

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh*

April 24, 2012

SITE PLAN DECISION
Lawrence Waste Services - 49 Alder Street
Approved with Waivers and Conditions

Decision Date: April 24, 2012

Name/Address of Applicant: East Hill Associates Realty
3 Thayer Street
Framingham, MA 02702

Name/Address of Owner: East Hill Associates Realty
3 Thayer Street
Framingham, MA 02702

Engineer: Guerriere & Halnon, Inc.
P.O. Box 235
Milford, MA 01757

Site Plan Dated: January 17, 2012; last revised March 26, 2012

Location: 49 Alder Street

Assessors' Reference: Map 3: Parcel 41

Zoning District: Industrial III

This Decision includes the following sections:

- I. Project Description
- II. Vote of the Board
- III. Procedural History
- IV. Index of Site Plan documents
- V. Testimony
- VI. Waivers
- VII. Special Conditions of Approval
- VIII. General Conditions of Approval
- IX. Findings
- X. Appeal

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I. PROJECT DESCRIPTION - The application for site plan approval proposed the following scope of work at 49 Alder Street, a 13.2 acre parcel located on the south side of Alder Street in the Medway 495 Business Park. Portions of the site are in a Wetlands Resource Area and in the Groundwater Protection District.

- A. Construct a new, one-story, 7,400 sq. ft building to be used exclusively by Lawrence Waste Services, a waste and recycling disposal company. The building would include 2,400 sq. ft for office space and 5,000 sq. ft for garage space including 4 service bays. The site is not to be used for the storage of waste, only for the storage of waste dumpsters/containers/compactors.
- B. Extend water and sewer service to the new building.
- C. Construct stormwater management/drainage system to mitigate and treat stormwater flows.
- D. Construct a paved parking area to accommodate 23 vehicles and paved and unpaved areas for storing empty trash dumpsters/containers.
- E. Other site work including driveway, curbing, landscaping, lighting, pathways and sidewalks.

The proposed scope of work constitutes a *Major Site Plan Project* pursuant to the Medway Zoning Bylaw, V. C. 2 and therefore has been subject to *Complete Site Plan Review*.

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 24, 2012, on a motion by Chan Rogers, seconded by Karyl Spiller-Walsh, **voted to grant approval with WAIVERS and CONDITIONS** as specified herein, the site plan application of East Hill Associates Realty of Framingham, MA and the associated site plan documents for new construction, site improvements, drainage, parking and landscaping at 49 Alder Street for Lawrence Waste Services, Inc.

Planning & Economic Development Board Member	Vote
Thomas Gay	YES
Andy Rodenhiser	YES
Chan Rogers	YES
Karyl Spiller-Walsh	YES
Robert Tucker	ABSTAIN q

III. PROCEDURAL HISTORY

- A. January 31, 2012 - Site plan application filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. February 7, 2012 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site
- C. February 7, 2012 – Site plan distributed to Town boards, committees and departments for review and comment.

