

Board Members

Mathew J. Hayes, P.E., Chair
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Thomas A. Gay, Associate
Member



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

March 2, 2022

MAJOR SITE PLAN DECISION

Medway Department of Public Works – 19 Populatic Street

Approved with Waivers and Conditions

Decision Date: March 2, 2022

Name of Applicant/Permittee: Town of Medway Department of Public Works
Water & Sewer Division

Address of Applicant: 45B Holliston Street
Medway, MA 02053

Name/Address of Property Owners: Town of Medway
155 Village Street
Medway, MA 02053

Engineer: James E. Cray, P.E.
Wright Pierce
600 Federal Street, Suite 2151
Andover, MA 01810

Site Plan: *Populatic Water Treatment Plant*
Dated October 2021, last revised January 2022 by Wright-Pierce, to be further revised as specified herein

Location: 19 Populatic Street

Assessors' Reference: Map 71 Parcel 027

Zoning District: Agricultural-Residential II
Groundwater Protection Overlay District

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I. PROJECT DESCRIPTION – The Applicant sought major site plan approval to construct a municipal water treatment facility at 19 Populatic Street, a 9.8 acre, Town owned property on the east side of Populatic Street in the Agricultural Residential II zoning district. The site is currently used by the Town as part of its public water supply operations and contains the Populatic Wells, a chemical feed building, an office building, a supply house and a garage, some of which will be demolished.

The Town plans to construct a 15,640 sq. ft. building which will include operations and office space for the Town’s DPW water personnel, a water treatment area, and garage space with capacity for up to 8 Town vehicles. The facility will treat blended raw water from three Town well sites (Populatic Street wells, Oakland Street well, and the Village Street well). Proposed site improvements include 17 parking spaces, landscaping, lighting, paved walkways, and stormwater management measures to comply with local and state policies. Also planned are outside locations for a transformer and generator, and dumpster for solid waste.

Primary access to the site will continue to be via the existing paved driveway off of Populatic Street, commonly referred to as Water Street. A new driveway off of Water Street will wrap around the rear of the building to a secondary and limited access from Populatic Street, south of the new building, for deliveries and fire department access when needed.

The site is bordered on the east by the Charles River, on the south by an electric transmission line corridor, on the west by Populatic Street, and on the north by residential property and fields.

The proposed use requires site plan review and approval pursuant to Section 3.5 of the *Zoning Bylaw* (the “Bylaw”). The property is also subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance for a Land Disturbance Permit and an Order of Conditions, both from the Medway Conservation Commission

II. VOTES OF THE BOARD - After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on March 2, 2022, on a motion made by Jessica Chabot and seconded by Robert Tucker, voted to approve with WAIVERS and CONDITIONS a site plan for the development of a water treatment facility and associated site improvements at 19 Populatic Street, as shown on a site plan titled *Populatic Water Treatment Plant*, dated November, 2021, last revised January 2022, by Wright-Pierce of Andover, MA to be further revised as specified herein before endorsement and recording.

The motion was approved by a roll call vote of 4 in favor and none opposed.

Planning & Economic Development Board Member	Vote
Jessica Chabot	AYE
Richard Di Iulio	AYE
Matthew Hayes	AYE
Robert Tucker	AYE

III. PROCEDURAL HISTORY

A. November 28, 2021 - Site plan application and associated materials filed with the Board.

- B. December 17, 2021 – Site plan application and associated materials filed with the Medway Town Clerk
- C. December 14, 2021 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. December 14, 2021 - Public hearing notice mailed to abutters and parties of interest by certified sent mail.
- E. December 14, 2021 - Project documents and information loaded to the Board's web page.
- F. December 14, 2021 – Site plan information distributed to Town boards, committees and departments for review and comment.
- G. December 27, 2021 and January 4, 2022 - Public hearing notice advertised in the *Milford Daily News*.
- H. January 11, 2022 - The public hearing commenced. It was continued to February 8 and March 2, 2022 when a decision was rendered and the hearing was closed. On January 12 and February 9, 2022, public hearing continuation notices were filed with the Town Clerk and distributed to Town staff, boards and committees to request review comments.

IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS

- A. The application package for the proposed Medway DPW water treatment facility included the following documents, plans, studies and information that were provided to the Board.
 - 1. Major Site Plan application dated November 9, 2021.
 - 2. *Populatic Water Treatment Plan* site plan for 19 Populatic Street, dated November 2021, prepared by James Cray, P.E. of Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings.
 - 3. Certified abutters list from the Medway Assessor's office dated September 28, 2021.
 - 4. Requests for Waivers from the *Site Plan Rules and Regulations*, prepared by Caron Environmental Consulting, LLC.
 - 5. *Project Narrative* including a *Development Impact Statement* dated November 8, 2021 prepared by Caron Environmental Consulting, LLC of Westminster, MA
 - 6. *Stormwater Management Plan, Populatic Water Treatment Plant*, dated October 2021, by Wright-Pierce.
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
 - 1. A certified abutters list from the Franklin Assessor's office dated December 1, 2021.
 - 2. Response letter dated January 25, 2022 from project engineer James Cray, P.E. of Wright-Pierce to the January 11, 2022 plan review comment letter from Tetra Tech.

3. *Populatic Water Treatment Plan* site plan for 19 Populatic Street, dated November 2021, revised January 2022, prepared by James Cray, P.E. of Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings.
 4. Revised *Project Narrative and Development Impact Report* dated January 25, 2021
 5. Additional Requests for Waivers, dated January 25, 2022, from the *Site Plan Rules and Regulations*
 6. *Construction Management Plan* by Wright-Pierce, dated January 25, 2022
 7. *Fire Truck AutoTurn Analysis (Sheet C-3)* by Wright-Pierce
 8. *Generator Sound Data Sheet* by Cummins
 9. Storage canopy floor plan prepared by Wright-Pierce, undated, received March 2, 2022.
- C. Other documentation submitted to the Board during the course of the public hearing:
1. Tetra Tech plan review letters dated January 11, 2022 and February 2, 2022.
 2. Design Review Committee comment memorandum dated January 31, 2022
 3. Letter dated February 3, 2022 from Building Commissioner/Zoning Enforcement Officer Jack Mee
 4. Email dated February 8, 2022 from Deputy Fire Chief Michael Fasolino
 5. Email dated February 9, 2022 from DPW Director Pete Pelletier regarding sidewalk construction in Medway
 6. Email dated February 11, 2022 from Tree Warden Steven Carew
 7. Letters dated February 15 and 16, 2022 from Police Sergeant Jeff Watson

V. TESTIMONY - In addition to the site plan review application materials as submitted and provided during the course of its review, the Board heard and received verbal testimony from:

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Commentary provided throughout the public hearing process.
- James Cray, P.E. project engineer for the Applicant
- Abutter Arthur Poulakis, 37 Populatic Street
- Chuck Samiotes on behalf of Arthur Poulakis
- Resident Jeffrey Brady, 18 Populatic Street
- Resident Liam McDermott, 39 Populatic Street
- Abutter Alicia Osborne-Stackpole, 15 Populatic Street.
- Pete Pelletier, Medway DPW Director
- Barry Smith, Medway DPW Water/Sewer Superintendent

Additionally, the following written comments were provided and entered into the record during the public hearing:

- Email dated January 6, 2022 from Chuck Samiotes on behalf of abutter Arthur Poulakis

VI. FINDINGS - The Board, at its meeting on March 2, 2022, on a motion made by Jessica Chabot and seconded by Robert Tucker, voted to approve the following **FINDINGS** regarding the site plan application for the proposed water treatment facility at 19 Populatic Street. The

motion was approved by a roll call vote of four in favor (Chabot, Di Iulio, Hayes and Tucker) and none opposed.

SITE PLAN RULES AND REGULATIONS FINDINGS – The 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 Board makes the following Findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended October 8, 2019, and Section 3.5 of the *Bylaw*:

