

TOWN OF MEDWAY

Planning & Economic Development Board

Rules and Regulations

Chapter 200 - Site Plans

Rules & Regulations for Submission, Review and Approval of Site Plans

*Approved and Adopted by the Medway Planning Board
April 14, 1998*

Amended: April 28, 2000

Amended: March 13, 2001

Amended: November 1, 2001

Amended: July 9, 2002

Amended: December 3, 2002

Amended: October 8, 2019

Medway Planning and Economic Development Board

Andy Rodenhiser, Chairman

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Site Plan Rules and Regulations**

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TOWN OF MEDWAY

Planning and Economic Development Board

Rules and Regulations

Chapter 200 - Site Plans

Rules & Regulations for Submission, Review and Approval of Site Plans

ARTICLE I AUTHORITY

s. 201 – 1 Adoption - The Planning and Economic Development Board of the Town of Medway hereby adopts these *Rules and Regulations* to govern the submission, review, approval and modification of site plans pursuant to Section 3.5.5 of the *Zoning Bylaw*.

ARTICLE II GENERAL PROVISIONS

s. 202 – 1 Purpose – These *Rules and Regulations* provide for the uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the *Zoning Bylaw*. Their purpose is to guide Applicants, Town officials and boards, and others involved in the preparation, processing and review of site plans and the issuance of site plan approval and modifications thereto. These *Rules and Regulations* address the process for submission, review and processing of site plan applications including the delegation of administrative review to the Board's designee for review of small-scale projects; site development standards; review and approval criteria; issuance of site plan approvals; project conditions, limitations, safeguards and mitigation measures; procedures for modifying approved site plans; and decisions and fees.

s. 203 - 2 Scope of Site Plan Review –The *Zoning Bylaw* provides for three levels of Site Plan Review: Major Site Plan Review, Minor Site Plan Review, and Administrative Site Plan Review. See Section 3.5.3 of the *Zoning Bylaw* for applicability.

s. 202 - 3 Requirement for Site Plan Review – No building permit shall be issued for any use, site, or building alteration, or other improvement subject to Section 3.5 of the *Zoning Bylaw* unless an application for Site Plan Review has been prepared in accordance with the requirements of these *Rules and Regulations*, and unless such application has been approved by the Planning and Economic Development Board or its administrative designee in the case of projects subject to Administrative Site Plan Review.

s. 202 – 4 Definitions – Terms used in these *Rules and Regulations* shall have the meanings as set forth in the *Medway Zoning Bylaw* and G.L. c. 40A. Additional terms are defined below:

Agent: Individual(s) authorized by the Board to review plans and/or observe and inspect construction

Alteration of Existing Parking Area: Includes installation, removal or relocation of any curbing, traffic channelization island, driveway, travel lanes, storm drainage, lighting, landscaping or similar facilities, but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Board: The Planning and Economic Development Board of the Town of Medway.

Design Review Guidelines: A written document produced by the Design Review Committee and adopted by the Medway Planning and Economic Development Board.

Developer: The individual or organization which will carry out the approved and endorsed site plan.

Earth Materials: Soil, loam, gravel, sand, sod, topsoil, borrow, rock, peat, humus, clay, quarry stone and other similar earth materials.

Rules and Regulations: Medway Planning and Economic Development Board *Rules and Regulations for Submission, Review and Approval of Site Plans.*

Team: Administrative Site Plan Review Team established by the Town Administrator and the Board.

s. 202 – 5 *Waivers of Site Plan Rules and Regulations*

- A. The Board or the Team may grant waivers from strict compliance with these *Rules and Regulations* if it determines that:
- 1) the Rule or Regulation requested to be waived does not apply to the particular site or situation under review; or
 - 2) that a waiver would permit a superior design; or
 - 3) that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and approval as set forth herein; or
 - 4) that a waiver is in the best interests of the Town; or
 - 5) that a waiver is consistent with the purpose and intent of the *Zoning Bylaw* and these *Rules and Regulations*.
- B. The Applicant for Site Plan Review shall submit a written request for waivers from the *Rules and Regulations* at the time of application on a Waiver Request form to be provided by the Board. Supplemental Waiver Requests may be submitted during the course of the Site Plan Review process. If an oral request for a waiver is made during the course of the Board's review, it shall also be submitted to the Board as a written request.

s. 202 – 6 *Permit Coordination* – When a development project requires other permits from the Board such as a special permit, land disturbance permit, or a scenic road work permit, the Board's review may be consolidated and run concurrently.

s. 202-7 *Use of Forms*– Reference is made throughout these *Rules and Regulations* to various administrative forms to be used by the Applicant and Board for the orderly and

reasonable administration of these *Rules and Regulations*. These forms shall be developed and maintained by the Board and may be revised, updated, diminished or added to as necessary without a public hearing and formal amendment of these *Rules and Regulations*.

s. **202 - 8 *Validity*** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provisions which shall be held invalid. In all other respects these *Rules and Regulations* shall stand. In the event of a conflict between these *Rules and Regulations* and the *Zoning Bylaw*, the provisions of the *Zoning Bylaw* shall control.

ARTICLE III SITE PLAN APPLICATION PROCEDURES

s. **203 - 1 *Eligible Applicants*** - An Applicant for Site Plan Review shall be as defined in the *Zoning Bylaw*. In the case where the Applicant is a person other than the record owner of the property, the Applicant shall submit, as part of the application, a written certification executed by the record owner of the property that the application is submitted with the knowledge and consent of the record owner.

s. **203 - 2 *Pre-Application Review***

A. ***Consultation with Town Staff*** – A pre-application consultation between a prospective Applicant and the Town’s Community and Economic Development staff is recommended. The purpose of any pre-application consultation is to provide the Applicant with an opportunity to discuss the design concept of the proposed development during the early stages of the design process and to avoid unnecessary technical deficiencies in the application with a view toward promoting efficiency in the forthcoming processing and review of the proposed development project. However, Town staff are not responsible for assuring the accuracy, correctness or thoroughness of any application provided for review during a pre-application consultation. Any opinion given to the Applicant by employees of the Town during a pre-application consultation is advisory only and shall not be binding on the Board or the Town

B. ***Interdepartmental Project Review***

- 1) Prior to filing a site plan Application with the Board, prospective Applicants for Major Site Plan Review shall, and prospective Applicants for Minor Site Plan Review may, request that the Director of Community and Economic Development schedule a meeting with the Applicant and the Town’s interdepartmental project review team. The purpose of such meeting is for the Applicant to brief representatives of Town departments on the proposed project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows Town officials to identify project issues and opportunities which may benefit from further municipal attention, coordination or assistance.
- 2) *Scope of Town Staff Review* - Any opinion or information given to the Applicant by employee of the Town during the Interdepartmental Meeting shall be considered advisory only and shall not be binding on the Board or the Town.

C. ***Informal Pre-Application Meeting with the Board*** – Prior to filing a site plan Application with the Board, prospective Applicants for a Major or Minor Site Plan

Review may request an informal, pre-application meeting with the Board to review conceptual plans and discuss permitting procedures. The requested pre-application meeting shall occur during a regularly scheduled Board meeting. This meeting provides the Applicant and the Board with the opportunity to discuss the project's objectives, preliminary conceptual plan for the site, building design, and site amenities; review the Town's site plan review process and *Rules and Regulations*; identify possible requests for waivers from these *Rules and Regulations*; clarify what submittal items are required based on the scope of the project; and develop a preliminary schedule for application submittal and plan review. Requests for a pre-application meeting with the Board shall be made through the Planning and Economic Development office. A pre-application meeting shall not serve as a substitute for any public hearing or meeting required for the development project. Any opinion or information given to the Applicant by an individual Board member or its consultants during a pre-application meeting shall be considered advisory only and shall not be binding on the Board or the Town.

s. 203 – 3 *Official Receipt of Site Plan Application* –The official site plan submission date is the date the site plan application is filed with the Board or Team, and the Town Clerk and is deemed complete in accordance with s. 203-4 of these *Rules and Regulations*, whichever is later.

s. 203 - 4 *Completeness Review* - The Board's Agent may, within twenty-one days of the date of receipt of a major or minor site plan application, reject the application upon a determination that it does not satisfy the submission requirements of these *Rules and Regulations*. The Board's Agent shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* where the application is lacking. The Board's Agent shall provide a notice of its determination to the Town Clerk. When brought into conformity with the requirements of these *Rules and Regulations*, a site plan application previously deemed incomplete may be resubmitted for consideration by the Board without prejudice. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.

s. 203 - 5 *Use of Outside Consultants*

- A. The Board or the Team may determine that the assistance of outside consultants such as engineers, lawyers, planners, urban or landscape design professionals, environmental consultants or other appropriate professionals is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. It is the Board's standard practice to do so. The Board or the Team may engage the services of outside consultants to assist in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal or other issues. The Board or Team shall have full authority to select the outside consultants. If the Board or Team determines that such services are required, the Applicant shall pay a *Site Plan Review Fee* as authorized in s. 209 – 1 B. of these *Rules and Regulations*.
- B. The minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or in a related field.

- C. The Applicant may appeal the selection of a particular outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The Applicant shall identify the specific grounds which the Applicant claims constitute the conflict of interest or how the consultant does not meet the minimum required qualifications. If no decision is made by the Board of Selectmen within thirty days following the filing of an appeal, the Board's consultant selection stands.

ARTICLE IV MAJOR SITE PLAN REVIEW

s. 204 - 1 Applicability – See Section 3.5.3 A of the *Zoning Bylaw*.

s. 204 – 2 Town Clerk Submittals - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Town Clerk during regular business hours:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all items as specified in *s. 204 – 5* of these *Rules and Regulations*.

s. 204 – 3 Planning and Economic Development Board Submittals - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Board:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in *s. 204 – 5* of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information wherever applicable:
 - 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;

- 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;
 - 11) proposed on and off-site mitigation measures;
 - 12) list of other required local, state and federal permits needed for the project and the status of each; and
 - 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.
- D. One list and three sets of mailing labels of all parties in interest as defined in G.L. c. 40A, §11 within three-hundred feet of the subject site as appearing on the most recent tax records list maintained by the Assessor's office. The list shall be certified by the Board of Assessors of all applicable communities.
- E. One copy of all relevant approvals, land use permits or decisions received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, Historical Commission, Department of Public Works, etc.) and federal or state government agencies.
- F. 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, reduce or mitigate adverse impacts.

The *Development Impact Statement* shall consist of the following four elements:

- 1) *Traffic Impact Assessment*
 - a) A brief *Analysis* of existing traffic safety and capacity issues at the development site and a summary of anticipated traffic impacts as a result of the proposed development; or
 - b) A full *Traffic Impact Assessment* is required if the project:
 1. proposes an additional twenty or more parking spaces; and
 2. contains frontage or proposes access on a public way; and
 3. includes uses expected to generate an additional one hundred trips to or from the site on an adjacent roadway during a peak hour based on the most recent edition of the Institute of Traffic Engineers publication *Trip Generation*.

The Board may require an Applicant to prepare a full *Traffic Impact Assessment* even if the project does not meet all of the above criteria, if the Board finds that such information is necessary for it to complete its review.
 - c) The *Traffic Impact Assessment* shall:
 1. document existing traffic volumes, capacities, controls, sidewalk and road conditions, roadway geometrics, hazards and level of service on

the site and streets adjacent to the site and intersections near the site including but not limited to conditions within one-quarter mile of the proposed project; and

2. describe the volume and effect of projected traffic generated by the proposed project (total and peak hour) and post project level of service (LOS); and
3. identify traffic management and structural improvements and mitigation measures, both on and off the site, to reduce adverse impacts of the proposed project on traffic. These could include but are not limited to demand management strategies, traffic control measures as well as capacity enhancements.

