



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

September 11, 2018

***Minor Site Plan Review Decision and
Stormwater Management and Land Disturbance Permit
Medway Community Church – Parking Expansion
9 & 11 Slocumb Place
APPROVED with Waivers and Conditions***

Decision Date: September 11, 2018

Name/Address of Applicant: Medway Community Church
11 Slocumb Place
Medway, MA 02053

Name/Address of Property Owner: Medway Community Church
11 Slocumb Place
Medway, MA 02053



Project Location: 9 & 11 Slocumb Place
Assessors' Reference: 47-078 and 47-079
Zoning District: Agricultural Residential II and Village Residential

Engineer: Tata and Howard, Inc.
67 Forest Street
Marlborough, MA 01752

Site Plan: *Medway Community Church - 9 & 11 Slocumb Place Site
Improvements*
Dated July 24, 2018, last revised August 22, 2018



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NOTE – Religious facilities are exempt under the Massachusetts Zoning Act, Chapter 40A, Section 3. Therefore, this site improvement project can be constructed at this location, despite its inclusion in the Agricultural-Residential II and Village Residential zoning districts. However, the statute also specifies that religious facilities are subject to “*reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.*” Those aforementioned “reasonable regulations” provide the framework for the Planning and Economic Development Board’s review and decision. Minor site plan review is the process by which the Board considers exempt use developments pursuant to Section 3.4.3.A. 2.d. of the Medway *Zoning Bylaw*.

I. PROJECT DESCRIPTION – The proposed project pertains to the development of a 78 space parking area including site clearing and grubbing, excavation, installation of stormwater management facilities, paving, curbing, walkways, lighting, landscaping and fencing, all in support of the operation of Medway Community Church’s main facility at 196 Main Street.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public review process, the Medway Planning and Economic Development Board, on September 11, 2018, on a motion made by Richard Di Iulio and seconded by Matthew Hayes, **voted to approve with WAIVERS and CONDITIONS** as specified herein, a site plan and a stormwater management and land disturbance permit for the construction of a 78 space parking area with associated site improvements and amenities as shown on *Medway Community Church, 9 & 11 Slocumb Place Site Improvements*, prepared by Tata & Howard, Inc. of Marlborough, MA dated July 24, 2018, last revised August 22, 2018, to be further revised as specified herein.

The motion was approved by a roll call vote of four in favor and none opposed.

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

III. PROCEDURAL HISTORY

- A. July 25, 2018 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board.
- B. July 26, 2018 – Site plan public review notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. July 26, 2018 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. July 27, 2018 – Site plan application and associated materials field with the Medway Town Clerk
- E. July 27, 2018 – Site plan public review notice mailed to abutters by first class mail.
- F. August 14, 2018 - Site plan public review process commenced during the Planning and Economic Development Board meeting. The public review was

continued to August 28 and September 11, 2018 when a decision was rendered and the public review process was closed.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the proposed Medway Community Church parking expansion project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application were filed:
1. Minor Site Plan Application dated May 23, 2017 with Project Description, Waiver Requests, certified abutters' list and property access authorization.
 2. *Medway Community Church 9 & 11 Slocumb Place Site Improvements* site plan July 24, 2018 prepared by Tata & Howard of Marlborough, MA.
 3. *9 & 11 Slocumb Place Site Improvements Stormwater Drainage Evaluation, July 2018*, prepared by Tata and Howard of Marlborough, MA.
- 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 August 14, 2018 from Jon Gregory, P.E. of Tata & Howard in response to the Tetra Tech site plan review letter dated August 10, 2018
 2. Letter dated August 14, 2018 from Jon Gregory, P.E. of Tata & Howard in response to the PGC site plan review letter dated August 8, 2018.
 3. *Medway Community Church 9 & 11 Slocumb Place Site Improvements* site plan dated July 24, 2018, **revised** August 22, 2018 prepared by Tata & Howard of Marlborough, MA
 4. Letter dated September 6, 2018 from Jon Gregory, P.E. of Tata & Howard in response to the Tetra Tech site plan review letter dated August 24, 2018, with various attachments including pipe/grate sizing calculations, construction period stormwater pollution prevention plan, leaching basin analysis, TSS removal calculation sheets, and a peak hour (Sunday morning) traffic flow plan.
- C. All documents and exhibits received during the public review are contained in the Planning and Economic Development Board's project file.

