

Tuesday, November 8, 2022
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Member	Matt Hayes, Chair	Bob Tucker	Jessica Chabot	Sarah Raposa	Tom Gay Assoc. member
Attendance	X	Absent with Notice	X	X	Absent with Notice

PRESENT:

Barbara J. Saint Andre, Director of Community and Economic Development (via Zoom)
Susan E. Affleck-Childs, Community and Economic Development Coordinator

The meeting was called to order by Chair Hayes at 7:00 pm

There were no Citizen Comments.

Millstone ARCUD – Release of Performance Security and Project Completion:

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

- Sheet 2 of 21 Millstone ARCPUD plan (7-22-14)
- Annotated Tetra Tech punch list 12-14-21
- As-Built plan dated 5-6-22 prepared by GLM engineering
- 11-2-22 Tetra Tech sign-off on as-built plan
- 5-9-22 Truax Corporation letter re: cleaning of stormwater system
- 6-29-21 GLM Certification of project completion
- Millstone Tri-Party performance security agreement dated 4-25-15 for \$345,613
- Millstone Tri-Party performance security agreement amendment #4 dated 3-12-20 for \$116,674
- Collection of emails from March 24-November 4, 2022
- Letter dated 11-3-22 from GLM
- Email dated 11-2-22 from GLM
- Email dated 10-19-22 from Conservation Agent

Millstone developer Steve Venincasa was present along with Brian Clarke, site supervisor. The Board was provided with a project summary. The original Tri-Party Agreement was entered into on April 25, 2015, in the amount of \$435,613. There were four additional amendments to this performance security. The final amendment was done in March 12, 2021 in the amount of \$116,674.00. The project has not received a Certificate of Compliance from the Conservation

Commission. Consultant Bouley provided a sign off on the as-built plan. There has been verification that the basins were cleaned and inspected.

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted to release the performance security bond and issue a project completion certificate.

Newton Lane Street Acceptance:

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

- As Built/Street Acceptance Plan dated 10-7-22
- Excerpt from the Hartney Acres Subdivision Plan showing Open Space Parcel A
- Tetra Tech email dated 10-11-22 on the 10-7-22 As-Built Street/Acceptance Plan
- 10-18-22 memo from Select Board to Town Clerk to confirm its vote to lay out Newton Lane
- Conservation Commission Certificate of Compliance

Developer's representative Paul Yorkis was present at the meeting.

Mr. Yorkis informed the Board that he has secured the signed easements from 2 property owners for the small portions of the sidewalk that was constructed on their properties. Mr. Yorkis is also in the process of securing approvals of the corresponding mortgage companies for those sidewalk easements. The DPW, Tetra Tech, and Conservation have been doing inspections. Town Counsel is reviewing the draft deed to convey Parcel A to the Town of Medway. Tetra Tech has signed off on the as-built/street acceptance plan. The Select Bboard has laid out the road. A Certificate of Compliance was issued by the Conservation Commission.

The current bond amount needs to be verified and acted on at the November 22, 2022, meeting.

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted to recommend the street acceptance of Newton Lane.

Choate Trail Subdivision – Discussion on Trail

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

- 10-16-22 email from abutters Johanna Madge and Lynda Bannon at 38 Highland Street
- Applicable section of the Choate Trail subdivision decision re: trail (Specific condition #10)
- Applicable sheets of endorsed plan
- Field Change authorization dated 8-16-21 regarding boulders and shrubs

The developer Bob Pace was present via Zoom.

The Board is in receipt of an email from abutter Johanna Madge and Lynda Bannon who reside at 38 Highland Street. They were present at the meeting to express their concern with the location of the trail along Lot 4 of the subdivision which abuts their property.

Open Space Committee Member Denise Legee was present during the zoom meeting. She informed the Board that she had walked the trail area. It comes out near the High School baseball field.

Abutter Linda Bannon, 38 Highland Street is requesting that the Board reconsider having a public trail constructed along the southern length of Lot #4 adjacent to their Highland Street property. Their concern is the loss of trees to construct the trail and whether there will be a buffer. They are concerned about people going off the trail onto their property. The trail is to be approximately 400' long

The abutter was informed that there will be a planting of an additional 76 shrubs. There was a

The Board was reminded that there was a field change authorized dated August 16, 2021 regarding boulders and shrubs. The endorsed Choate Trail Subdivision plan does show the trail and associated public access easement locations.

There was a recommendation to have additional signage along the trail regarding the adjacent private property. This has been done at other locations in Medway.

The abutter wanted to know if the trail could be located on the north side of Lot 4. They also asked if a fence could be installed along their property line.

It was communicated that the trail location had been discussed at several meetings during the public hearing process.

Mr. Pace indicted he was not willing to have the trail and easement along the northern side of Lot 4.

All were in agreement that there will be a site visit on December 3, 2022, at 10:00 am to try to work out a resolution.

Evergren Village Field Change:

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

- Email dated 10-26-22 from developer Maria Varrichione
- Petition dated 11-1-22 from Evergreen Village owners
- Sheet L-1 from endorsed Evergreen Plan

The developer Maria Varrichione was present in person.

The Board is in receipt of an email from Maria Varrichione requesting the elimination of the pathway and raised garden bed. There was a petition signed by the property owners dated November 1, 2022, requesting elimination of the pathway and raised garden beds. The residents would prefer to have the open green space and not have to deal with the upkeep, watering, and maintenance of this area. Ms. Varrichione indicated that she has added privacy fencing between each unit.

Consultant Bouley if fine with this field change.

The changes will be indicated on the As-Built plan.

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted to accept the field change for Evergreen Village.

Construction Reports

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

Salmon Health – The Willows

- Field Report #82 dated 8/29/22 by Tetra Tech
- Field Report #83 dated 9/6/22 by Tetra Tech
- Field Report #84 dated 10/14/22 by Tetra Tech

Medway Mill

- Field Report #12 dated 7/6/22 by Tetra Tech
- Field Report #13 dated 8/3/22 by Tetra Tech
- Field Report #14 dated 11/4/22 by Tetra Tech

Harmony Village

- Field Report #24 dated 10/9/22 by Tetra Tech

Cutler Place

- October monthly report dated 11/1/22 from project engineer Rob Tiberi

William Wallace Village

- October monthly report dated 11/5/22 from project engineer Dan Merrikin

PEDB MEETING MINUTES:

October 25, 2022

On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted to approve the minutes from October 25, 2022 meeting.

Town Meeting – Zoning Bylaw Amendments – Discussion on PEDB recommendations:

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

- Final Town Meeting Warrant

The Board was informed that the Board of Selectmen vocalized their opposition to Article 21 re: “contractor’s quarters” at its meeting on October 17, 2022. The Board did not recommend this article.

The PEDB discussed how to proceed with Article 21 in light of the Select Board's opposition. It was suggested that the PEDB take a new vote to recommend referring Article 21 back to the PEDB for further study.

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to recommend that Town Meeting refer Article 21 back to the Board for further review.

Discussion on Possible Amendments to Site Plan Rules and Regulations:

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

- SAC emails dated 10/12 and 10/31 to PEDB members.
- Current *Site Plan Rules and Regs* dated 10-8-19
- SAC notes dated 10-14 and 11-30-22 with ideas for changes
- Comments from Barbara Saint Andre dated 11-3-22

The Board was asked by Susy Affleck-Childs to review the Site Plan Rules and Regulation and identify areas where revisions are needed. The Board was provided with the comments from Barbara. There was also discussion with DPW Compliance Officer Stephanie Carlisle at a previous meeting about some changes which need to be addressed relative to stormwater and resiliency. The goal is to have this document revised by April 2023.

The following was suggested:

- Add more language to the purpose section
- Remove the parking impact assessment.
- There are repetitions in the documents (criteria, findings) this needs to be consolidated and simplified.
- Add an evaluative component about odor as noted in the noise section.
- Minor site plan review. How to handle public briefings. Scope of minor is relative to the work and major site plan looks at the whole site. The Board would like a list of what was recently acted on for minor site plan. There should be language on where stormwater falls regarding minor and major review.
- The memo from Stephanie Carlisle regarding stormwater needs to be placed into the document.
- In the development standard section, add electric vehicles.
- Suggested to include links to the referenced sections of the zoning bylaw.
- Clarify which projects may need a landscape architect and which do not. There was a question if there is really a certification for one to be a certified landscape.
- The façade requirements need to be discussed further. It is in the bylaw, but should it be included in rules and regs.
- Add language about utilizing sustainability practices.
- The parking provisions need to be clarified; it is repeated in several sections.
- The sidewalk requirements are in both the bylaw and rules and regulations. Does it need to be in the rules and regs if it is also in the bylaw?

NEXT MEETING:

- November 22, 2022

ADJOURN:

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 9:00 p.m.

Prepared by,
Amy Sutherland
Recording Secretary

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



November 8, 2022

**Medway Planning & Economic Development Board
Meeting**

**Millstone ARCPUD – Release of
Performance Security and Project
Completion**

UPDATED

- Sheet 2 of 21 Millstone ARCPUD plan (7-22-14)
- Annotated Tetra Tech punch list 12-14-21
- As-built plan dated 5-6-22 prepared by GLM engineering
- 11-2-22 Tetra Tech sign-off on as-built plan
- 5-9-22 Truax Corporation letter re: cleaning of stormwater system
- 6-29-21 GLM certification of project completion
- **Millstone Tri-Party performance security agreement dated 4-25-15 for \$345,613.**
- Millstone Tri-Party performance security agreement amendment #4 (3-12-20) - \$116,674
- Collection of emails (March 24 – November 4, 2022) re project completion and outstanding issues
- Letter dated 11-3-22 from GLM re: status of standing water issue between 3 and 5 Steppingstone
- Email dated 11-2-22 from Steve Bouley re: status of standing water issue between 3 and 5 Steppingstone
- Email dated 10-19-22 from Conservation Agent Bridget Graziano re: project status per the CC Order of Conditions

Project Summary – 80 unit senior living condominium community. 51 acre site. Combination of single family detached houses, duplexes and triplexes with 8 affordable housing units. Considerable open space including:

- a 20-acre portion on which there is a recorded conservation restriction (August 2017) with the Conservation Commission.
- An 8' wide public access trail easement (June 2018) with the Conservation Commission

The development also includes a small community building. Developer – Steve Venincasa. Development has been turned over to the condo association.

Project History

- ARCPUD Special Permit Decision – June 2014
- Plan endorsed – July 2014
- Special Permit modification re: sidewalk construction and phasing – November 2015
- Special Permit modification re: Affordable Housing Requirements – March 2018
- Plan Modification – Open space parking (June and July 2018)
- Stormwater field change – July 2020
- Stormwater field change – September/October 2020

Performance Security History

- | | |
|--|-----------|
| • Tri Party agreement – April 25, 2015 | \$345,613 |
| • Amendment #1 – June 23, 2015 | \$470,596 |
| • Amendment #2 – May 25, 2016 | \$619,306 |
| • Amendment #3 – July 25, 2017 | \$385,510 |
| • Amendment #4 – March 12, 2019 | \$116,674 |

Confirmations

- Payment of \$11,562.50 to Medway Sidewalk Fund (6-24-15)
- All 8 affordable housing units listed on the Town's Subsidized Housing Inventory
- Correct street signs are in

Other Information

- Project has not yet received a Conservation Certificate of Compliance
- We need to work with Conservation to have the condo association remove the no trespassing sign where the trail and parking area meet.

N/F
GEORGE F. & CHARLOTTE A. LEE
(BOOK 8953, PAGE 219)

N/F
SENEK LLC
(BOOK 21757, PAGE 591)

PARCEL A
1,333,183 ± SQ. FT.
OR
30.61 ± ACRES

OPEN SPACE
PARCEL B
888,791 ± SQ. FT.
OR
20.40 ± ACRES
11.3 ± ACRES UPLANDS
9.1 ± ACRES WETLANDS

N/F
ANNE E. WHALEN
(BOOK 8072, PAGE 236)

N/F
RONALD P. FORTE
&
DOROTHY A. FORTE
BOOK 6705, PAGE 193

N/F
BETTY
McCALL-VERNAGLI
(BK 15039 PG.282)

N/F
BETTY McCALL-VERNAGLI
(BOOK 15039 PG.282)

N/F
ROBERT W. GROVE
(BOOK 8567 PG. 414)

N/F
GARY J. SHEMA
(BOOK 15492 PG.41)

APPROVED BY:
MEDWAY PLANNING BOARD

[Signature]
[Signature]
[Signature]

APPROVED: 6-24-14
ENDORSED: 7-29-14

APPROVED 6-24-14 SUBJECT TO COVENANT
CONDITIONS SET FORTH IN A COVENANT EXECUTED
BY Steven Verinosa DATED 7-29-14 AND TO
BE (RECORDED) (REGISTERED) HEREWITH.
DEEDS OF EASEMENTS TO BE RECORDED HEREWITH.

I, TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED & RECORDED FROM THE PLANNING
BOARD APPROVAL OF THIS PLAN AND NO APPEAL
HAS BEEN TAKEN FOR TWENTY DAYS NEXT AFTER
RECEIPT AND RECORDING OF SAME.

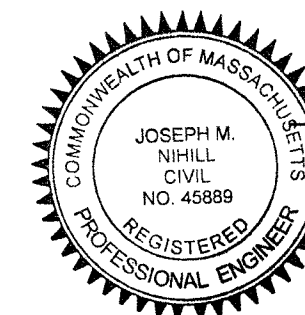
[Signature] 7/30/14
TOWN CLERK DATE

I CERTIFY THAT THIS PLAN CONFORMS TO THE
RULES & REGULATIONS OF THE REGISTER OF DEEDS.

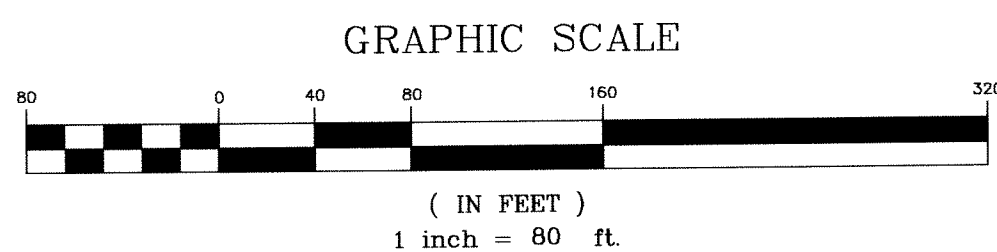
THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE
PROCEDURAL AND TECHNICAL STANDARDS FOR THE
PRACTICE OF LAND SURVEYING IN THE
COMMONWEALTH OF MASSACHUSETTS.



[Signature] 7/22/14
JOYCE E. HASTINGS, P.L.S. DATE



[Signature] 7/22/14
JOSEPH M. NIHILL, P.E. DATE



REVISIONS				FIELD:
No.	DATE	DESCRIPTION	DES. CKD.	DESIGN BY:
1	4/08/14	PROVIDE DRAINAGE TREATMENT UNITS		WML
2	7/22/14	PLANNING BOARD CONDITIONS OF APPROVAL		WML
				CHECKED BY: WML

GLM ENGINEERING
CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746
(508)429-1100 fax:(508)429-7160

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS


OWNER:
BETTY McCALL-VERNAGLI
12 PARTRIDGE STREET
MEDWAY, MASSACHUSETTS 02053

APPLICANT:
ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MA 01581

JOB No.
12,878
SCALE:
1"=80'
DATE:
OCTOBER 15, 2013
SHEET No.
2 OF 21

To: Susan Affleck-Childs – Medway Planning and Economic Development Board (PEDB) Coordinator

Cc: Andy Rodenhiser – Medway PEDB Chair
Bridget Graziano – Medway Conservation Agent
Brian Clarke – Applicant Representative

From: Steven M. Bouley, P.E. 
Bradley M. Picard, E.I.T.

Date: April 7, 2020
(revised December 14, 2021)

Subject: Millstone Village Punch List

On March 2, 2020 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a punch list inspection of the Millstone Village ARCPUD project in Medway, MA. Also present at the inspection were PEDB Chair Andy Rodenhiser, Medway Conservation Agent Bridget Graziano and Applicant Representative Brian Clarke. The site was inspected, and a punch list and bond estimate generated of outstanding items which have not yet been completed, are deficient in quality or outstanding administrative items which remain to be submitted.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Adult Retirement Community, Planned Unit Development, 'Millstone Village', Medway, Massachusetts", dated October 15, 2013, revised July 22, 2014, prepared by GLM Engineering Consultants, Inc. (GLM).
- A Special Permit Decision titled "Special Permit Decision, Millstone Village Adult Retirement Community Planned Unit Development (ARCPUD)" dated June 24, 2014.

TT 11/17/20 Update: TT visited the site on multiple occasions to update the Punch List. In addition to the items listed below, TT inspected the as-built landscaping against the approved plans and determined it is in substantial compliance. Additionally, the Developer installed plantings beyond what was required by the Plans. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated.

TT 12/14/21 Update: TT visited the site on December 9, 2021 to conduct an inspection of the site to update the Punch List. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated.

Missing Items

1. ~~Install bituminous top course on Steppingstone Drive.~~
2. ~~Install landscaping in center island at Steppingstone Drive.~~
3. ~~Complete installation of proposed nature trail and appurtenant walls, garden, and landscaping on the western side of the Site.~~
4. ~~Install overflow devices on all roof leaders that discharge to subsurface infiltration systems. TT 11/17/20 Update: Overflow devices remain missing at several units throughout the site. TT 7/8/21 Update: Item remains outstanding, contractor to install overflow devices throughout the project at roof drains that tie into roof infiltration systems. TT 12/14/2021 Update: Overflow devices have been installed throughout the development. It is our opinion this item is resolved.~~
5. ~~Water service box for 12 Ridgestone Dr. shall be set to grade.~~
6. ~~Install trail and trail parking signage. (Conservation) TT 11/17/20 Update: Conservation agent will provide final inspection and correspondence related to this item. TT 7/8/21 Update: Trail and trail parking signage appears to be installed. Conservation to provide final inspection and correspondence. TT 12/14/2021 Update: Trail and trail parking signage has been installed. It is our opinion this item is resolved.~~

Deficiencies

- ~~7. Repair and stabilize forebay embankments at at-grade Detention Basin #1P.~~
- ~~8. Inspection ports for Leaching Area #4P shall be set to grade.~~
- ~~9. Replace structure located at the western end of Riverstone Drive with a leaching catch basin designed to accommodate the paved area discharging to it and the rooftop connection. This structure was not included on the Approved Plans and residents report this structure flooding during storm events.~~
- ~~10. Clean all rip rap at drain outfall locations.~~
11. Clean drainage system. TT 11/17/20 Update: Catch basins throughout the site were inspected by TT, minimal sediment accumulation present in structures. However, contractor to provide cleaning invoice to confirm date of last cleaning. Additionally, the engineer of record shall inspect all drainage structures on-site (catch basins, water quality units, manholes, etc.) to confirm if they are clean as dumped crushed stone was found in structure adjacent to Basin 4P which has since been removed from the structure. TT 7/8/21 Update: Developer to provide the latest receipt from catch basin cleanings to ensure the system has been maintained in accordance with the Project's long-term O&M plan. **TT 12/14/2021 Update: This item remains outstanding. Developer to coordinate with Medway Conservation Commission and PEDB for required action.**
- ~~12. Stabilize exposed soils under rear decks and around foundations to prevent erosion. We expect these areas will require crushed stone or shade tolerant groundcover since these areas are mainly located on the northern and northwestern portions of the site.~~
- ~~13. All site signage shall be placed at proper heights according to MUTCD Standards. TT 11/17/20 Update: Street sign for Steppingstone Drive was temporarily removed to accommodate space for test pitting at Leaching Area #4P. Contractor to reset sign at its original location per appropriate standards. TT 7/8/21 Update: Street sign for Steppingstone Drive has been reset, however it appears the sign has been installed at the improper height. Contractor to reset sign per appropriate standards. **TT 12/14/2021 Update: Street sign for Steppingstone Drive has been installed at the proper height. It is our opinion this item is resolved.**~~
- ~~14. Electrical box at STA 1+50 Cobblestone Drive and appurtenant piping to the utility pole at the intersection of Cobblestone Drive and Winthrop Street is not used. Confirm with electric company if box and piping is to remain. TT 7/8/21 Update: We recommend the Applicant coordinate with the electric utility to determine if the box is to remain or if additional measures shall be taken to abandon it if it has no potential use. **TT 12/14/2021 Update: Developer informed TT that the electrical box and electrical conduit are owned by Verizon for potential use throughout the development in the future. It is our opinion this item is resolved.**~~
- ~~15. Remove and replace damaged section of bituminous berm at approximate STA 8+00 LT Millstone Drive.~~
- ~~16. Fill crack in pavement at approximate STA 7+50 Millstone Drive.~~
- ~~17. Point all vertical granite curb within Site.~~
- ~~18. Remove pile of concrete at rear of 21 Millstone Drive.~~
- ~~19. Clean and video sewer system at direction of Medway DPW. TT 7/8/21 Update: We recommend the Applicant coordinate with Medway DPW to determine if cleaning/video inspection will be required for this Project. **TT 12/14/2021 Update: Medway DPW has confirmed that sewer inspection videos have been submitted. It is our opinion this item is resolved.**~~
- ~~20. Erosion Controls shall be removed upon final stabilization of the site and appropriate approvals received from Medway Conservation Commission. (Conservation) TT 11/17/20 Update: Conservation has informed TT and the Applicant to have the contractor remove silt fence barriers and snow fencing at the western portion of the site adjacent to the common area/gazebo. Compost filter socks shall be cut open, compost to be spread out, then covered with leaf litter. Contractor/Applicant to contact Medway Conservation for inspection upon completion. TT 7/8/21 Update: Silt fence barriers and snow fencing throughout the site appear to have been removed. Compost filter socks remain at Steppingstone Drive adjacent to the 25' wetland buffer. Contractor to remove remaining erosion controls at the direction of Medway Conservation. **TT 12/14/2021 Update: Contractor has sufficiently removed compost filter socks at Steppingstone Drive. It is our opinion this item is resolved.**~~
- ~~21. Perform trail maintenance as downed trees were observed crossing the trail. (Conservation)~~

~~22. Repair/replace stone bound wetland marker located behind 17/19 Millstone Drive. (Conservation)~~

Administrative

23. Provide documentation from the engineer of record that all infiltration basins have been installed according to the approved design and whether they are functioning properly.
24. Provide documentation regarding landscape contractor responsible for mowing of the field trails adjacent to the Project site.
- ~~25. Provide final as-built plans of the Project.~~

Additional Items 11/17/2020

26. Additional loam to be placed in the side yard between 3 and 5 Steppingstone Drive, this area ponds during rain events. Loam and seed shall be installed and properly protected from erosion to prevent ponding and ensure positive drainage to the roadway. TT 11/17/20 Update: Homeowner at 5 Steppingstone Drive has forwarded photos of standing water adjacent to their home and adjacent 3 Steppingstone Drive. We recommend the engineer of record provide plan for mitigation of standing water in this area. TT 7/8/21 Update: Engineer of record and TT met on site to review the ponding regions in the side yard between 3 and 5 Steppingstone Drive. Design engineer stated that a plan to mitigate ponding in this area will be submitted. **TT 12/14/2021 Update: Mitigation plan has not been submitted to TT for region between 3 and 5 Steppingstone Drive. During the site walk, area appeared to be firm and dry following snowfall and during active snow melt. Developer informed TT that due to the drainage design in this area, this region may experience ponding during extreme rain events but quickly drains once storms have passed.**
27. Street name signage throughout the development does not meet the town private way signage standard. The Applicant shall coordinate this work with Medway DPW. **TT Update 12/14/2021 Update: This item remains outstanding. Developer to coordinate with Medway DPW for replacing street signs.**
- ~~28. The Applicant shall install the "Intersection Warning Sign" on Winthrop Street as shown on Sheet 5 of the Approved Plans. The Applicant shall coordinate this work with Medway DPW.~~

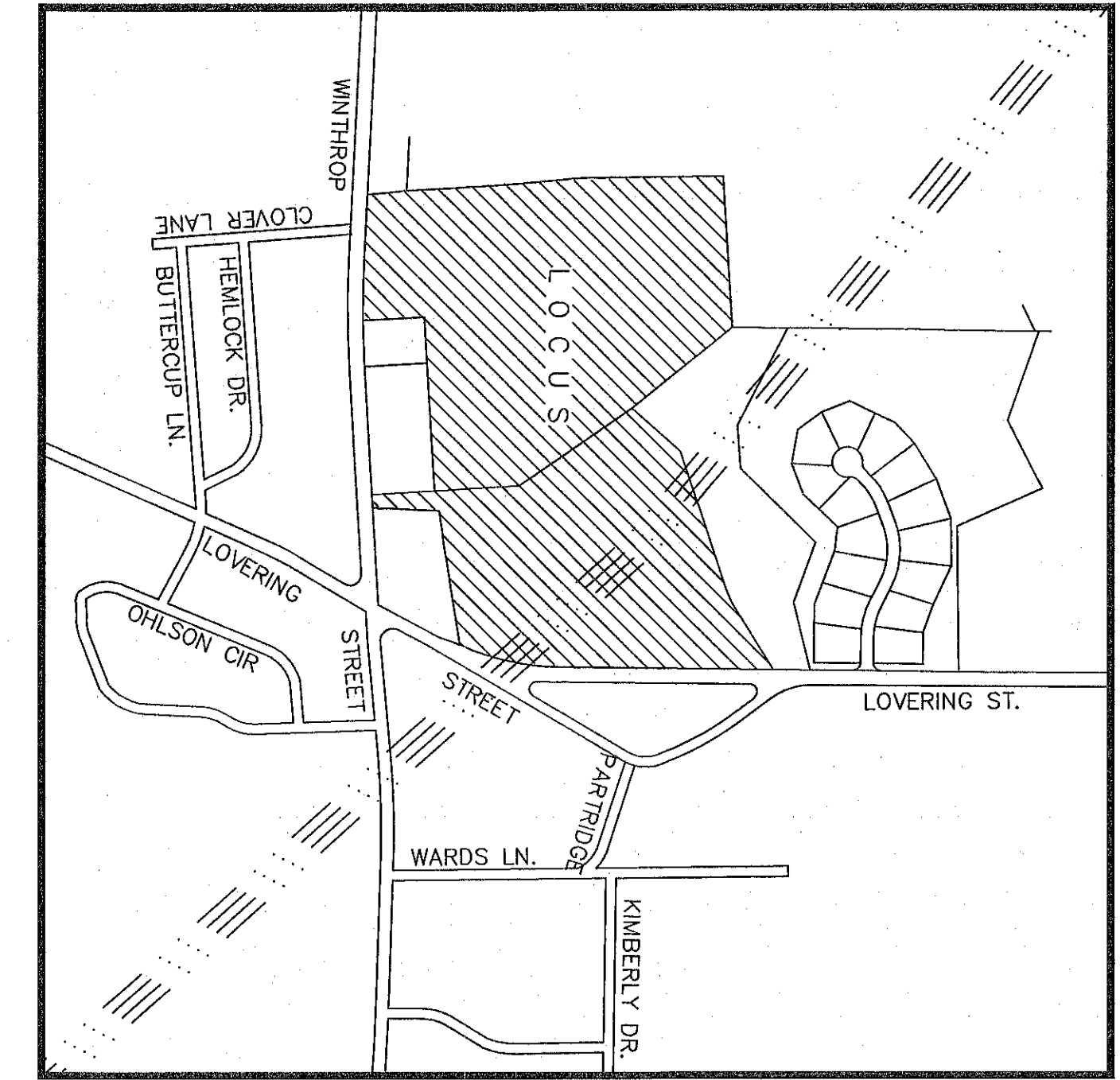
Regulatory Administrative Items (other Boards/Commissions)

These items are included as a means for maintaining an active list for the Town administration of the project and are not necessarily tied to final acceptance of the Project by the Medway Planning and Economic Development Board.

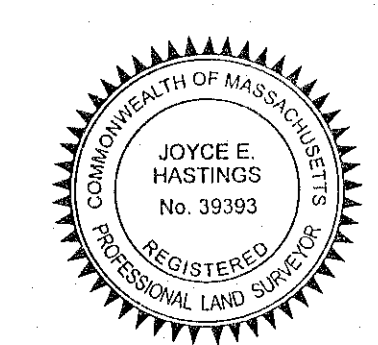
29. Provide bi-weekly reports related to required NPDES SWPPP inspections throughout the construction term for the Project. The Project team has not received reports in approximately one-year with site disturbance activity occurring within that time period. (Conservation)
30. Pay outstanding fine (21D Ticket) for non-compliance with Order of Conditions. (Conservation)
31. Order of Conditions has expired, coordinate with Medway Conservation Commission for continued work within their jurisdiction. Additionally, the Applicant shall request Certificate of Compliance once relevant work is completed. (Conservation)

These comments are offered as guides for use during the Town's review. In addition to this list, we recommend the Applicant conduct their own evaluation of the site to ensure all items included on the approved documents are completed to the satisfaction of the engineer of record for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-14018 (MILLSTONE VILLAGE CONST SERV)\CONSTRUCTION\PUNCH LIST\MEMO_MILLSTONE PUNCH LIST_2021-12-14.DOC



LOCUS MAP
SCALE: 1"=600'



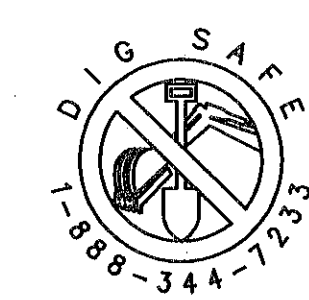
I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE ROADWAY, DRAINAGE FACILITIES, AND UTILITIES BASED UPON A FIELD SURVEY CONDUCTED BETWEEN JUNE 27, 2019 AND JULY 26, 2019.
Joyce E. Hastings 5/6/2022
JOYCE E. HASTINGS, P.L.S. DATE



I HEREBY CERTIFY THAT THE STREETS, DRAINAGE, AND MUNICIPAL SERVICES SHOWN CONFORM TO THE PLANNING BOARD REQUIREMENTS IN ACCORDANCE WITH THE APPROVED DEFINITIVE PLAN.
Robert S. Truax 5/6/22
ROBERT S. TRUAX, P.E. DATE

PLAN REFERENCE:
ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS
DATED OCTOBER 15, 2013 AND REVISED THROUGH JULY 22, 2014
PREPARED BY GLM ENGINEERING CONSULTANTS, INC.
RECORDED AT THE NORFOLK COUNTY REGISTRY OF DEEDS
PLAN BOOK 632, PLAN No. 76-79

- NOTES:
1. THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY BY GLM ENGINEERING CONSULTANTS, INC. UNDERGROUND UTILITIES AND STRUCTURES DEPICTED ON THIS PLAN ARE SHOWN FROM DIG SAFE ARKINGS AND INFORMATION PROVIDED BY THE CONTRACTOR. GLM ENGINEERING CONSULTANTS, INC. DOES NOT WARRANT THAT ALL UTILITIES ARE SHOWN OR THAT THEY DEPICTED IN THE CORRECT LOCATION AND SHOULD BE CONSIDERED APPROXIMATE ONLY.
 2. ELEVATIONS ON THIS PLAN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929. (NVDG1929)



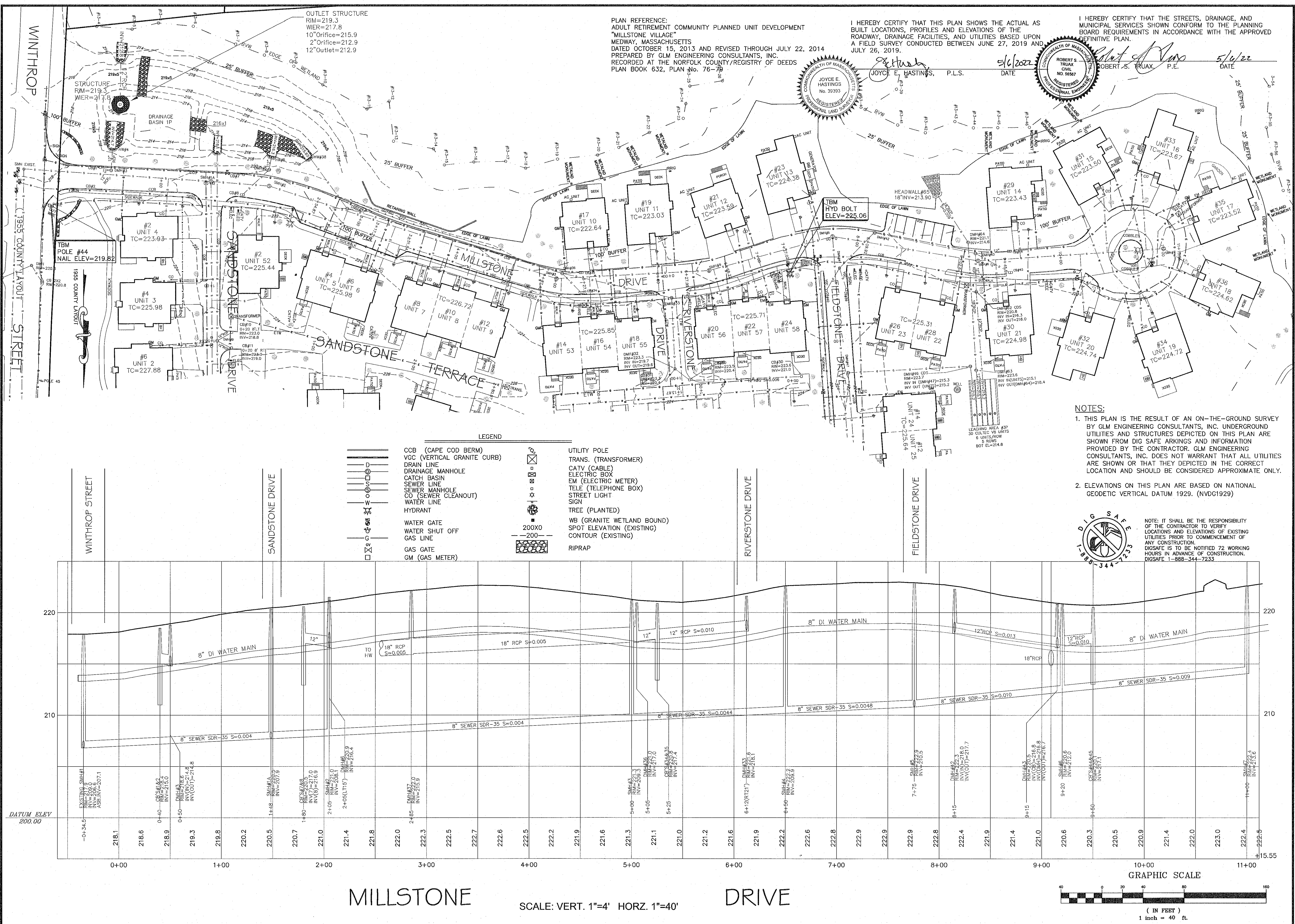
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DIGSAFE IS TO BE NOTIFIED 72 WORKING HOURS IN ADVANCE OF CONSTRUCTION.
DIGSAFE 1-888-344-7233

REVISIONS		DESCRIPTION
No.	DATE	
1	03/24/21	PLANNING REVIEW COMMENTS
2	04/12/21	PLANNING REVIEW COMMENTS
3	12/13/21	WETLAND BOUNDS
4	1/31/2022	EDGE OF LAWN, UTILITIES, TREES
5	5/06/2022	CONSERVATION COMMENTS

AS-BUILT PLAN
"MILLSTONE VILLAGE"
MILLSTONE VILLAGE
MEDWAY, MASSACHUSETTS
APPLICANT:
ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MASSACHUSETTS 01581

GLM Engineering Consultants, Inc.
19 EXCHANGE STREET
HOLLISTON, MA 01746
P: 508-429-1100 F: 508-429-7160
www.GLMengineering.com

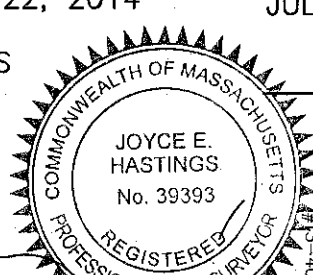
JOB No. 12878-ASB
SCALE: 1" = 60'
DATE: DECEMBER 7, 2021
PLAN SHEET NO. 1 OF 5
GLM PLAN NO. 27,406



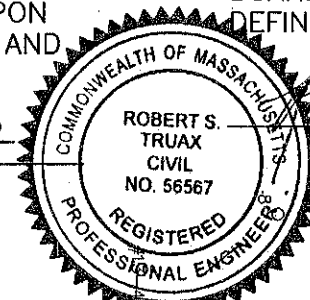
PLAN REFERENCE:
ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS
DATED OCTOBER 15, 2013 AND REVISED THROUGH JULY 22, 2014
PREPARED BY GLM ENGINEERING CONSULTANTS, INC.
RECORDED AT THE NORFOLK COUNTY/REGISTRY OF DEEDS
PLAN BOOK 632, PLAN No. 76-7B

I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS
BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE
ROADWAY, DRAINAGE FACILITIES, AND UTILITIES BASED UPON
A FIELD SURVEY CONDUCTED BETWEEN JUNE 27, 2019 AND
JULY 26, 2019.

I HEREBY CERTIFY THAT THE STREETS, DRAINAGE, AND
MUNICIPAL SERVICES SHOWN CONFORM TO THE PLANNING
BOARD REQUIREMENTS IN ACCORDANCE WITH THE APPROVED
DEFINITIVE PLAN.

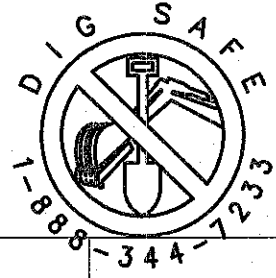


JOYCE E. HASTINGS, P.L.S.
DATE 5/6/2022



ROBERT S. TRUAX, P.E.
DATE 5/6/22

- NOTES:
1. THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY BY GLM ENGINEERING CONSULTANTS, INC. UNDERGROUND UTILITIES AND STRUCTURES DEPICTED ON THIS PLAN ARE SHOWN FROM DIG SAFE ARKINGS AND INFORMATION PROVIDED BY THE CONTRACTOR. GLM ENGINEERING CONSULTANTS, INC. DOES NOT WARRANT THAT ALL UTILITIES ARE SHOWN OR THAT THEY DEPICTED IN THE CORRECT LOCATION AND SHOULD BE CONSIDERED APPROXIMATE ONLY.
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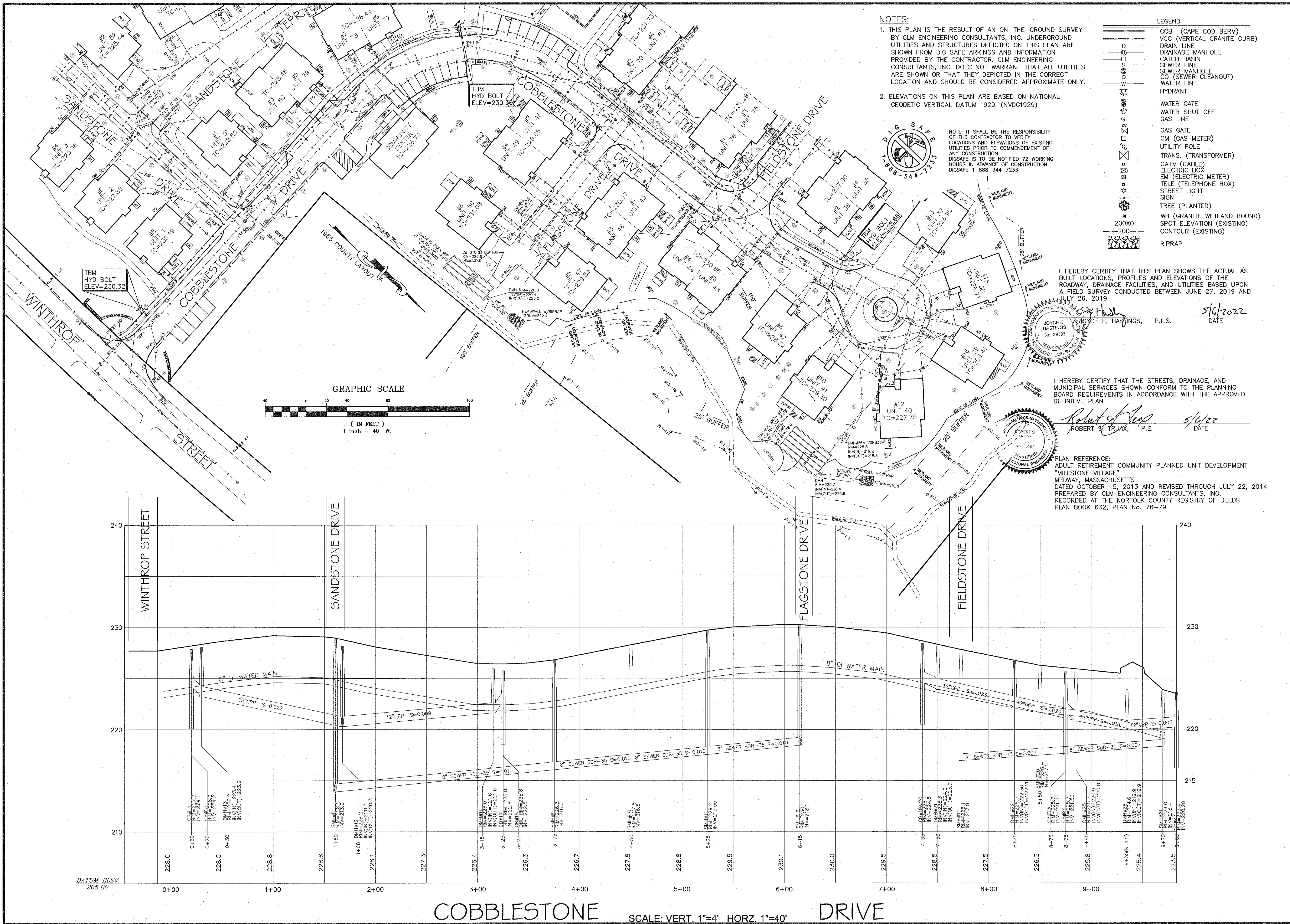
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AS-BUILT PLAN
"MILLSTONE VILLAGE"
MILLSTONE VILLAGE
MEDWAY, MASSACHUSETTS

APPLICANT:
ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MASSACHUSETTS 01581

GLM Engineering Consultants, Inc.
19 EXCHANGE STREET
HOLLISTON, MA 01746
P: 508-429-1100 F: 508-429-7160
www.GLMengineering.com

JOB No. 12878-ASB
SCALE: 1" = 40'
DATE: DECEMBER 7, 2020
PLAN SHEET NO.
2 OF 5
GLM PLAN NO.
27,406



REVISIONS		DESCRIPTION	
No.	DATE	PLANNING REVIEW COMMENTS	PLANNING REVIEW COMMENTS
1	03/24/21		
2	04/12/21		
3	12/13/21		
4	1/31/2022		
5	5/06/2022		

AS-BUILT PLAN	
"MILLSTONE VILLAGE"	
MILLSTONE VILLAGE	
MEDWAY, MASSACHUSETTS	

APPLICANT:	ELITE HOME BUILDERS LLC
P.O. BOX 1205	
WESTBORO, MASSACHUSETTS 01581	

GLM Engineering, Inc.	
19 EXCHANGE STREET	
HOLLISTON, MA 01746	
P: 508-429-1100 F: 508-429-7160	
www.GLMengineering.com	

JOB No.	12878-ASB
SCALE:	1" = 40'
DATE:	DECEMBER 7, 2021
PLAN SHEET NO.	3 OF 5
GLM PLAN NO.	27,406

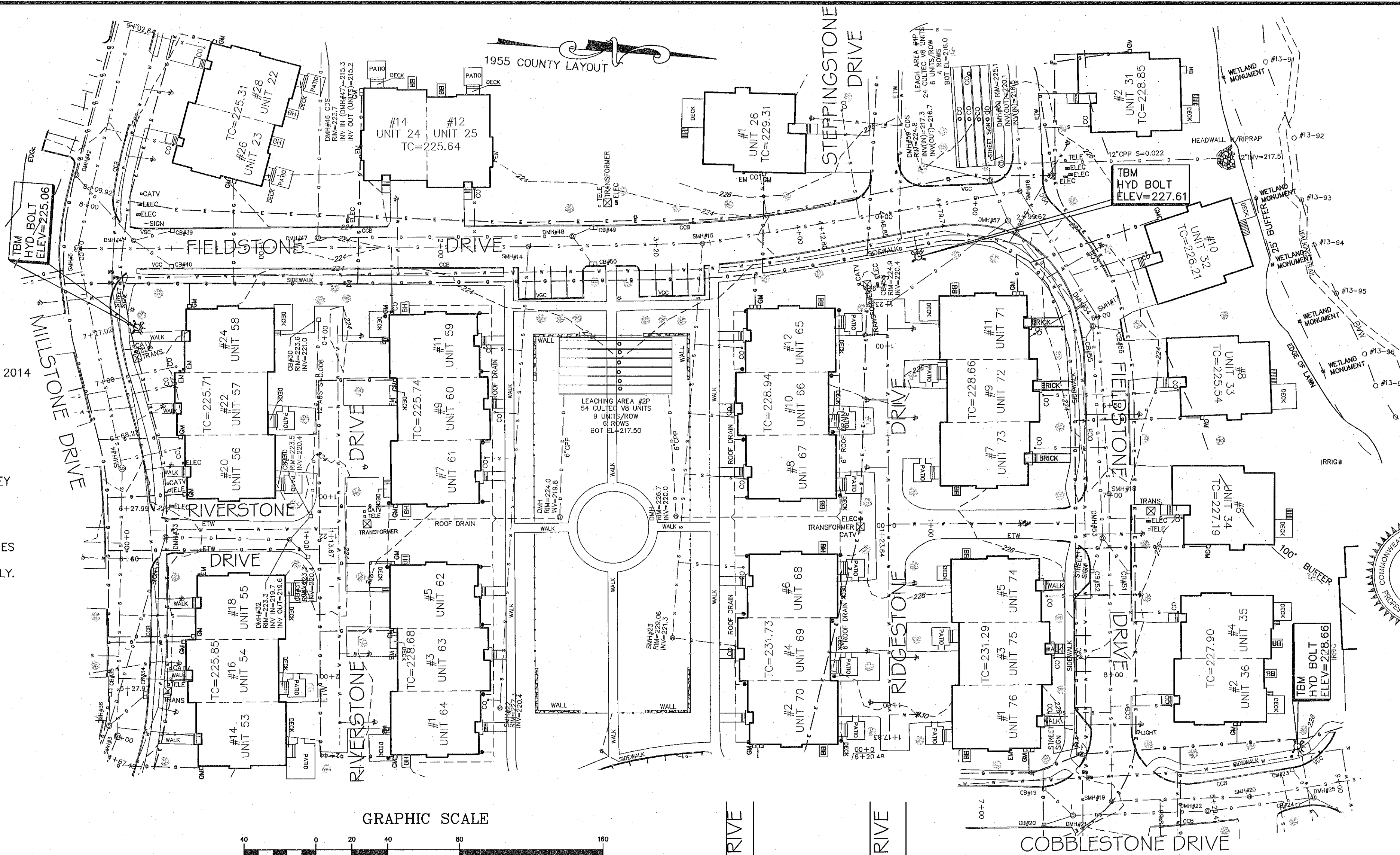
PLAN REFERENCE:
ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS
DATED OCTOBER 15, 2013 AND REVISED THROUGH JULY 22, 2014
PREPARED BY GLM ENGINEERING CONSULTANTS, INC.
RECORDED AT THE NORFOLK COUNTY REGISTRY OF DEEDS
PLAN BOOK 632, PLAN No. 76-79

NOTES:

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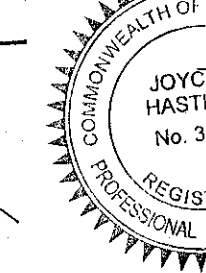


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LEGEND	
	CCB (CAPE COD BERM)
	VGC (VERTICAL GRANITE CURB)
	DRAIN LINE
	DRAINAGE MANHOLE
	CATCH BASIN
	SEWER LINE
	SEWER MANHOLE
	CO (SEWER CLEANOUT)
	WATER LINE
	HYDRANT
	WATER GATE
	WATER SHUT OFF
	GAS LINE
	GAS GATE
	GM (GAS METER)
	UTILITY POLE
	TRANS. (TRANSFORMER)
	CATV (CABLE)
	ELECTRIC BOX
	EM (ELECTRIC METER)
	TELE (TELEPHONE BOX)
	STREET LIGHT
	SIGN
	TREE (PLANTED)
	WB (GRANITE WETLAND BOUND)
	SPOT ELEVATION (EXISTING)
	CONTOUR (EXISTING)
	RIPRAP

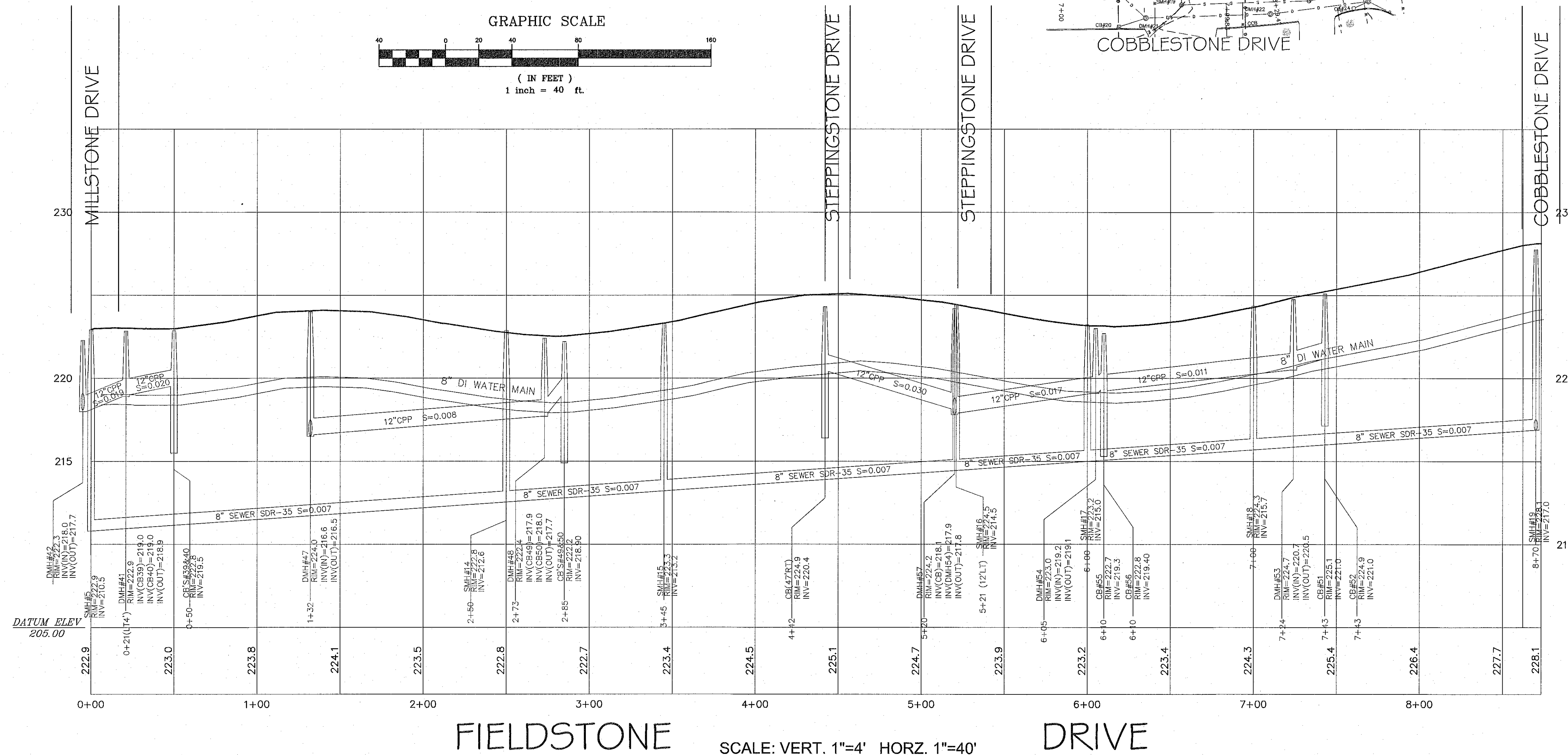
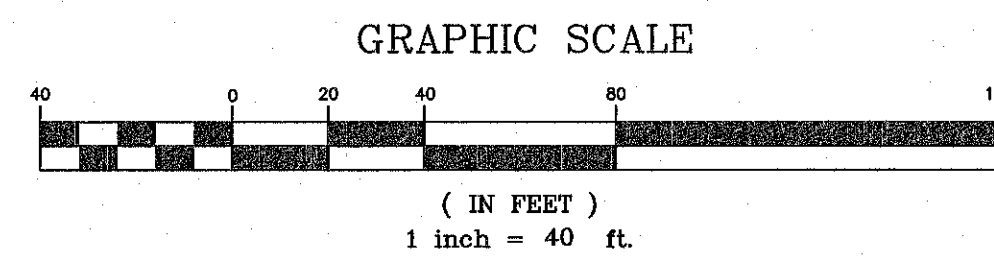
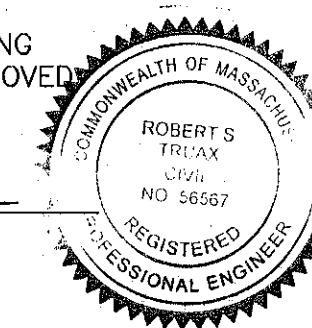
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JOYCE E. HASTINGS, P.E. 5/6/2022 DATE

I HEREBY CERTIFY THAT THE STREETS, DRAINAGE, AND MUNICIPAL SERVICES SHOWN CONFORM TO THE PLANNING BOARD REQUIREMENTS IN ACCORDANCE WITH THE APPROVED DEFINITIVE PLAN.

ROBERT S. TRUAX, P.E. 5/6/22 DATE

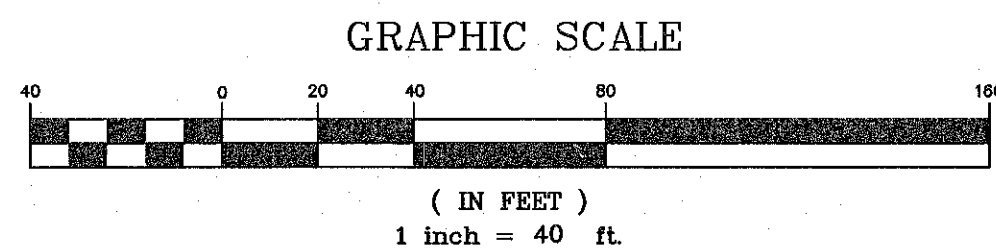
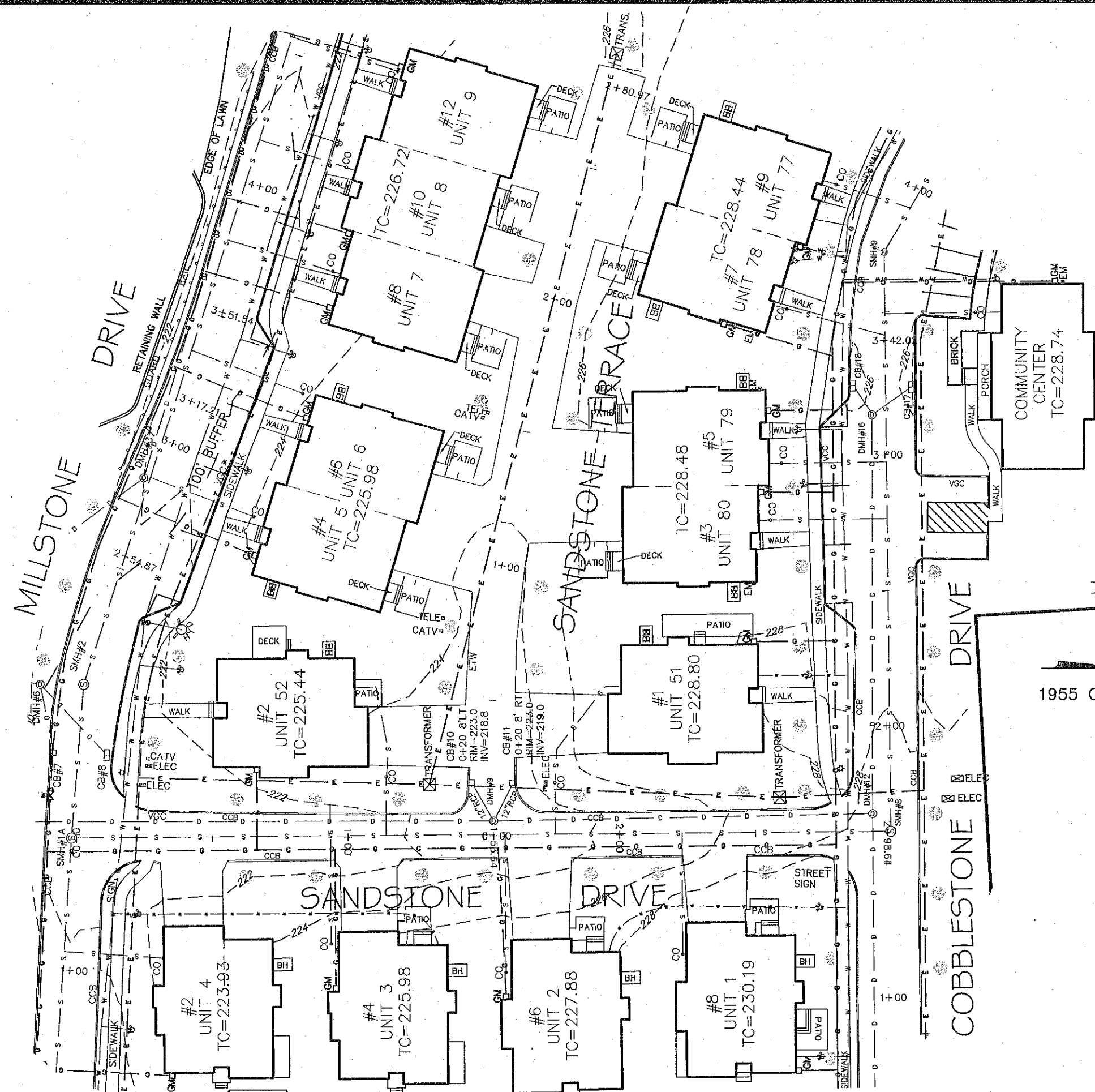


AS-BUILT PLAN
"MILLSTONE VILLAGE"
MILLSTONE VILLAGE
MEDWAY, MASSACHUSETTS

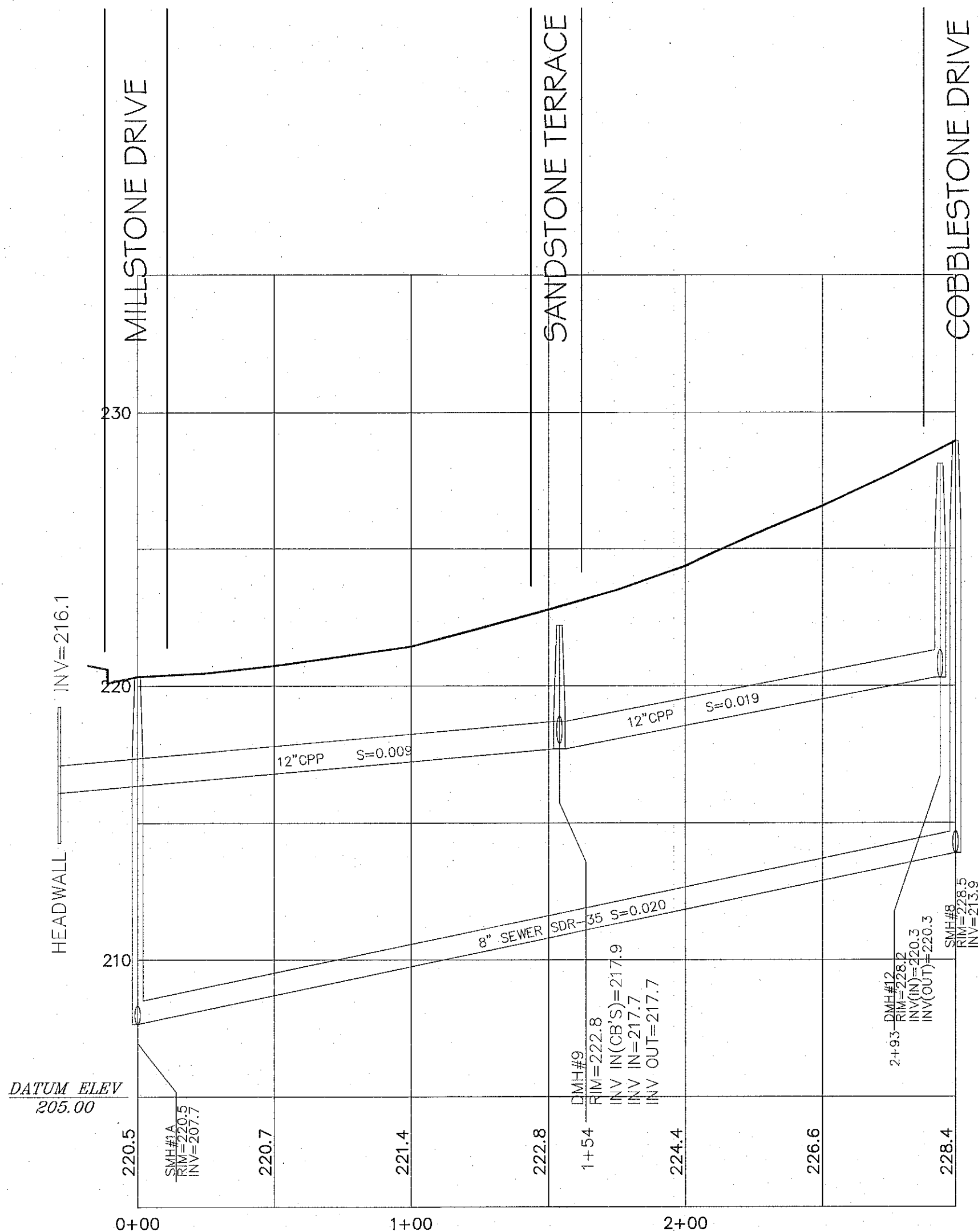
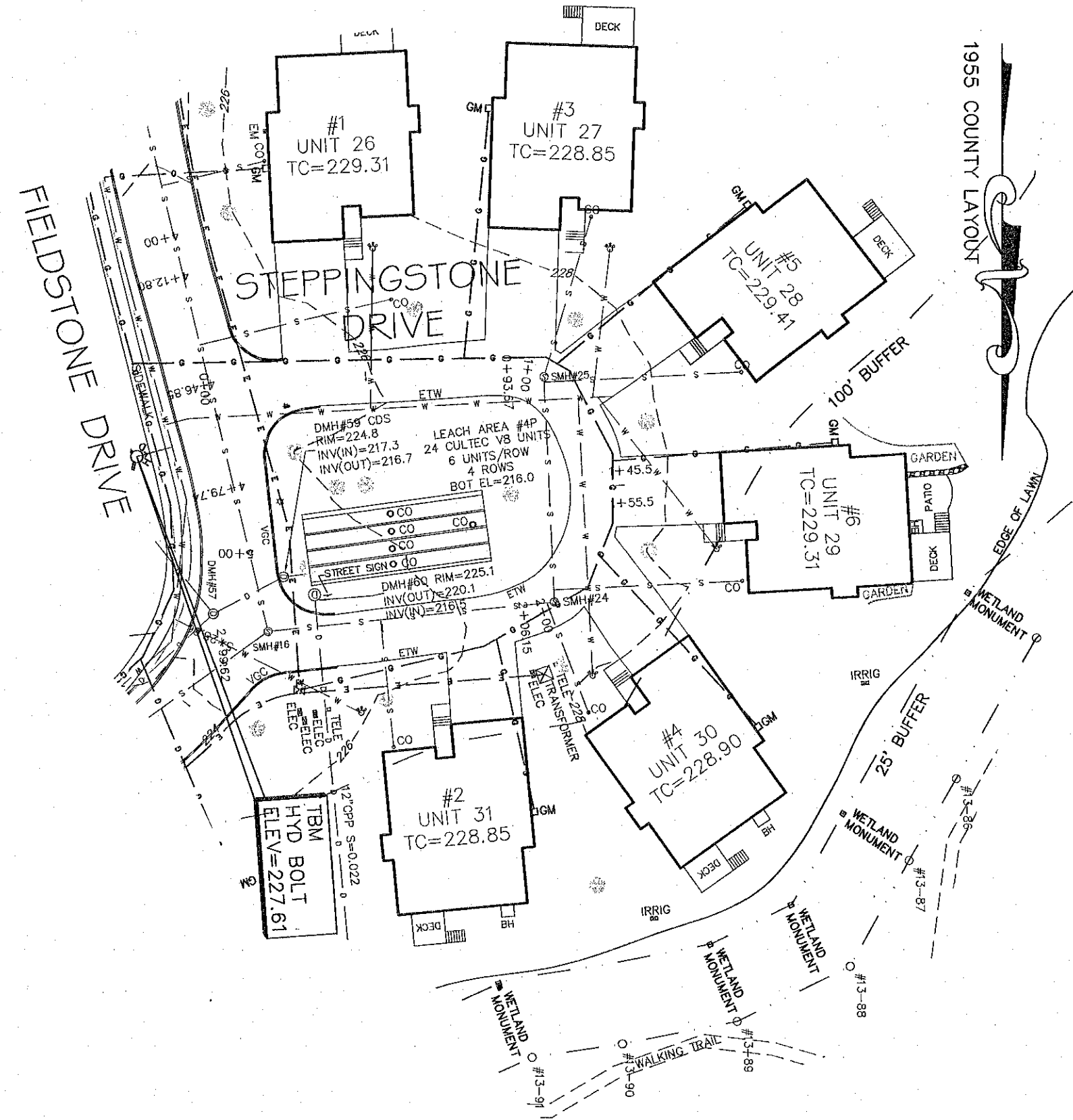
APPLICANT:
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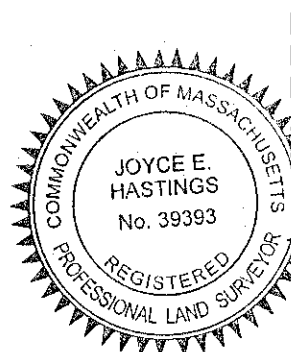
JOB No. 12878-ASB
SCALE: 1" = 40'
DATE: DECEMBER 7, 2021
PLAN SHEET NO.
4 OF 5
GLM PLAN NO.
27,406



- LEGEND
- CCB (CAPE COD BERM)
 - VGC (VERTICAL GRANITE CURB)
 - DRAIN LINE
 - DRAINAGE MANHOLE
 - CATCH BASIN
 - SEWER LINE
 - SEWER MANHOLE
 - CO (SEWER CLEANOUT)
 - WATER LINE
 - HYDRANT
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 - WATER SHUT OFF
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 - GM (GAS METER)
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 - TRANS. (TRANSFORMER)
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 - SIGN
 - TREE (PLANTED)
 - WB (GRANITE WETLAND BOUND)
 - SPOT ELEVATION (EXISTING)
 - CONTOUR (EXISTING)
 - RIPRAP



SANDSTONE DRIVE
SCALE: VERT. 1"=4' HORZ. 1"=40'

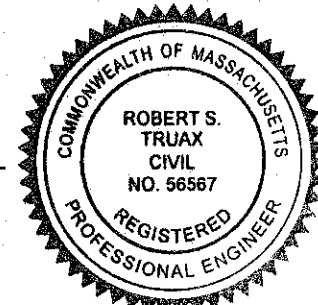


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Joyce E. Hastings
JOYCE E. HASTINGS, P.L.S. DATE 5/6/2022

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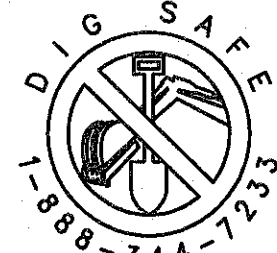
Robert S. Truax
ROBERT S. TRUAX, P.E. DATE 5/6/22



PLAN REFERENCE:
ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
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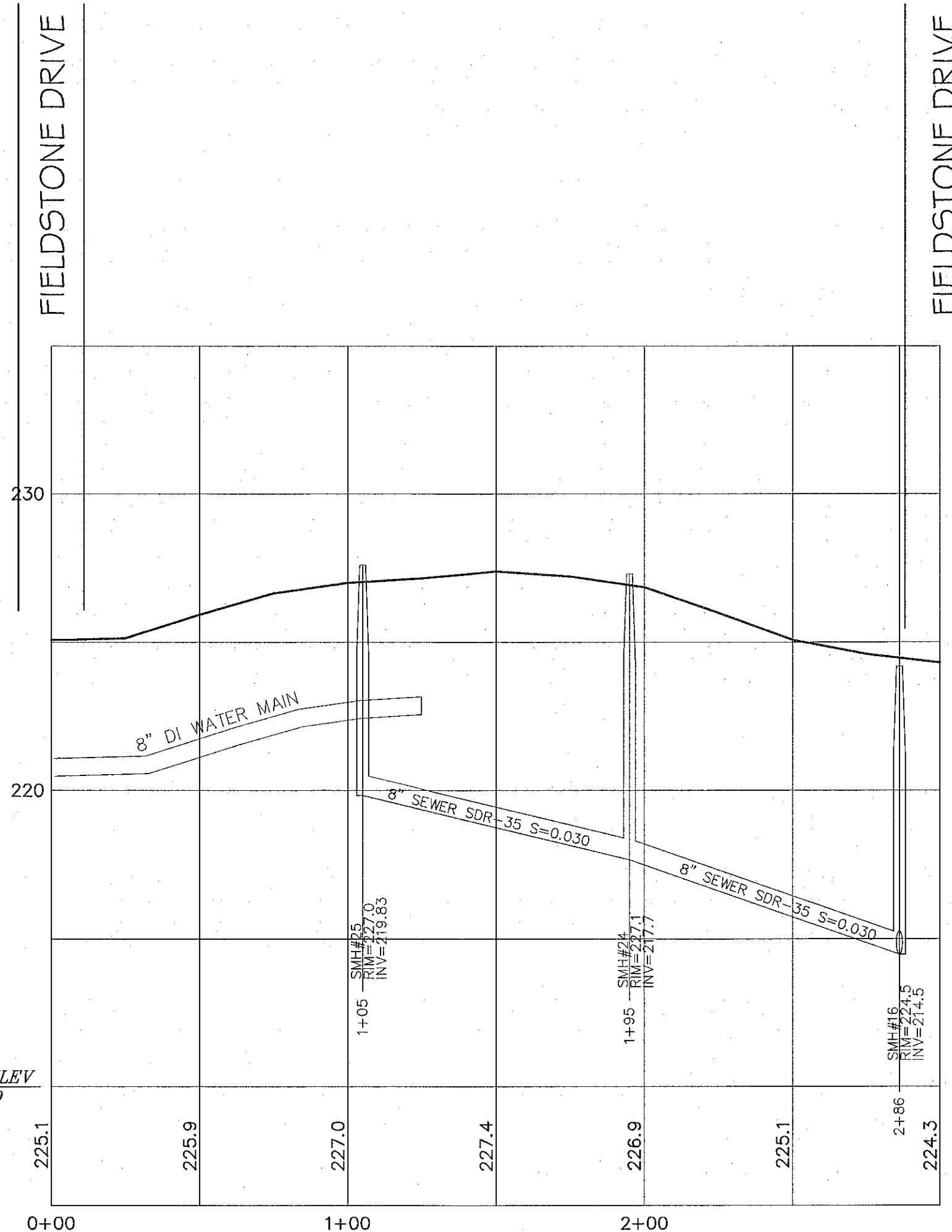
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DATUM ELEV
210.00



STEPPINGSTONE DRIVE
SCALE: VERT. 1"=4' HORZ. 1"=40'

AS-BUILT PLAN
"MILLSTONE VILLAGE"
MILLSTONE VILLAGE
MEDWAY, MASSACHUSETTS

APPLICANT:
ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MASSACHUSETTS 01581

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HOLLISTON, MA 01746
P: 508-429-1100 F: 508-429-7160
www.GLMengineering.com

JOB No. 12878-ASB

SCALE: 1" = 40'

DATE: DECEMBER 7, 2021

PLAN SHEET NO.

5 OF 5

GLM PLAN NO.

27,406

REVISIONS	DATE	DESCRIPTION
1	03/24/21	PLANNING REVIEW COMMENTS
2	04/12/21	PLANNING REVIEW COMMENTS
3	12/13/21	WETLAND BOUNDS
4	1/31/2022	EDGE OF LAWN, UTILITIES, TREES
5	5/06/2022	CONSERVATION COMMENTS

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Wednesday, November 2, 2022 3:03 PM
To: Susan Affleck-Childs
Subject: [External] Millstone Village As-Built Review

Hi Susy,

We have reviewed the as-built plan titled "As-Built Plan 'Millstone Village' Millstone Village, Medway, Massachusetts" dated December 7, 2021 with revisions through May 6, 2022, stamped and signed by Robert S. Truax, P.E. from GLM Engineering Consultants, Inc. on May 6, 2022. The Plans were reviewed against and meet the requirements of Section 6.7 of the PEDB Rules and Regulations Chapter 100 – Land Subdivision and all comments related to the as-built have been addressed by the Applicant. Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, PE | Project Manager
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

Tetra Tech | *Leading with Science*® | INE
100 Nickerson Road | Marlborough, MA 01752 | tetrattech.com

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Please consider the environment before printing. [Read more](#)





PO Box 2186
Plainville, MA 02762
T 508.316.0979
F 508.316.0739
www.truaxcorporation.com

May 9, 2022

Elite Home Builders, LLC
PO Box 1205
Westboro, MA 01581

RE: Millstone Village, Medway MA

To whom this may concern:

Truax Corporation cleaned and inspected all catch basins on site as well cleaned and inspected the leaching systems with manholes and noted all were in excellent condition. Service was performed on 9/27/2021. Should you have any questions or need any additional information, please contact me.

Thank you.

Sincerely,

Maria Gerrior
Office Manager

June 29, 2021

Medway Planning Board
Medway Conservation Commission
Town Hall
155 Village Street
Medway, MA 02053

**Re: Engineers Certification
Millstone Village, Winthrop Street, Medway, MA
Request for Certificates of Compliance –
DEP File Numbers: 216-735, 216-857 & 216-877**


Dear Board Members,

We hereby certify that the roadways and infrastructure work was constructed in substantial compliance with the approved plans and orders of conditions for the above reference project.

This firm did, through April 10, 2021, perform as-built surveys of the property. The project has been constructed in compliance with the Approved Site Plan and the site is stabilized.

Thank you for your attention. Please do not hesitate to call if you have any questions.

Sincerely,
GLM Engineering Consultants, Inc.


Robert S. Truax, P.E.



cc. Millstone Builders LLC

Performance Secured by Lender's Agreement

Planning & Economic Development Board – Town of Medway, MA

This agreement is entered into this 24th day of April, 2015, among the Town of Medway, acting through its Planning & Economic Development Board, (hereinafter referred to as "the Board") with an address of 155 Village Street, Medway, MA 02053, and Millstone Builders, LLC ("Applicant") with an address of 1 Golden Court, P.O. Box 1205, Westborough, MA 0158, and Southbridge Savings Bank ("Lender") with an address of P.O. Box 370, Southbridge, MA 01550, to secure the construction of ways and installation of municipal services on the land shown on an approved Adult Retirement Community Special Permit Plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on March 25, 2014, the Board endorsed a Plan of Land dated March 18, 2014, prepared by GLM Engineering of Holliston, MA showing the division of a parcel of land located at 129R Lovering Street, Medway, MA into two lots and Parcels A and B, recorded at the Norfolk County Registry of Deeds in Plan Book 632, Page 76 (hereinafter referred to as "the ANR Plan");

WHEREAS, on June 24, 2014, after a duly noticed public hearing, the Board granted an adult retirement community special permit authorizing the development of an 80 unit active adult residential community at 129R Lovering Street, Medway, MA, recorded at the Norfolk County Registry of Deeds in Book 32460, Pages 332-364 (hereinafter referred to as "the special permit");

WHEREAS, on July 29, 2014, the Board endorsed the Millstone Village Adult Retirement Community Planned Unit Development Plan dated October 15, 2013, last revised July 22, 2014, prepared by GLM Engineering of Holliston, MA showing the development of the above noted Parcels A and B at 129 Lovering Street, as recorded in the Norfolk County Registry of Deeds in Plan Book 632, pages 77 – 79 (hereinafter referred to as "the ARCPUD Plan"); and

WHEREAS the Applicant is the owner of Parcels A and B as further described in a deed recorded in the Norfolk County Registry of Deeds in Book 32460, Pages 303-304; and

WHEREAS, the Applicant has obtained a first mortgage with the Lender dated August 7, 2014 and recorded in the Norfolk County Registry of Deeds, Book 32460, Pages 306-316 covering the land shown on the Millstone Village Adult Retirement Community Planned Unit Development Plan as security for the payment of a note in the principal sum of \$1,740,000; and

WHEREAS, the Board has included a condition #19 in the special permit to secure the construction of ways and installation of stormwater management facilities, utilities, services, roadways, pedestrian facilities/trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting and landscaping (hereinafter collectively referred to as "municipal services") in accordance with G.L. c. 41 §81U.

