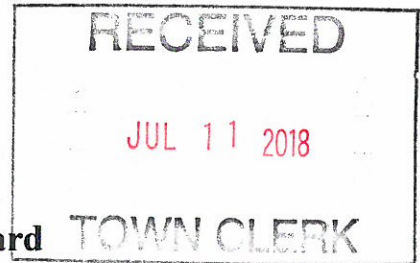


TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053



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

July 10, 2018

Major Site Plan Review Decision
Converting Technical Services (CTS) – 9 Trotter Drive
APPROVED with Waivers and Conditions

Decision Date: July 10, 2018

Name/Address of Applicant: CTS Property Management
430 Franklin Village Drive
Suite 177
Franklin, MA 02038

Name/Address of Property Owner: Marguerite Mele
203 Main Street
Medway, MA 02053

Project Location: 9 Trotter Drive

Assessors' Reference: 54-004-0004

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

Engineer: Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, MA 01772

Site Plan: 9 Trotter Drive Site Plan
Medway, MA
Dated March 26, 2018, last revised June 12, 2018



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I. PROJECT DESCRIPTION – The proposed project includes construction of a 6,000 sq. ft., one-story building with associated parking and loading facilities for Converting Technical Services, a light manufacturing/warehouse business. The site plan shows parking for 20 vehicles, landscaping, stormwater drainage facilities, site and building lighting, and connections to municipal water and sewer. Site access/egress is planned with two curb cuts on Trotter Drive.

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 July 10, 2018, on a motion made by Rich Di Iulio and seconded by Matt Hayes, **voted to approve with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of an approximately 6,000 sq. ft. building and site improvements at 9 Trotter Drive, to be owned by CTS Property Management of Franklin, MA as shown on *9 Trotter Drive Site Plan* prepared by Engineering Design Consultants, Inc. of Southborough, MA dated March 26, 2018, last revised June 18, 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 roll call vote of five in favor and none opposed.

Planning & Economic Development Board Member	Vote
Richard Di Iulio	Yes
Matthew Hayes	Yes
Thomas A. Gay	Yes
Andy Rodenhiser	Yes
Robert Tucker	Yes

III. PROCEDURAL HISTORY

- A. May 18, 2018 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board.
- B. May 29, 2018 – Site plan application and associated materials field with the Medway Town Clerk
- C. May 24, 2018 – Site plan public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. May 24, 2018 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. May 25, 2018 – Site plan public hearing notice mailed to abutters by certified sent mail.
- F. May 29 and June 4, 2018 - Site plan public hearing notice advertised in *Milford Daily News*.
- G. June 12, 2018 - Site plan public hearing commenced. The public hearing was continued to June 26 and July 10, 2018 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the proposed CTS 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 on May 18, 2018.
1. Major Site Plan Application dated May 7, 20018 with project description, purchase and sale verification, certified abutters' list, and traffic report letter dated May 11, 2018 from Peter Bemis, Engineering Design Consultants, Inc. of Southborough, MA.
 2. *9 Trotter Drive Site Plan* dated March 26, 2018 prepared by Engineering Design Consultants, Inc. of Southborough, MA.
 3. *Stormwater Calculations for 15 Trotter Drive*, dated March 26, 2018 prepared by engineering Design Consultants, Inc. of Southborough, MA
 3. *Requests for Waivers from the Medway Site Plan Rules and Regulations*, dated May 11, 2018, prepared by Engineering Design Consultants of Southborough, MA.
 4. Building Elevations dated April 16, 2018 prepared by Ted Greenlaw of Hanover, 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. Walter Lewinski, P.E. of Engineering Design Consultants, Inc. – Letter dated June 12, 2018 in response to Tetra Tech and PGC
 2. *Truck Turning Movements*, dated June 12, 2018 by Engineering Design Consultants, Inc.
 3. Revised building elevations for CTS, by Ted Greenlaw of Hanover, MA, received June 12, 2018
 4. Revised building elevations and floor plan for CTS, by Ted Greenlaw of Hanover, MA, received June 22, 2018
 5. *9 Trotter Drive Site Plan* dated March 26, 2018, REVISED June 12, 2018, prepared by Engineering Design Consultants, Inc. of Southborough, MA.
- 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 June 6 and July 9, 2018 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated June 6 and June 29, 2018 and commentary throughout the public hearing process.
- Email review comments dated May 30, 2018 from Fire Chief Jeff Lynch
- Review letter from the Medway Design Review Committee dated July 5, 2018.