- V. TESTIMONY** - In addition to the site plan application materials as submitted and provided during the course of the Board's review, the Board also received verbal or written testimony from:
- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated August 10, August 24 and September 10, 2018 and commentary throughout the public process.
 - Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated August 8 and August 24, 2018 and commentary throughout the public review process.
 - Matthew Barry, project engineer, Tata & Howard

- Email communication dated July 27, 2018 from Fire Chief Jeff Lynch
- Memorandum dated August 11, 2018 from Medway Police Sergeant/Safety Officer Jeffrey Watson
- Letter dated August 14, 2018 from Medway Police Lieutenant Kingsbury
- Review letter dated August 27, 2018 from the Medway Design Review Committee
- Email communication dated August 27, 2018 from Medway Building Commissioner Jack Mee re: exemption from the *Zoning Bylaw's* "impervious lot coverage" requirements
- Pastor Carl Schultz, Medway Community Church
- Peter Simmons, President, Corporation of Medway Community Church
- Email dated August 12, 2018 from residents Eli Rosinha and Rosalea Moore, 4 Highland Street
- Email and attached letter dated August 11, 2018 from Joseph and Bernadette Kobierecki, 2 Highland Street
- Letter dated August 5, 2018 from Mary Liscombe, 8 Highland Street
- Email dated August 1, 2018 from Mathew Holt, 6 Highland Street
- Residents Shawn and Shannon Montana, 13 Slocumb Place
- Resident James Moniz, 6 Highland Street
- Resident Ian Grossman, 15 Slocumb Place
- Resident Eli Rosinha, 4 Highland Street

VI. FINDINGS – In making its findings and reaching the decision described herein, the Board is guided by Board's *Site Plan Rules and Regulations*, and the *Medway Zoning Bylaw*. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

The Planning and Economic Development Board, at its meeting on September 11, 2018, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the proposed parking expansion project at 9 & 11 Slocumb Place for Medway Community Church. The motion was approved by a roll call vote of four in favor and none opposed.

A. 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?

Internal circulation was a major issue in the review of this project. The church's existing parking lot entrance is located on Slocumb Place where it is wider and further away from abutters on that street. The new parking lot is connected to the existing lot in a manner that allows 2-way traffic flow through the lot. Both of the existing driveways to 9 and 11 Slocumb Place have been eliminated and replaced

by a single curb cut to the new parking area. The use of traffic islands, signage and striping helps control internal circulation. Finally, The Church's "parking team" will continue to operate for Sunday services to guide traffic and further control circulation.

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

The site currently has 2 residential buildings on it. Both buildings will be retained in substantially the same form as they are so the character, materials and scale of the buildings will not change. 11 Slocumb Place will be used as the church office and 9 Slocumb Place will serve as a parsonage for one of the church pastors.

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 used and zoned.

No new buildings are proposed. The existing buildings, a proposed fence around almost the entire perimeter of the parking lot, and existing and added vegetation adequately screen the parking lot for abutters. No outside storage is planned. As a result of this project, the church's primary dumpster is being repositioned away from its current location to a less intrusive area, away from an abutter.

4. Is adequate access to each structure for fire and service equipment provided?

The construction of the parking lot improves access to the existing structures for fire and service equipment as access will now be provided from the rear and sides of the buildings as well as the front. The Fire Chief has reviewed the plans and has not noted any issues.

5. Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

- a) the volume of cut and fill;
- b) the number of trees to be removed with particular care taken with mature trees and root systems;
- c) the visual prominence of man-made elements not necessary for safety;
- d) the removal of existing stone walls;
- e) the visibility of building sites from existing streets;
- f) the impacts on waterways and environmental resource areas;
- g) soil pollution and erosion;
- h) noise.

