



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

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

July 11, 2017

Major Site Plan Review and Groundwater Protection District
Special Permit Decision
Merrimack Building Supply – 20 Trotter Drive Ellen Realty
APPROVED with Waivers and Conditions

Decision Date: July 11, 2017

Name/Address of Applicant: Merrimack Building Supply
20 Trotter Drive
Medway, MA 02053

Name/Address of Property Owner: Medway Trotter LLC
20 Trotter Drive
Medway, MA 02053

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

Site Plan: *Merrimack Building Supply Site Plan of Land for 20 Trotter Drive*
Dated March 14, 2017, last revised June 15, 2017 by Guerriere and
Halnon of Milford, MA and Cubic Architects, Inc. of Plymouth,
MA

Location: 20 Trotter Drive

Assessors' Reference: 64-002

Zoning District: Industrial III and Groundwater Protection District

I. PROJECT DESCRIPTION – The proposed project includes construction of a 19,500 sq. ft. addition to the existing 10,000 sq. ft. structure, a new customer entrance, expanded parking for a total of 40 parking spaces, construction a new loading dock and paved area for truck access to the loading area, installation or relocation of utilities to accommodate the building addition, abandonment of the existing septic system and connection to Town sewer, installation of a stormwater drainage system where none presently exists, and installation of site lighting and landscaping. Site access from Trotter Drive remains the same.

The site includes wetland resources, a small portion of Stall Brook, and is located within Medway's Groundwater Protection District.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on July 11, 2017, on a motion made by Robert Tucker and seconded by Rich Di Iulio, **voted to GRANT with CONDITIONS a groundwater protection special permit and to APPROVE with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of an approximately 19,500 sq. ft. building addition and site improvements at 20 Trotter Drive as shown on Merrimack Building Supply Site Plan of Land for 20 Trotter Drive, prepared by Guerriere and Halnon of Milford, MA dated March 14, 2017, last revised June 6, 2017, to be further revised as specified herein.

The motion was unanimously approved by a vote of five in favor and none opposed.

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

III. PROCEDURAL HISTORY

- A. March 13, 2017 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. March 21, 2017 – Groundwater protection district special permit application filed.
- C. March 22, 2017 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. March 23, 2017 - Public hearing notice mailed to abutters by certified sent mail.
- E. March 23, 2017 – Site plan information distributed to Town boards, committees and departments for review and comment.
- F. March 28 and April 3, 2017 - Public hearing notice advertised in *Milford Daily News*.
- G. April 11, 2017 - Public hearing commenced. The public hearing was continued to April 25, May 23, June 13 and 27, and July 11, 2017 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan and special permit applications for the proposed Merrimack Building Supply expansion project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the applications were filed:
1. Site Plan Application and Special Permit Application dated March 14, 2017 with Project Description, property ownership documentation, certified abutters' list, and requests for waivers.
 2. *Merrimack Building Supply Site Plan of Land for 20 Trotter Drive* dated March 14, 2017, prepared by Guerriere and Halnon, Milford, MA
 3. Building Floor Plans and Elevations dated November 10, 2016, prepared by Cubic Architects, Plymouth, MA
 4. *Hydrologic & Hydraulic Report*, 20 Trotter Drive in Medway, MA dated March 10, 2017, prepared by Guerriere and Halnon, Milford, MA
 5. *Requests for Waivers* from the *Medway Site Plan Rules and Regulations*, dated March 14, 2017 prepared by Guerrier and Halnon
- B. During the course of the review, a variety of other materials were submitted to the Board by the applicant and its representatives:
1. *Merrimack Building Supply Site Plan of Land for 20 Trotter Drive* dated March 14, 2017, revised April 25, 2017, revised May 31, 2017, revised June 6, 2017, last revised June 15, 2017, prepared by Guerriere and Halnon, Milford, MA
 2. Building Floor Plans and Elevations dated November 10, 2016, revised April 24 and May 11, 2017 prepared by Cubic Architects, Plymouth, MA
 3. *Hydrologic & Hydraulic Report*, 20 Trotter Drive in Medway, MA dated March 10, 2017, revised April 25, 2017, revised May 25, 2017, revised June 19, 2017 prepared by Guerriere and Halnon, Milford, MA
 4. Letter dated May 2, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to Tetra Tech's April 20, 2017 review comments.
 5. Letter dated May 18, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to PGC's April 5, 2017 review comments.
 6. Letter dated May 31, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to Tetra Tech's May 18, 2017 review comments.
 7. Letter dated May 31, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to PGC's May 18, 2017 review comments.
 8. Letter dated June 19, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to Tetra Tech's June 12, 2017 review comments.

V. TESTIMONY - In addition to the site plan and special permit application materials as submitted and provided during the course of the Board's review, the Board also received verbal or written testimony from:

- Sean Reardon, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated April 20, May 18, June 12, and June 21, 2017 and commentary throughout the public hearing process.

- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated April 5 and May 18, 2017 and commentary throughout the public hearing process.
- Bill Donegan, Merrimack Building Supply, applicant
- Peter LaVoie, P.E. of Guerriere and Halnon, engineering consultant
- Review letter from the Medway Design Review Committee dated May 24, 2017
- Email note from Fire Chief Jeff Lynch dated April 24, 2017
- Letter dated June 19, 2017 from Fire Chief Jeff Lynch.
- Memorandum from Police Sergeant/Safety Officer Jeff Watson dated April 23, 2017
- Email communications dated April 10 and, 2017 from Kelly Rice of 1 Lost Hill Drive

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

The Planning and Economic Development Board, at its meeting on July 11, 2017, on a motion made by Robert Tucker and seconded by Matthew Hayes voted to approve the following **FINDINGS** regarding the site plan and special permit applications for 20 Trotter Drive. The motion was unanimously approved by a vote of five in favor and none opposed.

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 *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?

Ingress and egress is off a cul-de-sac and does not present a safety issue. The driveway provides access to 2 separate off-street parking lots so there is no backing onto a public way. The only queuing issue is delivery trucks parked in the cul-de-sac awaiting opening of the business. A gate is being located well into the driveway in order to allow waiting trucks to pull into the driveway rather than park in the cul-de-sac. Access via the residential portion of Alder Street is minimized through signage and instructions to employees and delivery personnel.

- (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 proposed building addition and site are in an industrial style, scale and materials similar to other buildings within the industrial park. Existing vegetation at the front of the site and within the street right-of-way is being retained to help screen the building addition and parking lot. The design has been reviewed by the Design Review Committee and is acceptable for its location.

- (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 site is off the end of a cul-de-sac and the project is an addition to an existing building so building location was already fixed. As stated above, vegetation at the front of the site will remain to reduce visual intrusion. A rain garden is planned in front of the smaller parking lot and the building and the vegetation on the remainder of the site will help screen the larger parking lot and outdoor storage areas from public view and nearby residential properties.

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

Access for fire and service equipment is provided on three sides of the combined original building and addition. The Fire Chief has reviewed the plan and has found the site design to be acceptable for safety access purposes.

- (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.

As a previously-developed site, the volume of new cut and fill is minimal. The only trees to be cut are those that are necessary to accommodate the building addition, expanded parking and new drainage system. The trees to the front of the site and within the right-of-way will be left intact. The trees left will also screen the visual prominence of the building and parking lots and reduce their visibility from Trotter Drive and Alder Street. The drainage system has been reviewed by the Town's Consulting Engineer and has been determined to be adequate to protect waterways and environmental resources. Since the site is located within a Groundwater Protection District, this approval also includes a special permit that ensures it will not adversely affect groundwater. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the operation of the building supply business.

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

The entrance and egress to the site and its parking and loading facilities have been designed for safe operation and to minimize conflict. Walkways are provided from Trotter Drive to the site and from the parking lots to 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?

There are no visually prominent natural or historic features on site.

- (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 engineer. The planned site lighting does not produce glare to adjoining properties and minimizes light pollution by using cut off lenses.

- (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 is reasonable and it protects sensitive environmental resources since it avoids the wetlands buffer zone and extends just beyond the existing disturbed area on the site.

Groundwater Protection District Findings

- (10) New construction is a permitted use, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (11) Storage of hazardous materials is prohibited unless in a free-standing container within a building. As conditioned, any hazardous materials that will be used at the facility will be identified and a list provided to the Board (**See Condition #F**). All storage and use of hazardous materials will be contained within the building. Any accidental spillage will also be contained within the building and any that enters the sewer system will be treated prior to being discharged to the municipal sewer system.
- (12) Fertilizers will be used on landscape material but will be the minimum necessary (**See Condition #F**). All storage will be contained within the building.
- (13) Any use of hazardous materials will occur within the building.
- (14) There will be no earth removal within six feet of the historical high groundwater level.
- (15) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.
- (16) The Town's Consulting Engineer has reviewed the planned stormwater management facilities to ensure that groundwater recharge that does not degrade groundwater quality.

- (17) As required by Section 5.6.F. of the Zoning Bylaw, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services to ensure that no adverse impacts on the quality or quantity of water available within the Groundwater Protection District, and that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized. The proposed facility will reduce impacts on the quality of water available within the Groundwater Protection District.

Special Permit Findings - Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Zoning Bylaw, shall make findings on all of the applicable criteria specified below:

- (18) The proposed site is an appropriate location for the proposed use.

The site is an appropriate location for the proposed use since it is an expansion of an existing building and is located within the Industrial III zoning district that specifically allows such industrial uses.

- (19) Adequate and appropriate facilities will be provided for the operation of the proposed use.