- d) A *Traffic Impact Assessment* shall be prepared under the supervision of a qualified and experienced person with specific training in traffic and transportation engineering with several years of experience related to preparing traffic studies for existing or proposed development.

2) *Environmental Impact Assessment*

- a) An *Environmental Impact Assessment* shall be required if the project involves one or more of the following characteristics:
 1. proposes an additional thirty or more parking spaces; or
 2. proposes a building footprint of fifteen thousand square feet or greater; or
 3. proposes to disturb twenty thousand square feet of land or greater; or
 4. proposes a project that is subject to the Town's *Stormwater and Land Disturbance Bylaw*.
- b) The *Environmental Impact Assessment* shall describe the impacts of the proposed development with respect to on-site and off-site environmental quality including:
 1. air and water quality;
 2. surface water and groundwater;
 3. flooding potential;
 4. increases in impervious surfaces;
 5. potential for erosion and proposed or existing control measures;
 6. noise levels;
 7. harmful or noxious emissions;
 8. damage or threat to wetlands and flood plain;
 9. smoke;
 10. odors;
 11. vibration;
 12. waste disposal; and
 13. off-site environmental drainage impacts.
- c) If the Applicant is required to file a full Massachusetts Environmental Policy Act (MEPA) certification with the Massachusetts Department of

Environmental Protection, that document shall serve to replace the *Environmental Impact Assessment* as may be required herein.

3) *Neighborhood Impact Assessment*

- a) A *Neighborhood Impact Assessment* evaluates the impacts of the proposed development on the adjacent neighborhood.
- b) A *Neighborhood Impact Assessment* shall identify the project's impacts to:
 - 1. the neighborhood's visual, architectural and historical character;
 - 2. the goals of existing community plans (master plan, open space plan, housing production plan, etc.) applicable to the neighborhood;
 - 3. the quality of life of its residents; and
 - 4. the expected demand for municipal services.

4) *Parking Impact Assessment*

- a) A *Parking Impact Assessment* is required if the proposed project includes the addition of thirty or more parking spaces.
- b) The *Parking Impact Assessment* shall document existing parking conditions, evaluate off-site impacts of the proposed parking, and propose measures to mitigate any adverse parking impacts on the adjacent neighborhood.
- c) The *Parking Impact Assessment* shall:
 - 1. identify existing off-site and on-street neighborhood parking conditions including streets likely to be affected by the development;
 - 2. identify the expected impact of proposed parking on the neighborhood; and
 - 3. propose mitigation measures including screening, creative parking lot design, use of alternative paving materials, and planting of trees for shading and buffer.

G. Stormwater Documentation

- 1) Post-Construction Stormwater Management Plan (*see s. 207.14 of these Rules and Regulations*) including a Long Term Stormwater Operation and Management Plan developed in accordance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance.
- 2) One copy of a Stormwater Drainage Report prepared in conjunction with the Post-Construction Stormwater Management Plan. The report shall be prepared in accordance with the most current standards of the MA Department of Environmental Protection (DEP) Stormwater Management Policy and Handbook and in conformance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance, Section 26.8. The drainage calculations shall be based on the rainfall data from the National Oceanographic and Atmospheric Administration (NOAA) Atlas 14, as may be amended.

- 3) For development projects with planned land disturbance of one acre or more, a DRAFT of a *Stormwater Pollution Prevention Plan* (SWPPP) to manage stormwater during construction. The SWPPP shall comply with the standard SWPPP requirements under the National Pollution Discharge Elimination System (NPDES) permitting program of the U.S. Environmental Protection Agency (EPA).
- H. A *Construction Management Plan* (CMP) which includes the proposed construction sequence, timetable, and methods for managing the construction process and minimizing the impacts of construction on public ways and to abutters. The CMP shall identify areas for parking, staging, and stockpile areas for construction materials and earth removed from or brought onto the site. Such areas shall be located as far from existing private and public ways as practicable and visually screened to the maximum extent practicable from such ways and surrounding residences or other buildings. The CMP shall note hours of construction and deliveries associated with construction.
- I. *Earth Removal Calculations* of the estimated volume of earth materials to be removed from the site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts.
- NOTE - The extent of planned earth removal may be subject to the requirements of Article IX, Removal of Earth Products of the Medway *General Bylaws*.
- J. *Earth Fill Estimates* of the volume of earth materials to be brought on site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts.
- K. A copy of an Order of Resource Area Delineation (ORAD) from the Medway Conservation depicting the approved wetland resource affecting the proposed project or an Order of Conditions issued within the past three years, or a Determination of Applicability with a finding from the Conservation Commission that the proposed project is not within its jurisdiction.
- L. A copy of the latest recorded deed to the property(s) comprising the proposed development site to document proof of ownership, or a purchase and sale agreement.
- M. Requests for Waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Board's Site Plan Waiver Request form.
- N. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the internet. The email for such submittals is planningboard@townofmedway.org
- O. A *Major Site Plan Filing Fee* as authorized by s. 209 – 1 A. of these *Rules and Regulations*.
- P. A deposit toward the *Major Site Plan Review Fee* as authorized by s. 209 – 1 B. of these *Rules and Regulations*.

s. 204 – 4 Standards for Site Plan Preparation

- A. The site plan shall be prepared, stamped, signed and dated by qualified professionals including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.
- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements.
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.
- E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, the Board's signature block, including *Decision* and plan endorsement dates, and the Town Clerk's no appeal certification.

s. 204 – 5 Site Plan Contents – To be considered complete, a major site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below.

- A. *Cover Sheet* – The cover sheet shall include the project name and address, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Signature Block for Board endorsement, and a complete index of drawings.
- B. *Site Context Sheet*
 - 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
 - 2) Abutters' names and addresses with assessor's map/parcel references for properties within 300' of the development site
 - 3) Lot lines with dimensions and easement areas for the development site.
 - 4) Existing topography at two foot intervals from USGS survey maps or actual land survey of the development site.

- 5) All easements (utility, conservation and other) and rights-of-way on the development site.
- 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.

C. *Existing Conditions Sheet(s)*

- 1) The location of all *existing man-made features and infrastructure* on the site shall be delineated including but not limited to buildings and structures, streets, bridges, utility poles, utilities and underground infrastructure including water, gas, electric, cable, and telephone, fire hydrants and fire alarm boxes, wells, septic systems, sanitary sewers, utility easements and other property encumbrances, sidewalks, driveways, trails, farm roads, stone walls, fences, monuments, historic markers, milestones, wells, and stormwater drainage infrastructure including basins, sub-surface systems, leaching galleys, swales and other methods to dispose of stormwater; refuse and solid waste storage and disposal facilities, and all entrances and exits on the site and within one hundred feet of the site.
- 2) Location and delineation of all *existing natural features* of the development site including but not limited to ledge or rock outcroppings, cliffs, sinkholes, ditches, all wetland resources as defined by the Wetlands Protection Act and Article 21 of the Medway General Bylaw including their associated buffers per state and local laws, and natural drainage courses and swales.
- 3) An *Existing Landscape Inventory* including a “mapped” overview of existing landscape features and structures including the specific identification of existing trees with a diameter of fifteen inches or greater at four feet above grade and any trees that will be beneficial for screening, all in order to determine their value for preservation. Tree drip lines (the outermost circumference of a tree's canopy, from which water drips onto the ground) shall be shown or detailed in order to ensure trees are protected during construction.
- 4) Locations of all historically significant sites or structures on the site including but not limited to barns, other buildings, cellar holes, stone walls, earthworks, graves, any structure over fifty years of age, and any property listed on the National Register of Historic Places or included in a National Register Historic District or recognized by the Massachusetts Historical Commission

D. *Site Plan Information Sheets* – NOTE, site plan information sheets may be combined.

- 1) Location and dimensions of proposed buildings and structures including building setbacks from front, side and rear lot lines.
- 2) *Site Grading* - Topography showing proposed grading contours at two foot intervals, limit of work (area of disturbance), and limit of clearing.
- 3) *Parking Plan* - Location and dimensions of proposed parking, including lot line setbacks, loading and unloading areas with traffic patterns, access lanes and curb

radii. The Parking Plan shall be in conformance with the provisions of Section 7.1.1 of the *Zoning Bylaw*.

- 4) *Proposed Site Improvements* - Location and dimensions of proposed improvements and site amenities including but not limited to travel ways, roads, driveways, maneuvering spaces and aisles, fire lanes, parking areas, loading and unloading areas, utility boxes, curbs, curb cuts, wheel stops, bollards, bumpers, decorative and retaining walls, fences, outdoor lighting, open space areas, recreational areas, pedestrian areas, service entries, snow storage areas, facilities for waste disposal and storage, sidewalks, pedestrian and bike pathways with cross sections, design and materials details and dimensions, and easements.
- 5) *Erosion and Sediment Control Plan* – Erosion control measures shall be specified including sedimentation barriers, construction entrances, stabilizing materials to be used on site during and after construction, and temporary blocking of entrances when construction is not active. The *Erosion and Sediment Control Plan* shall be as specified in Section 26.7 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance.

NOTE – If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the Erosion and Sediment Control Plan shall be submitted to and be reviewed and acted on by the Conservation Commission and not to the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the *Medway General Bylaws*.

- 6) *Post-Construction Stormwater Management Plan* - The plan and the associated Long Term Operations and Management Plan shall comply with the requirements of Section 26.8 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollutant Discharge Elimination System (NPDES) requirements if applicable.

NOTE - If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the above noted *Post Construction Stormwater Management Plan* shall be submitted to and be reviewed and acted on by the Conservation Commission and not the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the *Medway General Bylaws*.

- 7) *Site Utilities Plan* – All proposed utilities, mechanisms, materials and layouts for refuse and trash disposal enclosures and systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal, and methods of solid waste storage and disposal.
- 8) *Landscape Plan*
 - a) A *Landscape Plan* shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.

- b) The *Landscape 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 to be retained, particularly existing trees with a diameter of eighteen inches or greater at four feet above grade.
 - c) The *Landscape Plan* shall indicate the areas of proposed 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 screened graphic used to represent expected tree canopy at maturity.
 - d) The *Landscape Plan* shall specify a suitable maintenance program to ensure the viability and longevity of the landscape installation.
- 9) *Building Elevations and Architectural Plan* with dimensions and details of façade designs of each building from all directions including specifications on building style, architectural features, materials, and colors including awnings.
 - 10) *Color Renderings* of the project and buildings shall be provided from at least four directions depicting proposed structures, signage, landscaping, site amenities, and common views of the completed project as viewed from a public way and adjacent properties. These shall include 3D views of the site, buildings, and site improvements.
 - 11) *Building Layout or Floor Plan* with the use of all areas labeled.
 - 12) *Entry and Exit to Structures.* All means of entry and exit (main, service, emergency and mechanical) from the building including steps and ramps, designation of the primary entrance (front entrance) and loading docks and other access ways shall be shown.
 - 13) *Site Amenities Details* for benches, bollards, planters, fences, walls, bike racks, seating areas, and any other forms of outdoor site amenities to be installed.
 - 14) *Master Signage Plan* with preliminary proposed designs, locations, materials, dimensions, and lighting for:
 - a) the proposed development sign and all business identification signage, both freestanding and attached; and
 - b) standards for tenant signs; and
 - c) signage to identify surface stormwater infiltration basins with messages to prohibit the disposing of trash and debris in such basins.
 - 15) *Lighting Plan* prepared in conformance with Section 7.1.2 of the *Zoning Bylaw*.
 - 16) Horizontal sight distances on the public way(s) at all entrances and exits in both directions.