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 July 10, 2018, on a motion made by Matt Hayes and seconded by Rich Di Iulio, voted to approve the following **FINDINGS** regarding the site plan application for Converting Technical Services at 9 Trotter Drive. The motion was approved by a roll call vote of five in favor and none 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 Trotter Drive, 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 with the DRC's recommended modifications.

- (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 outside dumpster is located at the back of the site and will be screened in accordance with the DRC's recommended trash enclosure. The property immediately surrounding the building is industrially zoned 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 two sides. There are 360' linear feet of frontage along Trotter Drive and two curb cuts. The site plan was provided to the Fire Chief and he determined that access is acceptable.

- (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. 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.

- (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 the western side of Trotter Drive. 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. The shown light trespass onto Trotter Drive will be eliminated in the final site plan presented for endorsement.

- (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. There are no wetland resources on the site.

- VII. WAIVERS** – At its July 10, 2018 meeting, the Planning and Economic Development Board, on a motion made by Rich Di Iulio and seconded by Matt Hayes, 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 roll call vote of five in favor and none opposed.

1. **Section 204-3 Planning Board Submittals, A. 7.** - A written *Development Impact Statement* which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts.

At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the *Development Impact Statement*.

The *Development Impact Statement* shall consist of the following four elements:
Traffic, Environmental, Community and Parking

The applicant has requested a waiver from the full extent of this requirement and seeks relief from having to prepare an environmental, community and parking impact report. Most elements of a development impact report apply to projects with 30 or more parking spaces and this development is planned for 20. The subject site, project scale and scope are small; there will be approximately 8-10 employees. Adequate parking and stormwater management facilities will be provided. There is no impact on schools and emergency access has been found to be adequate. Therefore, the Board APPROVES this waiver request.

2. **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' and 1" = 10'. The small size of the project necessitates a larger plan scale to show the detail of the design. The site plan would be difficult to read at a scale of 1"=40'. The revised scale results in a more efficient plan review and construction process as the plan is clearer, more readable and more accurately interpreted. Therefore, the Board APPROVES this waiver request.

3. **Section 204-5 C. 3. Existing Landscape Inventory** - An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of existing landscape features and structures and a general inventory of

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

The applicant has requested a waiver from this requirement. The project engineer has indicated that the 1.14 acre site has no significant or redeeming vegetation or landscape features meriting identification or protection. Approximately 75% of the site has to be cleared to accommodate the building, drainage, and parking. The remaining land in the northern portion of the site will remain wooded. A landscaping plan has been provided which will enhance the site and the applicant has agreed to show a NO CUT zone on the plan presented for the Board's endorsement. Therefore, the Board APPROVES this waiver request.

4. **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.

A waiver is needed 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 but acceptable scope of planned landscaping has been provided as part of the site plan submittal prepared by Engineering Design Consultants, Inc. Therefore, the Board APPROVES this waiver.

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

A waiver is needed from this requirement. The relatively small size of this site and the project make this a burdensome requirement for a small business. The building elevations have been reviewed, revised and re-reviewed by the Design Review Committee and found to be in general conformance with the Design Review Guidelines. Therefore, the Board APPROVES this waiver.

6. **Section 204-5 D. 16 - Locations of proposed fire hydrants, fire alarm boxes, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.**

A waiver is needed from this requirement. The building size is below the threshold for the required fire suppression system. According to the Town's GIS

mapping, a fire hydrant is located directly across Trotter Drive from the subject property. The plan has been reviewed by Fire Chief Jeff Lynch and found to be acceptable. Therefore, the Board APPROVES this waiver.

7. **Section 205-3 D. 2. Pedestrian and Bicycle Access and Connections - Safe** pedestrian and bicycle access to the site must be provided by walkways or other means which ensure protection and separation from vehicular traffic.

A waiver is needed from this regulation. The cost to install 340 linear feet of sidewalk is prohibitive for a small business. There is an existing sidewalk along the western side of Trotter Drive. A sidewalk is provided internal to the site along the front of the building to accommodate pedestrians walking from their vehicles to the front entry. Therefore, the Board APPROVES this waiver.

8. **Section 205-6 Parking C. Designated Parking Areas – Designated employee parking area, customer parking areas, and delivery areas as required under the Medway Zoning By-Law should be separated and shown on the plan.**

A waiver is needed from this regulation to allow this small industrial applicant to not have to install specific signage for various parking areas. Twenty parking spaces are provided on site. The applicant has indicated that there will be no more than ten employees on the premises. The business does not have customer traffic. The loading/delivery area is clearly indicated by the large garage bay doors. *Therefore, the Board APPROVES this waiver.*

9. **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' and a number of angled parking spaces as well. The reduced size is the allowed minimum standard parking space size per Section 7.1.1. E. 3. a. of the Medway Zoning Bylaw. Smaller parking spaces reduce the amount of space needed for the parking area and the associated amount of paved impervious surface area. Therefore, the Board APPROVES this request.

10. **Section 205-6 Parking – G. Parking Spaces & Stalls, 3. b) Wheel stops are required at the head of each car stall where a space/stall abuts a walkway, pedestrian way, or special site feature such as an abrupt change in grade. Acceptable materials include pre-cast concrete, granite, or like materials. All wheel stops shall be properly anchored into the ground and located approximately twenty-four (24) inches from the head of a car space/stall.**

The applicant has requested a waiver from this requirement for parking space wheel stops. The applicant seeks a waiver from this regulation as they believe wheel stops pose a potential tripping hazard to pedestrians. Their removal will also simplify snow removal efforts. To make up for the needed space, the adjacent

sidewalk area has been expanded from five feet to seven feet and incorporates a concrete curb. Therefore the Board APPROVES this request.

11. **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. The applicant has proposed a 10' setback from the south property line instead of the standard 15' setback. The space is needed to accommodate the vehicular movement within the parking area to access the loading zone. The adjacent southern property will be buffered by landscaping screening along the lot line. The Town's consulting engineer has no objection to this waiver. Therefore, the Board APPROVES this waiver.

12. **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. Granite curbing shall be retained for use at the roundings of the entrance and exits to the site. The Board has approved this same waiver request for other recent site plan projects in the 495 Business Park area. Therefore, the Board APPROVES this waiver.