The volume of cuts and fills is minimal since no significant grade changes are planned or needed. Two trees greater than 18 inches in diameter will be removed from the area of the new parking lot. However, most of the trees greater than 18 inches in diameter within the 15-foot buffer area around the perimeter of the site will be retained and new trees and shrubbery will be added where needed to improve screening for the abutters. Care will be taken to minimize damage to the roots of these existing trees and the location of drainage structures has been

selected to minimize root disturbance. New trees will also be added to the two traffic islands within the parking lot for shade and aesthetics.

Fencing, existing and planned vegetation minimize the visual prominence of the parking lot, and the existing buildings are not changed. The existing stone wall at the new driveway entrance will be removed. However, the stones will be used to fill in the gaps across the two existing driveways which are being filled in.

There are no wetlands or waterways or environmental resources on the site. However, there will be a 10-foot buffer area between the new fence and the property line at the rear of the parking lot that will be kept in its natural state and be available for wildlife migration (as well as a buffer for abutters). Proper erosion controls will be used during construction and precautions will be taken during construction to prevent soil pollution. The planned subsurface stormwater management system will prevent post-construction pollution. Construction noise is unavoidable but will be minimized through the specified operating hours. No unreasonable noise will be generated by the normal use of the parking lot.

6. Is pedestrian and vehicular safety both on the site and egressing from it maximized?

The parking lot entrances, signage, traffic islands and striping are designed for vehicular safety. A walkway, separate from the parking, lot will provide a safe pathway between the lot and the Church for pedestrians. The Church's "parking team" will provide another active means of providing safety to supplement the passive elements of the site design. The reconstruction of Route 109 also improves safety or accessing and egressing the site.

7. Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

The Church is a significant historic resource for Medway. The construction will not detract from it and the project integrates the new parking with the existing parking on the Church site. Many of the trees along the perimeter of the parking lot will be retained and supplemented with additional trees and shrubs.

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

A photometric plan was provided documenting that there would be no light cast onto adjoining properties. Also, the perimeter fence will prevent vehicle headlight glare on abutters. The lighting is designed with cut-off lenses to prevent light pollution within the Town in accordance with the lighting provisions of the Zoning Bylaw

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 proposed limit of work is the minimum necessary to construct the parking lot, and the erosion and sedimentation control plan will prevent environmental damage during construction. The stormwater management system and its operation and maintenance plan will prevent damage to the environment post-construction.

B. Other Findings

1. **Impervious Coverage** – As a result of the parking expansion project, the amount of impervious surface on 11 Slocumb Place is expected to be 57.7%. This exceeds the allowable amount (40%) per the *Zoning Bylaw*, Section 6.1, Table 2. Dimensional and Density Regulations for the AR-II zoning district. Building Commissioner Jack Mee has determined that the impervious coverage zoning requirement is not within the scope of “reasonable regulations” for a religious facility as specified in the Massachusetts Zoning Act. Consequently, the *Zoning Bylaw’s* regulation for impervious coverage does not apply to this particular project.
2. **Land Disturbance Area** - The total land disturbance area for this project is expected to be 7,739 sq. ft. for 9 Slocumb Place and 26,447 sq. ft. for 11 Slocumb Place for a total of 34,186. This amount of land disturbance triggers the applicability of Medway General Bylaws, Section 26. Stormwater Management and Land Disturbance.

VII. WAIVERS – At its September 11, 2018 meeting, the Planning and Economic Development Board, on a motion made by Richard Di Iulio and seconded by Matthew Hayes voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board’s action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

The motion was approved by a roll call vote of four in favor and none opposed.

- A. Section 204-3, 7. Development Impact Statement** - A written *Development Impact Statement* which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. The *Development Impact Statement* shall consist of the following four elements: Traffic Impact, Environmental Impact, Community Impact and Parking Impact.

The Applicant has requested a waiver from the requirement for a Development Impact statement. This project is being undertaken to specifically address current parking difficulties and inadequacies that are evident on Sunday mornings for worship services. A traffic impact report is not needed as the existing traffic conditions are not expected to change due to the expanded parking. Community impacts are discussed in the project narrative. The site does not include any wetland resources and thus there is no review needed by Conservation. Strict compliance with this regulation could be considered to be a burdensome and unreasonable regulation of this religious organization’s development plan. Therefore, the Board APPROVES this waiver request.

B. Section 204-4 B Site Plan Scale - Site plans shall be drawn at a scale of 1" = 40'

The Applicant has requested a waiver from this requirement and has provided plans at a scale of 1" = 20 feet. The Town's Consulting Engineer has opined that the plans as provided at the alternative scale are sufficient to adequately show the proposed work. Therefore, the Board APPROVES this waiver request.

C. Section 204-5 C. 3. Existing Landscape Inventory - An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

The Applicant has requested a waiver from the full extent of this requirement. An inventory of trees with a diameter of 18" or greater on the property has been provided; the inventory was prepared by personnel from Tata & Howard, the Applicant's project engineer. This variation is consistent with past waiver requests and approvals for other site plan projects approved by the Board within the last two years. The reduced scope of the inventory is acceptable since most of the site has to be cleared for the planned parking expansion. Trees within the setback area around the perimeter of the site are begin retained as part of the screening measures. Therefore, the Board APPROVES this waiver request.

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

The Applicant has requested a waiver from the regulation specifying that a Landscape Architect prepare the Landscape Plan. Instead, the Landscape Plan was prepared by Tata and Howard personnel. See sheet C-7. The plan is limited in scope since so much of the site is being converted to parking. The plan shows a thorough and thoughtful approach to the use of existing vegetation and stone walls and proposed supplemental landscaping around the perimeter of the properties to screen the parking area from the abutters. Therefore, the Board APPROVES this waiver request.

E. Section 205-3, B, 2) Internal Site Driveways - No part of any driveway shall be located within fifteen (15) feet of a side property line.

The Applicant has asked for a waiver from this regulation. The proposed new curb cut from Slocumb Place to access the new parking area will be located

within 15 feet of the side property line between 9 and 11 Slocumb Place. This driveway location was selected to allow for the best use of the public right-of-way to access the site and to eliminate the choke point to the north of the proposed curb cut where the paved roadway narrows. Because both parcels are owned by Medway Community Church, the need for the driveway setback regulation does not apply in this particular case. Therefore, the Board APPROVES this waiver request.

- F. **Section 205-3, C, 1 Traffic Flow Slope** - The slope of the paved entrance way shall not exceed two (2) percent for the first twenty-five (25) feet measured perpendicular from the front property line. Plantings should be evaluated to ensure adequate sight distance is not affected. The maximum height of vegetation, except trees, at full growth or any other physical object shall not exceed three (3) feet in height to assure sight distance visibility from a vehicle. The entrance shall be clearly delineated by granite curbing or other approved material along the entire radius of the opening and extend at least twelve (12) feet beyond each side along the gutter line of the road, and sloped at the end to prevent a vertical obstruction to exist.

The Applicant has requested relief from this requirement. Due to site constraints and the existing site topography, a 2% grade within the first 25 feet of the driveway entrance from Slocumb Place cannot be met. The driveway grade will be 6%. Strict compliance with this regulation could be considered to be a burdensome and unreasonable regulation of this religious organization's development plan. Therefore, the Board APPROVES this waiver request.

- G. **Section 205-6 H. Curbing** – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The Applicant has requested a waiver to allow for the use of bituminous Cape Cod berm on the perimeter of the new parking areas. Vertical granite curbing will be used along the proposed curb cut and driveway entrance from Slocumb Place and along the back of all catch basins. Sloped granite curbing is planned for the landscaped parking islands. Strict compliance with this regulation could be considered to be a burdensome and unreasonable regulation of this religious organization's development plan. Therefore, the Board APPROVES this waiver.

- H. **Section 205-6 G. 4. b)** – Parking spaces and stalls shall not be located within 15' of the front, side or rear property lines.

The Applicant has requested a waiver from the full extent of this requirement. This regulation is met for the parking spaces to be constructed on the 11 Slocumb Place parcel. The setback for the parking area on the 9 Slocumb Place parcel is 15 feet except for the area of the driveway connection between the two parking lots. A waiver is needed from the setback requirement to achieve an adequate two way traffic flow. Therefore, the Board APPROVES this waiver.