- 17) A table outlining the proposed development's conformance with the *Zoning Bylaw* requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and number of parking spaces including handicapped based on maximum seating capacity, number of employees or otherwise as provided in the *Zoning Bylaw*, and other items as appropriate for the applicable zoning district and proposed uses.
- 18) Locations of proposed fire hydrants, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.
- 19) Information quantifying on-site generation of noise and odors, if applicable.
- 20) Any proposed off-site roadway and traffic management improvements.

s. 204 – 6 *Review by Town Officials*

- A. Within fourteen days of the official site plan submission date, the Board shall transmit the site plan to the following boards, departments and committees, inform them of the public hearing schedule, and request their review and preparation of an advisory report to assist the Board with its review.
 - 1) Building Department
 - 2) Conservation Commission
 - 3) Fire Department
 - 4) Police Department
 - 5) Assessors' Office
 - 6) Board of Health
 - 7) Department of Public Works
 - 8) Design Review Committee and
 - 9) Other departments and committees as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee, Historical Commission, and the Open Space Committee.
- B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within thirty days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. Review by Building Department – The Building Commissioner or his designee, shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public hearing date, to identify any current zoning violations existing at the site which shall be addressed through the site plan review process.

s. 204 –7 *Public Hearing*

- A. The Board shall conduct a public hearing on the major site plan application in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The public shall have the opportunity to be heard, in person, or by agent or attorney, or in writing during the hearing.
- B. *Public Notice* - The Board shall prepare the public hearing notice and post such notice in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The Board shall notify all parties in interest of the time, date and location of the public hearing as provided in G.L. c. 40A, §11.
- C. *Appearance of Applicant at Public Hearing* – An Applicant may appear on his own behalf or be represented by a designated representative. It is the responsibility of the Applicant or the designated representative to present the site plan to the Board and public during the public hearing. Failure to appear at a public hearing could jeopardize approval of an application. In the absence of an appearance by the Applicant or designated representative, the Board shall decide the matter using the information it has received.
- D. The Board may continue the public hearing to other dates as may be needed.
- E. *Coordination with Other Permitting Authorities* – The Board shall make every reasonable effort to coordinate its review with other Town boards, committees or officials which have jurisdiction over other permits and approvals required for the project to proceed. If requested by the Applicant, coordinated or joint public hearings may be conducted to the extent allowed by law, recognizing that each permitting authority is subject to specific statutory decision requirements and that all such decision periods may not coincide.
- F. *Additional Information*
 - 1) During the course of the public hearing, the Board may require the Applicant to provide additional information if it finds that such information is necessary to properly act upon the application in question.
 - 2) Any items or plan revisions submitted by an Applicant in support of a previously filed application shall be submitted to the Board no less than ten business days before the date of the continued public hearing. However, in no case shall the Board allow new evidence or testimony to be admitted after the public hearing is closed.
 - 3) The Board may enter information into the record of the public hearing including but not limited to reports of outside consultants and comments from Town staff, boards and committees.
- G. The Board may keep the public hearing open during the preparation and deliberation of its *Decision*. However, the public hearing shall be closed after the Board's vote and before the *Decision* is filed with the Town Clerk.

s. 204 – 8 *Decision*

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its written site plan *Decision* with the Town Clerk within ninety calendar days from the official date of site plan application. Failure of the Board to take final action by filing its *Decision* with the Town Clerk within the prescribed time period shall be deemed constructive approval of the application. A copy of the *Decision* shall be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* - The deadline by which the Board shall file its *Decision* may be extended upon mutual agreement of the Board and Applicant when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto. Notice of the Board's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Board to the Town Clerk.
- C. Before the Board begins its deliberations on the *Decision*, the Applicant shall provide the Board a written document specifically describing how the proposed development, as revised during the public hearing process, satisfies the site plan decision criteria established in s. 204 – 8 F. of these *Rules and Regulations*.
- D. *Decision Options* - The Board may approve, approve with conditions, limitations, safeguards and mitigation measures, or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- E. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the *Decision*.
- F. *Approval Criteria Findings* – In making its *Decision*, the Board shall consider the following criteria as applicable to the particular proposal:
 - 1) The proposed buildings, uses and site improvements are appropriately located on the development site in relation to the terrain and the location and scale of buildings and site features on abutting sites.
 - 2) The construction and/or renovation of buildings and site improvements and amenities are designed to reflect or be compatible with the *Medway Design Review Guidelines*.
 - 3) Building and site designs reflect the character, materials and scale of existing buildings in the vicinity as well as *Master Plan* goals for the area.
 - 4) Reasonable use is made of building location, grading and landscaping and other site features to reduce the visible intrusion of structures, parking areas, and outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operation of the establishment(s) from public views or from adjacent residential properties.
 - 5) Private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.

- 6) Internal circulation, queuing and egress promote traffic safety, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.
- 7) Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and throughout the site.
- 8) Design and construction minimize, to the extent reasonably practical, 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 impacts on waterways and environmental resource areas;
 - f) soil erosion and pollution; and
 - g) noise.
- 9) Pedestrian ways, access driveways, loading areas and vehicular and bicycle parking facilities are properly designed for public convenience, accessibility, and safety of customers, employees and the general public.
- 10) Design and construction, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).
- 11) Lighting on the site complies with Section 7.1.2 of the *Zoning Bylaw*.
- 12) The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.
- 13) The project's impact on abutting residential neighborhoods has been adequately mitigated. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.
- 14) The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.
- 15) Off-street loading facilities and methods for unloading vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) to be located on the site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view.

- 16) The project complies with the requirements of Section 26.8 of Medway *General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollution Discharge Elimination System requirements.
- 17) The effects and the impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, and the community's character, amenities and appearance have been identified and evaluated and reasonable conditions, limits, safeguards and mitigation measures are established pursuant to s. 204-8 G of these *Rules and Regulations*.

G. *Approval Conditions, Limitations & Safeguards* - In a *Decision* to approve a site plan, the Board may waive provisions of these *Rules and Regulations* in accordance with s. 202-5 of these *Rules and Regulations*. The Board may also require plan modifications, conditions, mitigation measures, limitations and safeguards which the Board finds are consistent with Town bylaws, regulations, and standards, which may include but are not limited to the following measures:

- 1) Plan revisions;
- 2) Site and building design modifications;
- 3) Controls on the location and type of access to the site;
- 4) Controls on the number, type and time that service vehicles access the site;
- 5) Provision for open space or preservation of views;
- 6) Limitations on the hours of operation;
- 7) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements related to the development;
- 8) Conditions to minimize off-site impacts and environmental quality during construction;
- 9) Requirements for screening parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- 10) Conditions to mitigate adverse impacts on the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage;
- 11) Compliance measures including but not limited to construction observation and inspection, performance guarantees, and as-built plan submittals;
- 12) *Mitigation Measures* – Pursuant to Section 3.5.4 I. of the *Zoning Bylaw*, the Board may require reasonable mitigation measures to offset adverse impacts of the development on the community including off-site improvements up to a maximum value of six percent of the total development cost of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and

infrastructure including traffic signals and controls, or municipal services, sufficient to service the development project. This may also include donation and/or dedication of land for necessary right-of-way improvements.

- 13) The Board shall include specific site maintenance requirements in the *Decision* including but not limited to construction timing, management of dust, rubbish and construction debris, maintenance of erosion and siltation control measures, maintenance of stormwater management facilities, daily site clean-up, tracking of construction materials off-site, and management of construction traffic.

H. *Distribution of Notice of Site Plan Decision* - The Board will prepare and mail a Notice of site plan *Decision* to all parties in interest.

s. **204 – 9 Appeal** - Any person aggrieved by the Board’s *Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk, as provided in G.L. c. 40A, section 17.

s. **204 – 10 Plan Endorsement**

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within ninety days after the Board has filed its *Decision* with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Board for endorsement. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse a site plan until it is brought into compliance with the Board’s *Decision* and the twenty day appeal period has elapsed following the filing of the Board’s *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court’s decision sustaining the Board’s site plan *Decision*.
- C. If the Conservation Commission is the permitting authority for the Stormwater Management and Land Disturbance Permit required under Article XXVI of the Medway General Bylaws, the site plan presented for the Board’s endorsement shall include the stormwater design as approved by the Conservation Commission. The Board will not endorse the site plan without such Conservation Commission approval.
- D. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- E. After endorsement, the Applicant shall provide two paper copies of the endorsed site plan to the Board. The Applicant shall also provide the endorsed plan in portable document format (PDF) format and in shape files compatible with MASS GIS requirements. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor’s office, and the Town’s Consulting Engineer.

s. **204 – 11 Recording** – The Applicant shall record the *Decision* with the endorsed site plan at the Registry of Deeds and submit evidence of such recording to the Board and the Building

Commissioner. No construction shall be allowed to begin at the subject site until such recording verification is presented.

ARTICLE V. MINOR SITE PLAN REVIEW

s. **205 - 1** ***Applicability*** – See Section 3.5.3 A of the *Zoning Bylaw*.

s. **205 – 2** ***Town Clerk Submittals*** - The Applicant shall deliver by hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. One set of the Site Plan prepared in conformance with these *Rules and Regulations* including all items as specified in s. 205 – 5 of these *Rules and Regulations*.

s. **205 – 3** ***Planning and Economic Development Board Submittals*** - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24” x 36”) and one set of the site plan (11” x 17”) prepared in conformance with these *Rules and Regulations* including all items as specified in s. 205 – 5. of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information:
 - 1) current and proposed uses;
 - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
 - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
 - 4) projected water and sewer demand;
 - 5) expected number of employees and/or occupants;
 - 6) proposed hours of operation;
 - 7) existing and proposed means of vehicular and pedestrian access and egress;
 - 8) number of parking spaces required and how this number was determined;
 - 9) calculation of proposed lot coverage and impervious surface;
 - 10) timetable for project completion;
 - 11) proposed on and off site mitigation measures;
 - 12) list of other required local, state and federal permits and the status of each; and
 - 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.
- D. A *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
 - 1) Describe the existing stormwater drainage patterns and system on the site; and

- 2) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
- 3) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.

NOTE - During the course of its public review of the application, the Board may require more extensive drainage information as provided in s. 205-7.A of these *Rules and Regulations*.

- E. One list of all parties in interest as defined in G.L. c. 40A, §11 as appearing in the most recent tax records list. The list shall be certified by the Board of Assessors of all applicable communities.
- F. One copy of the latest recorded deed to the property(s) comprising the proposed development site.
- G. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, Historical Commission, etc.) and other federal and state government agencies.
- H. Requests for waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Board's Site Plan Waiver Request form.
- I. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org
- J. A *Minor Site Plan Filing Fee* as authorized in s. 209-1 A. of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
- K. A deposit toward the *Minor Site Plan Review Fee* as authorized in s. 209 – 1 B. of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.

s. 205 – 4 Standards for Site Plan Preparation – See s. 204 – 4 of these *Rules and Regulations*.

s. 205 – 5 Site Plan Contents – To be considered complete, a minor site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below.