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized? *The plan has been reviewed by Town safety officials and the Board's Consulting Engineer and found to be acceptable. There should be little change to the volume and timing of traffic on Populatic Street to be generated by the new facility as the Medway DPW is consolidating the Water/Sewer division's operations taking place on the site into the new building. Traffic is presently and will continue to be generated by 14 employees, DPW vehicles, intermittent deliveries, and very occasional visitors. There is no backing out of vehicles onto a public way. Populatic Street is adequate to safely handle the traffic from the facility. Primary access to the property is from an existing driveway off of Populatic Street (known as Water Street). Landscape screening will be provided to buffer the site from the adjacent abutters to the north at 15 Populatic Street who use the Water Street "driveway" to access their property.*
- 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 is located along a residential street and is adjacent to a utility easement corridor. Although the building is not residential in nature, its design and scale has been reviewed by the Design Review Committee and found to be appropriate for its use and setting and to align with the Medway Design Review Guidelines. The building will be well screened from vehicular traffic on Populatic Street and for residents on the west side of Populatic Street by a robust landscaping installation to be planted between the building and Populatic Street.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The building is oriented so that most of the parking will be located behind the building and away from the public's view from Populatic Street. The landscaping plan has been enhanced to provide a robust landscape treatment on the building's west façade facing Populatic Street. The northern façade of the building will be screened by landscaping to provide some buffering of the building for the adjacent neighbor to the north. Items such as the backup generator and aeration tower which may occasionally generate noise are located behind the building and thus the building serves as a buffer. The garage and roll-up doors were located on the back of the building so as to not be visible from Populatic Street.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed building is accessible on all four sides via two driveways, Populatic Street, and an internal driveway that go around to the back of the building. The Fire*

Department has reviewed the site plan and fire truck turn analysis and has approved the site plan as proposed.

- 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.

Both the site and the proposed stormwater drainage system have been reviewed by the Town's Consulting Engineer and the Conservation Commission for an Order of Conditions and a Land Disturbance Permit (expected to be approved on March 10, 2022). Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated. Stormwater will be managed on site. Trees will be removed for site preparation. However, a robust landscaping plan will be implemented. Grading on the site has been designed to prevent any loss in flood storage and will slightly increase flood storage on site. Upon project completion, most of the site's current operations will be consolidated into the new building, moving those operations further away from the Charles River.

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed building will house 12 employees. Visitors to the property will be minimal and will include vendors and consultants. Due to the nature of its use, neither the building nor the site will be open to the general public. Other traffic will include delivery of supplies. The primary entrance/exit to the site on Populatic Street has a sight distance of more than 200 feet and does not create a hazard to abutters, vehicles, or pedestrians. Internal sidewalks will be installed to connect the parking areas to the building entrances.*
- 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 designs for the new construction were prepared by a licensed architect and have been reviewed and are supported by the Design Review Committee. The site abuts the Charles River which will serve as key natural and scenic feature.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Engineer and has been revised to comply with the Bylaw. The lighting fixtures are wall mounted, downward facing with shields to minimize light impacts. No off-site light spillover will occur.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? *The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. The limit of work area*

is reasonable. The Charles River and its riverfront buffer area are protected through the Conservation Commission's Order of Conditions.

OTHER FINDINGS

- 10) The property is located within the Town's Floodplain District and includes areas mapped as Flood Zone AE.
- 11) The property is also located in the Town's Groundwater Protection District. Section 5.6.3.E. 1. h of the *Bylaw* specifically indicates that "construction, maintenance, repair, and enlargement of drinking water supply related facilities" is a permitted use.
- 12) Parking - The 19 Populatic Street site plan shows 17 parking spaces (12 in the back and side and 5 near the front door). Section 7.1.1 (Off-Street Parking and Loading) of the *Bylaw* does not include a parking category to correspond to the proposed mixed uses at 19 Populatic Street (office, garage, and water treatment facility). Medway DPW believes that 17 parking spaces to be provided are adequate to accommodate the number of current and future employees and to park vehicles related to facility operations (DPW trucks, vans, etc.) Building Commissioner and Zoning Enforcement Officer Jack Mee has provided a letter dated February 3, 2022 regarding parking on the subject site. Because of the mixed-use nature of the building, all areas of the building will not be occupied by employees. Nor is the building to be open to the public so the number of visitors will be very limited. Accordingly, Building Commissioner Mee has applied the parking standard for "business, professional and governmental office, bank" which requires 1 parking space for 300 sq. ft. only to the administrative office area of the facility. This results in a required minimum of 11 parking spaces.

VII. WAIVERS from SITE PLAN RULES AND REGULATIONS – At its March 2, 2022 meeting, the Board considered waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

SITE PLAN RULES AND REGULATIONS

Section 204-5. C. 3) Existing Landscape Inventory. The Existing Condition sheet(s) shall show all existing trees with a diameter of fifteen inches or more at four feet above grade and any tree that will be beneficial for screening purposes. Tree drip lines shall also be shown.