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 CTS development at 9 Trotter Drive, dated March 26, 2018, last revised June 12, 2018, prepared by Engineering Design Consultants, Inc. of Southborough, MA with building elevations provided by Ken Greenlaw of Hanover, 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 9 Trotter Drive 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. The Board cannot grant waivers from the Medway Zoning Bylaw, therefore none should be listed.
 2. Add a line for Approval Date within the signature box area.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the 9 Trotter Drive Site Plan dated March 26, 2018, last revised June 12, 2018.
1. The date on the revised building elevation drawings by Ken Greenlaw submitted to the Board on June 22, 2018 shall be modified to include a date other than the original April 12, 2018 date. The drawings shall be further revised to indicate:
 - a. The use of two MBCI grey colors for the siding – Slate Gray and Ash Gray
 - b. A grey color for the front entry door and loading dock garage doors to complement the siding colors
 2. A permanent NO CUT zone starting 50' off the north side of the building and extending the full east/west depth of the property to the northern lot line.
 3. Lighting details on Sheet 5 shall be revised to show zero light trespass onto Trotter Drive.
 4. An additional line for Approval Date within the signature box area on all site plan sheets including the stormwater pollution prevention plan and building elevation drawings.
 5. The location of and specification for a bicycle rack.
 6. A change in the dumpster enclosure detail to indicate it will have a natural textured appearance (non-glossy) and a color compatible with the building materials and design scheme. The indicated 6' height of the dumpster enclosure may also need to be increased beyond the planned 6' height of in order to sufficiently screen the planned dumpster equipment within.
 7. The sewer line shall be installed to connect directly from SMH#1 on the subject property to the existing sewer manhole in Trotter Drive to the south. The proposed sewer easement shown on the adjacent property shall be eliminated from all applicable plan sheets and the above noted change shall be included.
 8. Place an additional inspection manhole over the inlet location from the VortSentry #2 stormwater treatment structure similar to that shown for VortSentry #1.
- D. **Use Limitations** – Parking or use of the parking area on site at 9 Trotter Drive shall be limited only to vehicles for Converting Technical Services, its employees, deliveries, and customers, and any future lessees, tenants or users of the building space. The parking area may not be leased or made available to any non-occupant business for any purpose.

- E. **Site Access** – Access to the site is provided from Trotter Drive. The applicant shall instruct its employees, delivery companies and customers to use only Trotter Drive to access the property. Any printed or electronic marketing materials that provide directions to the CTS site shall indicate the Trotter Drive route.
- F. **Trash Removal** – Trash removal shall be scheduled to occur only between 7 am and 6 pm.
- 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 Sheet 1 *Stormwater Pollution Prevention Plan* dated March 26, 2018 prepared by Engineering Design Consultants, Inc. which is part of the site plan set to be endorsed by the Board.
- H. **Signage** – The site plan shows the location of a planned free-standing, monument sign in front of the building at the southwest corner of the site. The applicant shall secure the required sign permit from the Medway Building Department which shall include prior review by the Medway 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 or onto Trotter Drive. 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 infrastructure and 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.

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**Medway Planning and Economic Development Board
SITE PLAN DECISION
Converting Technical Services, 9 Trotter Drive**

APPROVED with Waivers and Conditions by the Medway Planning & Economic Development Board: July 10, 2018

AYE:

NAY:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

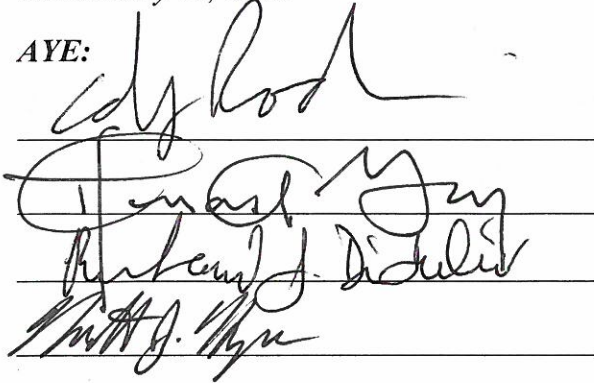
Date

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
Peter Bemis, Engineering Design Consultants, Inc.
Steve Fisk, CTS
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

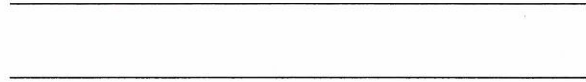
**Medway Planning and Economic Development Board
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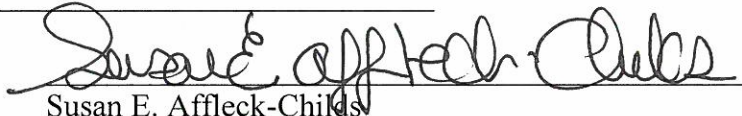
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Susan E. Affleck-Childs
Planning & Economic Development Coordinator

7-10-2018
Date

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