- A. *Cover Sheet* - The cover sheet shall include the project name and address, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project Assessor's Map and Parcel number, zoning district classification, list of requested waivers from these *Rules and Regulations*, Board Signature Block, and an index of drawings.
- B. *Site Context Sheet*

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
 - 2) Abutters' names and addresses with assessor's references for properties within 300' of the development site.
 - 3) Lot lines with dimensions and easement areas for the development site.
 - 4) Existing topography at two foot intervals from United States Geological Survey (USGS) survey maps or actual land survey of the development site.
 - 5) All easements (utility, conservation and other) and rights-of-way located on the development site.
 - 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.
- C. *Existing Conditions Sheet* – A plan showing all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.
- D. *Plot Plan*, certified by a land surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.
- E. *Site plan*, at a minimum scale of one inch equals forty feet, showing the following:
- 1) Property boundaries, dimensions of the site and a north arrow;
 - 2) Proposed use(s) of land and buildings;
 - 3) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
 - 3) Design features of the construction or renovation of buildings (s) and structures, including building elevations, materials, colors, etc.;
 - 4) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
 - 5) Site grading;
 - 6) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
 - 7) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
 - 8) Horizontal sight distances on the public way(s) at all entrances and exits in both directions;

- 9) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities and enclosures, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
- 10) Erosion and sediment control measures;
- 11) Stormwater management facilities as noted in *s. 205 – 3 D. of these Rules and Regulations*; and
- 12) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. 205 – 6 Review by Town Officials

- A. Within fourteen days of the official site plan submission date, the Board shall transmit one copy of the site plan to the following boards, departments and committees, inform them of the public review meeting with the Board, and request their review and preparation of an advisory report to assist the Board in its review.
 - 1) Building Commissioner
 - 2) Conservation Commission
 - 3) Fire Department
 - 4) Police Department
 - 5) Assessor's Office
 - 6) Board of Health
 - 7) Department of Public Works
 - 8) Design Review Committee
 - 9) Others as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission
- B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within fourteen days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. Review by Building Department - The Building Commissioner or his designee, shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public review date, to identify any current zoning violations existing at the site which shall be addressed through the site plan review process.

s. 205 – 7 Public Review

- A. *Board Review* - Within thirty calendar days of the official site plan submission date, the Board shall consider the proposed Minor Site Plan Application as an agenda item at a

duly posted Board meeting at which the Applicant shall present their proposed site plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing. The Board may continue its review and consideration to other meetings as may be needed.

- B. *Abutter Notice* - At least fourteen days prior to the date of the public meeting, the Board shall send, by first class mail, a notice of the time, date and location of the public review meeting to all parties in interest as defined in G.L. c. 40A, §11. The notice shall include a brief description of the site plan project.
- C. *Public Review Notice* – At least fourteen days prior to the date of the public meeting, the Board shall file the public review notice with the Medway Town Clerk for official posting.
- D. *Additional Information* - The Board may require the Applicant to provide additional information, if necessary, to complete its review including more extensive drainage information (up to and including complete drainage system design and calculations) depending on the extent of the proposed site changes and the sensitivity of the site and its abutting properties. At the Board’s discretion, it may require the Applicant to provide a full stormwater drainage analysis and design as specified in s. 204-3 G. of these *Rules and Regulations*.

s. 205 – 8 *Decision*

- A. *Deadline to File Decision* - Following the Board’s review, the Board shall prepare and file its *Minor Site Plan Decision* with the Town Clerk within sixty calendar days from the official date of site plan submission. Failure of the Board to take its final action by filing its *Decision* within such sixty day period shall be deemed constructive approval of said application. A copy of the *Decision* will also be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* – See s. 204-8 B. of these *Rules and Regulations*.
- C. The Board may approve, approve with conditions, limitations, safeguards and mitigation measures or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board’s *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- D. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the site plan *Decision*.
- E. *Approval Criteria Findings* – In making its site plan *Decision*, the Board shall consider the criteria as set forth in s. 204-8 F. of these *Rules and Regulations*.
- F. *Approval Conditions, Limitations and Safeguards* – See Section 204-8, G. of these *Rules and Regulations*.

s. 205 – 9 *Appeal* - Any person aggrieved by the Board’s *Minor Site Plan Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk as provided in G.L., c. 40A, section 17.

s. 205 – 10 Plan Endorsement

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the Board has filed its *Decision* with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's site plan *Decision*, before the Board endorses the site plan. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- D. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

ARTICLE VI. ADMINISTRATIVE SITE PLAN REVIEW

s. 206 - 1 Applicability – See Section 3.5.3 A of the *Zoning Bylaw*.

s. 206 – 2 Designated Agent for Administrative Site Plan Review – Pursuant to Section 3.5.5. A. 2. of the *Zoning Bylaw*, the Town Administrator and the Board have established an *Administrative Site Plan Project Review Team* to be comprised of the following Town employees: Building Commissioner, Director of Community and Economic Development, and Planning and Economic Development Coordinator. The Team may consult with other Town employees and officials on a case by case basis depending on the nature of the proposed site plan project.

s. 206 - 3 Administrative Site Plan Submittals

- A. Town Clerk Submittals - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours.
 - 1. Administrative Site Plan Review Application form with original signatures.
 - 2. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all applicable items as specified in s. 206 – 5 of these *Rules and Regulations* plus an electronic version.
- B. Community and Economic Development Department Submittals – The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Community and Economic Development Department during regular business hours.
 - 1. Administrative Site Plan Review Application form with original signatures.

2. One set of the site plan (24" x 36") and three reduced size (11" x 17") sets of the site plan prepared in conformance with these *Rules and Regulations* including all applicable items as specified in s. 206 – 5 of these *Rules and Regulations* plus an electronic version.
 3. One written *Project Description* of the proposed development including: current and proposed uses, proposed site improvements, construction, and demolition; existing and proposed means of vehicular and pedestrian access and egress; anticipated number of employees and occupants; methods and hours of operation; and timetable for project completion. The Project Description shall include but not be limited to building construction, renovation, paving, drainage, retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities, outdoor lighting, and proposed mitigation measures.
 4. *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
 - a) Describe the existing stormwater drainage patterns and system on the site; and
 - b) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
 - c) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.
 5. One copy of all relevant approvals received to date from other Town boards and commissions (ZBA, Conservation Commission, Board of Health, Historical Commission, etc.) and other government agencies.
 6. A list of waivers being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, on a form provided by the Board.
 7. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is planningboard@townofmedway.org
 8. A *Site Plan Filing Fee* as authorized in s. 209 - 1 A. of these *Rules and Regulations* and as specified in the Board's *Fee Schedule*.
- C. Filing of the application and plan does not, of itself, constitute the official receipt date. The Team shall review the application for completeness and notify the Applicant of any missing items within five business days of submission. In such a case, the application will be deemed to not to have been submitted. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.
- s. 206 - 4 *Standards for Site Plan Preparation***
- A. The site plan shall be prepared, stamped, signed and dated by a qualified professional including a Registered Professional Engineer, a Registered Land Surveyor, a Registered

Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.

- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.
- E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, signature block, including *Decision* and plan endorsement dates, and the Town Clerk's no appeal certification

s. **206 - 5 Site Plan Contents** – In addition to information required in Sections 206-3 and 206-4, the site plan shall include:

- A. *Existing Conditions Sheet* – A plan showing name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, project street address, project Assessor's Map and Parcel number, zoning district classification, all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; scenic roads; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission.
- B. *Site plan* showing the following:
 - 1) Property boundaries, dimensions of the site
 - 2) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
 - 3) Site grading;
 - 4) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
 - 5) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
 - 6) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
 - 7) Erosion and sediment control measures;
 - 8) Stormwater management facilities; and
 - 9) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear

setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. 206 - 6 *Review Process*

- A. Within fourteen calendar days of the official site plan submission date, the Team shall consider the administrative site plan application at a duly posted meeting at which time the Applicant may present its plan and the Team will review the submittals to determine if the application is complete. The Team may consult with other Town officials and committees, and seek the assistance of outside consultants, and continue its review and consideration to other meetings as may be needed. The Team may also request additional information from the Applicant.
- B. The Team shall provide the administrative site plan application to the Board.
- C. Pursuant to Section 3.5.4 J. c. Procedures for Administrative Site Plan Review of the *Zoning Bylaw*, the Building Commissioner, Board, or Team may advance review of an administrative site plan application to minor or major site plan status when the collective scope and/or quantity of the proposed activities is substantial enough to merit review by the Board.

s. 206 - 7 *Decision* - Following the Team's review, the Team shall prepare and file its *Administrative Site Plan Decision* with the Town Clerk within twenty-one calendar days from the official date of site plan submission. Failure of the Team to take its final action within the twenty-one day period shall be deemed constructive approval of said application. The deadline by which the Team shall file its *Decision* may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Team agrees thereto. Notice of the Team's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Team to the Town Clerk. A copy of the *Decision* shall be provided to the Applicant.

s. 206 - 8 *Appeal* - Any person aggrieved by the *Decision* of the Team for a site plan project subject to Administrative Site Plan Review may appeal such *Decision* to the Board in writing within twenty days after the *Decision* is filed with the Town Clerk. The appeal shall be considered as an agenda item at a duly posted meeting of the Board at which the Applicant's appeal shall be heard.

s. 206 - 9 *Plan Endorsement*

- A. In cases where the Team approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the *Decision* is filed with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Team to review for compliance with the *Decision*, before the Team endorses the site plan.
- B. The Team shall not endorse the site plan until it is brought into compliance with the provisions of the *Decision* and a twenty day appeal period has elapsed following the filing of the *Decision* with the Town Clerk. If appeal is made, endorsement shall not occur until after the Board's *Decision* addressing the appeal of the Team's site plan *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement.

- D. The Team shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

ARTICLE VII. DEVELOPMENT STANDARDS – Development projects requiring Site Plan Review shall be designed to comply with the following development standards. These standards are intended to achieve well designed projects without discouraging creative and/or innovative solutions to each site's particular features and challenges. Projects which do not meet these Development Standards are required to submit Waiver Requests with the application. See s. 202-5 of these *Rules and Regulations*.

s. 207 - 1 Design Principles

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section B. Principles and Intentions
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section B. Principles and Intentions
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section B. Principles and Intentions

s. 207 – 2 Site Design

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section C. 1. Site Composition and C. 2. Building Orientation
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section C. 1 Site Composition and C. 2. Building Orientation
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section C. 1 Site Composition and Building Orientation

s. 207 – 3 Architecture

- A. Commercial Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section D. Architectural Guidelines
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section D. Architectural Guidelines
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section D. Architectural Guidelines

s. 207 – 4 Energy Efficiency and Sustainability

- A. New buildings should be positioned on the site to take advantage of the existing terrain and solar gains. Where possible, elongate the buildings on the east/west axis, maximize north and south exposures for daylighting, minimize east and west facing windows, and

orient the most populated areas of a building to the north and south. Green roofs are encouraged.

s. 207 - 5 *Environmental Considerations*

- A. *General* - Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of water courses and water resources, topography, soil and noise shall be reviewed. The design of the proposed development shall minimize the destruction of trees and protect unique natural features. The site plan shall show measures to minimize any adverse impacts on these elements.
- B. *Low Impact Development (LID)* – Applicants shall incorporate Low Impact Development (LID) management practices in site design and incorporate environmentally sensitive design principles in site improvements, stormwater management facilities, landscaping, and buildings when practicable. See Appendix A to these *Rules and Regulations*.
- C. *Nuisance* - The proposed development shall comply with Section 7.3 Environmental Standards of the *Zoning Bylaw*.
- D. *Energy Conservation* – Development projects involving the construction or use of a building with 10,000 sq. ft. or more or containing ten or more residential units are encouraged to include a solar or other renewable energy system.

s. 207 – 6 *Erosion and Sediment Control*

- A. Erosion and sediment control measures shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the *Medway General Bylaws*, Section 26.7.
- B. The final slope of the land shall not exceed one foot vertical to three feet horizontal, unless retaining walls or other suitable stabilization methods as determined by the Board are provided.
- C. Permanent vegetation and other erosion control measures shall be installed as soon as possible after construction ends.
- D. All disturbed areas shall be permanently stabilized within six months of occupancy.

s. 207 – 7 *Site Clearing and Grubbing* – See Section 7.4 of the *Medway Subdivision Rules and Regulations*.

s. 207 – 8 *Earth Filling & Grading*

- A. *Prohibited materials*. Solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive or flammable materials, building materials, construction and demolition debris, glass, metal, toxic, infectious, radioactive, corrosive or reactive materials or waste shall not be used as fill. Fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. Fill material shall also be free from organic material

such as trees, stumps, and garbage, and shall contain fifteen percent or less of total organic carbon by lab analysis.