- D. February 8, 2012 - Public hearing notice mailed to abutters by certified sent mail.
- E. February 17, 2012 – Review meeting held with Medway Internal Development Review Team and Lawrence Waste Services applicant and engineer
- F. February 13 & 21, 2012 – Public hearing notice advertised in *Milford Daily News*.
- G. February 28, 2012 – Public hearing commenced. The public hearing was continued to March 27 and then to April 10, 2012 when the hearing was closed.
- H. March 5, 2012 – Applicant meets with the Design Review Committee as referred by the Planning and Economic Development Board.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for Lawrence Waste Services at 49 Alder 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. *Proposed Site Plan for 49 Alder Street*, prepared by Guerriere & Halnon, Milford, MA, January 10, 2012.
 - 2. *Hydrologic & Hydraulic Report, Lot 3-41, 49 Alder Street in Medway, MA* dated January 10, 2012 prepared by Guerriere and Halnon.
 - 3. *Project Description* prepared by Guerriere & Halnon.
 - 4. *Waiver Requests* dated January 17, 2012 prepared by Guerriere & Halnon
- B. During the course of the review, the Applicant and its representatives submitted revised plans and a variety of other materials to the Planning and Economic Development Board as follows:
 - 1. *Proposed Site Plan for 49 Alder Street*, prepared by Guerriere & Halnon, Milford, MA, revised March 13, 2012; last revised March 26, 2012.
 - 2. *Hydrologic & Hydraulic Report, Lot 3-41, 49 Alder Street in Medway, MA* dated January 10, 2012 prepared by Guerriere and Halnon; last revised March 26, 2012.
 - 3. Peter Lavoie, Project Engineer, Guerriere & Halnon, the applicant's engineering consultant:
 - a. Supplemental *Waiver Requests* – March 13, 2012
 - b. Response letter dated March 13, 2012 to the February 23, 2012 review letter from Gino Carlucci, PGC Associates
 - c. Response letter dated March 13, 2012 to the February 22, 2012 review letter from David Pellegri, Tetra Tech Rizzo
 - d. Response letter dated March 26, 2012 to the March 15, 2012 review letter from David Pellegri, Tetra Tech Rizzo
 - 4. Color rendering of the proposed new building elevations dated 2/23/2012, prepared by Group 7 Design, Inc. of Franklin, MA, received February 23, 2012.

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 received written or verbal testimony from:

- David Pellegrini, P.E., of Tetra Tech Rizzo, Inc., the Town's Consulting Engineer – Site Plan review letters dated February 22, March 15 and March 29, 2012.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated February 23 and March 23, 2012.
- Peter Lavoie, Guerriere & Halnon - Verbal testimony provided at the public hearings on February 28, March 27 and April 10, 2012.
- Jim and Keith Lawrence, Lawrence Waste Services - Verbal Testimony provided at the public hearings on February 28, March 27 and April 10, 2012.
- The Design Review Committee (DRC) which met with the applicant to review and discuss the building's façade design and site improvements. The DRC provided a Letter of Recommendation dated March 12, 2012.
- Review comment letters dated April 17 and April 24, 2012 from John Emidy, Building Commissioner/Zoning Enforcement Office regarding the applicability of the Groundwater Protection District provisions of the Medway Zoning Bylaw to this project.
- Letter dated April 3, 2012 from Jim Lawrence re: the site's maximum outdoor storage projections.

VI. WAIVERS – At its April 24, 2012 meeting, the Planning and Economic Development Board, on a motion by Chan Rogers, seconded by Karyl Spiller-Walsh, voted to approve granting 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 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 4 in favor (Gay, Rodenhiser, Rogers and Spiller-Walsh, and 1 Abstention (Tucker).

A. SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. 204-3 (A) 7 – A written *Development Impact Statement* shall be prepared. It 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. The Development Impact Statement shall address traffic, environmental, community and parking impacts.

The waiver is granted. The proposed project is located within a business park that anticipated commercial development, and the proposed project is relatively small in relation to other uses within the park. In addition, a small portion of the site is being disturbed and most of the significant natural resources, including wetlands, riverfront area, Groundwater Protection District and natural habitat,

will remain undisturbed. The plan indicates that the project will comply with stormwater management regulations.

2. 204-5 (C) 3 – 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 waiver is granted. *Since approximately 2/3 of the site will remain undisturbed, including a portion along the frontage of the site, the Planning and Economic Development Board agrees that this requirement is not warranted for this project.*

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

The waiver is granted. *Due to the scale of the project and the extent of the undisturbed area, the Planning and Economic Development Board agree that the landscape details provided on the plan are sufficient for this project.*

B. CONSTRUCTION STANDARDS – Site Plan Rules and Regulations

1. 205-3 (D) – *Pedestrian and Bicycle Access and Connections*
 - 4) Where no pedestrian ways exist, the applicant shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods and other surrounding uses providing safe access to the nearest existing pedestrian facility or sidewalk.