NOW, THEREFORE, the parties agree as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$ 345,613.00, and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Board's Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this development; the application submitted for approval of this development; the special permit and all conditions of approval; the recommendations of the Board of Health; the ANR Plan and the ARCPUD Plan;; all conditions subsequent to approval of this development due to any amendment, modification or revision of the special permit, ANR Plan or the ARCPUD Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents: _____ (hereinafter the "Approval Documents").

2. The Applicant shall complete the construction of ways and the installation of municipal services no later than eight years from the date of the endorsement of the ARCPUD Plan. The Plan was endorsed on July 29, 2014, and therefore the required completion date is July 29, 2022.

3. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the interest in such Retained Funds by the Lender shall be released, and the Lender may disburse such Retained Funds to the Applicant only upon receipt by Lender of a written release from the Board. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Lender shall make available to the Board any undisbursed Retained Funds in accordance with applicable laws, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the Retained Funds together with accrued interest, will be released by the Board and may be disbursed by the Lender upon completion of the work by the Town of Medway.

4. The Lender hereby agrees that none of the Retained Funds retained as security as specified herein shall be disbursed to the Applicant without the prior written release of said funds by the Board.

5. The Board may rescind approval of the ARCPUD Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W.

6. The Board shall notify the Lender of any authorized reduction or release of the retained funds that secure this agreement in full or in part. Upon receipt of a written notice of reduction or release, the Lender may disburse the Retained Funds, or portion thereof, to the Applicant.

7. The Applicant agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be

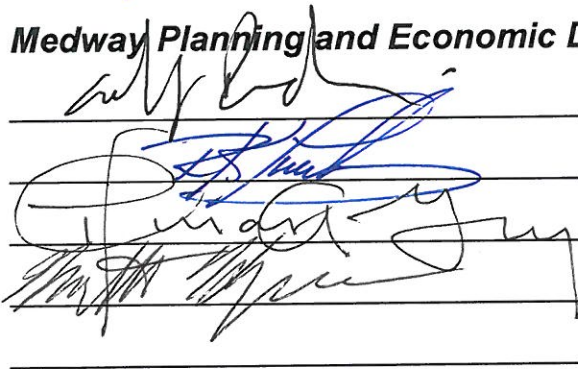
constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six months prior to said release. This agreement does not expire until released in full by the Board.

8. Failure to complete construction of the ways and installation of the municipal services by the required completion date shall result in automatic rescission of approval of the ARCPUD Plan.

9. If a court of competent jurisdiction determines that any provision of this agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 24th day of April, 2015.

Medway Planning and Economic Development Board

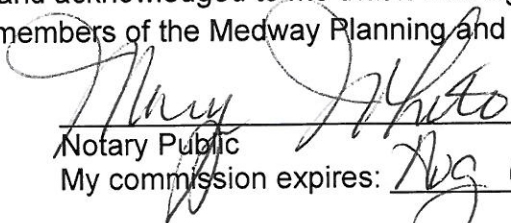


COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 24th day of April, 2015, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board Andy Kolenhiser, Robert Tucker, Thomas Gilly, Matthew Hayes /

proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the persons whose names are signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as members of the Medway Planning and Economic Development Board.


Notary Public

My commission expires: Aug 6, 2015

Millstone Builders, LLC

By: Steven Venincasa
Title/Position: Manager
Print name: Steven Venincasa

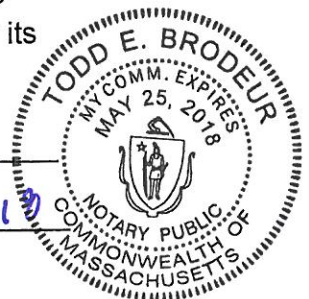
COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 24 day of April, 2015, before me, the undersigned notary public, personally appeared the above-named Steven Venincasa, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as Manager of Millstone Builders, LLC.

[Signature]
Notary Public

My commission expires: May 25, 2018



Southbridge Savings Bank

By: James A. Sandagato
Title/Position: Vice President
Print name: James A. Sandagato

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 24th day of April, 2015, before me, the undersigned notary public, personally appeared the above-named James A. Sandagato, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as Vice President of Southbridge Savings Bank.

[Signature]
Notary Public

My commission expires: May 25, 2018



AMENDMENT #4
Performance Secured by Lender's Agreement
Millstone Village

Planning & Economic Development Board – Town of Medway, MA

WHEREAS, on the 24th day of April, 2015, the Town of Medway, acting through its Planning & Economic Development Board, (hereinafter referred to as "the Board") with an address of 155 Village Street, Medway, MA 02053, Millstone Builders, LLC ("Applicant") with an address of 1 Golden Court, P.O. Box 1205, Westborough, MA 0158, and Cornerstone Bank, successor by merger of Southbridge Savings Bank ("Lender") with an address of P.O. Box 370, Southbridge, MA 01550, entered into a Lender's Agreement to secure the construction of ways and installation of municipal services in accordance General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws on the land shown on an approved Millstone Village Adult Retirement Community Planned Unit Development Plan dated October 15, 2013, last revised July 22, 2014, prepared by GLM Engineering of Holliston, MA showing the development of Parcels A and B at 129 Lovering Street, as recorded in the Norfolk County Registry of Deeds in Plan Book 632, pages 77 – 79 (hereinafter referred to as "the ARCPUD Plan"); and

WHEREAS, the Applicant, Board and Lender amended the Lender's Agreement on June 23, 2015; and

WHEREAS, the Applicant, Board and Lender further amended the Lender's Agreement on May 25, 2016; and

WHEREAS, the Applicant, Board and Lender further amended the Lender's Agreement on July 25, 2017; and

WHEREAS, the Applicant wishes to reduce the amount of performance security to reflect the work completed since July of 2017; and

WHEREAS, the Applicant and Board now need to modify the Lender's Agreement as follows in order to adjust the security to ensure completion of the construction of ways and installation of municipal services and various other site improvements and amenities by:

1. retaining the previously reduced Phase 1 performance security amount of \$26,906 as approved by the Board on July 11, 2017; and
2. reducing the Phase 2 performance security amount from \$225,305 to \$79,143 for the Phase 2 area in accordance with the bond estimate prepared by Tetra Tech Engineering dated March 7, 2019 (as attached) and approved by the Board on March 12, 2019; and
3. reducing the previously established performance security amount from \$133,299 to \$10,625 for the development of trails as approved by the Board on July 11, 2017;

for a combined total of \$116,674.

NOW, THEREFORE, the parties agree that the paragraph numbered 1 in the original Lender's Agreement shall be further modified to read as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$116,674 and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Board's Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this development; the application submitted for approval of this development; the special permit and all conditions of approval; the recommendations of the Board of Health; the ANR Plan and the ARCPUD Plan; all conditions subsequent to approval of this development due to any amendment, modification or revision of the special permit, ANR Plan or the ARCPUD Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents: _____ (hereinafter the "Approval Documents")."

2. All other provisions of the original Lender's Agreement executed April 24, 2015 remain in effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 18 day of March, 2019.

Medway Planning and Economic Development Board

[Signature] _____
[Signature] _____
[Signature] _____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 12th day of March, 2019, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board Rich Nichols, Marleen Hayes,
Robert Tucker

proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the persons whose names are signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as members of the Medway Planning and Economic Development Board.

[Signature]
Notary Public
My commission expires: Aug 19 2020

Cornerstone Bank successor by merger of Southbridge Savings

By: James Sandagato

Title/Position: VP- Comm. Team Leader

Print name: James Sandagato

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

On this 14th day of MARCH, 2019, before me, the undersigned notary public, personally appeared the above-named James Sandagato, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as VP Comm Team Leader of Cornerstone Savings Bank.

Kimberly A. Fritze
Notary Public
My commission expires:



KIMBERLY A. FRITZE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 4, 2022

March 12, 2019

Millstone Builders, LLC

By: Steven Venincasa

Title/Position: Manager

Print name: STEVEN VENINCASA

COMMONWEALTH OF MASSACHUSETTS

Worcester, SS

On this 5 day of April, 2019, before me, the undersigned notary public, personally appeared the above-named STEVEN VENINCASA, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as Manager of Millstone Builders, LLC.

Andrew D. Burgoyne
Notary Public

My commission expires: May 30, 2019



Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Friday, November 4, 2022 9:54 AM
To: Steven Venincasa
Cc: Leonardo DaSilva; Brian Clarke (brian-clarke@live.com); Bouley, Steven; Matthew Hayes; Bridget Graziano; Barbara Saint Andre; joyce.hastings@glmengineering.com; Rob Truax
Subject: RE: [External] Re: Millstone project completion
Attachments: 11-8-22 PEDB mtg agenda.pdf

Hi Steve,

We are in receipt of a letter dated November 3, 2022 from Rob Truax at GLM Engineering with their assessment of the status of the area between 3 and 5 Steppingstone. Thank you.

However, you still have not supplied the requested information which is highlighted below. Please do so. We simply want a record of what measures, if any, were taken to deal with the standing water problem.

Attached is the agenda for next Tuesday's meeting. Millstone discussion is scheduled for 7:05 p.m. Will you attend in person or via Zoom?

I look forward to a response from you at your earliest convenience.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291



From: Susan Affleck-Childs
Sent: Wednesday, November 2, 2022 12:24 PM
To: Steven Venincasa <sv@casarealty-builders.com>
Cc: Leonardo DaSilva <leo@motaconstructioncorp.com>; Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; joyce.hastings@glmengineering.com; Rob Truax <rtruax@glmengineering.com>
Subject: RE: [External] Re: Millstone project completion

Hi Steve,

Based on your clarifying comment below, I infer that some work was undertaken to correct the water puddling condition between 3 and 5 Steppingstone.

Please provide a brief description of what work you did undertake in this area to correct the water puddling. We would just like to understand what measures were taken and have documentation from GLM to verify what work was completed to address the problem.

I don't have a specific time for you as yet for the November 8th meeting. There are lots of moving pieces. Do you have a time preference? Will you attend the meeting in person or via Zoom?

Thanks for your help.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291



From: Steven Venincasa <sv@casarealty-builders.com>

Sent: Tuesday, November 1, 2022 10:04 PM

To: Susan Affleck-Childs <sachilds@townofmedway.org>

Cc: Leonardo DaSilva <leo@motaconstructioncorp.com>; Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; joyce.hastings@glmengineering.com; Rob Truax <rtruax@glmengineering.com>

Subject: Re: [External] Re: Millstone project completion

I never said that we did not work in the area you refer to. I said that the condition of water puddling has been corrected. Do I need an engineer to verify that we do not have standing water? We can verify this fact by observation. I have supplied photographs as proof.

If you are questioning the validity of the photographs I am willing to meet you at the site this week. I will be attending the planning board on Nov. 8. What time do you have me scheduled for.

Sent from my iPad

On Nov 1, 2022, at 3:19 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi,

Thanks for your note. I reviewed the considerable Millstone email communications and found an email dated 11-23-202 from Brian Clarke showing the area between 3 and 5 Steppingstone.

I conclude from your email comments below that no mitigation measures were undertaken or needed to address the standing water issue that had occurred between 3 – 5 Steppingstone. Is that correct?

Please follow-up with GLM regarding a letter to the Medway Planning and Economic Development Board to provide an engineer's assessment of the current condition of this area and its ability to not retain stormwater water as you have indicated to be the case. I would like that in hand to provide to the Board as it considers the Millstone performance security.

We can put you on the agenda for the Board's next meeting on Tuesday, November 8th. Who will attend on behalf of Millstone? Someone needs to do so. Please let me know. The meeting is live, but we offer a virtual participation option as well via Zoom.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291



From: Steven Venincasa <sv@casarealty-builders.com>
Sent: Monday, October 31, 2022 6:00 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Leonardo DaSilva <leo@motaconstructioncorp.com>; Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; joyce.hastings@glmengineering.com; Rob Truax <rtruax@glmengineering.com>
Subject: Re: [External] Re: Millstone project completion

I have submitted photographs of the area in question within hours of rain events to substantiate the fact that this area does not retain water.

The only time that this area retained water was during the timeframe of construction of the garden area that was constructed behind this property. After completing this work, regrading and planting of grass this area has not retain water. The grass in the photographs submitted to you is proof in itself. The area has slope to drain and is fully vegetated . Do you have photographs that disagree with my observations?

Sent from my iPad

On Oct 31, 2022, at 5:16 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Steve,

In Leo's 10-19-22 email, he indicates that the standing water between 3 and 5 Steppingstone no longer exists.

Despite previous requests by Tetra Tech, as specified in various punch lists, no mitigation plan to address this issue was ever submitted to us. Please describe what measures, if any, were taken to deal with this problem. We also need a letter, for the record, from GLM Engineering providing a narrative noting their opinion on the status of this particular matter. Please forward that to me as soon as possible.

Are you looking for a bond reduction or bond release?

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291



From: Steven Venincasa <sv@casarealty-builders.com>
Sent: Friday, October 21, 2022 10:58 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Leonardo DaSilva <leo@motaconstructioncorp.com>; Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; joyce.hastings@glmengineering.com
Subject: Re: [External] Re: Millstone project completion

Please forward your request to remove the no trespassing sign to the HOA.
The builder has no authority to install or remove.
We request that we be put on the next available planning board agenda for bond reduction.
Sent from my iPad

On Oct 20, 2022, at 5:23 PM, Susan Affleck-Childs
<sachilds@townofmedway.org> wrote:

Hi Leo,

Thanks for following up to ensure that all the needed work is completed as referenced in my 10-19-22 email.

Once we have that verification, I will put you on the agenda for the next available Planning Board meeting.

Please let me know when the No Trespassing sign is moved.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291



From: Leonardo DaSilva <leo@motaconstructioncorp.com>
Sent: Wednesday, October 19, 2022 5:36 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Steven Venincasa <sv@casarealty-builders.com>; Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Joyce.Hastings@glmengineering.com
Subject: Re: [External] Re: Millstone project completion

Thank you Susan for your email

I now Brian and Glm group walk the site with Bridget and I believe we got all doe's items complete

On issue between 3-5 steppingstone this no longer exist Brian Check on this couple items after rains and is no standing water at this location

I will fallow up with everyone and make sure we have done what we need to do

Can you please get us on schedule for the next planning board meeting for the bond release please

Thanks again

Sent from my iPhone

On Oct 19, 2022, at 5:08 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Leo,

Thanks for your note from earlier this afternoon. You have asked for an update on getting the Millstone bond released.

Please see the 9-12-22 email below from my boss, Barbara Saint Andre, to Brian Clarke and various other folks. It references my email dated April 6, 2022 (also below) to which Millstone has not fully responded, thus the delay in any release of the Millstone performance security.

We are in receipt of the following items as requested. Thank you.

1. Letter dated 5-9-22 from Truax Corporation confirming the cleaning the Millstone stormwater system.
2. Letter dated 5-9-22 from GLM Engineering confirming installation of stormwater system in compliance with the approved plan including an inspection report and as-built plan.

However, Millstone has not provided a mitigation plan to address the continuing problem of standing water between 3 and 5 Steppingstone Drive. This was specifically requested in my April 6th email. Please submit that to us at your earliest convenience including a timetable for completion.

Also, I am in receipt of Conservation Agent Bridget Graziano's September 8th email to Brian Clarke, Steve Bouley and Joyce Hastings, a copy of which is attached for your reference. It outlines the various outstanding items for a Conservation Certificate of Compliance and references a previous communication from Ms. Graziano dated May 31, 2022 which identified needed actions which still have not been addressed. Of particular concern to Planning and Economic Development is the noted installation of a No Trespassing sign at the end of the trail from the open space area to the parking area on Cobblestone Drive. That parking area was specifically constructed to accommodate visitors to the trail system. The sign must be removed so as to not falsely inform trail users that they are trespassing.

As previously noted, as the Planning and Economic Development Board considers a request for release of performance security, Board members reliably ask about the status of a developer's compliance with the Conservation Commission's Order of Conditions as the Conservation and Planning permits are definitely related. Based on the September 8th email from Ms. Graziano, it appears that considerable work remains to be completed in order to receive a Certificate of Compliance. I will note that Millstone has not responded to Ms. Graziano's September 8th email.

I trust your involvement will help move things along in a positive direction. Thank you for your attention to these matters.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291

From: Barbara Saint Andre <bsaintandre@townofmedway.org>
Sent: Monday, September 12, 2022 9:47 AM
To: brian-clarke@live.com
Cc: Susan Affleck-Childs <sachilds@townofmedway.org>; Steven Venincasa <sv@casarealty-builders.com>; Bridget Graziano <bgraziano@townofmedway.org>; Bouley, Steven <steven.bouley@tetrattech.com>; Anna Rice <arice@townofmedway.org>
Subject: FW: [External] Re: Millstone project completion

Brian, we received your email requesting release of surety for Millstone Village and to be placed on the September 27th PEDB agenda. However, in reviewing Susy's email of April 22nd below, it seems that there are some items that needed to be addressed. Please provide the required documentation that the items as outlined in the emails below have been completed, thank you.

Barbara J. Saint Andre
Director, Community and Economic Development
Town of Medway
155 Village Street
Medway, MA 02053
(508) 321-4918

From: Bridget Graziano <bgraziano@townofmedway.org>
Sent: Wednesday, September 7, 2022 3:13 PM
To: Anna Rice <arice@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: FW: [External] Re: Millstone project completion

From: Brian Clarke <brian-clarke@live.com>
Sent: Wednesday, September 7, 2022 10:52 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>; Steven Venincasa <sv@casarealty-builders.com>; Leo <leo@motaconstructioncorp.com>
Cc: Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes

<hayes7000@msn.com>; Bridget Graziano
<bgraziano@townofmedway.org>; Sraposa@townofmedway.com
Subject: [External] Re: Millstone project completion

Hi all

We would like to request the release of our bond. All items on the list have been completed and we would like to be on the agenda I believe is on the 27th
Thanks Brian

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Friday, April 22, 2022 8:45 AM
To: Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Steven Venincasa <sv@casarealty-builders.com>; Leo <leo@motaconstructioncorp.com>
Cc: Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>
Subject: RE: Millstone project completion

Good morning,

Hope the Millstone team is all well.

I haven't heard back from anyone in response to my April 6th email to you. See below.

Please advise as to your plans to address these last remaining items.

Thank you for your attention to this matter. I know we would all like to wrap this up.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291

From: Susan Affleck-Childs
Sent: Wednesday, April 6, 2022 3:41 PM
To: Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Steven Venincasa <sv@casarealty-builders.com>; Leo <leo@motaconstructioncorp.com>
Cc: Steve Bouley <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>
Subject: FW: Millstone project completion

Hi all,

Thanks for the work on the street signs.

The Board cannot release the Millstone bond funds until items 1 and 2 noted in Steve Bouley's email dated 3-31-22 (see below) are fully addressed to the Board's satisfaction.

You need to provide a copy of a paid receipt to confirm a relatively recent cleaning of the catch basins in conformance with the Stormwater Operation and Maintenance Plan. We have asked for this documentation three times dating back to November 2020. Further, the engineer of record, GLM Engineering, needs to inspect the stormwater system and provide a written confirmation that all drainage structures on site (catch basins, water quality units, manholes, etc.) are clean.

Also, you still need to provide a mitigation plan to address the continuing problem of standing water between 3 and 5 Steppingstone Drive.

You should also be aware that the Planning and Economic Development Board, as it considers release of performance security, reliably asks about the status of a developer's compliance with the Conservation Commission's Order of Conditions for the development. Based on the November 1, 2021 letter from Conservation Agent Bridget Graziano, it appears that there is considerable work remaining to be completed in order to receive a Certificate of Compliance from the Commission for Millstone.

Please let me know if you have any questions.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291

From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Thursday, March 31, 2022 10:41 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Matthew Hayes <hayes7000@msn.com>
Subject: RE: Millstone - replacement street signs

Hi Susy, signs look good. The only outstanding items are the following:

1. Confirming that they have cleaned the drainage system this season.

2. Mitigation plan for the issues between 3 and 5 Steppingstone Drive.
3. Administrative items for PEDB/conservation commission as shown in the most recent punch list completed in December 2021 (Items 23, 24, 29, 30 and 31). These items may have been completed in the background without our knowledge but the items listed above are the only construction/technical items remaining.

Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, PE | Project Manager

Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

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From: Susan Affleck-Childs <sachilds@townofmedway.org>

Sent: Thursday, March 24, 2022 1:43 PM

To: Bouley, Steven <Steven.Bouley@tetrattech.com>

Cc: Matthew Hayes <hayes7000@msn.com>

Subject: Millstone - replacement street signs



CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Hi Steve,

See note and attachments from Millstone site supervisor Brian Clarke.

Have they completed the other punch list items they were supposed to take care of?

Susy

From: Brian Clarke [<mailto:brian-clarke@live.com>]

Sent: Thursday, March 24, 2022 1:30 PM

To: Susan Affleck-Childs <sachilds@townofmedway.org>

Subject: Fw: Medway signs

Hi Susie

Here are some pictures of the new signage.

We would also like to request The bond to be released

Thanks Brian

From: slraceday <slraceday@aol.com>
Sent: Thursday, March 24, 2022 12:48 PM
To: Brian-clarke@live.com <Brian-clarke@live.com>
Subject: Medway signs

Sent from my T-Mobile 4G LTE Device

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Friday, October 21, 2022 9:43 AM
To: Susan Affleck-Childs
Subject: RE: [External] Re: Millstone project completion

Hi Susy,



The corridor between those two homes is where the stormwater from the rear of the homes flows out to Steppingstone to be captured by the system. Every time we have gone out after a storm event it has been relatively dry and we weren't seeing any signs of erosion or long periods of standing water. I'm also assuming you haven't received any further complaints from the homeowner and we have had some fairly major storms since that previous complaint. I suggest GLM provide a narrative for the record noting their opinion. Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, PE | Project Manager
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, October 20, 2022 5:24 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: FW: [External] Re: Millstone project completion

 **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. 

How do you feel about the standing water issue between 3 and 5 Steppingstone? Did they ever actually do anything to address it? Is it really not a problem?

From: Leonardo DaSilva <leo@motaconstructioncorp.com>
Sent: Wednesday, October 19, 2022 5:36 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Steven Venincasa <sv@casarealty-builders.com>; Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Joyce.Hastings@glmengineering.com
Subject: Re: [External] Re: Millstone project completion

Thank you Susan for your email

I now Brian and Glm group walk the site with Bridget and I believe we got all doe's items complete

On issue between 3-5 steppingstone this no longer exist Brian Check on this couple items after rains and is no standing water at this location

I will fallow up with everyone and make sure we have done what we need to do

Can you please get us on schedule for the next planning board meeting for the bond release please

Thanks again

Sent from my iPhone

On Oct 19, 2022, at 5:08 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Leo,

Thanks for your note from earlier this afternoon. You have asked for an update on getting the Millstone bond released.

Please see the 9-12-22 email below from my boss, Barbara Saint Andre, to Brian Clarke and various other folks. It references my email dated April 6, 2022 (also below) to which Millstone has not fully responded, thus the delay in any release of the Millstone performance security.

We are in receipt of the following items as requested. Thank you.

1. Letter dated 5-9-22 from Truax Corporation confirming the cleaning the Millstone stormwater system.
2. Letter dated 5-9-22 from GLM Engineering confirming installation of stormwater system in compliance with the approved plan including an inspection report and as-built plan.

However, Millstone has not provided a mitigation plan to address the continuing problem of standing water between 3 and 5 Steppingstone Drive. This was specifically requested in my April 6th email. Please submit that to us at your earliest convenience including a timetable for completion.

Also, I am in receipt of Conservation Agent Bridget Graziano's September 8th email to Brian Clarke, Steve Bouley and Joyce Hastings, a copy of which is attached for your reference. It outlines the various outstanding items for a Conservation Certificate of Compliance and references a previous communication from Ms. Graziano dated May 31, 2022 which identified needed actions which still have not been addressed. Of particular concern to Planning and Economic Development is the noted installation of a No Trespassing sign at the end of the trail from the open space area to the parking area on Cobblestone Drive. That parking area was specifically constructed to accommodate visitors to the trail system. The sign must be removed so as to not falsely inform trail users that they are trespassing.

As previously noted, as the Planning and Economic Development Board considers a request for release of performance security, Board members reliably ask about the status of a developer's compliance with the Conservation Commission's Order of Conditions as the Conservation and Planning permits are definitely related. Based on the September 8th email from Ms. Graziano, it appears that considerable work remains to be completed in order to receive a Certificate of Compliance. I will note that Millstone has not responded to Ms. Graziano's September 8th email.

I trust your involvement will help move things along in a positive direction. Thank you for your attention to these matters.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291

From: Barbara Saint Andre <bsaintandre@townofmedway.org>
Sent: Monday, September 12, 2022 9:47 AM
To: brian-clarke@live.com
Cc: Susan Affleck-Childs <sachilds@townofmedway.org>; Steven Venincasa <sv@casarealty-builders.com>; Bridget Graziano <bgraziano@townofmedway.org>; Bouley, Steven <steven.bouley@tetrattech.com>; Anna Rice <arice@townofmedway.org>
Subject: FW: [External] Re: Millstone project completion

Brian, we received your email requesting release of surety for Millstone Village and to be placed on the September 27th PEDB agenda. However, in reviewing Susy's email of April 22nd below, it seems that there are some items that needed to be addressed. Please provide the required documentation that the items as outlined in the emails below have been completed, thank you.

Barbara J. Saint Andre
Director, Community and Economic Development
Town of Medway
155 Village Street
Medway, MA 02053
(508) 321-4918

From: Bridget Graziano <bgraziano@townofmedway.org>
Sent: Wednesday, September 7, 2022 3:13 PM
To: Anna Rice <arice@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: FW: [External] Re: Millstone project completion

From: Brian Clarke <brian-clarke@live.com>
Sent: Wednesday, September 7, 2022 10:52 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>; Steven Venincasa <sv@casarealty-builders.com>; Leo <leo@motaconstructioncorp.com>
Cc: Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>; Sraposa@townofmedway.com
Subject: [External] Re: Millstone project completion

Hi all
We would like to request the release of our bond. All items on the list have been completed and we would like to be on the agenda I believe is on the 27th
Thanks Brian

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Friday, April 22, 2022 8:45 AM
To: Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Steven Venincasa <sv@casarealty-builders.com>; Leo

<leo@motaconstructioncorp.com>

Cc: Bouley, Steven <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>

Subject: RE: Millstone project completion

Good morning,

Hope the Millstone team is all well.

I haven't heard back from anyone in response to my April 6th email to you. See below.

Please advise as to your plans to address these last remaining items.

Thank you for your attention to this matter. I know we would all like to wrap this up.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291

From: Susan Affleck-Childs

Sent: Wednesday, April 6, 2022 3:41 PM

To: Brian Clarke (brian-clarke@live.com) <brian-clarke@live.com>; Steven Venincasa <sv@casarealty-builders.com>; Leo <leo@motaconstructioncorp.com>

Cc: Steve Bouley <steven.bouley@tetrattech.com>; Matthew Hayes <hayes7000@msn.com>; Bridget Graziano <bgraziano@townofmedway.org>

Subject: FW: Millstone project completion

Hi all,

Thanks for the work on the street signs.

The Board cannot release the Millstone bond funds until items 1 and 2 noted in Steve Bouley's email dated 3-31-22 (see below) are fully addressed to the Board's satisfaction.

You need to provide a copy of a paid receipt to confirm a relatively recent cleaning of the catch basins in conformance with the Stormwater Operation and Maintenance Plan. We have asked for this documentation three times dating back to November 2020. Further, the engineer of record, GLM Engineering, needs to inspect the stormwater system and provide a written confirmation that all drainage structures on site (catch basins, water quality units, manholes, etc.) are clean.

Also, you still need to provide a mitigation plan to address the continuing problem of standing water between 3 and 5 Steppingstone Drive.

You should also be aware that the Planning and Economic Development Board, as it considers release of performance security, reliably asks about the status of a developer's compliance with the Conservation Commission's Order of Conditions for the development. Based on the November 1, 2021 letter from Conservation Agent Bridget Graziano, it appears that there is considerable work remaining to be completed in order to receive a Certificate of Compliance from the Commission for Millstone.

Please let me know if you have any questions.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291

From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Thursday, March 31, 2022 10:41 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Matthew Hayes <hayes7000@msn.com>
Subject: RE: Millstone - replacement street signs

Hi Susy, signs look good. The only outstanding items are the following:

1. Confirming that they have cleaned the drainage system this season.
2. Mitigation plan for the issues between 3 and 5 Steppingstone Drive.
3. Administrative items for PEDB/conservation commission as shown in the most recent punch list completed in December 2021 (Items 23, 24, 29, 30 and 31). These items may have been completed in the background without our knowledge but the items listed above are the only construction/technical items remaining.



Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, PE | Project Manager
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, March 24, 2022 1:43 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Cc: Matthew Hayes <hayes7000@msn.com>
Subject: Millstone - replacement street signs

 **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. 

Hi Steve,

See note and attachments from Millstone site supervisor Brian Clarke.

Have they completed the other punch list items they were supposed to take care of?

