



## **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*

April 12, 2016

## ***SITE PLAN DECISION***

### ***Eversource Energy – 34 West Street***

### ***APPROVED with Waivers and Conditions***

***Decision Date:***

April 12, 2016

***Name/Address of Applicant:***

NSTAR Electric Company, d/b/a Eversource Energy  
One NSTAR Way, NE 250  
Westwood, MA 02090

***Name/Address of Property Owner:***

Sithe West Medway, LLC  
c/o NSTAR Services Co.  
PO Box 270  
Hartford, CT 061410270

***Engineer:***

Beals and Thomas, Inc.  
144 Turnpike Road  
Southborough, MA 01772

***Site Plan:***

*Station 65 and 446 Control Buildings  
34 West Street – Medway, MA  
Dated January 26, 2016, last revised March 21, 2016*

***Location:***

34 West Street

***Assessors' Reference:***

66-012

***Zoning District:***

Industrial II

Telephone: 508-533-3291

Fax: 508-321-4987

planningboard@townofmedway.org

**I. PROJECT DESCRIPTION** – The project entails the construction of two pre-fabricated control buildings, each 30' by 64' for a total of 1,920 sq. ft. per building, both of which are accessory structures integral to the primary use of the property for electrical power transmission. Each of the structures will house equipment to protect the high voltage equipment located in the substation yards. Each new control building is an upgrade to the existing control buildings on the site. The proposed new buildings will be accessed via the existing facility site driveway from West Street. The construction of the building at Station 65 requires the installation of 150' linear feet of retaining wall that will vary in height from 2' to 6' topped by a 7' high fence. No additional parking is proposed.

The 48.8 acre parcel is owned by Sithe West Medway LLC. The property is bordered on the north by transmissions easements, on the east by the existing West Medway generating facility, and on the south and west by West Street and adjacent residential properties.

**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 April 12, 2015, on a motion made by Robert Tucker and seconded by Matthew Hayes, **voted to APPROVE with WAIVERS and CONDITIONS** as specified herein, the site plan application of NSTAR Electric Company, d/b/a Eversource to construct two pre-fabricated control buildings and various site improvements at 34 West Street. The vote was approved by a vote of four in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	Yes
Matthew Hayes	Yes
Andy Rodenhiser	Yes
Robert Tucker	Yes

NOTE – Member Thomas Gay recused himself from participating in the public hearing on this project due to a professional conflict of interest.

### **III. PROCEDURAL HISTORY**

- A. January 26, 2016 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. February 2, 2016 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. February 2, 2016 - Public hearing notice mailed to abutters by certified sent mail
- D. February 4, 2016 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. February 9 & 15, 2016 - Public hearing notice advertised in *Milford Daily News*.
- F. February 23, 2016 - Public hearing commenced. The public hearing was continued to March 22, March 29 and April 12, 2016 when the hearing was closed and a decision rendered.

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

- A. The site plan application for the Eversource equipment buildings at 34 West Street included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:
1. Site Plan Application dated January 26, 2016 with project narrative, site access authorization, and certified abutters' lists
  2. Site plan - *Station 65 and 446 Control Buildings, 34 West Street – Medway, MA*, dated January 26, 2016, prepared by Beals and Thomas of Southborough, MA
  3. *Stormwater Report* including an operations and maintenance plan, dated January 26, 2016 prepared by Beals and Thomas
  4. Requests for Waivers from the *Medway Site Plan Rules and Regulations*, dated January 26, 2016, prepared by Beals and Thomas
- B. During the course of the review, a variety of other materials were submitted to the Board by the applicant and its representatives:
1. Supplemental Request for Waiver from the *Medway Site Plan Rules and Regulations*, prepared by Beals and Thomas, dated March 8, 2016
  2. Photos and product information of building paneling system from ecoFICIENT
  3. Photos and product information for HPS "Tall" wallpack lamp
  4. Product information – Redi-Rock Texture Limestone Block
  5. Retaining Wall Design Sheets 1 & 2 dated December 17, 2015 by Eric Merluzzi, Wentworth, NH
  6. Site plan - *Station 65 and 446 Control Buildings, 34 West Street – Medway, MA*, dated January 26, 2016, revised March 8, 2016 and March 21, 2016
  7. Landscape Plan, Station 65, dated March 8, 2016 prepared by Beals and Thomas
  8. Photometric drawing prepared by RAB Lighting, Northvale, NJ, received March 9, 2016
  9. Disposal site map prepared by RAM Environmental, Plymouth, MA, received March 9, 2016
  10. Beals and Thomas letter dated March 7, 2016 in response to PGC and Tetra Tech plan review letters dated February 18, 2016
  11. Beals and Thomas letter dated March 21, 2016 in response to Tetra Tech review letter dated March 17, 2016.

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

- Steve Bouley, of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated February 18, March 17, and April 8, 2016 and commentary throughout the public hearing process.

- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated February 18, March 17, and April 12, 2016 and commentary throughout the public hearing process.
- Mary Kate Schneeweis of Beals and Thomas, the applicant's engineer.
- John Zicko, P.E. Director of Substation Engineering, Eversource Energy
- Jack Lopes, Community Relations Specialist, Eversource Energy
- Duane Boyce, Project Manager, Eversource Energy

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

The Planning and Economic Development Board, at its meeting on April 12, 2016, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the site plan application for Eversource at 34 West Street. The motion was approved by a vote of four in favor and none opposed.

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

- (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 equipment storage buildings which are the subject of this site plan application are accessory structures which are anticipated to generate negligible, if any, additional traffic. There will be no additional employees on site due to these structures. The access point for these buildings is from West Street which serves as a secondary arterial roadway in Medway. Thus, there will be no impacts on minor residential streets. No new curb cuts are proposed. There will be no traffic backing up onto public ways. Therefore, the Board finds this criteria is met.*

- (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 site has been used for many years for power generation and transmission facilities. The addition of two equipment shelter facilities as shown on the subject site plan does not depart from the character, materials and scale of buildings*

*scattered throughout the site as viewed from public ways. Therefore, the Board finds this criteria is met.*

- (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.

*At the Board's request, the applicant has added a landscaping plan for the southwest corner of the site where Main and West Streets converge. This will provide an aesthetic improvement. Therefore, the Board finds this criteria is met.*

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

*The new equipment storage buildings are accessible from three sides (of which 2 have large door openings). The Fire Chief had no suggestions for changes. Therefore, the Board finds this criteria is met.*

- (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 environmental impacts of the project are minimal. The stormwater management system has been reviewed and approved by the Town's Consulting Engineer. Therefore, the Board finds this criteria is met.*

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

*The site is not open to the public. The only vehicular traffic related to these buildings will be for equipment maintenance/repair. The Public Safety Officer and the Town's Consulting Engineer and Consulting Planner had no suggestions for changes. Therefore, the Board finds this criteria is met.*

- (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?

*Due to the nature of the long-standing existing uses, much of the site is already disturbed. The planned equipment storage buildings are located outside the jurisdiction of the Conservation Commission. There are no visually prominent natural and historic features on site to incorporate. Therefore, the Board finds this criteria is met.*

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

*The site plan proposes only two wallpack type light fixtures on each building above the access doors which represent the minimum needed for safety and security purposes. The photometric plan indicates that the lighting will meet the Town's standards. The Station 65 control building is sited approximately 150 from the nearest public way. The Station 446 control building is sited approximately 250 feet from the nearest public way. Thus the lights are not anticipated to impact adjoining properties or generate glare or light trespass across property lines. Therefore, the Board finds this criteria is met.*

- (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.

*Due to the limited scale of this project, the proposed limit of work area is very small. No sensitive environmental or cultural resources are impacted. Therefore, the Board finds this criteria is met.*

#### **OTHER FINDINGS**

- (10) The proposed use of the property/building for electric power generation and transmission is an allowed use in the Industrial II zoning district pursuant to the *Medway Zoning Bylaw*.