As documented above in the Findings pursuant to the Site Plan Rules and Regulations, adequate and appropriate facilities have been provided for the operation of the facility. Its internal roadway and parking system and stormwater management system have been reviewed by the Town's Public Safety staff and the Board's Consulting Engineer and found to be adequate. Furthermore, the septic system serving the existing building will be abandoned and the building will be connected to the municipal sewer system, thus removing a source of potential contamination from the Groundwater Protection District.

- (20) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.

*As conditioned, the proposed facility will remove an existing hazard to abutters by providing an area within its entrance driveway for freight trucks to park when they arrive during the facility's off hours. The industrial park road system is adequate to handle the minimal increase in traffic. While pedestrian access is expected to be minimal, a sidewalk will be provided from Trotter Drive to the building entrance as well as between the parking areas and the entrances. Primary access is from Route 109 and Trotter Drive and **Condition #G** requires the business owners to take steps to discourage use of Alder Street by its employees, suppliers and customers.*

- (21) The proposed use will not cause undue traffic congestion or conflicts in the immediate area.

The industrial park roadway system is adequate to handle the small increase in traffic resulting from this expansion.

- (22) The proposed use will not be detrimental to the adjoining properties due to lighting, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.

The Board considered the comments of abutters in the adjoining residential neighborhood and has ensured that there will be no light trespass, and that existing vegetation in the front of the site and within the right-of-way will remain to reduce visual impacts. A dumpster is provided for refuse and it is located on the opposite side of the building considerably away from the residential area. No extraordinary noise, vibration dust or other operational attributes are expected from the proposed expanded use and no evidence of such impacts from the existing operation has been suggested.

- (23) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.

As conditioned, the proposed expanded use on the site will not adversely affect the surrounding neighborhood or change the character of the zoning district. The use is allowed by right in the district, and the building addition is in character with other industrial buildings in the area. Adequate measures have been taken to reduce the impacts on the residential neighbors.

- (24) The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.

The proposed use is an expansion of an existing use which is allowed by right in the Industrial III district and therefore is in harmony with the Zoning Bylaw.

- (25) The proposed use is consistent with the goals of the Medway Master Plan.

The proposed facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives as follows: Goal 1: Maximize the area's economic resources and Goal 6: Attract new (and retain existing) businesses and increase the industrial/ manufacturing base.

- (26) The proposed use will not be detrimental to the public good.

The proposed use helps achieve the goals the Medway Master Plan by providing an expanded tax base and preserving and increasing jobs while incorporating measures to protect the environment and neighboring residences so it is not detrimental to the public good.

VII. WAIVERS – At its July 11, 2017 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Rich Di Iulio, 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 unanimously approved by a vote of five in favor and none opposed.

1. **Section 204 – 3. A. Development Impact Statement** – The applicant shall provide 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. A *Development Impact Statement* shall address traffic, environmental, community and parking impacts.

At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the *Development Impact Statement*.

The Board APPROVES the applicant's request to waive the requirement for submission of a Development Impact Statement due to the existing use of the property for industrial uses and the nature of the planned development for additional storage/warehouse space.

2. **Section 204 – 3.A.7.a. Traffic Impact Assessment** – A traffic impact report is required if a development project involves the addition of 30 or more parking spaces.

The applicant has proposed 40 parking spaces for the site and has requested that the requirement for a traffic impact assessment be waived as the project's scope will generate only employee and delivery traffic. The preparation of a traffic impact assessment is not expected to reveal any useful information related to the site or the project's impacts. Therefore, the Board APPROVES this waiver request.

3. **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 this requirement as the site has been used for many years for Merrimack Building Supply and is already disturbed. There are no trees or landscaping in the proposed work area. There is no value in preparing an inventory of the existing landscape given the existing condition of the already cleared site. Therefore, the Board APPROVES this waiver request.

4. **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 from this requirement and proposes the use of Cape Cod berm instead where no curbing presently exists. The applicant believes the proposed alternative curbing material is an appropriate method to delineate the boundary of the proposed parking lot, is consistent with the general industrial park area and will appropriately improve the site. The Board concurs with this assessment and APPROVES this waiver request.

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 hearing 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 Merrimack Building Supply expansion project at 20 Trotter Drive dated March 10, 2017 last revised June 15, 2017 prepared by Guerriere and Halnon of Milford, Ma and Cubic Architects of Plymouth, MA shall be further revised to reflect all Conditions and required revisions, including those as follows, and shall be submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a Mylar set of the 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 June 15, 2017 site plan set shall be revised to remove the reference to waiver requests from Section 205-3 D and Section 205-9 F of the *Site Plan Rules and Regulations* and to identify that the other waiver requests were approved.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the June 15, 2017 Site Plan set.
 - 1. Per the Design Review Committee's review letter dated May 24, 2017, the plan should be revised to include a detail of the planned continuation of an existing stone wall along the building façade. The Applicant shall provide information to the DRC regarding the material selected for the stone wall for its approval prior to plan endorsement.
 - 2. Per the Design Review Committee's review letter dated May 24, 2017, the plan should be revised to include a detail for an opaque enclosure around the outside dumpster. The enclosure shall fully screen the height of the dumpster.
 - 3. Per the Medway Police Department's review letter dated April 23, 2017, the plan shall be revised to indicate that the No Parking Signs to be installed on Trotter Drive shall also state No Idling.
 - 4. The building elevation plan by Cubic Architects shall be revised as follows and added to the plan set:

- a) specify materials, etc. finishes, etc. of the building facades
- 5. The photometric plan (Sheet 6) shall be revised to show no light spillage off the property.
- D. ***Wetlands Protection*** – Prior to plan endorsement, the Applicant is required to provide the Planning and Economic Development Board with a copy of the *Order of Conditions* from the Medway Conservation Commission.
- E. ***Use Limitations*** – Parking or use of the parking area at 20 Trotter Drive shall be limited only to vehicles for Merrimack Building Supply employees, deliveries and customers. The parking area may not be leased or made available to any other businesses for any purposes.
- F. ***Conditions Pertaining to Groundwater Protection District Special Permit***
 - 1. Storage of hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. All use of hazardous materials shall be contained within the building. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.
 - 2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers shall be contained within the building.
 - 3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
 - 4. There shall be no use of pesticides, herbicides, fungicides or insecticides anywhere on the site.
 - 5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Services.
 - 6. 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. No snow shall be disposed of in the stormwater detention basin or rain garden.
 - 7. The rain garden shall be maintained in accordance with the stormwater operations and maintenance plan.
 - 8. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
 - 9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

- G. **Site Access** – Access to the site is provided from Route 109 and Trotter Drive. The applicant shall instruct employees, delivery companies and customers to use Trotter Drive and not Alder Street to access the property. Any printed or electronic company materials that provide directions to the site shall indicate the

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, including real estate and personal property taxes and business licenses.

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

- 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. **Document/Plan Recording** - Within thirty (30) days of recording the Decision and the associated Plan, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
- D. **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 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 *Medway Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

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 the occupancy permit is issued, the Town's Consulting Engineer or the Inspector of Buildings shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Inspector of Buildings may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning

Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

F. *Snow Storage and Removal*

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

G. *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. 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.
 3. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 4. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the

construction of the 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.

H. ***Modification of Plan and/or Decision***

1. This site plan and special permit 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 hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

I. ***Compliance with Plan and Decision***

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

J. ***Performance Security***

1. No occupancy permit for the planned addition shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to

the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining work.

2. The applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Treasurer/Collector and Town Counsel. The Board may require that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
 - a) the date by which the developer shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
 - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a twenty-five percent (25%) contingency.
5. Final release of performance security is contingent on project completion.

K. *Project Completion*

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic Development Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the applicant shall:

- a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
- b) submit 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.

L. ***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.

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

IX. 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.

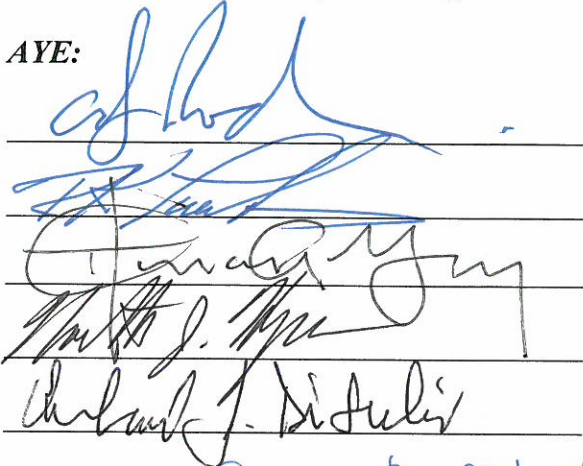
After the appeal period has expired, the applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.

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**Medway Planning and Economic Development Board
SITE PLAN and SPECIAL PERMIT DECISION
Merrimack Building Supply, 20 Trotter Drive**

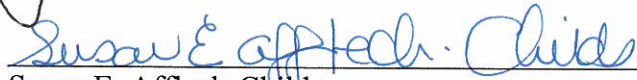
Approved by the Medway Planning & Economic Development Board: 7-11-2017

AYE:



NAY:

ATTEST:


Susan E. Affleck-Childs
Planning & Economic Development Coordinator

7-11-2017
Date

COPIES TO: Michael Boynton, Town Administrator
David D'Amico, DPS Director
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Department Safety Officer
Bill Donegan, Merrimack Building Supply
Peter Lavoie, Guerriere and Halnon
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates