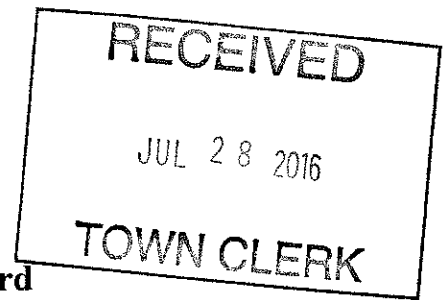


TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053



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

July 26, 2016

SITE PLAN DECISION
Exelon West Medway Expansion
34 West Street & 9 Summer Street, 65 Milford Street, 0 Milford Street,
61R Milford Street and 53R Milford Street

APPROVED with Waivers and Conditions

Decision Date: July 26, 2016

Name/Address of Applicant: Exelon West Medway LLC
Exelon West Medway II, LLC
300 Exelon Way
Kennett Square, PA 19348

Name/Address of Property Owner: Exelon West Medway LLC
Exelon West Medway II, LLC
300 Exelon Way
Kennett Square, PA 19348

Engineer: Beals and Thomas, Inc.
144 Turnpike Road
Southborough, MA 01722

Site Plan: *West Medway II Facility*, February 9, 2016, last revised June 17, 2016, prepared by Beals and Thomas, Inc.

Location: 34 West Street, 9 Summer Street, 65 Milford Street, 0 Milford Street, 61R Milford Street and 53R Milford Street

Assessors' Reference: 66-012, 66-013, 56-001, 56-002, 56-003 and 56-004

Zoning District: Agricultural-Residential II and Industrial II

I. PROJECT DESCRIPTION

Exelon West Medway, LLC and Exelon West Medway II, LLC (the “Applicant” or “Exelon”) has sought major site plan approval to construct a new fast-starting peak facility with associated infrastructure and site improvements at Exelon West Medway, LLC’s existing power generation facility (the “Project”) at 34 West Street, 9 Summer Street, 65 Milford Street, 0 Milford Street, 61R Milford Street and 53R Milford Street in Medway, MA, (Parcels 66-012, 66-013, 56-001, 56-002, 56-003 and 56-004) (the “Property”).

34

For purposes of this Decision, the term “Applicant” shall also mean any assignees of and successors to the Applicant.

The Project includes the construction of two 100-megawatt (MW) turbines (200 MW total) and associated appurtenances including two 160-foot tall stacks; advanced emissions control equipment, natural gas compressors; a trailer mounted demineralizer system; aboveground storage tanks for ultra-low sulfur diesel oil (ULSD) (1 million gallons), service water (500,000 gallons), demineralized water (450,000 gallons) and a fully diked aqueous ammonia storage tank (12,000 gallons) including unloading areas; transformers and electrical interconnection facilities; a 236’ by 66’ administration and warehouse building; and a perimeter access road (the “Facility”). The Facility will be constructed on approximately 13 acres of the 94-acre Property to the south of the existing three-turbine 135 MW power plant at 9 Summer Street and 34 West Street owned by the Applicant. The installation of a new, approximately 3,000 linear foot gas pipeline, a 14-foot by 15-foot building to contain gas flow control and metering equipment, and a 12-foot by 16-foot building to contain gas monitoring and analysis equipment will be located on the abutting land owned by Eversource. The Facility will run on natural gas using ULSD as a limited source of back-up fuel. The Project will interconnect with the abutting Eversource switchyard by an approximately 1200 linear foot overhead circuit line. The resultant energy will be distributed to the Southeast Massachusetts/Rhode Island ISO area. The Facility will include a 55-foot high sound wall around the power block, a 25-foot high sound wall around the gas compressors and potentially a 20-foot high sound wall along the property line between the Property and 5 Summer Street. Primary site access/egress is to be provided by the existing curb cut on Summer Street and access to the Facility will be controlled via a motorized security gate. Emergency access is being provided via an existing curb cut off of West Street. In addition, the Project plans include the construction/installation of stormwater management facilities, extensive landscaping, lighting and parking areas.

II. BACKGROUND

On March 13, 2015, pursuant to G.L. c. 164, § 69J¼, Exelon filed with the Massachusetts Energy Facilities Siting Board (“Siting Board” or “EFSB”) a Petition to Construct and on March 19, 2015, pursuant to G.L. c. 40A, § 3, Exelon filed with the Department of Public Utilities (“Department” or “DPU”) a petition for certain exemptions from the Zoning Bylaw of the Town of Medway (“Zoning Bylaw”) (“Zoning Exemption Petition”). Specifically, Exelon requested exemptions from provisions of the Zoning Bylaw to allow for the construction of the Facility’s exhaust stacks, which are needed to meet state and federal air quality standards, and two sound walls, which are needed to meet state and local noise requirements. A decision on both the Petition to Construct and Zoning Exemption is expected from the EFSB in the near future.

On April 30, 2015, Exelon filed an Environmental Notification Form (“ENF”) with the office of the Massachusetts Environmental Policy Act (“MEPA”). Comments were submitted and on June 19, 2015, the Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form was filed. On September 30, 2015, a Draft Environmental Impact Report (“DEIR”) was filed and comments were submitted. On November 13, 2015, a Certificate of the Secretary of Energy and Environmental Affairs on the Exelon’s DEIR was filed. Finally, on February 1, 2016 a Final Environmental Impact Report (“FEIR”) was filed and a certificate was issued on March 18, 2016 by the Secretary of Energy and Environmental Affairs finding that all feasible measures have been taken to avoid or minimize impacts to the environment by the Project.

On August 24, 2015, Exelon filed air permit applications consisting of a Prevention of Significant Deterioration Permit Application and Major Comprehensive Plan Approval Application which are currently under review by the Massachusetts Department of Environmental Protection (“MassDEP”).

On April 25, 2016, Exelon filed a Notice of Intent (“NOI”) with the Medway Conservation Commission in accordance with both the Massachusetts Wetland Protection Act (M.G.L. c. 131, §40) and the Town of Medway Wetlands Protection Bylaw. Activities subject to the Commission’s jurisdiction are limited to alteration of bordering vegetated wetlands (“BVW”) (conversion of forested wetland to shrub wetland) and Riverfront Area (“RFA”) (2.7% of on-site RFA), trenching and backfilling 140 square feet of BVW to install a 10 linear section of gas pipeline, temporary alteration to isolated vegetated wetlands (“IVW”) and buffer zones during construction and minor filling of BVW for the electrical interconnection. To mitigate for the minor loss of BVW, Exelon proposed an on-site replication area with greater than a 1:1 ratio of replication. On July 14, 2016, the Medway Conservation Commission voted to issue an Order of Conditions for the Project.

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 26, 2016, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, **voted to APPROVE** with **WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of a dual-fuel, simple-cycle, quick-start peaking power plant capable of generating 200 megawatts along with associated site improvements, drainage, parking and landscaping on a 13 acre portion of the Property as shown on *West Medway II Facility*, February 9, 2016, last revised June 17, 2016 to be further revised as specified herein.

The vote was approved by a vote of four in favor and zero opposed.

NOTE – Member Thomas A. Gay recused himself from all hearings.

NOTE – Chairman Andy Rodenhiser was absent from the May 3, 2016 public hearing but provided a certification pursuant to General Laws chapter 39, §23D which was entered into the record during the July 26, 2016 public hearing.

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

IV. PROCEDURAL HISTORY

- A. April 7, 2015 – Applicant and development team met with Medway department heads and officials for an informal, pre-application discussion.
- B. February 9, 2016 – Site plan application and associated materials filed with the Medway Planning & Economic Development Board (“PEDB” or the “Board”) and the Medway Town Clerk
- C. February 17, 2016 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. February 24, 2016 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- E. February 24, 2016 – The Applicant, its engineers and attorney met with Medway’s Internal Development Review Team.
- F. February 26, 2016 - Public hearing notice mailed to abutters by certified sent mail
- G. March 7, 2016 – The Applicant and members of its development team met with the Design Review committee as referred by the Planning and Economic Development Board. Additional meetings were held with the Design Review Committee on April 4, 2016, May 25, 2016, June 6, 2016, and June 27, 2016.
- H. March 8 and March 14, 2016 - Public hearing notice advertised in *Milford Daily News*.
- I. March 22, 2016 - Public hearing was opened and continued to April 26 (no quorum present), May 3, May 10, May 24, June 14, June 28, July 12 and July 26, 2016 when a decision was rendered and the hearing was closed.
- J. May 3, 2016 - Board voted to approve the Applicant’s request to extend the action deadline to July 9, 2016.
- K. June 28, 2016 – Board voted to approve Applicant’s request to extend the action deadline to July 29, 2016.

All members voting on this decision were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D. All matters of record were available for public review in the office of the Planning and Economic Development Board for all times relevant thereto.

V. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the proposed Exelon expansion 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 in February 2016.
 - 1. Site Plan Application dated February 9, 2016 with Project Narrative and Development Impact Statement, property ownership documentation, and certified abutters’ lists from the Town of Medway and the Town of Bellingham.

2. *West Medway II Facility, 9 Summer Street (site plan)* dated February 9, 2016 prepared by Beals and Thomas of Southborough, MA
 3. *Stormwater Management Report for West Medway II, 9 Summer Street, Medway, MA* including an operations and maintenance plan, dated February 9, 2016 prepared by Beals and Thomas
 4. *Traffic Information Report* compiled by MDM Transportation Consultants, Inc. and Epsilon Associates
 5. *Requests for Waivers from the Medway Site Plan Rules and Regulations*, dated February 9, 2016 prepared by Beals and Thomas
 6. *Final Environmental Impact Report, West Medway II*, dated February 1, 2016, prepared by Epsilon Associates of Maynard, MA
 7. Permit Approvals Received to Date:
 - a) Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form, dated June 19, 2015
 - b) Order of Resource Area Delineation, Medway Conservation Commission, dated September 10, 2015
 - c) Certificate of the Secretary of Energy and Environmental Affairs on the Draft Environmental Impact Report, dated November 13, 2015.
- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant and its representatives:
1. Letter dated April 25, 2016 from Theresa M. Feuersanger, Eversource Energy, with authorization for Exelon to operate in the Eversource easement area on the subject property and her signature on the site plan application.
 2. *Stormwater Management Report for West Medway II, 9 Summer Street, Medway, MA* including an operations and maintenance plan, prepared by Beals and Thomas, dated February 9, 2016 and UPDATED April 20, 2016
 3. Letter dated April 21, 2015 from Eric Las of Beals and Thomas re: submittal of revised site plan.
 4. *West Medway II Facility, 9 Summer Street (site plan)* dated February 9, 2016 prepared by Beals and Thomas of Southborough, MA, REVISED April 21, 2016
 5. *West Medway II Facility, 9 Summer Street (site plan)* dated February 9, 2016 prepared by Beals and Thomas of Southborough, MA, REVISED June 17, 2016
 6. *Water Supply & Demand Assessment in Relation to Exelon Power "West Medway II" project for Town of Medway, MA*, dated October 5, 2015 prepared by Kleinfelder of Cambridge, MA
 7. Letter dated May 23, 2016 from Eric Las of Beals and Thomas in response to the May 18, 2016 memorandum from the Design Review Committee to the Planning and Economic Development Board
 8. Email dated June 6, 2016 from Eric Las of Beals and Thomas with photo renderings showing several color schemes for the Exelon buildings, noise wall and tanks.
 9. Letter dated June 17, 2016 from Eric Las of Beals and Thomas in response to PGC Associates March 17, 2016 review letter and BETA Group's May 8, 2016 review letter.

10. Email dated June 20, 2016 from Eric Las of Beals and Thomas providing documents from OHI Engineering, Inc. of Mansfield, MA pertaining to a Utility – Related Abatement Measure (URAM) on the Exelon property – Letter and URAM Plan dated June 17, 2016
 11. Letter dated June 14, 2016 from Amy Kwesell of Rubin and Rudman
 12. Letter dated June 28, 2016 from Amy Kwesell of Rubin and Rudman in response to the DRC review memo dated June 28, 2016.
 13. Supplemental Requests for Waivers of the *Medway Site Plan Rules and Regulations*, prepared by Beals and Thomas dated July 7, 2016
 14. Letter dated July 12, 2016 from Eric Las of Beals and Thomas in response to PGC Associates July 1, 2016 review letter and BETA Group's July 6, 2016 review letter of the revised Exelon site plan.
 15. Stormwater Management Report Addendum – Natural Gas Service Lateral Metering Facility, dated June 17, 2016
 16. Restoration and Vegetation Management Plan – Gas Pipeline Interconnection Crossing for Notice of Intent, dated June 2016, prepared by Beals and Thomas
 17. Riverfront Restoration and Vegetation Management Plan – Summer Street Access Drive for Notice of Intent, dated June 2016, prepared by Beals and Thomas
 18. Email dated July 13, 2016 from Eric Las of Beals and Thomas re: Traffic Management Plan.
- C. Review Letters provided by the Board's consultants
1. Gino Carlucci, PGC Associates - Site plan review letter dated March 17, 2016 re: February 9, 2016 site plan
 2. Gino Carlucci, PGC Associates – Site plan review letter dated July 1, 2016 re: REVISED site plan dated June 17, 2016
 3. Greg Lucas, BETA Group – Traffic study review letter dated April 20, 2016
 4. Andrew Ogilvie, BETA Group – Site plan review letter dated May 18, 2016 re: February 9, 2016 site plan
 5. Andrew Ogilvie, BETA Group – Site plan review letter dated July 6, 2016 re: REVISED site plan dated June 17, 2016
 6. Andrew Ogilvie, BETA Group – Email dated July 25, 2016 re: draft decision
 7. James Barnes, Acentech – Sound analysis review letter dated July 26, 2016
- D. Documentation provided by Town staff and boards
1. James Barnes, Acentech – Sound analysis review letter dated October 13, 2015 for the Medway Board of Selectmen
 2. Host Community Agreement dated October 22, 2015 between the Town of Medway and Exelon West Medway II, LLC
 3. DRC Review Letter dated June 27, 2016
 4. Updated DRC Review Letter dated July 12, 2016
 5. Letter dated June 8, 2016 from Marielle Stone, Massachusetts Department of Environmental Protection to the Medway Board of Health re: on-site wells for Exelon
 6. Medway Conservation Commission Order of Conditions dated July 14, 2016.
 7. Letter from Fire Chief Jeff Lynch dated July 12, 2016.
 8. Letter from Police Sergeant Jeff Watson dated July 25, 2016.