- I. **Section 205-9 C. Parking Areas** - Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking lots to provide shading and buffering. At least one deciduous tree of a minimum two and one-half (2 1/2)

inches caliper in diameter shall be provided for every six (6) parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. This requirement may be waived in lieu of the preservation of existing trees subject to approval by the Planning Board.

The Applicant has requested a waiver from this regulation. With 78 parking spaces proposed, 13 trees are required. Two landscaped islands are included on the plan. However, the construction of additional landscaped islands is not practical due to the location of the two sub-surface stormwater infiltration facilities. The revised site plan dated August 24th, shows 12 new trees to be planted around the perimeter of the parking areas and within the parking islands. Further, the Applicant has committed to retaining existing trees on the perimeter of the parking lots to the greatest extent possible. Therefore, the Board APPROVES this waiver.

- J. **Section 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.

The Applicant has requested relief from this regulation. Due to the extensive number of trees to be cleared from the middle of the site for the parking areas, the required replacement of all trees over ten inches in diameter is not feasible. According to the revised site plan dated August 22, 2018, two trees over 18" in diameter will be removed from the site. The Applicant has committed to preserving the natural environment of the site to the greatest extent possible. The site plan shows the installation of twelve new shade trees. Strict compliance with this regulation could be considered to be a burdensome and unreasonable regulation of this religious organization's development plan. Therefore, the Board approves this waiver.

VIII. CONDITIONS The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public review process have been carefully considered

SPECIFIC CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan for the Medway Community Church parking expansion project at 9 and 11 Slocumb Place, dated July 24, 2018, last revised August 22, 2018, prepared by Tata & Howard of Marlborough, MA shall be further revised to reflect all Conditions and required revisions, including those as follows, and submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a revised Plan in its final form to the Board for its signature/endorsement. All plan sheets shall be bound together in a complete set.

- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the August 22, 2018 site plan set shall be revised to:
1. List the APPROVED waivers from the *Site Plan Rules and Regulations* as specified herein.
 2. Remove the signature box for the Board of Selectmen and replace with a signature box for the Planning and Economic Development Board including spaces for decision date and endorsement date.
 3. Include a statement for the Town Clerk's signature to certify that no appeals were filed during the 20 day period following the filing of the decision with the Town Clerk's office.
 4. Include a final plan date.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the August 22, 2018 Site Plan set.
1. Per the 8-11-18 plan review letter from Police Sergeant/Safety Office Jeff Watson, a stop sign shall be added at the parking lot exit onto Slocumb Place along with a painted stop line.
 2. A detail for the "New England style" light pole shall be included. The color for the light poles and fixtures shall be specified.
 3. A detail describing and illustrating the paving material for the new pedestrian walkway shall be added. Additionally, a continuation of the pedestrian walkway from 9 Slocumb Place through the existing church parking lot shall be striped on the pavement to provide safe pedestrian passageway from the new parking area through the existing parking lot to the church entrance.
 4. The detail for the 6' high privacy fence on Sheet C-8 shall be revised to specify that the fencing material is not shiny and will be of a neutral or natural color.
 5. The plan shall be revised to include a detail for a bicycle rack to comply with the bicycle parking requirements as specified in Section 7.1.1. I. 1. Bicycle Parking of the *Zoning Bylaw*.
 6. The areas comprising the existing driveways for 9 & 11 Slocumb Place which are to be abandoned shall be fully removed and grassed over.
 7. "No Parking" striping shall be included on the pavement at the southern end of the central parking area within the large new parking lot.
 8. Per Tetra Tech's review letter dated August 24, 2018, the plan shall be revised to show the location of the inspection ports to access the isolator row portion of the sub-surface stormwater drainage system
 9. Per Tetra Tech's review letter dated September 10, 2018 the plan shall be revised to show:

