



**April 26, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**PEDB Meeting Minutes**

- Draft minutes of the April 12, 2022 PEDB meeting

**Tuesday April 12, 2022  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053  
Zoom Meeting**

<b>Members</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Sarah Raposa</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
<b>Attendance</b>	<b>X</b>	<b>Absent with Notice</b>	<b>X</b>	<b>X</b>	<b>Absent with Notice</b>	<b>X</b>

**PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator

The meeting was called to order by Chairman Hayes.

There were no Citizen Comments.

**APPOINTMENT TO OPEN SPACE COMMITTEE:**

The Board is in receipt of the following which was entered into the record: (See Attached)

- 4-7-22 memo from Susy Affleck-Childs
- Resume of Tara Rice.

Tina Rice, Chair of the Open Space Committee was present by Zoom to recommend the appointment of Tara Rice. Denise Legee was also present recommending the appointment. Tara Rice was present and explained her interest in serving on the Committee.

**On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted unanimously to be appoint Tara Rice to the Open Space Committee.**

**2 MARC ROAD – Public Hearing on proposed Modification to Marijuana Special Permits, Site Plan, and Groundwater Protection Special Permit:**

The Chairman opened the public hearing.

**On a motion made by Bob Tucker seconded by Jessica Chabot, the Board voted unanimously to waive the reading of the public hearing notice.**

The Board is in receipt of the following documents which were entered into the record: (See Attached)

- Public Hearing Notice
- Application dated 3/3/22 to amend previous decision

- Application dated 3/3/22 for Groundwater protection district special permit
- Site Narrative dated 2/28/22 prepared by Dan Merrikin, Legacy Engineering
- Groundwater Protection District Materials MSDS Sheets
- Letter dated 4/5/22 re: change of name and ownership of 2 Marc Rd.
- Site Plan dated 2/28/22 prepared Legacy Engineering
- Requests for waivers from the *Site Plan Rules and Regulations*
- Marijuana licenses from the Cannabis Control Commission
- CommCan Annual Reports (2017-2021)
- Host Community Agreement with the Town of Medway
- Ownership Disclosure Statement dated 4/16/22
- Tetra Tech Review plan letter dated 3/31/22
- SAC email dated 3/16/22 to Town staff requesting review and comment
- Emails between SAC and Dan Merrikin (3/16/22 - 4/5/22)

Project engineer Dan Merrikin was present along with applicant Ellen Rosenfeld. Mr. Merrikin explained the proposed modification to construct a two story, 20,000 sq. ft. addition and loading dock at the rear of the existing building to be used for the processing of products, beverage canning operation, and storage. Also planned is a 56 vehicle parking lot in the easterly portion of the site with a connecting driveway to the existing access driveway from Marc Road. There will be additional handicap spaces and spaces to charge electric vehicles. The existing driveway around the building will be modified to accommodate the building addition and loading dock. The proposed changes require modifications to two marijuana special use permits and the previously approved site plan, and a groundwater protection district special permit due to the extent of proposed additional impervious surface (pavement) resulting from the new parking lot and driveway. The three existing stormwater basins on the site will treat the runoff. There is a new stormwater infiltration basin #4 proposed to accommodate runoff from the new driveway and parking area. The swale will be removed.

The Board was informed that the Conservation Commission will hold their public hearing on this project on April 28, 2022.

Tetra Tech has reviewed the application and has supplied a review letter dated March 31, 2022. The following was recommended:

- The Photometric plan was submitted but it shows trespass on the two properties. This needs to be further addressed.
- Include the earth removal calculations.
- There needs to be a conduit for the EV charging stations and light poles.
- There is recommended cape cod berm along southern edge of the proposed parking.

The applicant proposes a striped walkway along the eastern side of the existing building. There will need to be a structural design of the retaining wall. The Fire Department will need to determine that the trucks can make the turn around the back of the building.

The applicant will be reworking the plan to seek a waiver from the requirement for landscaping islands in the parking lot to bring the driveway to the parking lot from Jayar Road. The applicant will eliminate island and look at new drive area. The Board would like to see more landscaping at the parking lot which would include shrubs.

The applicant is seeking two waivers. There was a suggestion that the O & M plan needs to be looked at. The Board would like there to be an exhibit showing the truck turning analysis. There was also a recommendation to not have a crosswalk in the front.

The hearing was opened to the public.

**Comments from the Public:**

Resident, William Roy, 22 Spruce Rd:

Mr. Roy communicated that there is a strong odor. The smell lingers. He asked if there was going to be any odor mitigation. The applicant does have an odor specialist.

Resident, Marlene Gibson, 45 Coffee Street:

Ms. Gibson says the smell is intense. She was also asking about the type of traffic which will be coming in and out of the site with the new building.