- VI. 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:

Professional/Consultants' Testimony during the Public Hearings:

Gino Carlucci, AICP, PGC Associates, Town of Medway Consulting Planner
Andrew Ogilvie, BETA Group, Town of Medway Engineering Consultant
Greg Lucas, Senior Traffic Engineer, BETA Group
James D. Barnes, Acentech, Town's noise consultant
Eric Las, PE, Beals and Thomas, engineer for the Applicant
Amy Kwesell, Rubin and Rudman, LLP, attorney for the Applicant
Tammy D. Sanford, Project Development Manager at Exelon Generation
Robert Tynan, Project Director at Exelon Generation
Robert O'Neal, Epsilon Associates, Inc., Applicant's noise consultant
Robert J. Michaud, MDM Transportation Consultants, Inc., Applicant's traffic engineer
Dr. Peter A. Valberg, Gradient, Applicant's consultant on electric and magnetic fields ("EMF")
James Borrebach, OHI Engineering, Inc., Applicant's Licensed Site Professional ("LSP")

Citizen and Abutter Testimony at Public Hearings:

Adam Houser, 14 Little Tree Road
Sue Rorke, 34 Ellis Street
Brian Adams, 2 Milford Street
William McDermotte, 39 Populatic Street
Douglas Sibley, 403 Village Street
Joseph Palladino, 8 Old Summer Street
Jay Srinivasan, 5 Fox Run Road
Charlie Myers, 9 Curtis Lane
Dave Blackwell, 2 Milford Street
Richard Blethen, 411 Village Street

Other Testimony at Public Hearings

Matt Buckley – Chairman, Town of Medway Design Review Committee
Jeff Lynch – Town of Medway Fire Chief
Thomas Holder - Director, Town of Medway Department of Public Services
Susan Affleck-Childs – Town of Medway Planning and Economic Development Coordinator
Jeff Watson - Safety Officer, Town of Medway Police Department
Michael Boynton - Town Administrator, Town of Medway
John Foresto, Chairman, Town of Medway Board of Selectmen

Written Communications from Abutters/Residents

Letter dated March 3, 2016 from attorney Barry Queen on behalf of owner of 33 West ST
Email communication dated March 23, 2016 from resident Adam Houser

- VII. 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 Planning and Economic Development Board, at its meeting on July 26, 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 the Exelon expansion Project. The motion was approved by a vote of three in favor (Rodenhiser, Hayes and Di Iulio), none opposed and one abstention (Tucker).

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?

The internal circulation is adequate for employees and deliveries. There is no public access to the site. The Applicant has presented that in an unlikely and worst case scenario, the Facility will accept fuel deliveries 22 hours per day with no fuel deliveries during the roadway peak hours. Under this worst case operational scenario with both the existing and proposed facilities experiencing peak operating conditions, the Site would generate 8 truck trips per hour (4 entering and 4 exiting trips) and approximately 176 truck trips per day (approximately 88 entering and 88 exiting). This anticipates that six trucks per hour would be delivering fuel to both the existing station and the new Facility. The primary fuel truck staging area has been identified along the on-site roadway and the potential truck staging areas can accommodate 6 fuel oil delivery trucks in the primary staging area and up to an additional 13 trucks in the overflow staging area. Access to the site is via Route 126/Summer Street, a state highway. There will be no vehicles, including delivery trucks, backing up onto a public way. The on-site circulation, including fueling stations, have been reviewed by the Town's consulting engineer, the Police Safety Officer and the Fire Chief and no issues have been identified.

- (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 Facility is an expansion of existing peak power generating facilities already on site. The size of the structures associated with the Facility are in scale with other industrial structures in the Industrial II zoning district. The design of the Facility went through several review sessions with the Design Review Committee and many of its recommendations were incorporated into the revised design of the landscaping and screening proposed for the water tanks, administration building, 55-foot sound wall, 20-foot sound wall and stacks. The landscaping has been designed specifically to screen the Facility. Building, sound wall and tank colors were chosen to blend into the natural features of the area to the extent feasible. Therefore, the Board finds this criterion 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.

This Project is an expansion of an existing power plant and is integrated with the existing facility by sharing an internal driveway off of Summer Street. The proposed location of the Facility on the property is, in large part, due to the site's existing wetland areas and utility easements. The photorealistic renderings demonstrate that the Project will be visible only from limited vantage points on public ways. The proposed landscaping has been designed to maintain a naturalistic appearance, with minimized tree clearing along property boundaries to screen the proposed Facility from the abutting properties to the maximum extent practicable. The Project plan also includes a landscaped berm and fencing is to provide a substantial buffer between the residentially zoned and used property to the southeast and south to reduce the visible impact of the Project. Parking areas are away from the street. The Board finds that the buildings, uses and site amenities are properly located to reduce visible intrusion. Therefore, the Board finds this criterion is met.