- a) Erosion and Sediment Control Plan consistent with the provisions of Section 26.7 of the Medway General Bylaws, Stormwater Management and Land Disturbance Permit. See Tetra Tech review letter dated 9-10-18 (Item #21). This shall include construction entrances and specific erosion control details.
 - b) details of the weir manholes
 - c) locations of final inspection ports for the sub-surface Cultec system.
- D. **Stormwater Management During Construction** – Before site construction commences, the Applicant will install and maintain silt sacks in all of the catch basins in the Slocumb Place cul-de-sac to protect the Town's drainage system during the construction period in the event of intense stormwater runoff from the site. The silt sacks shall be removed at the conclusion of construction.
- E. **Other Documentation to Be Provided Prior to Plan Endorsement** – The Applicant shall provide the following information for review to the satisfaction of the Board's Consulting Engineer for compliance with Medway Bylaws and Rules and Regulations.
1. Calculations for total phosphorus removal at the site.
 2. Proof of recording, at the Norfolk County Registry of Deeds, of the approved Long Term Stormwater Operations and Maintenance Plan prepared by Tata and Howard.
- F. **Use Limitations**
1. Parking or use of the parking area at 9 and 11 Slocumb Place shall be limited only to vehicles for the Medway Community Church, its employees, parishioners, visitors, and deliveries. The parking area may not be leased or made available to any other entity for any purpose.
 2. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms.
- G. **Existing Vegetation**
1. The existing vegetation in the buffer area shall be evaluated during the winter of 2019 to determine where the vegetation is sparse and does not provide suitable buffering. Additional landscaping measures beyond what is shown on Sheet C-7 may be required to be installed in the spring of 2019 to fill in where appropriate.
 2. The Applicant shall direct its contractors to preserve the existing vegetation in the buffer area around the parking lots to the greatest extent possible during site preparation and construction.
- H. **Design of Stormwater Management Facilities**
1. As recommended by Tetra Tech, the Applicant's engineering consultant shall observe, during construction, additional test pits in the location of the Underground Drainage Basin #1 subsurface chamber system to verify that soil types and estimated seasonal high groundwater are consistent with the previous test pits and design parameters. The results of this test shall be provided to the Board and its engineering consultant to determine whether

any changes are needed to the stormwater design.

2. First flush and lower intensity storm events shall be routed through the Separator Row. The addition of a weir structure shall provide for the water from high intensity storm events to be diverted to the remaining portions of the sub-surface system
- I. **Site Access** – Access to the Church’s existing and new parking areas is provided from Slocumb Place and Highland Street. The Applicant shall instruct its employees, delivery companies, parishioners and guests to use Slocumb Place to access the Medway Community church property. Any printed or electronic marketing materials that provide directions to the MCC shall indicate the Slocumb Place parking areas and access. Deliveries shall occur only between 7 am and 6 pm.
 - J. **Long Term Stormwater Management Operations and Maintenance Plan** - The Applicant has ongoing responsibility and obligation to carry out the Long Term Stormwater Operations and Maintenance Plan prepared by Tata and Howard, including specified reporting. See Appendix M, pages 1-4, of the 9 & 11 Slocumb Place Site Improvements Stormwater Drainage Evaluation Report, dated July 2018.
 - K. **Lighting**
 1. Lighting shall not result in any light spillage off the property pursuant to Section 7.1.2 of the *Zoning Bylaw*. This may be accomplished through the addition of light shields, the lowering and/or relocating of light fixtures, and other suitable measures.
 2. LED lights shall be of a lower color temperature [2700-3000K] to provide a more natural appearance.
 - L. **Traffic Flow and Parking Management** – Within one year after completion of the parking lot construction project, Medway Community Church shall provide a report evaluating the traffic flow and parking management measures, including review comments and recommendations from the Medway Police Department, to the Board for consideration of further traffic management measures that may be needed.
 - M. **Fencing** – Permanent fencing is planned along most of the perimeter of the site to screen the parking areas from abutters. Until the permanent fencing can be installed, green, temporary construction fencing shall be put into place surrounding the perimeter of the site to buffer site construction for the abutters.
 - N. **Snow Storage and Removal**
 1. Snow storage shall be limited to the 6 parking spaces shown on Sheet C-5.
 2. The Applicant shall make the fullest possible effort to remove accumulated snow which exceeds the capacity of the designated on-site snow storage areas from the premises within 48 hours after the conclusion of a storm event.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee that may be required by the Planning and Economic Development Board; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property.

