site Plan, the architectural plans, and subject to the **CONDITIONS** herein.

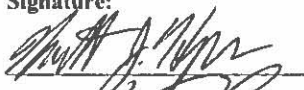
Member:

Vote:

Signature:

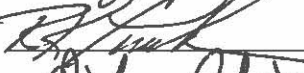
Matthew Hayes, Chair

Aye



Robert Tucker

Aye




Richard Di Iulio

Aye



Jessica Chabot

Aye



Sarah Raposa

Aye



Date Signed: 9/27/2022

COPIES TO: Michael Boynton, Town Manager
Stephanie Carlisle, DPW Compliance Officer
Michael Fasolino, Deputy Fire Chief
Bridget Graziano, Conservation Agent
Sean Harrington, Deputy DPW Director
William Kingsbury, Police Chief
Derek Kwok, Health Agent
Jeff Lynch, Fire Chief
Building Commissioner and Zoning Enforcement Officer
Christopher Park, Assessor
Pete Pelletier, DPW Director
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Jeff Watson, Police Department
Steven Bouley, Tetra Tech
Kevin Lobisser, Lobisser Companies
David Cassidy, Friel Realty LLC
Amanda Cavaliere, Guerriere & Halnon