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

Access to the Facility and its equipment is provided by a 24-foot wide perimeter access road with sufficient width for fire and safety vehicle access. There is also a 12-foot wide gravel emergency access road connecting to West Street. The Fire Chief has reviewed and approved the plans. Therefore, the Board finds this criterion 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 project is an expansion of an existing developed site so environmental impacts are minimal. The volume of cuts and fills is minimized. Trees that will be removed will be replaced according to the landscape plan and the landscaping has been designed with native vegetation to reduce the visual prominence of man-made elements and buildings on the site. The existing stone wall will be dismantled and the stones preserved to be re-used on-site. The drainage plan complies with Massachusetts Stormwater Guidelines and has been reviewed by the Town's Consulting Engineer and Department of Public Services. An erosion control plan will minimize soil pollution and erosion during construction. The

Project is subject to noise requirements set by MassDEP. The Applicant has demonstrated that its noise modeling is accurate and conservative and that by implementing the maximum amount of mitigation measures possible, any noise impacts are minimized. The noise modeling has been reviewed by the Town's noise consultant. The Project meets the requirement of the MassDEP Noise Policy, DAQC 90-001 ("MassDEP Noise Policy) which limits a source to a 10 dBA increase over the ambient sound measured at the property line and at the nearest inhabited residence, as well as prohibiting a "pure tone" condition. Further, the Project meets the noise section of the Town of Medway Zoning Bylaw, Section 5(B)(2)(b). Therefore, the Board finds this criterion has been met.

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

The plan has been reviewed by Town Public Safety Officials as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Walkways are provided within the site. Parking is provided adjacent to walkways across the front and rear of the administration building. There is no public access to the site. Therefore, the Board finds this criterion 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?

As an existing industrial developed site, there are no visually prominent natural features on the site. There is an existing fieldstone wall on the site and the Applicant has agreed to preserve the stones for future reuse on site. Therefore, the Boards finds this criterion is met.

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

The lighting plan complies with the Design Review Guidelines and consists of the minimum lighting necessary for safety and security. The lighting plan incorporates LED fixtures provided around all structures and access ways with no fixture over 20 feet in height. Additionally, all fixtures are Dark-Skies compliant and light spill will not exceed 0.01 foot-candles at neighboring residential property lines. There will be no off-site glare from the site and the lighting will comply with the lighting section of the Zoning Bylaw. Therefore, the Board finds this criterion 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.

The Project is subject to numerous state and federal environmental regulations and oversight. The limit of work is reasonable and as an expansion project, the site plan will not cause substantial damage to the environment. Reasonable

measures are included to minimize any impacts. Therefore, the Board finds this criterion is met.

Other Findings - The Applicant has entered into a Host Community Agreement (HCA) with the Town. The HCA provides for the following:

1. Pursuant to the HCA, paragraph 6(A)(1), the Applicant has agreed to pay to the Town each year of the Term of the HCA the sum of fifteen thousand dollars (\$15,000) for the purpose of providing fire, emergency management services, police and first responder training on responses to the Facility and adjoining parcels.
2. Pursuant to the HCA, paragraph 6(A)(2) and (3), as mitigation for the storage of fuel oil at the Property, the Applicant shall provide the Town the sum of six hundred and fifty thousand dollars (\$650,000) for the purchase, acquisition, and equipping of a foam and structural firefighting appliance vehicle as well as the training of personnel thereon. Additionally, the Applicant has paid the Town with funds up to \$100,000 to purchase a dry-chemical firefighting vehicle.
3. Pursuant to the HCA, paragraph 6(A)(4), the Applicant has paid the Town with fifty thousand dollars (\$50,000) to assist with emergency management and preparedness.
4. Pursuant to the HCA, paragraph 6(D), the Applicant has agree to a Property Value Security Fund which will provide security in the event that a party that is the owner of a residential property located within three hundred (300) feet of the boundaries of the Site prior to the date that the EFSB approves construction of the Project (an "Abutter") experiences a material reduction in the value of their home directly attributable to the Facility and can reasonably demonstrate such reduction pursuant to the provisions of the HCA, Exelon shall compensate such Abutter in the amount of the diminution in property value, up to a maximum of twenty-five thousand dollars (\$25,000) per property.
5. Pursuant to the HCA, paragraph 6(F), the Applicant has agreed to set up an Energy Conservation Awareness Fund whereby the Applicant shall contribute a sum of twenty thousand dollars (\$20,000) to the Town for each year of the Term of the HCA. Such funds may be utilized by the Medway Public Schools, the Medway Energy Committee, and the Town, for purposes related to energy conservation awareness, including, but not limited to, public awareness and education, energy efficiency expenses and programs, energy grants and support for Medway's activities as a "Green Community" approved by the Massachusetts Department of Energy Resources.