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning and Economic Development Board to withhold plan endorsement.

- B. **Other Permits** - This permit does not relieve the Applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Applicant or assigns shall obtain, pay and comply with all other required Town permits.

- C. **Restrictions on Construction Activities** - During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The Applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

1. **Construction Time** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday - Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings.
2. **Neighborhood Relations** - The Applicant shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
3. The Applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.

5. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris and trash may fall on a daily basis.
6. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, Section 7.3.C.2. Environmental Standards.

E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after project completion, the Town's Consulting Engineer or the Inspector of Buildings shall conduct an 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, the Inspector of Buildings, a Board member, or the Board's designee 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.

F. ***Construction Oversight***

1. Construction Account
 - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Applicant shall establish a construction account with the Planning and Economic Development Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be

satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*).

- b) Prior to plan endorsement, the Applicant shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
 - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the Applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Applicant.
2. Pre-Construction Meeting - Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with Planning and Economic Development Coordinator, the Building Commissioner, Department of Public Services Director, the Conservation Agent, the Town's Consulting Engineer and other Town staff or Applicant's representatives as may be determined. The general contractor shall request such conference at least one week prior to commencing any work on the property by contacting the Planning and Economic Development office.
 3. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.
 4. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 5. The Applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

G. Modification of Plan and/or Decision

1. This site plan approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as site plan modifications.

2. Any work that deviates from the approved site plan or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Planning and Economic Development Board.
3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public review including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

H. ***Compliance with Plan and Decision***

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and this Decision and any modifications thereto.
2. The Town reserves the right to periodically inspect the site during and after construction to ensure compliance with these conditions.
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 3.1. F. of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

I. ***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, review and decision.
2. 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.

J. ***Performance Security***

1. If performance security is needed, the Applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
 - a) the date by which the developer shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
 - c) procedures for collection upon default.
2. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, parking, pedestrian facilities and all site amenities as specified in the endorsed Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
3. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and

administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the preparation 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.

4. Final release of performance security is contingent on project completion.

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

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

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

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

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**Medway Planning and Economic Development Board
SITE PLAN DECISION & LAND DISTURBANCE PERMIT
Medway Community Church, 9 & 11 Slocumb Place**

APPROVED with Waivers and Conditions by the Medway Planning & Economic Development Board: September 11, 2018

AYE:

NAY:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

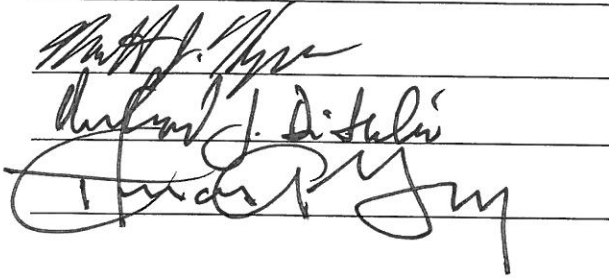
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Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community & Economic Development
Jeff Watson, Police Department Safety Officer
Matthew Barry, Tata and Howard
Peter Simmons, Medway Community Church
Rev. Carl Schultz, Medway Community Church
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

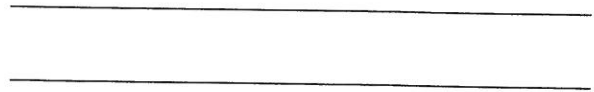
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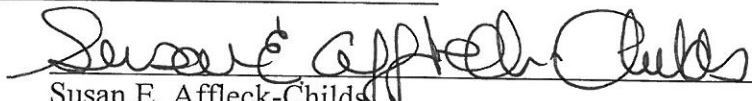
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ATTEST:


Susan E. Affleck-Childs
Planning & Economic Development Coordinator

9-12-2018
Date

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