This waiver is granted. *There is a sidewalk along the full length of Alder Street on the opposite side of the street from the project site. Also, obstructions including a detention basin serving Alder Street and retaining walls make a sidewalk on the project side problematic.*

2. 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.

This waiver is granted. The plan has been modified to specify vertical granite curbing at the entrance radii. Due to the limited use of the parking lot, the Cape Cod berm is adequate as the perimeter curbing.

3. **205 – 9 (F) Tree Replacement** - The total diameter of all trees over ten (10) inches in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees. The replacement trees may be placed on or off site as recommended by the Planning Board.

This waiver is granted. Approximately 2/3 of the site will remain undisturbed. Also, the trees proposed to be planted by the applicants around the perimeter of the parking lot are sufficient for the site due to the extent of existing trees being left on the site.

VII. SPECIFIC CONDITIONS – This approval is subject to the following *Specific Conditions*:

- A. **Plan Revisions** - Prior to endorsement, the site plan set for 49 Alder Street last revised March 26, 2012 shall be further revised as follows and submitted to the Planning and Economic Development Board for review and approval.
 1. **Cover Sheet**
 - a. All waivers from the *Site Plan Rules and Regulations* that have been granted as specified herein shall be listed on the cover sheet of the of the site plan presented for endorsement.
 - b. The cover sheet shall prominently display a final plan revision date.
 - c. The cover sheet shall be retitled – Lawrence Waste Services Site Plan.
 2. Revise the signature box on each sheet to read Medway Planning and Economic Development Board Approval.
- B. **Wetlands Protection** – Prior to plan endorsement, the Applicant is required to provide the Planning and Economic Development Board with a copy of the *Order of Conditions* from the Medway Conservation Commission.
- C. **Snow Plowing/Trash Removal** - The Applicant shall be responsible for providing snow plowing and trash pick-up with respect to the subject property. There shall be no outside storage of trash nor shall any dumpster be located on the property to accommodate the trash for the operation of Lawrence Waste Services on the site. Business trash shall be retained inside the building.
- D. **Construction Inspection**
 1. 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.

2. 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.
3. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.
4. In the event the applicant seeks an occupancy permit before all site plan work is satisfactorily completed (see VIII. General Condition F. 2 herein), the Applicant shall establish a construction inspection account with the Medway Planning and Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Planning and Economic Development Board. The funds may be used at the Planning and Economic Development Board's discretion to retain professional outside consultants to inspect the site, 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* (see VIII. General Condition G. 2 herein). Depending on the scope of professional outside consultant assistance that the Planning and Economic Development Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. 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.
5. **Business Sign** – The applicant is required to secure a building permit for any business signs for the site and or building. A required component of the sign permit process is to meet with the Design Review Committee and secure a Letter of Recommendation from the DRC. Landscaping is required around the base of a free-standing sign and a landscaping plan shall be provided with sign design review application to the DRC. The landscaped area shall extend at least 3' beyond all sign faces or supporting structures in all directions.

VIII. **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 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. **During Construction**

1. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction.
2. 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 loose gravel/dirt 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 within twenty-four (24) hours of its occurrence.
3. All erosion and siltation control measures shall be installed and observed by the Planning and Economic Development Board's consulting engineer or the Conservation Commission prior to the start of construction, and maintained in good repair throughout the construction period.
4. **Construction Time** - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
5. **Construction Traffic/Parking** - 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.

- D. **Other Town Permits** - The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.

E. **Plan Modification**

1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other boards, agencies or commissions shall be resubmitted to the Planning and Economic Development Board for review as site plan modifications pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw*.