VIII. WAIVERS – At its July 12, 2016 meeting, the Planning and Economic Development Board, voted to approve waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002* and a waiver from the *Medway Zoning Bylaw* as specifically authorized in Section 7.1.1 I. 1. therein. 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.

SITE PLAN RULES AND REGULATIONS - SUBMITTAL REQUIREMENTS/ PLAN CONTENTS

1. **Section 204-4. B. Standards for Site Plan Preparation** – The site plan shall be drawn at a scale of 1" = 40' or such other scale that has been approved in advance by the Planning Board and that clearly and adequately represents the proposed improvements

EXPLANATION - The Applicant has requested a waiver from this requirement and instead has provided the site plan at a scale of 1" = 60'. The proposed facility is located on 13 acres of the 94 acre site. A scale of 1" = 60' will allow the entire development site to fit onto one plan sheet. This will facilitate review by the Board and its consultants and result in a more efficient and straight-forward review process. This scale will also make it easier for citizens and residents to review the site plan posted online.

BOARD ACTION – On a motion made by Robert Tucker and seconded by Matthew Hayes, the Board voted four in favor and none opposed to approve the waiver.

2. **Section 204-5 C. 3. Existing Landscape Inventory** - An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one foot or greater at four feet above grade.

EXPLANATION - The Applicant has requested a waiver from this requirement as a complete inventory of the site's existing landscape is not warranted. The Applicant has identified 21 evergreen and 87 deciduous trees with a 10 inch or greater diameter at breast height (DBH) that would be removed as a result of the Project. Given the 13 acre size of the proposed Project, the extent of proposed tree clearing is extremely limited. Accordingly, a full Existing Landscape Inventory will provide limited additional information to the Board.

The Applicant proposes a robust landscaping plan and has worked with the Design Review Committee to increase the number of proposed trees and shrubs in the landscaping plan from 265 to a total of 285, and increase the height of many plantings.

Further, the Town's peer review consultant, BETA Group Inc., indicated in a letter dated June 7, 2016 that they would take no exception to a waiver from this requirement

BOARD ACTION – On a motion made by Richard Di Iulio and seconded by Matthew Hayes, the Board voted four in favor and none opposed to approve the waiver.

SITE PLAN RULES AND REGULATIONS - DEVELOPMENT STANDARDS

3. **Section 205-6 (H) Curbing** – The perimeter of parking areas shall be bounded with vertical granite curb or similar edge treatment.

EXPLANATION – The Applicant has requested a waiver from this requirement and instead proposes to use bituminous concrete for the curbing. Bituminous concrete is appropriate for the proposed parking lot, as the Project is located on a private site within an industrial zone that will have gated access and is not open to the public. Furthermore, the proposed parking area will not be visible from a public way.

BOARD ACTION – On a motion made by Richard Di Iluio and seconded by Matthew Hayes, the Board voted four in favor and none opposed to approve the waiver.

4. **Section 205-9 F. Tree Replacement** – The total diameter of all trees over 10 inches in diameter removed from the site shall be replaced (on or off-site) on a 1:1 basis with trees that equal the total breast height diameter of the removed trees.

EXPLANATION - The Applicant has requested a waiver from this requirement and instead has provided a more limited but nonetheless robust landscape plan that will provide substantial screening of the proposed facility. The proposed landscaping plan includes the planting of 148 new trees and 137 shrubs. The proposed landscaping consists of native vegetation and has been designed to maintain a naturalistic appearance, with minimized tree clearing along property boundaries to screen the proposed Facility to the maximum extent practicable. To screen the proposed Facility as viewed from West Street, the proposed landscaping plan includes fourteen white pine trees in the 6-foot to 7-foot height range and thirteen larger white pine trees in the 10-foot to 12-foot range. Additionally, the area will be planted with other evergreen trees including spruce and cedar trees in the 6-foot to 7-foot height range, along with deciduous and flowering trees to provide a variety of species in an effort to create a more natural landscape. A total of approximately fifty additional trees are proposed in the area that will be used for temporary construction parking along West Street (and are subject to agreement by Eversource, which possesses an easement over this area). While this area is within the Eversource easement area, Exelon has agreed to consult with Eversource regarding this additional vegetative screening. As explained at the public hearing, further screening along West Street is limited due to the presence of overhead wires and associated wire zones related to the existing switchyard.

BOARD ACTION – On a motion made by Robert Tucker and seconded by Matthew Hayes, the Board voted four in favor and none opposed to approve the waiver.

ZONING BYLAW

5. **Section 7.1.1 I. 1. Bicycle Spaces** – The minimum required number of bicycle spaces shall be one per twenty motor vehicle spaces *unless waived during Site Plan Review*.

EXPLANATION – The Applicant has requested a waiver from this provision. Due to safety and security concerns, the Applicant does not allow bicycles on the Property.

BOARD ACTION – At its July 12, 2016 meeting, on a motion made by Matthew Hayes and seconded by Robert Tucker, the Board voted four in favor and none opposed to grant the waiver as authorized by the *Medway Zoning Bylaw*.