- B. *Permitted fill materials.* Fill materials shall include only clean sand, gravel, clay, stone, quarried rock, topsoil, borrow, rock, sod, loam, peat, humus, or other subsurface products free from solid waste, with an aggregate size of twelve inches or less.
- C. *Final Cover.* The area within the limits of fill shall be established to meet the final cover as designed and, in all instances, shall prevent erosion from the site. Proposed pervious areas (ie. lawn, landscape beds, pad sites, etc.) shall be covered with a minimum four inches of organic topsoil including soil amendments if required and shall be seeded and/or mulched to establish final cover. Where filling is incidental to proposed hardscaped areas (i.e. driveways, parking lots, patios, etc.), the fill material shall be covered with suitable base material meeting the specifications of the particular hardscape (i.e. gravel borrow and/or dense graded crushed stone for pavement sub-base).
- D. *Additional Conditions.* The Board may set reasonable conditions including but not limited to hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted. The Board may also impose requirements for monitoring the type and distribution of fill on the subject site and reporting on the quality and source of the fill materials.
- E. Development sites shall not be used for the temporary storage of fill materials intended for use elsewhere.
- F. Projects involving site filling in excess of two thousand cubic yards shall submit a Soil Management Plan to the Planning and Economic Development office prior to the pre-construction meeting for review by the Town's Consulting Engineer. The Soil Management Plan shall include the following:
 - a) Agreement that bills of lading in the form specified by the Board will be exclusively used for the transport and acceptance of earth materials for fill;
 - b) Complete descriptions of pre-fill environmental conditions and findings and sample locations;
 - c) Procedures for verification of fill material origin and acceptance;
 - d) Record keeping practices;
 - e) Site security, fill operation inspection and site control;
 - f) Transport routes, times and days of operation, locations of equipment parking and storage, and duration of fill activities;
 - g) Qualifications of applicant personnel responsible for adhering to the soil management plan;
 - h) Erosion, dust and stormwater controls and inspection and maintenance thereof;
 - i) Effects of the filling on groundwater recharge;
 - j) Quality assurance and quality control procedures including testing protocols
 - k) Emergency response and notification procedures, including telephone numbers and contact individuals and firms;
 - l) Total proposed earth material fill volume;
 - m) Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;

- n) Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and
- o) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.

G. *Earth Removal*. NOTE – Development projects may also be subject to Medway General Bylaws, ARTICLE IX, Removal of Earth Products, administered by the Medway Board of Selectmen.

s. 207 – 9 *Pedestrian & Bicycle Access and Sidewalks*

A. *Pedestrian and Bicycle Access*

- 1) Pedestrian ways shall be provided within the site to connect buildings with parking areas, other buildings, and site amenities.
- 2) For pedestrian safety and site design enhancement, on-site crosswalks between parking areas and the building (s) and where possible, on adjacent roadways shall be provided and have a change in materials and/or color, texture or pattern.
- 3) Pedestrian and bicycle circulation shall be maximized on and off site and shall be separated from motor vehicle circulation as much as practicable. Safe pedestrian and bicycle access to the site shall be provided by walkways or other means which ensure protection and separation from vehicular traffic.
- 4) Existing pedestrian ways shall be maintained or improved.
- 5) Where no pedestrian ways exist, the Applicant shall create safe and convenient pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, adjacent commercial developments, and other surrounding uses.
- 6) Curbing adjacent to sidewalks shall be vertical granite or concrete.
- 7) Sidewalks and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).

B. *Sidewalks*

- 1) Five foot wide sidewalks shall be provided within parking areas. Where sidewalks abut parking areas, the sidewalk width shall be increased by two feet to accommodate vehicular bumper overhang so as to not impede foot traffic.
- 2) For buildings where tenants wish to use interior site sidewalks for temporary outdoor display purposes, sidewalks shall be increased in width such that at least five feet is maintained for pedestrian passage.
- 3) Pursuant to Section 5.5.4. I, c. of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of the subject property along existing public ways.

s. 207 – 10 Paving

- A. *Drive aisle paving materials* – Asphalt or cement concrete or other durable materials shall be used for drive aisle paving. The surface of driveways shall be designed and maintained to support the loads of the Fire Department’s apparatus, and provided with an all-weather and structurally stable driving surface.
- B. Off-street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.

s. 207 – 11 Traffic and Vehicular Circulation - The site plan must address safety and convenience of vehicular and pedestrian movement within the site as well as in relation to adjacent streets, properties or improvements.

A. Site Access - Curb Cuts, Entrance and Egress Driveways

- 1) The site shall be evaluated as a whole to determine the number of curb cuts to be allowed.
- 2) Curb cuts on public ways shall be minimized.
 - a) Curb cuts for commercial properties shall be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the Applicant or if the scale of the development merits multiple curb cuts to ensure suitable access for safety and emergency vehicles.
 - b) Wherever possible, existing driveways should be combined.
 - c) All proposed curb cuts within a commercial district or for commercial properties shall be designed to enhance traffic flow on major streets and to minimize additional traffic circulation on neighboring residential streets in order to maximize safe vehicular movement and pedestrian safety.
- 3) Site entrance and exit driveways shall have an unobstructed paved width of at least twenty feet.
- 4) Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved material along the entire radius of the opening, shall extend at least twelve feet beyond each side along the gutter line of the road and at least the first twenty-five feet of a driveway, and shall be sloped at the end to prevent a vertical obstruction to exist.
- 5) The site design shall allow vehicles to enter, park and exit the property without difficulty. Arrows, signs, and/or pavement markings to control the traffic flow may be required. Consideration shall be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. Passenger vehicles and delivery vehicles should be segregated where possible.
- 6) Where possible and as appropriate to site conditions, curb cuts shall be aligned with curb cuts on the opposite side of the road to create common junctions.

- 7) Curb cuts shall be located and designed so as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.
- 8) Where a site occupies a corner of two intersecting roads, curb cuts shall be located at the maximum distance practicable from the intersection. At a minimum, a curb cut shall be located at least fifty feet from the point of tangency of the intersection.
- 9) Driveways shall be located so as to afford maximum safety, convenient ingress and egress and minimize conflict with the flow of off-site traffic.
- 10) Driveways shall be located to maximize sight distances where the proposed driveway meets an existing way. Sight distances for turning movements to and from the development shall meet current minimum AASHTO standards and shall be clearly shown on the site plan.
- 11) Left-hand egress turns should be minimized.
- 12) Driveways should intersect the road at an angle of ninety degrees.
- 13) No part of any driveway shall be located within fifteen feet of a side property line when the property abuts a residential use or zone.
- 14) The slope of the paved entrance way should not exceed two percent for the first twenty-five feet measured perpendicular from the front property line. The angle of approach and egress from a site shall not exceed a one foot drop in twenty feet of length.
- 15) Driveways shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway.
- 16) The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus, and shall be constructed of a hard, all-weather, and structurally stable driving surface to support at least 75,000 pounds.
- 17) *Emergency Vehicle Access* - The site shall be designed to provide adequate accessibility by fire, police, and emergency personnel, equipment and vehicles to each building. The access shall be maintained and kept in passable condition at all times. Applicants are strongly encouraged to meet with Medway Fire officials early on in the site design process to incorporate provisions of the National Fire Protection Association (NFPA 1) Fire Code.

B. *Internal Site Circulation and Parking Lot Drive Aisles*

- 1) Where possible, adjoining parcels shall have unified access and promote inter-parcel circulation. Provisions should be made for safe and convenient traffic movement to connect sites with adjacent commercial sites.
- 2) The perimeter of drive aisles shall be bounded with vertical granite curb.
- 3) Internal drive aisle width – Two-way drive aisles shall be twenty-four feet wide. The width of one-way drive aisles shall be twenty feet.

- 4) Drive aisle materials – Asphalt or cement concrete or other durable materials shall be used for drive aisle paving. Drive aisles shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway. The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus, and provided with an all-weather and structurally stable driving surface. Driveways shall be constructed to support at least 75,000 pounds.
 - 5) Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within the site with emphasis on the layout of parking and off-street loading and unloading areas, and the movement of people, goods, and passenger and delivery vehicles on access roads, on drive aisles, and between buildings or structures within the site.
 - 6) Fire lanes (road, path or other passageways) developed to allow passage of fire apparatus and access to the buildings on the site shall be provided in accordance with Medway Fire Department regulations. The number of required fire lanes shall depend on the size of the building. Fire lanes shall be clearly marked and posted.
 - 7) When the driveway, drive aisles or roadways are more than 150' in length, provisions shall be made for fire and emergency apparatus to turn around.
 - 8) The turning radius for internal driveways, drive aisles and roadways must be approved by the Medway Fire Department and shall accommodate the Department's largest and longest apparatus.
- C. *Mitigation* - The Board may require the Applicant to provide mitigation where project-related increased traffic volume will create unsafe, or poor level of service conditions based on findings of the traffic study. Mitigation measures include but are not limited to the implementation of turning lanes, traffic signal installation and improvements, roadway improvements, sidewalks, and acceleration and deceleration lanes.

s. 207 – 12 Parking

- A. Parking shall be provided in full compliance with Section 7.1.1 of the *Zoning Bylaw*.
- B. To the maximum extent possible, parking shall be located to the side and rear of the site. Placement of parking areas should not be near a high volume of traffic where parking movements can obstruct traffic flow. Parking shall not create a hazard to abutters, vehicles or pedestrians. Where parking is proposed adjacent to the street, plantings or appropriate fencing shall be incorporated to screen parking areas and reduce their visual impact.
- C. *Pedestrian Protection* - Pedestrian walkways through parking areas may require protection (*barriers or bollards*) or crosswalk striping.
- D. *Designated Parking Areas* – Areas for small vehicles and motorcycles may be shown.
- E. *Asphalt Surface* - Parking areas shall have durable, all-weather paved surfaces. Hot mix asphalt surfacing shall be a minimum of three and one-half inches over eight inches of gravel borrow or as required by site conditions.

F. Adverse impacts of parking on abutters, residents or businesses in the area shall be mitigated.

G. *Parking Spaces*

1) *Number of spaces* - See Section 7.1.1 D. of the *Zoning Bylaw* – Table 3 Schedule of Off-Street Parking Requirements and Section 7.1.1.I. regarding bicycle parking requirements.

2) *Parking space design*

a) Dimensional Standards – See Section 7.1.1 E. 3. of the *Zoning Bylaw*. All handicap parking spaces shall comply with state and federal regulations.

b) Angle parking - In the event site constraints limit drive aisles to one-way travel, angled parking may be permitted. The Applicant shall provide analysis that proper maneuverability through the site can be achieved, stalls are of proper length to limit overhang into the drive aisle, and proper lane width is designed to provide suitable reverse turning movements. Pull through angle parking stalls shall not be allowed.

3) *Location*

a) The location of parking spaces shall not impede proper traffic flow or the maneuvering of other vehicles. Parking spaces shall not be located in fire lanes or within twenty feet of building entrances, building exits, emergency access points, loading and unloading areas, pedestrian ways, and locations for fire hydrants, and sprinkler and standpipe connections.

b) Parking spaces shall not be located within fifteen feet of the front, side and rear property lines.

c) Parking spaces shall be located such that a vehicle backing out of a space does not impede traffic entering from a private or public street within the first fifty feet of the driveway entering the site.

d) Drive aisles shall have a minimum paved width of twenty-four feet and provide for two-way traffic, and shall extend a minimum of five feet beyond the last parking space in any dead end parking row.

H. *Curbing*

1) The perimeter of the parking area shall be bounded with vertical granite curb, bituminous concrete curb, or cement concrete curb to delineate the parking lot and collect and direct stormwater runoff.

2) All curbing shall have a minimum radius of three feet and shall transition tangentially. No protruding angle points shall be allowed.

I. *Electric Vehicle Charging Stations* – Industrial, commercial, and multifamily housing sites with fifteen or more parking spaces shall provide parking spaces with electric

vehicle charging stations for employee, customer and resident use. The quantity of such parking spaces shall be as follows:

| Total # of Parking Spaces | # of Electric Vehicle Parking Spaces |
|--|---|
| 15 – 25 | 1 |
| 26 – 50 | 2 |
| 51 - 75 | 3 |
| 76 - 100 | 4 |
| 101 - 150 | 5 |
| 151 - 200 | 6 |
| 201 – 300 | 7 |
| 301 - 400 | 8 |
| 401 - 500 | 9 |
| 501 - 1000 | 2% of total |

s. **207 – 13 Loading and Unloading** - At the time of erection of any principal building or enlargement of any principal building or the establishment of any activity on open land, there shall be created adequate off-street loading and unloading areas as follows:

- A. One or more off-street loading and unloading areas shall be provided for any business that is regularly serviced by delivery vehicles so that adequate areas are provided to accommodate all delivery vehicles expected at the premises at any one time.
- B. The location of off-street loading and unloading areas and facilities shall be designed with an adequate off-street maneuvering area so that it will not be necessary for delivery vehicles to use a public way to maneuver into a loading or unloading space and so that egress from such spaces will not require backing onto a public way.
- C. Loading and unloading areas shall in all cases be on the same lot as the use they are intended to serve unless there is common ownership of an adjacent property. In no case shall the required loading and unloading areas be part of the area used to satisfy the parking requirements of the *Zoning Bylaw*.
- D. Loading and unloading areas should be located at either the side or rear of each building to be removed from view and to mitigate noise impacts.
- E. Loading and unloading areas shall be designed to avoid traffic conflicts with vehicles which use the site or adjacent sites.
- F. Each loading and unloading area shall not be less than twelve feet in width and not less than sixty-five feet in length. Height clearance shall not be less than fourteen feet.
- G. Loading and unloading areas and spaces shall not encroach on parking spaces or maneuvering space, nor shall they obstruct access to fire hydrants, sprinkler connections, or fire or emergency vehicle lanes.
- H. Off-street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.

- I. Loading areas shall not face any residential area.
- J. Loading areas are prohibited on the front façade of any building.
- K. All service, loading and trash storage areas viewable from a public way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

s. 207 – 14 Stormwater Management

- A. The Post-Construction Stormwater Management Plan and its associated Long Term Operation and Maintenance Plan shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.8, the current Massachusetts Stormwater Management Standards, and the DEP Stormwater Management Handbook Volumes I and II.
- B. *Low Impact Development (LID)* – Applicants shall incorporate Low Impact Development (LID) management practices in designing the stormwater management system. See Appendix A to these *Rules and Regulations* for resource information.
- C. Infiltration basins shall be designed to be integrated into the site’s topography and natural features such that the basin contours are softened and a naturalized appearance is achieved.
- D. Subsurface detention and infiltration systems shall be designed with access manholes and inspection ports to provide means to properly inspect and maintain the system. All subsurface detention and infiltration systems shall contain an internal “forebay” or pre-treatment chamber row which will allow treatment of first flush runoff (the first 1” of any rain storm) prior to discharging stormwater to the remainder of the system and shall be designed to allow for proper access for inspection and maintenance.
- E. Infiltration measures shall be provided to mitigate post development increases in runoff resulting from proposed rooftops. Runoff from proposed rooftops throughout the site shall be directly routed to dedicated infiltration Best Management Practices (BMPs). Discharge of roof runoff directly to surface grade is strictly prohibited. If runoff is directed to infiltration BMPs which also mitigate surface runoff, the roof runoff shall be directly discharged to the BMP and not allowed to comeingle with untreated surface runoff prior to discharge to the BMP. Metal roofs shall be properly treated prior to infiltration if located within critical areas listed in the DEP Stormwater Management Handbook.
- F. Headwalls that are visible from a roadway or driveway shall be fabricated to have a natural stone appearance to the satisfaction of the Board.
- G. See s. 207 – 19 E of these *Rules and Regulations* for landscaping requirements around stormwater detention and retention areas.

s. 207 - 15 Water Supply and Sewage Disposal

- A. *Water Supply* - Unless proven to be unfeasible, projects requiring site plan approval shall connect to the public water supply distribution system, except that connection to the public water supply system for on-site irrigation of landscaping is not permitted.

Wells are permitted through the Board of Health. The locations of any proposed wells shall be shown on the site plan. Water connections shall be in accordance with regulations of the Medway Department of Public Works. Any needed water line extensions shall be at the Applicant's expense.

- B. *Sewage Disposal* – The proposed method of sanitary sewage disposal for all buildings and uses shall be shown on the site plan. It shall meet the applicable Town regulations for sewage disposal systems and connections whether it is an on-site septic system (Medway Board of Health) or is connected to the Town's municipal sewer system (Medway Department of Public Works). The Town of Medway currently prohibits extensions of the Town's municipal sewer system beyond that in existence on March 9, 2015.
- C. *Fire Hydrants* –Applicants are strongly encouraged to meet with Medway Fire officials early on in the site design process to incorporate provisions of the NFPA 1 Fire Code pertaining to the quantity and type of fire hydrants for the site.

s. 207 – 16 Utilities

- A. All electric, telephone, cable TV, and other utilities shall be located underground.
- B. Permanently installed generators shall be positioned on cement pads, be located to the rear of the site, and shall be fully screened or bermed to mitigate noise and appearance.
- C. Utilities shall be installed in accordance with Section 7.6 Utilities of the *Medway Subdivision Rules and Regulations*.
- D. Architectural features shall be incorporated into the building design to screen rooftop HVAC and other utilities.

s. 207 – 17 Solid Waste Removal - Dumpsters, Trash and Recycling Containers and Enclosures

- A. The Town does not provide solid waste removal services for commercial, industrial and multi-family or mixed use development projects.
- B. Dumpsters and recycling and trash containers and enclosures shall be located to the rear of the site such that their view from streets is minimized.
- C. Dumpsters and recycling and trash containers shall be fully screened on all sides and to the full height of the dumpster or container by suitable fencing or enclosure and/or evergreen plantings. The size of enclosure shall be large enough to accommodate both trash and recycling containers and include sufficient space around and between the containers enclosed therein to be easily maneuvered for pick-up.
- D. Multi-tenant developments shall incorporate the use of shared trash compactors.
- E. Egress to dumpsters and trash containers shall provide for the efficient removal of trash with a minimum of backing up required by service vehicles.

s. **207 - 18 Outdoor Lighting**

- A. Outdoor lighting shall comply with Section 7.1.2 of the *Zoning Bylaw*.
- B. For new construction, no overhead wiring for outdoor lighting is permitted.
- C. Light fixture design should comply with the *Medway Design Review Guidelines*.

s. **207 – 19 Landscaping**

- A. *General* - Landscaping enhances the site, provides a pleasing environment and reduces the visual impact of the site on the surrounding areas. The Board requires that the Applicant provide sufficient landscape treatment to create adequate buffering for neighboring properties and provide positive visual impacts as provided herein. The preservation of existing trees and vegetation where feasible and appropriate in lieu of or in addition to new landscaping as required herein is permitted and encouraged.
- B. *Landscape Buffers* - The use of proportionally sized landscaped buffers and berms between the street and structures, between the street and parking areas, between the site and its neighbors, and throughout parking lots is encouraged to provide for more immediate visual screening and improved topographical variation.
 - 1) Landscape buffers between the street and parking areas are required. Tree-lined sidewalks at the street front shall be included. Plantings along the front property line and access roads shall take into consideration sight distance criteria. Planting of new or replacement trees every twenty-five feet along both sides of an access road is required. The Board may waive this requirement in favor of the preservation of existing site trees.
 - 2) Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.
- C. *Parking Areas*
 - 1) Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking areas containing ten or more parking spaces to provide visual relief from expanses of pavement and vehicles and provide shade.
 - a) A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.
 - b) The ends of parking aisles that have more than fifteen parking spaces in length shall incorporate enclosing landscape islands at both ends of the rows. The width of such landscaped islands shall be at least four feet at the ends.

- c) Where the length of parking aisles exceeds twenty-five spaces, intermediary landscaped islands shall be installed at regular intervals, not to be more than every thirteen spaces.
 - d) At least one deciduous shade or canopy tree of a minimum three inches caliper with a height of not less than twelve feet above grade shall be provided for every six parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. The Board may waive this requirement in favor of the preservation of existing site trees.
- 2) Landscaping shall be provided around the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, and to provide parking areas with a reasonable measure of shade. Such vegetation shall be no less than five feet high at the time of planting.
- 3) Parking entrances at curb cuts shall be landscaped with a combination of trees, shrubs and flowering plants. These areas may also be used for signage pursuant to Section 7.2.4 F. 5 of the *Zoning Bylaw*. No trees or shrubs shall be planted in a manner that would obstruct sight line visibility for vehicles entering and exiting a site. The maximum height of vegetation, except trees, at full growth or any other physical object within the Sight Distance Triangles of a curb cut shall not exceed three feet in height.
- 4) To the maximum extent feasible, plant materials used in landscaped islands and in the perimeter of parking areas shall be drought resistant, salt tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
- 5) Landscaped areas should be designed to receive and accommodate stormwater runoff in accordance with the *Massachusetts DEP Stormwater Handbook* through the use of rain gardens and bio-retention areas.
- D. *Screening and Buffers* – Where disturbance on the site is necessary beyond the building footprint, parking and access areas, or where the Board determines that additional plantings are needed to achieve four seasons of screening, the Landscape Plan shall include landscape plantings, berms, and/or manmade hardscape structures such as fences, stone walls and trellises sufficient to immediately screen one-hundred percent of the HVAC equipment, utilities, dumpsters, storage areas, truck loading areas, machinery, utility buildings, and accessory structures etc. from the view at any perimeter point on the site. The proposed plantings shall be of sufficient maturity to immediately integrate the building and site into its surroundings. The scale, extent and density of such landscape and hardscape treatment shall be determined by the size of the building, the extent of planned disturbance to the site's existing landscape, the adjacent uses, and the need for additional screening.
- E. *Landscaping Around Stormwater Infiltration Basins* – Substantial landscaping shall be provided around stormwater detention and retention basins and shall be included in the

design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize the visual impact of stormwater basins, such landscaping should include two staggered rows of suitable trees and shrubs. Landscaping shall be designed to not obstruct access to the stormwater basins for maintenance purposes.