**VII. WAIVERS** – At its April 12, 2016 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Matthew 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 vote of four in favor and none opposed.

#### **SUBMITTAL REQUIREMENTS/PLAN CONTENTS**

1. **Section 204 – 3.A.7.a. Traffic Impact Assessment** – A traffic impact report is required as part of the Development Impact Assessment.

*The applicant has requested that this requirement be waived as the project's scope is not anticipated to generate new vehicular trips nor does the project propose any new parking spaces. No new employees will be hired as a result of these equipment storage buildings. The preparation of a traffic impact assessment is not expected to reveal any useful information related to the site or the project's impacts. Therefore, the Board APPROVES this waiver.*

2. **Section 204-4 Standards for Site Plan Preparation – C.** Site Sheet sizes shall be twenty-four (24) by thirty-six (36) inches.

*The applicant has asked that this requirement be waived. The site plan set is a compilation of sheets prepared by different engineering firms and some sheets were solely provided at 11" x 17" size. Waiving this requirement will not impact the development at all; requiring compliance will result in additional expense to the applicant without any real public benefit. The Board's Consulting Engineer has determined that the needed information about the project is adequately shown on 11" by 17" plan sheets. The Board has the plans in electronic format so they can be readily enlarged electronically for easier viewing when needed. Therefore, the Board approves this waiver.*

3. **Section 204-5 Site Plan Contents, A – E.** The contents of the site plan shall include a cover sheet, site context sheet, existing conditions sheet including an existing landscape inventory, and other individual sheets for grading, landscaping, signage, lighting, soil erosion, utilities, etc.

*The applicant has requested a waiver from this requirement as the level of detailed information required is excessive and doesn't apply to a project of such a limited scope.*

*However, the information provided by the applicant includes most or all of the required information to include on a cover sheet for the plan set. So, it is not unreasonable for the applicant to prepare a specific cover sheet with the required information which will identify all sheets included in the plan set, provide for a plan endorsement signature box, and list the approved waivers. The applicant has provided a Cover Sheet and has responded to the Board's request for a Landscape Plan to provide screening at the southwest corner of the site where Main and West Streets converge.*

*Therefore, the Board approves this waiver request with the exception of 204-5 A. Cover Sheet and 204-5 E. 7. Landscape Architectural Plan.*

4. **205-2 Design Standards, A – P.** The Planning Board strongly believes that the architectural and design elements which contribute to Medway's unique and rural New England character should be preserved and enhanced. All new structures should not detract from the scale and character that the Town is committed to preserving as reflected in the Medway Master Plan.

*The Design Standards generally apply to new structures undergoing site plan review and specifically the exterior design of buildings. The proposed buildings are to house equipment, will generally not be viewed by the public, and are completely utilitarian in nature. Therefore, the Board approves this waiver request.*

## **VIII. SPECIFIC CONDITIONS**

- A. Prior to endorsement, the Cover Page of the site plan set dated 3-21-16 shall be further revised to list the approved Requests for Waivers from the *Site Plan Rules*

and Regulations that the applicant submitted to the Planning and Economic Development Board for review and action.

- B. The applicant or its representative shall provide test pit data and a soil evaluation of the stormwater detention areas once construction commences. This is required for them to confirm NRCS soil types used in the stormwater report.

## IX. GENERAL CONDITIONS OF APPROVAL

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

- C. **Other Town Permits** - The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.
- D. **Construction Inspection** - Planning and Economic Development Board members, its staff and consultants, and 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.
- E. **Plan Modification**
1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as site plan modifications.
  2. Any work that deviates from an approved site plan shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Planning and Economic Development Board.



3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

F. ***Plan Compliance***

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

G. ***Project Completion/Performance Security***

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

the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate** of Site Plan Completion, the applicant shall:

- a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
- b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.

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

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

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

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

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