IX. SPECIFIC CONDITIONS - The *Specific 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.

- A. **Plan Endorsement** – Unless this *Decision* is appealed, within sixty days after the Board has filed its *Decision* with the Town Clerk, the site plan set for West Medway Exelon II facility dated February 9, 2016, last revised June 17, 2016, prepared by Beals and Thomas shall be further revised to reflect all Conditions and required revisions, including those as follows, and shall be 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*). Upon approval, the Applicant shall provide the revised Plan set 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 June 17, 2016 site plan set shall be revised as follows:
 - 1. The cover sheet shall prominently display a final plan revision date.
 - 2. All approved waivers shall be listed on the cover sheet of the plan presented for endorsement.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the June 17, 2016 Site Plan set.
 - 1. Revise the site plan notes to indicate that any barbed wire on top of the black chain link fencing shall also be black.
 - 2. The existing stone wall will be dismantled and the stones preserved to be re-used on-site. A new stone wall is to be shown on the Site Plan within the Eversource easement area south of the proposed interconnection area and southwest of the termination of the proposed berm and labeled "proposed stone wall, subject to approval and permission from Eversource." Additionally a stone wall is to be shown on the Site Plan in the vicinity of the Summer Street entrance outside of any wetland buffer zone and labeled "alternative or additional location for proposed stone wall."
- D. **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.

E. ***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*** – In compliance with the Host Community Agreement, paragraph 12, the Applicant's activities related to construction of the Facility that generate significant noise levels shall be limited to the hours between 8:00 a.m. and 4:00 p.m. Monday through Friday and Saturday between 9:00 am and 3:00 pm, except as may otherwise be approved by the Town and with the exception of work that necessarily has a longer required continuous duration than normal construction hours allow, such as a concrete pour. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings. Pursuant to the requirement in the Host Community Agreement (paragraph 12 A.) for the Applicant to prepare a Construction Management Plan, the Construction Management Plan shall also define "significant noise levels" and include provisions for what construction activity will be allowed to occur on site between 6:00 am and 8:00 am.
2. 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.
3. 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 hours of its occurrence.
4. 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.
5. 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.

6. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, paragraph 2. b).

F. ***Construction Traffic Management***

1. Pursuant to the Host Community Agreement, the Applicant shall develop a Traffic Management Plan with Medway Town officials including but not limited to the Medway Fire Chief, Medway Police Safety Officer, Medway Town Administrator and Town of Medway Consulting Engineer. The Traffic Management Plan shall include provisions for wayfinding signage and the on-site 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. The Traffic Management Plan shall also provide for the Applicant to take temporary measures to address the potential safety hazard from the utility pole in the center of the intersection of West and Beech Streets. Such measures may include jersey barriers and/or pavement markings to protect the utility pole during the construction period. The Board and the Town's Consulting Engineer shall review the Traffic Management Plan and all utility pole protection measures which shall be approved by the appropriate Town officials.
2. All construction and operations-related heavy truck traffic shall only access the Facility via Hartford Avenue in Bellingham to Summer Street in Medway, unless otherwise identified in the Traffic Management Plan which shall be subject to the approval of the Town's Chief of Police.
3. Medway police details will be utilized as may be required or directed by the Town during construction and operation of the Facility to ensure the safety of the surrounding area at Summer Street.
4. During construction, any deviations from this Traffic Management Plan must be submitted for approval to the Medway Chief of Police for his approval, not to be unreasonably withheld.

G. ***Fuel Deliveries***

1. The Applicant shall not schedule fuel deliveries during morning (7:00 am to 8:00 am) and evening (5:00 pm to 6:00 pm) rush hours unless the Host Community Agreement is amended to allow otherwise.
2. Fuel trucks shall access the Facility only via Hartford Avenue in Bellingham to Summer Street in Medway.

H. ***Site Lighting***

1. Lighting shall not exceed the maximum allowed as specified in SECTION V. USE REGULATIONS of the Medway Zoning Bylaw, Sub-Section B. Area Standards, paragraph 7 Exterior Lighting.

2. The standing light poles shall be painted black and the wall mounted lights on the 55-foot sound wall shall be painted white consistent with the approved lighting plan, Sheets C7.1 and C7.2.
 3. The Applicant shall notify the Board upon completion of the site lighting installation. After said notification, the Board shall have one year to review illumination. During this review period, the Board reserves the right to require adjustment of the number and/or intensity of the exterior light fixtures if it determines that spill-over onto adjacent properties is occurring.
- I. **Fencing** – The fencing shall be black vinyl (or other coating) chain link (including the barbed wire on the top of the fencing) at the project entrance and along abutting residences and standard galvanized diamond mesh elsewhere, as shown on the approved plan, Sheet C3.1.
- J. **Exterior colors**
1. The 20-foot L-shaped sound wall located on the Property line of 5 Summer Street, the 55-foot sound wall surrounding the power block and the 25-foot sound wall surrounding the gas compressors shall be painted Luna (TCI, 9416-9503M).
 2. The water tanks shall be painted Federal Standard 10219 (R=146, G=121, B=103).
 3. The administration building walls shall be painted Federal Standard 10059 (R=94, G=80, B=76) and the roof of the administration building shall be off-white in color to provide a high albedo surface that will reduce summertime energy needs for building cooling systems.
 4. The two stacks shall be painted ASA-70 Grey.
- K. **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 one year 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.

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 Zoning Bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 96 hours after the conclusion of the storm event.

M. Construction Oversight

1. Construction Account
 - a) Inspection of stormwater infrastructure, roadway and utility construction, installation of site amenities including landscaping by the Town's engineering consultant and the review of legal documents pertaining by performance security 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. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site for compliance with the endorsed site plan and the provisions of this Decision only after notice and clearance by Facility personnel and after complying with all Facility safety protocols.
3. 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.

4. The Applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the site work shown on the approved plan. 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 five days of inspection.

X. GENERAL CONDITIONS OF APPROVAL - The *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.

A. **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 Applicant or its contractor or assigns shall obtain, pay and comply with all other required Town permits.

B. **Plan Modification**

1. This 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, commissions or departments shall be submitted to the Planning and Economic Development Board for review as site plan modifications.
2. If any state or federal permit or approval is in conflict with this Decision or requires changes to the approved plan herein, the Applicant is required to notify the Board to determine if a modification is needed to the endorsed Site Plan and/or the Decision.
3. If there is any conflict or discrepancy between this Decision and the Host Community Agreement dated October 13, 2015 (the "HCA") between the Town and the Applicant, the Applicant is required to notify the Board to determine if a modification is needed to the endorsed Site Plan and/or the Decision.
4. 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.
5. 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.

C. 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) may use all legal options available to it, including referring any violation to the Inspector of Buildings/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. This Decision, including the Conditions of Approval, is enforceable under Section 3.1. F. of the *Medway Zoning Bylaw* and violations or non-compliance are subject to the appropriate fine or other penalty.

D. Performance Security

1. No occupancy permit 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 site work.
2. If performance security is required pursuant to X. D. 1 herein, 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 may require 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 work including installation of stormwater management facilities and utilities, landscaping, fencing 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. This provision does not apply to the power generation equipment including but not limited to two simple-cycle GE LMS100 combustion turbine generators ("CTGs"), pollution control equipment including Selective Catalytic Reduction ("SCR") and CO oxidation catalyst in modules downstream of each CTG, two 160-foot tall stacks, the natural

gas compressors, aboveground storage tanks for ULSD, water, demineralized water and aqueous ammonia, transformers and generators.

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 site 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.

E. ***Project Completion***

1. Site plan approval shall lapse after one year of the grant thereof if construction has not commenced except for good cause. Approved site plans shall be completed by the Applicant within two years of the date of plan endorsement. The pendency of a required permit or approval for the Project or an appeal of any of the required permits or approvals for the Project will toll the aforementioned time periods. Upon receipt of a written request by the Applicant filed at least thirty 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.
 - c) Be current with the Town of Medway for any taxes/fees associated with these parcels or other property owned by the Applicant in the Town of Medway.
- F. **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.
- G. **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 unless waivers were granted by the Board.


XI. APPEAL – Appeals if any, from this Decision shall be made to the court within twenty days of the date the Decision is filed with the Town Clerk as provided in General Laws chapter 40A, §17. After the appeal period has expired, the Applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.

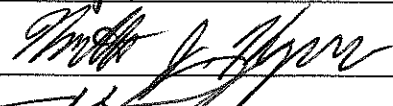
**Medway Planning and Economic Development Board
SITE PLAN DECISION
Exelon West Medway II – 34 West Street and 9 Summer Street**

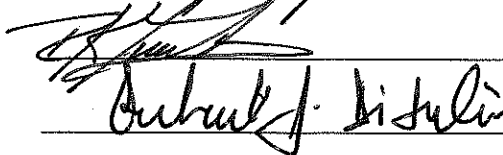
Approved by the Medway Planning & Economic Development Board: July 26, 2016

AYE:

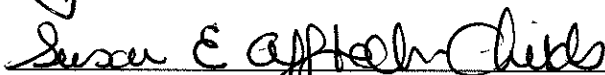
NAY:







ATTEST:



Susan E. Affleck-Chiodo
Planning & Economic Development Coordinator

July 26, 2016
Date

COPIES TO: Michael Boynton, Town Administrator
Michelle Grenier, Interim Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Tom Holder, Department of Public Services
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Safety Officer
Tammy Sanford, Exelon
Amy Kwesell, Rubin and Rudman
Eric Las, Beals and Thomas
Andrew Ogilvie, BETA Group
Gino Carlucci, PGC Associates