The Applicant seeks a waiver from this regulation to allow for showing only hardwood trees larger than 18" diameter on the plan and to not show the driplines of trees that are scheduled to remain. The site is heavily wooded and the available development area is quite limited due to the property's proximity to the Charles River and wetland resources. Limiting the tree inventory to more substantial and only hardwood trees is reasonable in light of the site's conditions. ***For these reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

On a motion made by Jessica Chabot and seconded by Robert Tucker, the Board voted to approve the above noted waiver request. The motion was approved by a roll call vote of four in favor (Chabot, Di Iulio, Hayes and Tucker) and none opposed.

Section 207–9 B) 3) Pursuant to Section 3.5.4.1.3 of the Zoning Bylaw, sidewalks shall be provided along the entire frontage of the subject property along existing public ways.

The applicable *Bylaw* language requires an applicant to construct sidewalk along the subject site’s frontage, or elsewhere in the community, or to provide a payment in lieu of sidewalk construction to the Town. The site’s Populatic Street frontage is approximately 973 feet. The Applicant seeks a waiver from this requirement citing that there are no sidewalks presently on Populatic Street between Walker Street and the Franklin town line and further, that installing such a sidewalk would not really be beneficial or practical. As noted in the February 9, 2022 email communication from Medway DPW Director Pete Pelletier, the Town of Medway annually invests in sidewalk construction and maintenance which can be considered to serve as payment in lieu of sidewalk construction on the subject site. ***For this reason, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

On a motion made by Jessica Chabot and seconded by Robert Tucker, the Board voted to approve the above noted waiver request. The motion was approved by a roll call vote of four in favor (Chabot, Di Iulio, Hays and Tucker) and none opposed.

Section 207-11 A. 4. Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved materials along the entire radius of the opening, which shall extend at least 12 feet beyond each side along the gutter line of the road and at least the first 25 feet of a driveway, and which shall be sloped at the end to prevent a vertical obstruction to exist.

The Applicant has requested waiving of the granite curbing requirement at site entrances and exits and to not have any curbing at the driveway entrances, noting that there are no curbs along Populatic Street nor at the site’s existing driveway. The expense of granite curbing is also noted. Use of bituminous curb instead is not desired as it can be easily damaged. Further, there is no planned curbing within the site for the curbing at the entrance and exits to connect to. ***For these reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

On a motion made by Jessica Chabot and seconded by Robert Tucker, the Board voted to approve the above noted waiver request. The motion was approved by a roll call vote of three in favor (Chabot, Hayes and Tucker) and one opposed (Di Iulio),

Section 207-17. C. Dumpsters and recycling and trash containers shall be fully screened on all sides and to the full height of the dumpster or container by suitable fencing or enclosure and/or evergreen plantings.

The Applicant seeks a waiver from this requirement. The Applicant notes that the dumpster is located behind the building, out of public view, and is essentially screened by the building itself. Also noted is the challenge of snow plowing and the desire to easily relocate the dumpster temporarily when needed for maintenance. Further, there will be no public access to this area so there is no hazard by not screening or fencing the dumpster. ***For this reason, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

On a motion made by Jessica Chabot and seconded by Robert Tucker, the Board voted to approve the above noted waiver request. The motion was approved by a roll call vote of four (Chabot, Di Iulio, Hayes and Tucker) in favor and none opposed.

VIII. CONDITIONS - The *Specific and General Conditions* included in this Decision shall assure that the Board's approval of this site plan is consistent with *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 Board's issuance of a site plan approval is subject to the following Conditions of Approval:

SPECIFIC CONDITIONS OF APPROVAL

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The tract(s) of land on which this proposed development will be located at 19 Populatic Street shall not be altered or used except:
 - a) as granted by this site plan decision;
 - b) substantially as shown on the site plan entitled *Populatic Water Treatment Plan* site plan for 19 Populatic Street, dated November 2021, revised January 2022, prepared by James Cray, P.E. of Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings, to be modified as specified herein;
 - c) in accordance with any subsequently approved field changes, modified plans or amendments to this special permit/site plan decision; and
 2. The tract of land and buildings comprising 19 Populatic Street shall not be used, sold, transferred or leased except in conformity with this site plan and shall not be further divided.
- B. **Plan Endorsement** - Within one-hundred and twenty days after the Board has filed its *Decision* with the Town Clerk, the site plan set for the Medway DPW Water Treatment Plant, presently dated January 2022, including building elevations, renderings, landscaping plan, and lighting plan shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan of Record*). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds with this decision. All plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee shall also provide a Certificate of No Appeal from the Town Clerk's office.

- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the January 2022 site plan shall be revised as follows:
1. Include the list of APPROVED Waivers from the *Site Plan Rules and Regulations*
 2. Add reference to the Stormwater Operations and Maintenance plan (sheet to be added to the plan set) to the Plan Index
 3. Add the specific plan revision date
 4. Add a signature box to include date of decision, date of endorsement, and lines for Board member signatures.
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions and/or notes shall be made to the January 2022 site plan:
1. A sheet shall be added to the Plan set to display the approved stormwater design as approved by the Conservation Commission and the property's *Stormwater Operations and Maintenance Plan*.
 2. Design details for the pre-fabricated storage canopy shall be reviewed by the Design Review Committee and included in the plan set.
 3. Add notes to indicate that the parking area shall be constructed to include the necessary infrastructure to provide for future electric vehicle charging equipment per Specific Condition I.
 4. Add a signature box to include the decision date, plan endorsement date, and lines for signatures of Board members.
 5. Show final plan date on each sheet.
 6. The location of snow storage areas shall be modified based on the final stormwater design as approved by the Conservation Commission. Also, the text indicating the location of snow storage areas shall be revised to be clearer and easier to read.
 7. Sheet C-4 shall be revised to include supplemental landscaping to further screen the storage canopy at the northeast corner of the property.
 8. Fencing – Add a note and detail to specify that the chain link fencing is to be black, vinyl coated.
 9. Show a 15' selective cutting zone along the Populatic Street frontage with corresponding notes to indicate what will be retained and what may be cut.
 10. Indicate that the large oak tree on the east side of Populatic Street will be removed.
 11. Add property lines to the photometric plan.
 12. Add painted stop lines at all three stop sign locations per the February 15, 2022 memo from Sergeant Jeff Watson.
- E. **Wetlands Protection** – Prior to plan endorsement, the Applicant is required to provide the Board with a copy of the *Order of Conditions* and a Stormwater Management/Land Disturbance Permit from the Medway Conservation Commission.
- F. **Recording of Plans and Documents**
1. The *Plan of Record* associated with this site plan approval is titled: *Populatic Water Treatment Plan* for 19 Populatic Street, dated November 2021, revised January 2022, prepared by James Cray, P.E. of Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings, to be further revised as specified herein and endorsed by the Board.
 2. No construction shall begin on the site and no building permit for any work shall

be issued before this Site Plan Decision and the *Plan of Record* are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board within thirty days of recording.

- G. ***Conditions Pertaining to Flood Plain Protection District*** – Portions of the site are located within the Town’s flood plain district pursuant to Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA). The Applicant is required to comply with the provisions of Section 5.6.1 of the *Bylaw* for allowed and prohibited uses and activities.
- H. ***Conditions Pertaining to Groundwater Protection District*** – The site is located within the Town’s groundwater protection district. The Applicant is required to comply with the provisions of Section 5.6.3 of the *Bylaw* for allowed uses and prohibited activities.
- I. ***Electric Vehicle Parking*** – Although a municipal project is exempt from the *Bylaw* requirement (Section 7.1.1 E. 4.) to provide parking spaces with electric vehicle (EV) charging stations, the Applicant has agreed to include installation of the necessary infrastructure in the eastern parking area to allow for the future installation of EV charging stations as part of the infrastructure construction for this project.
- J. ***Occupancy Permit*** – Pursuant to Section 3.5.2.B of the *Bylaw*, which provides: “Unless specifically authorized by the terms of the site plan review decision, a final certificate of occupancy shall not be issued until the project has been completed in accordance with the approved and endorsed plan and the applicant has complied with or satisfied all conditions of the site plan review decision”, an occupancy permit may be issued when the following items, at a minimum, are installed in compliance with this Decision, the *Plan of Record*, and applicable by-laws and regulations:
 - 1. Driveway and parking area gravel sub-base
 - 2. Driveway area and parking area binder course
 - 3. Drainage system completed
 - 4. As-built plan of each stormwater facility with all critical elevations and details.
 - 5. Stop line pavement markings and stop sign.
 - 6. Provisions for fire prevention and protection.
- K. ***Signage*** – Any future signage for this project shall comply with Section 7.2 Signs of the *Bylaw* and is subject to review by the Design Review Committee.
- L. ***Landscape Maintenance*** - 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 *Plan of Record*. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.

GENERAL CONDITIONS OF APPROVAL

- A. ***Applicability*** – This permit shall apply to any successor in control or successor in interest of the subject property.
- B. ***Other Permits*** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits and approvals associated with this project. The contractor for the Permittee or assigns shall obtain, and comply with all other required Town permits.

- C. ***Restrictions on Construction Activities*** – During construction, all applicable local, state and federal laws, except where otherwise exempted, shall be followed regarding noise, vibration, and blocking of town roads for safety. The Permittee 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*** - Work at the construction site and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 7:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.
 2. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
 3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel or 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 Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
 4. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis. All waste products, refuse, debris, and construction materials shall be contained and deposited post construction at an appropriate off-site facility.
 5. ***Construction Traffic and 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.
- F. ***Snow Storage and Removal*** - On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
- G. ***Right to Enter Property*** – Board members, its staff, or other designated agents of the Town shall have the right to enter upon the 19 Populatic Street property at reasonable times during construction and with advance notice to the Permittee to inspect the site to evaluate for compliance with the terms and Conditions of this permit and the *Plan of Record* and while on site, may acquire any information, measurements, photographs, observations and/or materials deemed necessary for that evaluation.
- H. ***Construction Oversight*** – The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the *Plan of Record*. Inspections shall occur at least on a monthly basis and shall start immediately once any work begins on the property. The Permittee's engineer

shall prepare a written report of each inspection, including photographs and construction schedule, and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.

I. *On-Site Field Changes*

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific Condition of the decision. Field changes shall not substantially alter the intent, layout or design of the *Plan of Record*.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the proposed changes with the Planning and Economic Development Coordinator and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field change at a public meeting and determine whether the proposed field change is reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. The Board will provide a written authorization of an approved field change. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

J. *Plan Modification*

1. Proposed modifications (not including on-site field changes) to the *Plan of Record* shall be subject to review by the Board.
2. 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 Board for review as site plan modifications.
3. Any work that deviates from the *Plan of Record* may be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to *Plan of Record* shall be subject to the same application and review process, including a public hearing, the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

K. Plan Compliance

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

M. Project Completion

1. This approval shall lapse after two years of the grant thereof if construction has not begun except for good cause. The approved site plan shall be completed by the Permittee or its assignees within five years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The Permittee's 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. *Certificate of Site Plan Completion* - The Permittee shall request a *Certificate of Site Plan Completion* from the Board as provided in Section 208-6 (C) of the *Site Plan Rules and Regulations*. The *Certificate* serves as the Board's confirmation that, in its opinion, 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.
 - a) Before issuing such Certificate, a Board member or the Board's Agent shall conduct a final inspection of the site and prepare a punch list to identify any remaining work to be completed. The Board may consult with its consulting engineer and various Town staff and boards or committees to determine whether the project is complete.
 - b) To secure a *Certificate of Site Plan Completion*, the Permittee shall complete or provide the following items to the satisfaction of the Board:
 - i. receipts to document cleaning of the stormwater system
 - ii. a signed statement from the Permittee committing to the ongoing maintenance of the stormwater management facilities and replacement of landscaping.
 - iii. removal of erosion controls
 - iv. full stabilization of the site
 - v. a written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been

- completed in substantial compliance with this permit, the *Plan of Record* and any modifications thereto; and
- vi. 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 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.

- N. ***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 *Bylaw*, the *Bylaw* shall apply.

IX. APPEAL

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Permittee, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the Site Plan Decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

APPROVED by the Medway Planning & Economic Development Board: March 2, 2022

Jessica Chabot

Richard Di Iulio

Matthew J. Hayes


Robert K. Tucker

COPIES TO: Michael Boynton, Town Manager
Stephanie Carlisle, DPW Compliance Officer
Michael Fasolino, Deputy Fire Chief
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Pete Pelletier, Department of Public Works
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Jeff Watson, Police Department
James Cray, Wright Pierce
Steven Bouley, Tetra Tech

APPROVED by the Medway Planning & Economic Development Board: March 2, 2022



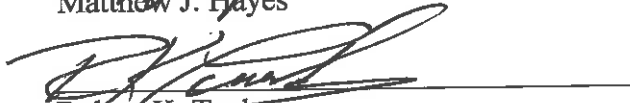
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