F. Trees shall be non-invasive, deciduous hardwoods. The following species are preferred:

- 1) Red Oak - *Quercus borealis*
- 2) Pin Oak - *Quercus palustris*
- 3) Scarlet Oak - *Quercus coccinea*
- 4) Red Maple - *Acer rubrum*
- 5) Sugar Maple - *Acer saccharum*
- 6) Thornless Honey Locust - *Gleditsia triacanthos intemis*
- 7) London Plane Tree
- 8) Ginko (*Fruitless male*)
- 9) Swamp White Oak
- 10) Zelcova
- 11 Sweetgum (*Rotundiloba/fruitless*)
- 12) Linden

Smaller variety trees:

- 13) Crab Apple (*if insect and disease resistant*)
- 14) Kousa Dogwood
- 15) Serviceberry
- 16) Hendge Maple

Evergreen species:

- 17) Norway Spruce
- 18) Hemlock
- 19) Capitata Yew
- 20) Cedar

The Applicant may propose alternative trees that may be better choices for the particular site based on proximity to utility lines, sidewalks and pavement, area available for root growth, tolerance to salt, rooting characteristics, resistance to disease and insects, tolerance to root pruning, branching habit, fruit and seed production, maintenance needs or other reasons. The Board may seek the advice of the Medway Tree Warden to evaluate alternative tree proposals.

- G. *Tree Preservation* - Wherever feasible, existing trees of fifteen inches or more in diameter as measured four feet above finish grade should be preserved.
- H. *Tree Replacement* – All hardwood trees twenty-four inches or more in diameter as measured four feet above finish grade that are to be removed from the site shall be replaced with new trees on the site.
- I. *Tree Size* –New and replacement trees shall have a diameter of at least an average of two and one-half inches as measured four feet above finish grade and shall be a minimum of twelve feet in height.

- J. *Landscape Requirements* – To the maximum extent feasible, all additional landscaping shall be drought resistant, pest tolerant, non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group. Tree species should be native and hardy for Zone 6.
- K. *Irrigation* – On-site wells, cisterns to capture rainfall, or private watering service is required to maintain landscaping installations. The Town does not permit connection to the Town’s water service for landscape irrigation. Well locations shall be shown on the site plan and are subject to approval of the Medway Board of Health.

s. 207 – 20 Site Amenities

- A. When incorporated as part of a site plan or included as mitigation measures, the selection of types and materials for fencing, retaining walls, gates, benches, planters, bike racks, seating areas, and other site amenities should comply with the *Medway Design Review Guidelines*.
- B. Proposed hardscape features and materials such as fences and stone walls shall be compatible with the design of the building. Vehicle sight lines shall not be affected by such landscape features or built hardscapes.

s. 207 - 21 Snow Removal – The site shall be designed to accommodate adequate snow storage for snow that is removed from the paved areas. The snow storage area(s) shall be located and graded such that the runoff from melting snow shall not enter the public way or wetland resource areas. Stored snow shall not affect visibility and sight distance of vehicles entering and exiting the site. Snow storage areas shall safely accommodate a minimum volume equal to six inches over the entire site area subject to snow removal. The Board may condition a site plan decision to require removal of excess snow off-site.

s. 207 – 22 Outdoor Storage – To the maximum extent possible, outdoor storage of materials, goods, and equipment if permitted, shall be screened from view from adjacent and nearby streets and properties by suitable fencing and/or evergreen plantings, and in accordance with *Zoning Bylaw* regulations. Check *Table 1 Schedule of Uses* of the *Zoning Bylaw* for areas where outdoor storage is permitted.

ARTICLE VIII ADMINISTRATION

s. 208 – 1 Preconstruction Meeting - Prior to the commencement of any site work (earth removal, clearing of vegetation, mobilization of construction equipment, etc.) for an approved Major or Minor Site Plan project, the Developer, the site general contractor, and other representatives of the Developer shall attend a preconstruction meeting with the Town’s Consulting Engineer, Planning and Economic Development Coordinator, Building Commissioner, Department of Public Works Director, Conservation Agent, or their designees, and other Town staff as may be determined appropriate.

- A. The Developer or general contractor shall request the pre-construction meeting at least one week prior to commencing any site work on the property by contacting the Planning and Economic Development office.

- B. The Developer shall provide a detailed construction schedule, copies of other permits or approvals, and emergency contacts list.
- C. If applicable to the project, the Developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPPP) required by the U.S. Environmental Protection Agency (EPA) to the Town at or prior to the pre-construction conference.
- D. For projects involving the filling or removal of earth materials in excess of two thousand cubic yards, a schedule for the removal and import of earth materials shall be provided. This schedule shall state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each vehicle, the travel routes to be taken by the vehicles, and the approximate proposed hours of operation for such activities. A description of the clearing procedures to be used shall also be provided. Travel routes may be restricted by the Town.

s. 208 – 2 Site Maintenance During Construction

- A. The developer and contractors shall comply with the Sediment and Erosion Control Plan included in the site plan set. *See s. 204-5, D. 5 of these Rules and Regulations.*
- B. Any construction site is required to have a stone mat construction entrance for a minimum of fifty feet or as site constraints allow. The stone mat shall be maintained regularly to allow for proper reduction of sediment tracking onto adjacent roadways. In events where excessive mud is generated at the site, wheel washing stations may be required to further prevent sediment tracking onto Town ways.
- C. Construction of the approved development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures and remedies.
- E. The Applicant or his successor shall maintain, in a manner satisfactory to the Board, the site improvements, infrastructure and amenities and provide for the repair of all such improvements. Maintenance shall commence during the construction and continue until approval of the as-built plan. Such maintenance shall include snow removal and upkeep of the stormwater management facilities.
- F. Poor site maintenance, lack of active management, not following SWPPP requirements, and the construction phase Operations and Maintenance plan, failure to respond to corrective actions prescribed by the board or consulting engineer, may be reasons for the Board to withhold its authorization of a building or occupancy permits.
- G. Upon completion of all work on the site, the Developer shall remove from the site and adjoining property, all temporary structures, all surplus material, debris, tree stumps, loose rocks, silt fences and synthetic erosion control measures unless authorized by an Order of Conditions to be left in place, and such rubbish which may have accumulated during construction, and shall leave the work site in a neat and orderly fashion.

s. 208 – 3 Construction Inspections and Reporting

- A. The Board may determine site inspections of the infrastructure and site improvements and the ongoing maintenance of such are necessary to ensure that the development

project is constructed to comply with the approved site plan and *Decision*. It is the Board's standard practice to do so. Such inspections shall be performed by the Town's Consulting Engineer, Town staff, or a Board member. The Board may determine that the assistance of outside consultants is needed to monitor construction of the development due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board's endorsement of the plan. See s. 209 – 1. C. of these *Rules and Regulations*.

- B. The Developer or its representative shall notify the Town's Consulting Engineer at least 48 hours in advance of needed inspections.
- C. Site plan projects with a land disturbance area of one acre or more are required to provide copies of all required SWPPP inspection reports and corrective action reports to the Board and the Consulting Engineer for review during the construction term of the project.

s. 208 – 4 ***Modification of Approved Site Plans and Decisions*** - Construction work shall comply with the approved site plan, unless the Developer requests approval of a modification to the site plan and/or *Decision* and such approval is provided pursuant to any one of the methods specified below:

- A. ***On-Site Field Changes*** - During construction, the Developer may be authorized to make limited, minor, on-site field changes to an approved site plan project based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with the *Zoning Bylaw* or these regulations or conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
 - 1) Prior to undertaking such field changes, the Developer and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable.
 - 2) The Board shall prepare a Field Change Decision to document whether the field change is authorized. The Decision may include suitable conditions. The Field Change Decision shall be provided to the Developer and the Building Commissioner. Any approved field change shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plan.

- 3) The Board may determine that a proposed field change or a combination of field changes are such that the proposal warrants consideration as a plan modification. If so, the modification shall be handled in accordance with the provisions for reviewing and approving the corresponding category of site plan modification by the Board.

B. *Major Site Plan Projects*

1) *Plan Modification*

- a) Proposed modifications (not including on-site field changes) to a previously approved major site plan shall be subject to review by the Board.
- b) Plan modifications include, but are not limited to, the following, if deemed significant by the Town's Consulting Engineer:
 1. Changes in the design of the stormwater management facilities
 2. Changes in the location, dimensions and composition of buffer areas and screening measures
 3. An increase in the size of a building footprint in excess of 10%
 4. An increase in the height of a building
 5. A change in the location of a building on the site
 6. A change in the location and quantity of curb cuts (access and egress points)
 7. A change in the layout of parking
 8. An increase in the quantity of parking
- c) The request for a *Modification* to a previously approved major site plan shall be subject to the same application and review process including a public hearing as provided in ARTICLE IV – Major Site Plan Review of these *Rules and Regulations* including the payment of plan modification filing fee and plan review fee. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Developer. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

- 2) *Decision Modification* – If the Developer proposes a modification to the original *Decision* for a major site plan including any specific condition thereof, the Board shall conduct a public hearing on the proposed change. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, the Town's Consulting Engineer, and the Developer, and made a permanent part of the project record.

C. *Minor Site Plan Projects*

1) *Plan Modification*

- a) The Developer shall submit a letter to the Building Commissioner and the Board describing the proposed changes to a previously approved minor site plan project and the reasons for the proposed modifications. If proposed modifications to a previously approved minor site plan project are such that the changes would result in the development meeting the criteria for Major Site Plan Review pursuant to Section 3.5.3.A.1. of the *Zoning Bylaw*, the modification shall be handled in accordance with the provisions for reviewing and approving a Modification to a Major Site Plan project as specified in s. 208 – 4 B. of these *Rules and Regulations*.
 - b) Modifications of minor site plan projects, other than insubstantial field changes as provided in Section 3.5.2.C of the *Zoning Bylaw*, require review by the Board as an agenda item during a public meeting. The request for a modification to a previously approved minor site plan shall be subject to the same application and review process for Minor Site Plan Review as described in ARTICLE V. - MINOR SITE PLAN REVIEW of these *Rules and Regulations*, including the payment of fees. A written *Modification Decision* shall be prepared by the Board and filed with the Town Clerk, Building Commissioner and the Town's Consulting Engineer. Any modifications shall be made a permanent part of the approved site plan record and shown on the as-built plan presented for project completion.
- 2) *Decision Modification* – If a modification is needed to the original *Decision* for a previously approved minor site plan project, the Board may review and act on the proposed modification at a public meeting without a public hearing. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, the Town's Consulting Engineer, and the Developer, and made a permanent part of the project record.

D. *Administrative Site Plan Projects*

1) *Plan Modification*

- a) Proposed modifications to a previously approved administrative site plan project shall be subject to *Administrative Review* as described in ARTICLE VI – ADMINISTRATIVE SITE PLAN REVIEW of these *Rules and Regulations*. The Developer shall follow the same application and review process as provided herein including the payment of fees. Any modifications approved by the Team shall be made a permanent part of the approved site plan record. A written Administrative Site Plan Modification *Decision* shall be prepared by the Team and filed with the Town Clerk.
- b) The Team may determine that a proposed modification to a previously approved administrative site plan project is such that the change would result in the development meeting the criteria for *Minor or Major Site Plan Review*. If so, the modification shall be handled in accordance with

the provisions for reviewing and approving those categories of site plan by the Board.