Resident, Sabrina Farley, 47 Coffee Street:

Ms. Farley is concerned about the odor.

Resident, Donna Barnes, 43 Coffee Street:

She communicated there is an odor problem but is not in opposition to the project.

Resident, Candace Bearce, 44 Coffee Street:

It was communicated that the smell is awful.

Resident, John Lally, 35 Coffee Street:

Mr. Lally communicated that the applicant has done a great job on the noise but the odor continues to be bad. He explained that a critical component of the odor mitigation report is that there be a clear description on how it will be tested.

**On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted unanimously to allow Susy to seek and approve peer review estimates from odor and noise consultants when the applicant submits its odor and noise mitigation plans.**

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to continue the hearing to May 24, 2022 at 7:15 pm.**

**4 MARC ROAD – Request for Authorization of Occupancy Permit:**

**Present at Meeting:**

Chad Blair, COO Neo Alternatives

Andrew Carballeira, INCE, Acentech (applicant's noise consultant) – via Zoom

Jeff Komrower of Noise Control Engineering LLC (Board's noise consultant) – Via Zoom

The Board was informed that NeoOrganics has requested an occupancy permit from the Building Department. The Cannabis Control Commission will conduct a final walkthrough of the facility for issuance of their license to begin operations. Tetra Tech visited the site on Friday 4/8/22 to review the status of the outstanding work. The Town has received \$53,750 in

cash performance security in an account at Charles River Bank.

The Board needs to discuss two matters: status on punch list items and status on completion of noise study. The Board is in receipt of the following documents which were entered into the record: **(See Attached)**

#### **Punch List**

- 4-6-22 email from NeoOrganics COO Chad Blair
- Information provided by NeoOrganics on 4/11/22 re: the need to remove trees and reduce the height of a small hill to the east of the driveway to 4 Marc Road. This work has not been completed as noted in Tetra Tech's 3-4-22 punch list. The Permittee is asking that they not be required to complete that work or, at a minimum, that they not be required to complete the work before an occupancy permit is issued.
- Email dated 4/12/22 from Tetra Tech with review comments on the above noted information.
- Updated punch list dated 4/12/22 from Tetra Tech with comments on previously provided draft as-built plan and results of their 4/8/22 site visit.

#### **NOISE**

- Excerpt (pages 19– 21) of the NeoOrganics (4 Marc Road) marijuana special permit/site plan decision (1-28-20) re: required noise study to be completed before an occupancy permit is issued.
- UPDATED (4-11-22) baseline noise study prepared by Acentech per the above noted requirement.

The Board was informed of the following:

- Odor Plan as required by the decision was submitted to Jack Mee for approval – completed
- There was a clearing of some trees for sight line done April 1, 2022.

The Permittee is looking for an occupancy permit. There will be a walk through on Friday April 15, 2022 by the Cannabis Control Commission. If this is approved by the State, then plants can be brought in and there will be a final inspection and the applicant can begin operations. The Building Commissioner is ready to issue the occupancy permit pending the Board's approval. The odor plan was not reviewed by the odor consultant. The Board would like to require on-going noise and odor monitoring to ensure compliance with the Town's requirements. In the conditions D and E of the 4 Marc Road decision, the Building Commissioner will confirm compliance with the noise and odor requirements and may seek review by the Town's noise and odor consultants. There is also language that prior to the issuance of the occupancy permit for the 4 Marc Rd. facility, the Permittee shall provide the Building Commissioner with a noise study measuring ambient sound levels.

Consultant Steve Bouley of Tetra Tech reviewed the documents and discussed the following items with the Board:

- The large pine trees will remain.
- The sight lines need to meet the standards.
- The installation of the trees requested by Conservation Commission will need to occur later since it has been difficult to get the specific species.
- The Board is fine with the black chain link screening fence around the dumpster. The plan depicted a stockade fence but the Board is ok with what is on site.
- The Board is fine with the accessible route in the northwest corner instead of the concrete walkway.
- There will also be a small room on the southern side of site. This will house the switch gear for Eversource. The Building Commissioner had approved this.
- The final seeding will be done at the end of the month.
- There is a concern about the slope when driving down the area. There should be reflectors in this location or signage.

The Board recommended issuance of the occupancy permit but does not approve taking down the tree at the entranceway as requested. There was also a comment that the hill can be taken down and the stop line if sufficient. The as-built plan will need to be revised.

The Board discussed the completed noise study. The final version dated 4-11-22 was provided. There was a recommendation to provide more samples. Those samples should be done at night. This report shows that the facility meets the requirements based on the regulations. The numbers provided were presented as worst-case scenarios. There was a suggestion to follow up with nighttime measurements in the next 6 months. The measurements were done at 21 locations.

Resident John Lally asked what time of day the measurements were taken. The permittee's noise consultant Andy Carballeira responded that this was done from 12 - 2 in the afternoon. The results were shown on the screen share. Mr. Lally stated he felt the measurements should be taken at night. Mr. Carballeira noted that the sound report was previously completed in December 2022.

The Board reviewed the renderings of the addition. The Board was also informed that a new system was purchased which will deal with the odor and should be installed soon. The information regarding this will be provided to the Board.  
The applicant will be having a hearing with Conservation Commission on April 28, 2022.

It was recommended that the PEDB recommend a Certificate of Occupancy.

**On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted to recommend the Building Department issue a Certificate of Occupancy Permit for the 4 Marc Road facility.**

### **PUBLIC HEARING – 149 MAIN STREET AUOD MODIFICATION:**

Present were applicants John and Christine Early and project engineer David Faist.

The Board is in receipt of the following documents: **(See Attached)**

- Public Hearing continuation notice dated 3-23-22

- Original AUOD Special Permit dated 3-7-06 for 149 Main Street
- Draft AUOD modification decision dated 4-11-22

The Board reviewed the draft decision. This was shown on the screen share. David Faist explained the minor revisions since the first hearing. Those revisions included the following:

- Showing the location of 2 drywells. The size will be included in the decision.
- The existing dumpster will remain but the other dumpster on the adjacent property will be removed.
- There is a fence added to the plan and there is stripping.

**Findings:**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted to approve the Findings as written for 149 Main Street.**

**Conditions:**

The Conditions were reviewed.

The following refinements were made to the Conditions:

- Include the size of the sub-surface infiltrators and on which building.
- Include language about the reference to the allowed uses. The applicant will need to reapply if they change the use.
- Under Construction Oversight – There will be language that inspections will be handled by Board members, not Tetra Tech.
- The gravel area will be paved.
- Include details on fence.
- Revise the landscaping sheet.
- There will be granite curbing on the roundings.
- Add snow storage areas on plan.
- Include electrical charging stations – conduits underground (future)

Engineer David Faist will provide a letter to summarize the revisions.

**Decision:**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted unanimously to approve the Decision with Conditions as revised.**

**Close Hearing:**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to close the hearing.**

**PHYTOPIA, 6 Industrial Park Road:**

The Board is in receipt of the following documents which were entered into the record: **(See Attached)**

- 3-14-22 notice to continue the public hearing to the 4-12-22 PEDB meeting

- 4-7-22 letter from Attorney Ted Cannon requesting a continuation of the hearing to the 4-26-22 PEDB meeting.

**On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted to continue the hearing for Phytopia to April 26, 2022 at 8:00 pm. (Sarah Raposa abstained)**

**SITE PLAN ENDORSEMENT - Medway DPW Water Treatment Building**  
**Site Plan 19 Populatic Street:**

The Board is in receipt of the following which was entered into the record: **(See Attached)**

- Revised site plan for Board's endorsement
- Certificate of No Appeal from Town Clerk dated 4-8-22
- Tetra Tech review comments dated 3-15-22
- Excerpt from 3-22-22 PEDB meeting minutes

It is recommended that the PEDB endorse the site plan for the Medway DPW Water Treatment Facility at 19 Populatic Street. Board members will do so at the conclusion of the meeting.

**WILLIAM WALLACE VILLAGE – Request for PEDB'S Recommendation**  
**To the Building Commission for Building Permits**

The Board is in receipt of the following document which was entered into the record: **(See Attached)**

- 4-7-22 letter from Attorney Rita McCreary on behalf of developer Larry Rucki

The Board is in receipt of a letter requesting that the Board authorize the Building Commissioner to issue building permits for the remaining structures in the development.

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to recommend the issuance of the Building Permits but not to allow for the Certificate of Occupancy on the last market rate unit.**

**MASTER PLAN DISCUSSION:**

The Board agreed to hold a special meeting on April 20, 2022 to discuss the Master Plan.

**APPROVAL OF MINUTES:**

**March 17, 2022 Special Meeting (BESS)**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to approve the minutes from March 17, 2022 as written.**

**March 22, 2022 Regular Meeting**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to approve the minutes from March 22, 2022 as written.**

**March 29, 2022 Special Meeting**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to approve**



**the minutes from March 29, 2022 as written.**

**Medway Mill Field Change:**

The Board is in receipt of the following documents which were entered into the record: **(See Attached)**

- Letter request dated 3-21-22 from developer John Greene requesting several field changes for the Medway Mill development
- Photometric Plan by Visual dated 1/17/22
- Collection of photos of the new fence along the western side of the property
- 4-8-22 email from Steve Bouley with review comments on proposed field changes

The Board would like Mr. Green invited into the meeting to explain the status of the project.

**ADJOURN:**

**On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted to adjourn the meeting.**

The meeting was adjourned at 9:57pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

Reviewed and edited by,  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator