



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

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MAY - 9 2018

TOWN CLERK

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

May 8, 2018

***Major Site Plan Review Decision***  
***Milway Auto – 50 Alder Street***  
***APPROVED with Waivers and Conditions***

**Decision Date:** May 8, 2018

**Name/Address of Applicant:** Alder Street Realty, LLC  
119 Milford ST.  
Medway, MA 02053

**Name/Address of Property Owner:** Alder Street Realty, LLC  
119 Milford ST.  
Medway, MA 02053

**Project Location:** 50 Alder Street

**Assessors' Reference:** 63-001-0001

**Zoning District:** West Industrial (formerly known as Industrial III)

**Engineer:** Grady Consulting, Inc.  
71 Evergreen ST. Suite 1  
Kingston, MA 02364

**Site Plan:** *Proposed 3,250 Sq. Ft. Commercial Building for 50 Alder ST*  
Medway, MA  
Dated March 30, 2016, last revised April 2, 2018



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**I. PROJECT DESCRIPTION** – The proposed project includes construction of a 3,250 sq. ft., one-story building for automobile sales and service with three garage bays and office space. The site plan shows a 7,774 sq. ft. parking lot for 17 parking spaces, landscaping, stormwater drainage facilities, and connections to municipal water and sewer. Site access/egress is planned with 2 curb cuts on Alder Street. The parcel is 1.03 acres. 60% of the property is located in Medway; the remaining portion of the property is located in Milford, MA. Approximately 12,900 sq. ft. of the parcel will be cleared for construction of the building, drainage system and parking.

A portion of the site lies within the 100' buffer zone of wetlands resources and is subject to review by the Medway Conservation Commission.

**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 May 8, 2018, on a motion made by Robert Tucker and seconded by Richard Di Iulio, **voted to approve with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of an approximately 3,250 sq. ft. building and site improvements at 50 Alder Street as shown on *Proposed 3,250 sq. ft. Commercial Building for 50 Alder Street* prepared by Grady Consulting, of Kingston, MA, dated March 30, 2016, last revised April 2, 2018, to be further revised as specified herein.

All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

The motion was approved by a vote of 4 in favor and 0 opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	Yes
Matthew Hayes	Yes
Thomas A. Gay	Absent
Andy Rodenhiser	Yes
Robert Tucker	Yes

### **III. PROCEDURAL HISTORY**

- A. January 11, 2019 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. January 18, 2018 – Site plan public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. January 19, 2018 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. January 22, 2018 – Site plan public hearing notice mailed to abutters by certified sent mail.
- E. January 30 and February 5, 2018 - Site plan public hearing notice advertised in *Milford Daily News*.

- F. February 13, 2018 - Site plan public hearing commenced. The public hearing was continued to February 27, March 27, April 24<sup>th</sup> and May 8, 2018 when the hearing was closed and a decision rendered.
- G. March 22, 2018 - Applicant requested and Board approved (March 27, 2018) an extension of the action deadline to May 11, 2018.

#### **IV. INDEX OF SITE PLAN DOCUMENTS**

- A. The site plan application for the proposed Milway Auto project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:
  - 1. Major Site Plan Application dated January 11, 2018 with Project Description, Development Impact report, property owners' authorization, purchase and sale agreement, and certified abutters' list.
  - 2. *Proposed 3,250 Sq. Ft. Commercial Building for 50 Alder Street* site plan dated March 30, 2016, last revised August 22, 2016, prepared by Grady Consulting of Kingston, MA.
  - 3. *Stormwater Management Design Calculations dated March 30, 2016* prepared by Grady Consulting of Kingston, MA
  - 3. *Requests for Waivers from the Medway Site Plan Rules and Regulations*, prepared by Grady Consulting of Kingston, MA, dated August 22, 2018
  - 4. Building Elevations for Milway Auto dated November 2018 prepared by Clinton Design Architects of Holliston, MA
- B. During the course of the public hearing and review, a variety of other materials were submitted to the Board by the applicant and its representatives:
  - 1. Paul Seaberg of Grady Consulting, engineering consultant for the applicant – Letter dated February 21, 2018 in response to Tetra Tech, PGC and Medway Design Review Committee review comments.
  - 2. Paul Seaberg of Grady Consulting, engineering consultant for the applicant – Letter dated March 21, 2018 with revised plan plus Hantush mounding information, pipe/grate sizing analysis (25 year and 100 year storms) dated February 20, 2018, and TSS Removal Calculation Worksheet prepared 2-29-18.
  - 3. Lighting plan and specifications dated March 14, 2018 by Reflex Lighting of Boston, MA.
  - 4. *Proposed 3,250 Sq. Ft. Commercial Building* site plan dated March 30, 2016 revised March 19, 2018 prepared by Grady Consulting of Kingston, MA.
  - 5. Supplemental waiver request from the *Site Plan Rules and Regulations*, submitted March 22, 2018, prepared by Grady Consulting
  - 6. Paul Seaberg of Grady Consulting, engineering consultant for applicant – letter dated April 2, 2018 with revised site plan and information.
  - 7. *Proposed 3,250 Sq. Ft. Commercial Building* site plan dated March 30, 2016, revised April 2, 2018 prepared by Grady Consulting of Kingston, MA.

8. Letter dated April 19, 2018 from Christopher Davidson, PE from ESI regarding outdoor lighting. 30, 2016.
  9. Revised building façade drawings by Clinton Design Architects received April 17, 2018.
  10. Supplemental waiver requests from the *Site Plan Rules and Regulations*, submitted May 3, 2018, prepared by Grady Consulting
- C. All documents and exhibits received during the public hearing 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 February 8 and March 28, 2018 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated February 6, 2018 and commentary throughout the public hearing process.
- Review letter from the Medway Design Review Committee dated February 7, 2018
- Fire Chief Jeff Lynch – Emails dated March 5 and March 12, 2018
- Susy Affleck-Childs – Emails dated March 6, 2018 to applicant Phil Anza re: uplands requirements and installation of American flag mural on building façade.
- Zoning Board of Appeals decision dated February 7, 2018 granting a use variance for automotive sales and service and a dimensional variance to allow a front yard setback of 24.9' instead of the standard 30'.
- Conservation Commission Order of Conditions for the subject property, dated August 29, 2016

**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 May 8, 2018, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for the Milway Auto building and site at 50 Alder Street. The motion was approved by a vote of 4 in favor and 0 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 *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?

*Ingress and egress is off Alder Street, an industrial roadway designed to handle this type of facility. Two curb cuts are provided which will facilitate internal site movement. There are no residential properties abutting the subject parcel.*

- (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 and site are in an industrial style and scale with materials similar to other buildings within the industrial park. The building design has been positively 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.

*No outside dumpster is planned. Trash will be stored inside the building in standard trash containers which was determined to be acceptable to the Medway Fire chief. The property immediately surrounding the building is industrially zoned or bordered by Interstate 495 so there are no impacts on residentially used or zoned property.*

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

*The building is accessible from three sides. There are 264' linear feet of frontage along Alder Street. The site plan was provided to the Fire Chief and no negative comments have been received.*

- (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 cut and fill is the minimum necessary to construct the building and associated facilities. Large trees on site have been identified but much of the site needs to be cleared in order to accommodate the building, parking and drainage system. The proposed stormwater drainage system has been reviewed by the*

*Town's Consulting Engineer and has been determined to be adequate to protect waterways and environmental resources. Appropriate soil pollution and erosion controls have been incorporated into the plan. The Conservation Commission has issued an Order of Conditions for the project due to its location near wetlands resources.*

- (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. A sidewalk already exists along Alder Street. The turning movements for the loading area have been identified and reviewed by the Town's Consulting Engineer and found to be acceptable.*

- (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?

*Site lighting does not produce glare to adjoining properties. .*

- (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 for the proposed facility. The environmental resources on site have been reviewed by the Conservation Commission and are protected through an Order of Conditions dated August 29, 2016.*

**VII. WAIVERS** – At its May 8, 2018 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Richard 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 approved by a vote of 4 in favor and 0 opposed.

1. **Section 204-4 B. Standards for Site Plan Preparation** - The site plan shall be drawn at a scale of 1" = 40'.

*The applicant has requested a waiver from this plan scale requirement and instead has proposed a scale of 1" = 20'. The developed portion of the site consists of approximately 15,000 sq. ft. The site plan would be difficult to read at*

*a scale of 1"=40'. The revised scale results in a more efficient review and construction process as the plan would be clearer, more readable and more accurately interpreted. Therefore, the Board APPROVES this waiver request.*

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

*The applicant has requested a waiver from the full extent of this requirement as the planned developed portion of the site consists of roughly 13,000 sq. ft. of wooded area that has to be cleared to accommodate the building, drainage and parking. Instead, the applicant has provided an inventory of trees with a diameter of 18" or greater which is shown on the revised existing conditions sheet in the revised plan dated March 19, 2018. A landscaping plan has been provided which will enhance the site. Therefore, the Board APPROVES this waiver request.*

3. **Section 204-5 D. 7 Landscape Architectural 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 this requirement. Due to the small scale of the site and the amount of clearing needed to construct the building, parking and drainage system, the area for planting is extremely limited. A limited scope of planned landscaping has been provided both as part of the site plan and in conjunction with the Order of Conditions. Therefore, the Board APPROVES this waiver request.*

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

*The applicant has requested a waiver from this regulation and proposes a 5' 1" setback from the eastern side property line for the internal driveway. Due to the wetlands on the property and the shape of the lot, the amount of land available for parking and driveways is limited. Without the reduced setback, the project will not meet the zoning bylaw requirements for the minimum number of parking spaces. The abutting properties are the right-of-way for Interstate 495 on the west*



*and a stone wall with undeveloped woods and wetlands on the east so there are no expected impacts on abutters.*

5. **Section 205-6 Parking - G. Parking Spaces & Stalls, 3. a)** - Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet, except that handicap stalls shall be in accordance with the current ADA standards. Each handicapped space/stall must be identified on the ground surface and by a sign.

*The applicant has requested waiver from this regulation and has proposed parking space stalls at a size of 9' by 18' which is the allowed minimum standard parking space size per Section 7.1.1. E. 3. a. of the Medway Zoning Bylaw. Smaller parking spaces reduces the overall size needed for the parking area and the amount of impervious surface area. Without the reduced parking space size, the project will not meet the Zoning Bylaw requirements for the number of parking spaces. Therefore, the Board APPROVES this request.*

6. **Section 205-6 Parking - G. Parking Spaces & Stalls, 4. b)** - Stalls shall not be located within 15' of the front, side or rear property lines.

*The applicant has requested a waiver from this setback standard for the parking stalls located closest to the eastern and western property lines. The applicant has proposed a 1' 8" setback from the side property lines instead of the standard 15' setback. Without the reduced setback, the project will not meet the zoning bylaw requirements for the minimum number of parking spaces. The Town's consulting engineer has no objection to this waiver. The abutting properties are the right-of-way for Interstate 495 on the west and a stone wall with undeveloped woods and wetlands on the east so there are no expected impacts on abutters. Therefore, the Board APPROVES this waiver.*

7. **Section 205 - 6 Parking - G. Parking Spaces & Stalls, 4. d)** After the last parking stall in any dead end row not adjacent to a travel lane parallel to the car stall, there shall be a twelve (12) foot long and twenty (20) foot wide turning area beyond the travel lane to allow proper maneuvering.

*The applicant has requested a waiver from this requirement to allow for a vehicular turning area of 5' x 24'. Due to the wetlands on the property and the shape of the lot, the amount of land available for parking is limited. Without the reduced setback, the project will not meet the zoning bylaw requirements for the minimum number of parking spaces. Only employees will be moving vehicles within the site so as to manage this small area most efficiently. Therefore, the Board APPROVES this waiver.*

8. **Section 205 – 9 Trees and Landscaping – Buffers, Parking Areas, Screening, Trees, Tree-Replacement, Tree Size.**

*The applicant has requested a waiver from this entire section of the Site Plan Rules and Regulations and has proposed landscaping as shown on the revised site plan dated April 2, 2018. The developed portion of the site is compact due to the wetlands on the property and the shape of the lot. In consideration of the nature*

*of the lot and its location, the alternative landscaping plan is acceptable. Therefore, the Board APPROVES this waiver.*

9. **Section 205 – 3 A. Curb Cuts, 2.** Curb cuts on public ways shall be minimized.  
a) Curb cuts for contiguous commercial areas may be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the applicant.

*The applicant has designed the site to include two curb cuts onto Alder Street; one existing curb cut to the site and one additional opening. The additional opening is needed for emergency access and safe vehicular movements within the parking area. The Board's Consulting Engineer does not oppose this waiver request due to the site location and use of property. Therefore, the Board APPROVES this waiver.*

10. **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 proposes to use Cape Cod berm in lieu of granite curbing around the perimeter of the parking area. Granite curbing is very expensive and is not necessary for this site. 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 has approved this same waiver request for other recent site plan projects in the 495 Business Park area.*

**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 project at 50 Alder Street dated March 30, 2016, last revised April 2, 2018 prepared by Grady Consulting, Inc. of Kingston, MA and Clinton Design Architects of Holliston, 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 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 *Proposed 3,250 Sq. Ft. Commercial Building Site Plan* dated March 30, 2016, last revised April 2, 2018 shall be further revised to:

1. List the **approved** waivers from the *Site Plan Rules and Regulations* as specified herein.
  2. Reference the February 2018 ZBA use and dimensional variance decision.
  3. Update the information re: the record owner of the property
  4. Revise the Sheet Index List to add a reference to the building elevation and floor plan drawings by Clinton Design Architects and the Lighting Plan by ReflexLighting.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the *Proposed 3,250 Sq. Ft. Commercial Building Site Plan* dated March 30, 2017, last revised April 2, 2018.
1. Plan shall be revised to indicate that asphalt parking surfaces shall have a minimum of 3 ½ inch depth bituminous concrete surface.
  2. The most recent set of building elevation and floor plan drawings by Clinton Design Architects and the Lighting Plan by ReflexLighting shall be added to the site plan set to make it complete.
  3. Landscaping detail on Sheet 6 of the site plan set shall be revised to indicate that lemon thyme grass will be used instead of juniper plants.
  4. Add a Stormtech Isolator Row and a weir manhole to the drainage design in order to prevent premature failure of the system due to sediment loading.
  5. Show handicapped ramps to both curb cuts on Alder Street on the site plan and provide a detail showing compliant ramps per state and federal law.
- D. **Use Limitations** – Parking or use of the parking area on site at 50 Alder Street shall be limited only to vehicles for Milway Auto, its employees, deliveries and customers. The parking area may not be leased or made available to any other business for any purpose.
- E. **Site Access** – Access to the site is provided from Alder Street. The applicant shall instruct its employees, delivery companies and customers to use only Trotter Drive and not the portion of Alder Street east of Trotter Drive to access the property. Any printed or electronic marketing materials that provide directions to the Milway Auto site shall indicate the Trotter Drive route. Delivery vehicles shall park temporarily within the on-site parking area and not park on Alder Street. Wreckers accessing the property to deliver vehicles for service shall use the on-site driveway/parking area to the maximum extent possible and use the least possible amount of Alder Street for drop off.
- F. **Parking** – No parking on Alder Street is allowed for Milway Auto, its employees, customers and vehicles to be serviced.
- G. **Trash Removal** – Trash removal shall be scheduled to occur only between 7 am and 6 pm. Trash and recycling containers are to be kept inside the building and rolled out as needed for pick up. If the need develops in the future to have an outside dumpster, it shall be fully enclosed by wood appearance vinyl fencing of sufficient height to fully screen and conceal the dumpster equipment. The siting of such dumpster on the property shall be subject to Administrative Site Plan

review through the Town of Medway Community and Economic Development Department.

- H. ***Stormwater Management Operations and Maintenance Plan*** - The applicant and any future property owner has ongoing and perpetual responsibility and obligation to carry out the Post Construction Stormwater Operations and Maintenance Plan included as pages 71 – 73 in the Stormwater Management Design Calculations report dated March 30, 2016 prepared by Grady Consulting, Inc.
- I. ***Signage*** - A concept drawing of a proposed wall sign has been shared with the Design Review Committee and its planned position on the building is shown on the site plan. The applicant shall secure the required sign permit from the Medway Building Department which shall include review by the Design Review Committee before the permit is issued as specified in Section 7.2.6.3 Sign Regulation of the *Zoning Bylaw*.
- J. ***Lighting***
  - 1. Lighting shall not result in any light spillage off the property. 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.

## **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. ***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 *Zoning Bylaw*, Section 7.3.C.2. Environmental Standards.

D. ***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.

E. ***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. 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.

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 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.

**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 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.

**I. *Performance Security***

1. No occupancy permit for the building 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. 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.
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, parking, 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.

J. ***Project Completion***

1. Site plan and special permit 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.

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 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.

###

**Medway Planning and Economic Development Board**  
**SITE PLAN DECISION**  
**Milway Auto, 50 Alder Street**

*APPROVED with Waivers and Conditions by the Medway Planning & Economic Development Board: May 8, 2018*

**AYE:**

**NAY:**

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**ATTEST:**

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Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

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Date

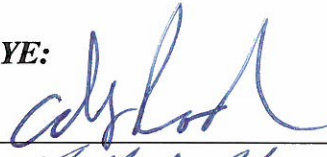


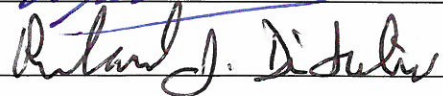
**COPIES TO:** Michael Boynton, Town Administrator  
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Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department Safety Officer  
Phil Anza, Alder Street Realty LLC  
Paul Seaberg, Grady Consulting Inc.  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates

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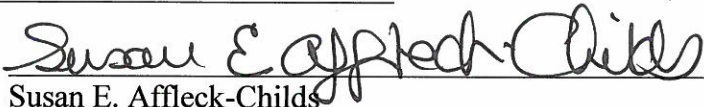
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**ATTEST:**

  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

May 8, 2018  
Date

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