- c) The Applicant may appeal an *Administrative Site Plan Modification Decision* to the Board within twenty days of the date the *Decision* was filed with the Town Clerk.
 - 2) *Decision Modification* – If a modification is requested to the original Administrative Site Plan Decision for an administrative site plan project, the Team shall review and act on the proposed modification. A written *Decision* shall be filed with the Town Clerk.
- E *Modification Expenses* - Whenever additional reviews by the Board, its staff or consultants, or the Team are necessary due to proposed modifications, the Developer shall be billed and be responsible for the supplemental costs incurred including site plan filing fees, plan review fees, and all costs associated with another public hearing including legal notice. If the proposed revisions affect only specific limited aspects of the site, the Board may reduce the scope of the required review and waive part of the Filing and Review Fees. Supplemental fees must be paid in full before the Board approves site plan modifications.

s. 208 – 5 Compliance

- A. *Construction Inspection* – The Board may determine site inspections are necessary to ensure that the development project is constructed to comply with the approved site plan and *Decision*. It is their standard practice to do so. These shall be performed by Town staff, the Board’s consultant or Agent, or a Board member. The Board may determine that the assistance of outside consultants is needed to monitor construction due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board’s endorsement of the plan. See s. 209 – 1. C. of these *Rules and Regulations*.
- B. *Occupancy Permit* - See Section 3.5.2 of the *Zoning Bylaw*.
- C. *Performance Security*
 - 1) If a Developer seeks an occupancy permit before completion of the approved site improvements, the Developer may request that the Board accept a deposit of funds or other form of security acceptable to the Board and the Treasurer/Collector sufficient to assure the satisfactory completion of site improvements, landscaping and amenities, and all off-site mitigation measures as shown on the approved plan. Whether to accept such security in lieu of completion of the project shall be determined by the Board in its sole discretion.
 - 2) The Board shall determine a reasonable and sufficient amount to cover the Town’s cost to complete the work if the Developer fails to do so. The Town’s Consulting Engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall also

include the cost to maintain the infrastructure, site improvements and amenities, and off-site mitigation measures in the event the Developer fails to adequately perform such. 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 fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount. A performance security agreement shall be executed by the Developer, the Board, and the surety.

s. 208 – 6 *Project Completion*

A. *Construction Deadline* - Site plan approval shall lapse after two years of the grant thereof, which shall not include such time required to pursue or await the determination of an appeal under s. 204-9 or s. 205-9 of these *Rules and Regulations*, if construction has not commenced except for good cause. Upon receipt of a written request by the Developer filed at least thirty days prior to the date of expiration, the Board shall consider the request at a public meeting and may grant an extension for good cause. Such extension shall not exceed two years beyond the original expiration date of the site plan approval.

B. *As-Built Plans*

- 1) Developers of *Major and Minor Site Plan Projects* shall provide an as-built plan stamped by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, which shall show actual as-built locations and conditions and any plan modifications authorized by the Board. See Section 6.7 of the *Medway Subdivision Rules and Regulations* for as-built plan requirements. The as-built plan shall be accompanied by a certification from a Registered Professional Engineer that the site has been developed in substantial conformance with the approved site plan.
- 2) Developers of Administrative Site Plan Projects shall provide an as-built plan showing the as-built locations of the constructed site work.

C. *Certificate of Site Plan Completion: Major and Minor Site Plan Projects*

- 1) Before the Board issues a *Certificate of Site Plan Completion*, the following items must be completed or provided to the satisfaction of the Board:
 - a) Receipts to document cleaning of the stormwater system
 - b) A signed statement from the Developer and/or Owner committing to the ongoing maintenance of the stormwater management facilities per the Post Construction Stormwater Management Plan and replacement of landscaping.
 - c) Removal of erosion controls
 - d) Full stabilization of the site
 - e) Off-site improvements

- 2) Upon completion of all required improvements as shown on the approved Site Plan, including any off-site mitigation measures, the Developer's engineer shall submit a letter verifying completion to the Board. The letter shall certify that the project, as constructed, substantially conforms to the approved site plan and that any provisions of the *Decision* including construction of any required on and off-site improvements have been completed.
- 3) The Board's Agent or a Board member shall conduct a final inspection of the site within thirty days of the filing of the Developer's engineer's letter with the Board and provide a written report and punch list to the Board and Developer identifying any remaining work to be completed.
- 4) The Board shall determine if all work has been completed in substantial conformance with the Site Plan approval. The Board may consult with its Consulting Engineer, the Conservation Commission, Department of Public Works, Building Commissioner, Treasurer/Collector and other Town boards, committees and departments to help it determine whether the project is complete and all obligations to the Town are fulfilled including payment of taxes and fees. If so, the Board, at its next regularly scheduled meeting, shall sign a *Certificate of Site Plan Completion* to document that the project as constructed has been completed, in its opinion, in conformance with the approved site plan and any conditions, including construction of any required on and off-site improvements. If a *Certificate of Site Plan Completion* is not signed, a complete list of work to be completed on or off-site in compliance with the approved site plan and *Decision* shall be provided to the Developer.

D. *Certificate of Site Plan Completion: Administrative Site Plan Projects*

- 1) Upon completion of all required improvements as shown on the approved Site Plan, the Developer shall contact the Community and Economic Development office to request a *Certificate of Site Plan Completion*.
- 2) A Team member or the Board's Agent shall inspect the site to determine if the project has been completed in substantial conformance with the approved scope of work and all conditions. The Team may consult with other Town boards, committees and staff to help with its determination. If so, the Team, shall sign a *Certificate of Site Plan Completion*. If not, a complete list of work to be completed in accordance with the approved site plan and *Decision* shall be provided to the Developer.

s. **208 – 7 Post Construction On-Going Maintenance** – The Owner shall maintain site amenities, landscape installations, and stormwater management facilities in good condition throughout the life of the facility and to the same extent as shown on the endorsed site plan and in accordance with the approved long term stormwater operations and maintenance plan including reporting requirements. Failure to carry out the long term stormwater operations and maintenance plan is a violation of the site plan permit. Trees, shrubs, bushes and other landscape features shown on the plan which die or become diseased shall be replaced by the following planting season.

ARTICLE IX FEES

s. **209 – 1 Fee Structure** – The Board shall adopt a *Fee Schedule*, which shall specify the amount of filing and other applicable fees.

A. *Site Plan Filing Fee* - A non-refundable *Site Plan Filing Fee* as specified in the Board's *Fee Schedule* shall be remitted to the Board at the time the site plan application is filed with the Board.

B. *Site Plan Review Fee*

1) *Applicability* – A *Site Plan Review Fee* shall be established by the Board or the Team for review of the site plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred to retain outside consultant(s) to assist in the review of the proposed project. The *Site Plan Review Fee* shall not be a fixed amount but will vary depending on the nature and scale of the project and the expected costs to be incurred. See the Board's *Fee Schedule*.

2) *Fee Payment* - The Applicant shall remit a deposit toward the *Site Plan Review Fee* at the time the site plan application is submitted pursuant to the Board's *Fee Schedule*. The balance shall be remitted by the Applicant upon receipt of an invoice from the Board or the Department of Community and Economic Development prior to the substantive review of the application by the outside consultants, and before the public hearing or meeting commences. Failure to pay the full *Site Plan Review Fee* before the public hearing or meeting begins may delay the public review process and constitute grounds for denial of the proposed site plan.

3) *Additional Review Fees* – If the expense of the consultant(s)' review of the site plan exceeds the original estimate or if the services of additional outside consultants be required after the initial *Site Plan Review Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. A new estimate for additional plan review services shall be prepared and remitted to the Applicant. The Applicant's failure to pay plan review fees in their entirety shall constitute grounds for the Board or the Team to deny approval and endorsement of the plan.

C. *Construction Services Fee*

1) *Applicability* – The Board may establish a *Construction Services Fee* for the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the inspection of the construction and on-going maintenance of the development's infrastructure and the review of any legal documents associated with performance security and project completion. The *Construction Services Fee* shall not be a fixed amount but will vary with the scale of the project and the expected costs to be incurred by the Board.


2) *Fee Payment* - The Applicant shall remit the *Construction Services Fee* to the Board before the site plan is endorsed. Failure to pay the *Construction Services Fee* shall constitute grounds for the Board to not endorse the site plan.

- 3) *Additional Fees* – If the expense of the consultant(s)’ services exceed the original estimate, or if the services of additional outside consultants be required after the initial *Construction Services Fee* has been expended, the Developer shall be required to pay all additional fees incurred to cover the additional cost. The Board shall prepare a new estimate for additional construction services and remit an invoice to the Developer for payment.
- D. ***Other Costs and Expenses*** - All expenses for professional plan reviews, ancillary report reviews, supplemental studies, advertising, publication of notices, and all other expenses in connection with Site Plan Review and construction including plan or decision modification fees shall be borne by the Applicant and/or Developer.
- s. **209 – 2 *Payment of Fees***
- A. Fees paid shall be by check made payable to the **Town of Medway** and submitted to the Planning and Economic Development office.
- B. When the *Site Plan Review Fee* and *Construction Services Fee* are received by the Board or the Team pursuant to this section, they shall be deposited with the Town Treasurer/Collector in special accounts for these purposes established pursuant to G. L. c. 44, Section 53G. Expenditures from the special account may be made without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific project or projects for which a fee has been or will be collected. Accrued interest may also be spent for this purpose.
- C. At the completion of the project, any excess amount in the plan review and construction accounts, including interest, attributable to a specific project shall be repaid to the Applicant or Developer or their successor in interest. Upon request, a final report of said account shall be made available. For the purpose of these *Rules and Regulations*, any person or entity claiming to be the Applicant’s successor in interest shall provide the Board or the Team with documentation establishing such succession in interest.

These *Site Plan Rules and Regulations* were adopted by a vote of the Medway Planning and Economic Development Board following proper legal notice published twice in the *Milford Daily News* and a copy thereof filed with the Town Clerk. These amended *Rules and Regulations* take effect on the date of the filing of the approved document with the Town Clerk.

Originally adopted: April 14, 1998
Amended: April 25, 2000
Amended: March 13, 2001
Amended: November 1, 2001
Amended: July 9, 2002
Amended: December 3, 2002
Amended: October 8, 2019

Attest:



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

October 9, 2019
Date

A true copy attest:



Maryjane White
Town Clerk

Oct 9 2019
Date

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Attest:

| | |
|---|---------------|
| _____ Susan E. Affleck-Childs Planning and Economic Development Coordinator | _____ Date |
|---|---------------|

A true copy attest:

| | |
|---------------------------------------|---------------|
| _____ Maryjane White Town Clerk | _____ Date |
|---------------------------------------|---------------|

Medway Planning and Economic Development Board Rules & Regulations for Submission, Review and Approval of Site Plans

APPENDIX A – Low Impact Development Resources

<https://www.mass.gov/low-impact-development>

<https://www.mass.gov/service-details/smart-growth-smart-energy-toolkit-modules-low-impact-development-lid>

<https://www.mapc.org/resource-library/low-impact-development-toolkit/>

<http://www.lid-stormwater.net/background.htm>

<https://www.massaudubon.org/our-conservation-work/advocacy/shaping-the-future-of-your-community/saving-land-water-money-with-lid>

<https://lowimpactdevelopment.org/>

<https://www.wbdg.org/resources/low-impact-development-technologies>

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/BMPRetrofit.pdf>

<https://www.mass.gov/files/documents/2017/11/03/Low%20Impact%20Development%20%28LID%29%20for%20developers.pdf>

<https://www.wbdg.org/resources/low-impact-development-technologies>

<https://www.epa.gov/sites/production/files/2015-09/documents/bbfs3cost.pdf>