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 V. C. 10 of the *Medway Zoning Bylaw* 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/Performance Security*

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and any modifications thereto.
2. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings 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. 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.
4. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

G. *Project Completion*

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. 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 six (6) copies 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.
- IX. FINDINGS** – The Planning and Economic Development Board must determine whether the proposed project constitutes a suitable development based on conformance with the purposes of Site Plan Review as specified in the *Zoning Bylaw* and with the various site development standards and criteria set forth in the *Site Plan Rules and Regulations*. The preceding *Special and General Conditions* included in this Decision shall assure that the Planning 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 24, 2012, on a motion by Chan Rogers, seconded by Karyl Spiller-Walsh, voted to approve the following **FINDINGS** regarding the site plan application for 49 Alder Street. The vote was 4 in favor (Gay, Rodenhiser, Rogers and Spiller-Walsh) and 1 abstention (Tucker).
- A. ZONING BYLAW – Section V. C - Site Plan Review & Approval**

- (1) Are the buildings, uses and site amenities properly located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods?

The buildings, uses and site amenities are properly located. They are outside the most sensitive resource areas, and on the higher, flatter portion of the site reducing topographic change, so this criterion is met.

- (2) Are the construction and renovation of buildings and the installation of site amenities thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*?

The entrance driveway has been designed to reduce the visibility of the storage area for containers. Also, the design of the building and site amenities has been approved by the Design Review Committee. Therefore, this criterion is met.

- (3) Are adjacent and neighboring properties protected from nuisance and harmful effects caused by noise, fumes, and the glare of headlights and other light sources generated by uses on the development site?

The applicant has provided a photometric plan documenting that light sources will not spill off the property. Most noise or fumes will be generated inside the building, and will be in compliance with applicable requirements. Therefore, this criterion is met.

- (4) Are significant natural features on a development site (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest) preserved with as minimal site disturbance as possible?

Approximately 2/3 of the site will remain undisturbed. Also, the building, parking and site facilities will be located primarily outside the significant resource areas (including wetlands, riverfront area, Groundwater Protection District, and natural habitat). Therefore, this criterion is met.

- (5) Are off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view?

The primary nature of the business is the temporary storage of containers to be unloaded and loaded at the facility. Therefore, it was designed to maximize this utility. Also, the loading and unloading will occur deep within the site behind the location of the building so public view of the visual intrusion is minimized. Therefore, this criterion is met.

- (6) Are facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site provided and adequately screened from public view?

The facility will be connected to municipal sewer. Adequate provisions have been made for refuse removal through a dumpster screened from public view. Therefore, this criterion is met.

- (7) Are pedestrian ways, access driveways, loading and parking facilities properly designed for the convenience and safety of customers, employees and the general public?

The plan has been reviewed by Town public safety officials as well as the Town's Consulting Engineer and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Therefore, this criterion is met.

- (8) Is convenient and safe access for fire-fighting and emergency rescue vehicles provided to and within the development site in relation to adjacent streets?

The Fire Chief has reviewed the plans. He asked that a Knox Box be added to the facility to facilitate emergency access. This has been done and no other issues have been identified. Therefore, this criterion is met.

- (9) Are satisfactory methods for drainage of surface water to and from the development site provided?

The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and is in compliance with new Massachusetts Department of Environmental Protection stormwater management guidelines. Therefore, the Planning and Economic Development Board finds that this criterion is met.

- (10) Are public ways and private drives properly designed to be constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site?

The public way, Alder Street, was specifically designed to accommodate industrial traffic. The private driveway has been reviewed by the Town's Consulting Engineer and found to be adequate. Therefore, this criterion is met.

- (11) Have the effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance been identified and evaluated?

The roadway, Alder Street, was designed for traffic from industrial uses within the business park. Municipal services are adequate to serve the proposed facility.

Parking is adequate for the proposed use. Drainage is in compliance with Massachusetts Department of Environmental Protection stormwater management guidelines. The site was designed to minimize impacts on environmental quality and water resources. Signage is subject to review and compliance with the sign provisions of the Zoning Bylaw. Lighting is in compliance with the lighting provisions of the Zoning Bylaw. The building design has been approved by the Design review Committee. The facility will have a positive impact on community economics and is an allowed use within the Industrial III zoning district. Therefore, this criterion is met.

- (12) Have site design modifications been proposed and evaluated to lessen the negative and harmful impacts?

The site plan has been reviewed by Town officials and the Town's Consulting Engineer and Consulting Planner. Modifications were suggested and the applicant has responded to those comments with a revised plan. The revised plan has been reviewed and has addressed each of the comments received. Therefore, this criterion is met.

- (13) Have reasonable conditions, limits, safeguards and mitigation measures been established?

Section VII and VIII (above) of this Site Plan Decision impose specific and general conditions respectively. Therefore, this criterion is met.

B. 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:

- (14) 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 design using an entrance driveway leading to a parking lot and loading and unloading areas have been designed such that traffic safety has been protected. There is no backing onto public ways due to the design, and there is direct access to the site through Route 109 and then through Trotter Drive and Alder Streets (the streets specifically designed to serve the business park). Access through residential areas is discouraged through design as well as regulation. Therefore, this criterion is met.

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

The design of the site plan is similar to other facilities within the business park. The building design has also been approved by the Design Review Committee. Therefore, this criterion is met.

- (16) 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.

There is no residentially zoned or used property within sight of the proposed facility. Also, the outside storage areas for containers are located to the rear of the building location and a significant distance from view from the public way. Therefore, this criterion is met.

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

The Police and Fire Chiefs have reviewed the plans and their comments have been addressed (including the addition of a Knox box). Therefore, this criterion is met.

- (18) 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.

Approximately 2/3 of the site will remain undisturbed. Also, the building, parking and site facilities will be located primarily outside the significant resource areas (including wetlands, riverfront area, Groundwater Protection District, and natural habitat). As conditioned above, this criterion is met.

- (19) 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 Engineer and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. A sidewalk is located along the entire length of Alder Street on the opposite side of the street (and locating a sidewalk on the same side is not practical). Therefore, this criterion is met.

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

The design of the site plan is similar to other facilities within the business park. The building design has also been approved by the Design Review Committee. The site utilizes existing vegetation along the frontage of the site. Therefore, this criterion is met.

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

The applicant has provided a photometric plan documenting that light sources will not spill off the property. It is in compliance with the lighting provisions of the Zoning Bylaw. Therefore, this criterion is met.

- (22) 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.

Approximately 2/3 of the site will remain undisturbed. Also, the building, parking and site facilities will be located primarily outside the significant resource areas (including wetlands, riverfront area, Groundwater Protection District, and natural habitat). As conditioned above, this criterion is met.

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.



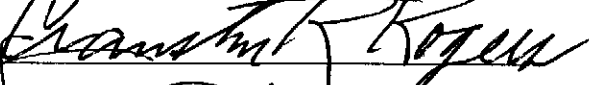

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**Medway Planning and Economic Development Board
SITE PLAN DECISION
Lawrence Waste Services – 49 Alder Street**

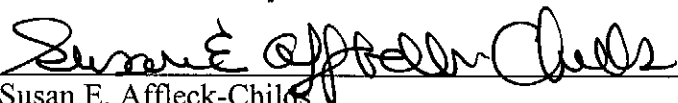
Approved by the Medway Planning & Economic Development Board:

AYE:

NAY:

ATTEST:


Susan E. Affleck-Childs
Planning & Economic Development Coordinator

4-25-2012
Date

COPIES TO: Stephanie Bacon, Health Agent
Matt Buckley, Design Review Committee
John Emidy, Inspector of Buildings and Zoning Enforcement Officer
Ray Himmel, Economic Development Committee
Tom Holder, Department of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Board of Assessors
Melanie Phillips, Treasurer/Collector
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Department
Jeff Watson, Police Department
Gino Carlucci, PGC Associates
David Pellegrini, Tetra Tech Rizzo
Jim Lawrence, Lawrence Waste Services
Peter Lavoie, Guerriere & Halnon