Susy

From: Brian Clarke [<mailto:brian-clarke@live.com>]
Sent: Thursday, March 24, 2022 1:30 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Fw: Medway signs

Hi Susie
Here are some pictures of the new signage.
We would also like to request The bond to be released
Thanks Brian

From: slraceday <slraceday@aol.com>
Sent: Thursday, March 24, 2022 12:48 PM
To: Brian-clarke@live.com <Brian-clarke@live.com>
Subject: Medway signs

Sent from my T-Mobile 4G LTE Device

**TETRA TECH**

**Bond Estimate
Millstone Village
Medway, Massachusetts
March 7, 2019**

Marlborough Technology Park
100 Nickerson Road
Marlborough, MA 01752
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Construction (Phase I)				
Line Striping (Top)	1	LS	\$4,000.00	\$4,000
Stormwater System Maintenance	1	LS	\$5,000.00	\$5,000
As-Built Plans	2,505	LF	\$5.00	\$12,525
Subtotal				\$21,525
25% Contingency				\$5,381
Total				\$26,906

Construction (Phase II)				
HMA Top Course-Main Road	35	TON	\$110.00	\$3,850
Water Service Box Adjusted	1	EA	\$210.00	\$210
Point Vertical Granite Curb	1	LS	\$500.00	\$500
Cape Cod Berm	372	FT	\$12.00	\$4,464
Rehandled Topsoil	125	CY	\$25.00	\$3,125
Seed	735	SY	\$2.00	\$1,470
Line Striping (Top)	1	LS	\$2,000.00	\$2,000
Signage	1	EA	\$300.00	\$300
Landscaping	1	LS	\$10,000.00	\$10,000
Stormwater System Maintenance	1	LS	\$10,000.00	\$10,000
Paint Hydrants	1	LS	\$1,400.00	\$1,400
Cultec Recharger 4P Repair	1	LS	\$15,000.00	\$15,000.00
As-Built Plans	2,199	LF	\$5.00	\$10,995
Subtotal				\$63,314
25% Contingency				\$15,829
Total				\$79,143

Openspace Footpath/Parking Area				
Erosion & Sediment Controls	0	LS	\$5,000.00	\$0
Clearing & Grubbing	0.00	A	\$12,000.00	\$0
Openspace-Woodchip Trail	0	SY	\$11.50	\$0
Openspace-Gravel Parking Area	0	LS	\$18,000.00	\$0
Footbridge	0	LF	\$500.00	\$0
Trail Marking ³	1	LS	\$2,500.00	\$2,500
Trail Prep and Maintenance ⁴	2	EA	\$3,000.00	\$6,000
Subtotal				\$8,500
25% Contingency				\$2,125
Total				\$10,625

Total Bond (Phase I, II and Trails) **\$116,674**

Notes:

- Unit prices taken from latest information provided on MassDOT website and have been updated since our previous bond estimate submission. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 03/2018 - 03/2019. Quantities for Items shown in gray have been changed or added since our previous estimate.
- All items reflect current project Phasing as shown on updated Phasing Plan dated April 2, 2014.
- This item includes the installation of trail blazes to demarkate proposed trail.
- This item includes preliminary mowing of trail and one additional mowing within a one (1) year maintenance period.

Susan Affleck-Childs

From: Bridget Graziano
Sent: Wednesday, October 19, 2022 4:14 PM
To: Susan Affleck-Childs
Subject: FW: Commeny on Request for CErtificate of Compliance

I do not have any responses on these matters.

From: Bridget Graziano
Sent: Thursday, September 8, 2022 2:52 PM
To: Joyce Hastings <Joyce.Hastings@glmengineering.com>
Cc: Brian Clarke <brian-clarke@live.com>; Steve Bouley <steven.bouley@tetrattech.com>
Subject: Commeny on Request for CErtificate of Compliance

Joyce and Brian,

GLM has been working with us to close out the Conservation and Planning Permits. During our site visit there were a number of items I believe Brian Clark or GLM was going to reach out to the Condo Association about. Here are the items that will affect Millstone closing out the two permits, which I think are going to be something the Condo Association will have to deal with. But this is up to you all and any agreements you have with Steve Veinacasa.

Items still outstanding from the May 31, 2022 Letter.

DEP #216-857

- Condition #91 – Conditions in Perpetuity, O&M and SWPPP part of the condo bylaws, provide evidence this has been completed. Documents have not been received by our office
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC not received
- Condition #93 Documents required in the statements of sale have not been provided
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC not received
- Condition #96 – All maintenance logs to be provided
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC not received
- Granite bounds needs to be found and marked in the field were fallen 12 Cobblestone
- Condition #97 – snow storage areas to be clearly marked on site, this has not been completed use the plan provided to GLM in the O&M confirm this on the AS Built
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC requested that all proposed areas be marked for snow storage use the required O&M
- As-Built provided to not meet the Commission requirements for Post Construction Request for Certificate of Compliance, provide sheets showing all structures such as decks and patios, show layers of approved units and the final installed unit, provide buffer zones on the plans. The Commission would prefer one or two sheets showing all the construction completed on site.
 - 5/9/22 GLM - See Revised AS Built Plans
 - 5/19/22 – MCC still requires the approved units (RED) and the As-Built (black), show all units with amendments 29, 31, 33, and 35

DEP #216-0877

- 5/19/22 (NEW) – MCC 12 Cobblestone Drive – granite bounds pulled out

- Condition #87 requires Conditions in perpetuity to be in Bylaws along with the O&M Plan
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC not received
- Condition #89 Documents required in the statements of sale have not been provided
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC not received
- Condition #93 – snow storage areas to be clearly marked on site, this has not been completed
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC requested that all proposed areas be marked for snow storage, specifically, that the end of Sandstone Drive not be plowed, mark this location.
- As-Built provided to not meet the Commission requirements for Post Construction Request for Certificate of Compliance, provide sheets showing all structures such as decks and patios, show layers of approved units and the final installed unit, provide buffer zones on the plans. The Commission would prefer one or two sheets showing all the construction completed on site.
 - 5/9/22 GLM - See Revised AS Built Plans
 - 5/19/22 – MCC still requires the approved units (RED) and the As-Built (black)

General Comments

- Confirm that all overflows are installed on gutters which drain into the subsurface infiltrators
- Confirm that all granite bounds to be flagged in the field and confirmed by Conservation staff
 - 5/19/22 (NEW) – MCC 12/14 Cobblestone Drive – granite bounds pulled out
 - 5/19/22 – MCC missing at #23 Millstone Drive
- 5 Flagstone Drive – gap in downspout at garage needs to be corrected
- 10 Fieldstone Drive – only 1 bound, should have 2
- 12 Cobblestone Drive – weed outfall, outfall number not on plan
- Please cut open and spread out compost sock behind 5 and 6 Steppingstone Drive
 - 5/19/22 – MCC no response and not completed
- 34 Millstone Drive one gutter no overflow
 - 5/9/22 GLM This unit was not designed for recharge
 - 5/24/22 MCC – reviewed and outflows on
- 32 Millstone Drive no overflows
 - 5/9/22 GLM This unit was not designed for recharge
 - 5/24/22 MCC – still no overflows and comments are being reviewed by Tetra Tech
- Operations and Maintenance Plan dated October 13, 2015 designates locations of snow storage which per the Condition in both Order require under Conditions #93 and #97.
 - 5/9/22 GLM - The developer to provide information
 - 5/19/22 – MCC requested that all proposed areas be marked for snow storage,

NEW FROM 5/19/22 SITE VISIT

- 5/19/22 – MCC 12 Cobblestone Drive – granite bounds pulled out
- 5/19/22 – MCC missing at #23 Millstone Drive
- 5/19/22 – MCC grass clippings being thrown behind units, 5 Steppingstone Drive, 13, 15, & 16 Fieldstone Drive, 12 Cobblestone, cut branches in 0-25' behind units on Fieldstone Drive – recommend walking with Commission staff to flags and locate all areas for cleaning
- 5/19/22 -erosion at Headwall #61 needs to be fixed
- 5/19/22 – weed headwall behind cul-de-sac for Cobblestone Drive
- 5/19/22 – small soil pile behind 4 & 6/8 Cobblestone Drive shall be removed

New from 9/1/22 site visit

- 35 Millstone Drive – Bounds down needs to be re-installed
- All grass clippings need to be removed as noted above at/bhind Steppingstone Drive and along and behind trail and trail easement from Flagstone Drive to Cobblestone Drive
- Erosion controls shall be cut open and green remove, where possible

- 6 Steppingstone cut and remove orange fencing
- New Private Property sign, prevent the public from using the rest of the required trail and parking area. This will be relocation to appropriate parts of the property, otherwise this portion of trail is unusable. See picture below. This is on the trail and below the open space sign.



- Grass clippings being thrown into the forest and buffer zone. Potting Plant soils.



- Use of chemicals applications to get rid of poison ivy – this is not approved for the buffer zone



- Please let landscapers know, there is no maintenance behind the markers



Thanks, I wanted to let you know when this work is completed so we can make a site visit . Please let me know if you have any questions.

Bridget R. Graziano, Conservation Agent
Pronouns: she, her, hers
Town of Medway
155 Village Street

Medway, MA 02053
(508)-533-3292

November 3, 2022

Medway Planning and Economic Development
Medway Town Hall
155 Village Street
Medway, MA 02053

**Re: Millstone Village
 Medway, MA**

Dear Board Members,

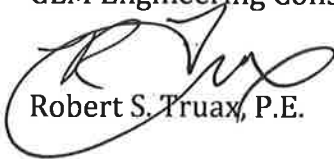
Our firm reviewed the area between Units 27(Hse3) & 28(Hse5), with respect to the standing water issue. We have conducted several site visits during rain events and have not witnessed any ponding of water. There is water movement from the rear of the units to the front, which is per the design plans.

The water flows via overland from the rear of the units to the front where it eventually enters the street drainage system.

We did not witness and long-term ponding of water in this area.

Thank you for your cooperation in this matter.

Yours truly,
GLM Engineering Consultants Inc.



Robert S. Truax, P.E.



November 8, 2022

**Medway Planning & Economic Development Board
Meeting**

Newton Lane Street Acceptance

- As-Built/Street Acceptance Plan dated 10-7-22
- Excerpt from subdivision plan showing Open Space Parcel A
- Tetra Tech email dated 10-11-22 on the 10-7-22 As-Built Street/Acceptance Plan
- 10-18-22 memo from Select Board to Town Clerk to confirm its vote to “lay out” Newton Lane
- Conservation Commission Certificate of Compliance

Status on Legal Documents

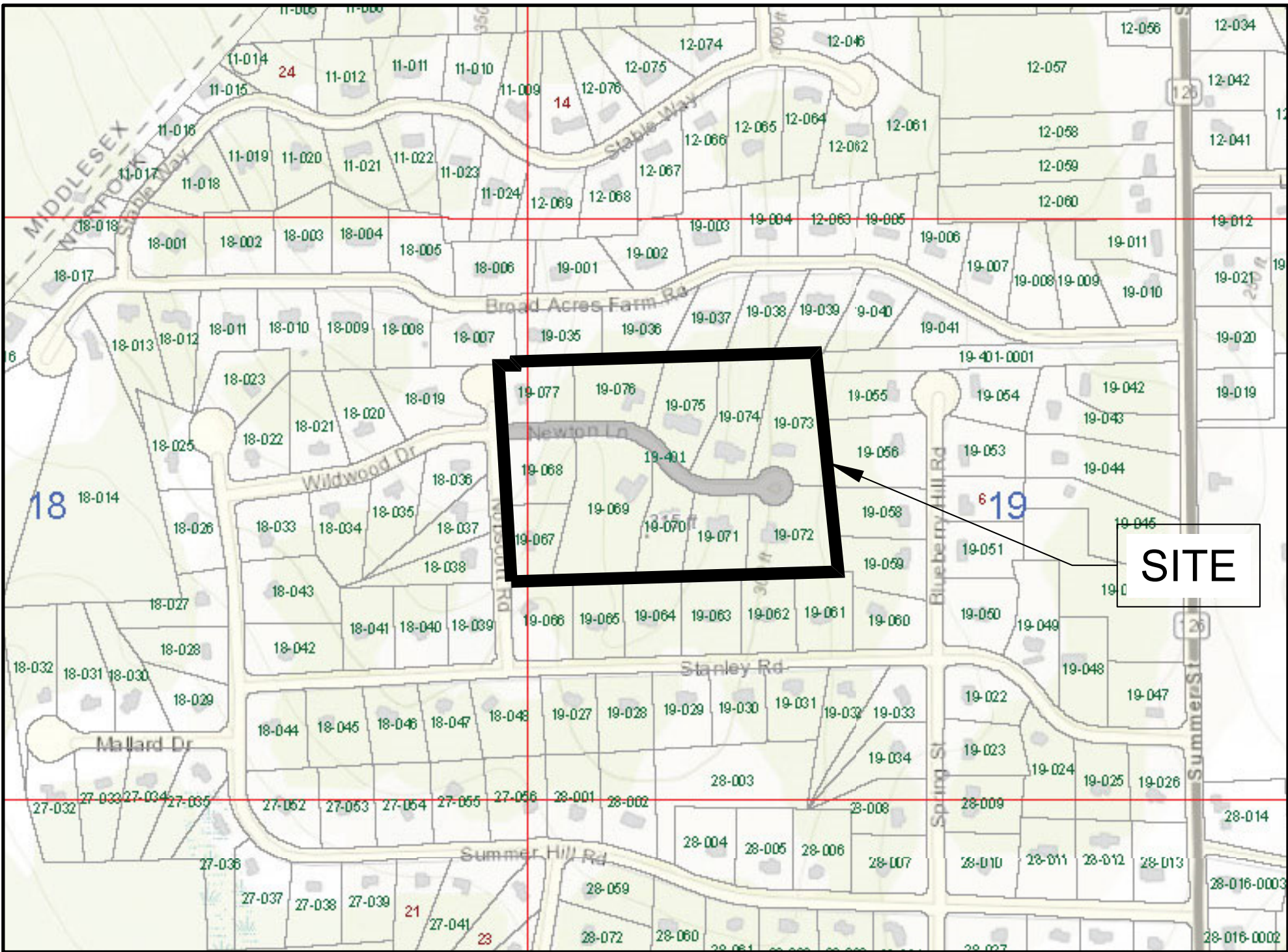
- Paul Yorkis is in the process of securing signatures on sidewalk easements. He will have those in hand on Monday, 11-7-22. Subsequent step is to secure approvals of the corresponding mortgage companies.
- Town Counsel Lee Smith is reviewing the draft deed to convey Parcel A (open space parcel) to the Town of Medway Conservation Commission and the draft deed to convey the roadway and various drainage, utility and access easements to the Town. He will provide a review note to us on Monday which I will forward to you.

STREET ACCEPTANCE & AS-BUILT PLAN
FOR "HARTNEY ACRES II" DEFINITIVE SUBDIVISION

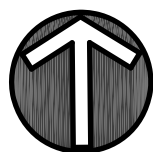
NEWTON LANE
MEDWAY, MA 02053

PREPARED FOR: OWNER / APPLICANT

HARTNEY REALTY TRUST
P.O. BOX 1
MEDWAY, MA 02053



SHEET #	SHEET NAME
C-1.0	TITLE SHEET
C-2.0	STREET ACCEPTANCE PLAN
C-3.0	"NEWTON LANE" AS-BUILT PLAN
C-4.0	DRAINAGE SYSTEM AS-BUILT PLAN



LOCUS MAP

APPROXIMATE SCALE: 1" = 400'

TOWN OF MEDWAY PLANNING
& ECONOMIC DEVELOPMENT BOARD

DATE - AS-BUILT
PLAN APPROVAL

DATE - ROAD LAYOUT
ACCEPTANCE APPROVAL

TOWN OF MEDWAY SELECT BOARD

DATE - ROAD LAYOUT
ACCEPTANCE APPROVED

- 1.) "I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS-BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE ROADWAYS, DRAINAGE FACILITIES AND UTILITIES, BASED UPON A FIELD SURVEY PERFORMED BETWEEN SEPTEMBER 6, 2005 & OCTOBER 6, 2022."
- 2.) "THE STREET (OR WAY THEREOF) AS LAID OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THE PLAN."
- 3.) "I CERTIFY THAT THIS PLAN IS PREPARED IN CONFORMANCE WITH THE "RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

DANIEL A. O'DRISCOLL, PLS
DATE

CIVIL ENGINEER:

CMG
67 HALL ROAD
STURBRIDGE, MA 01560
CONTACT: DAVID FAIST, P.E.
(774) 241 - 0901

SURVEYOR:

O'DRISCOLL LAND SURVEYING, INC.
46 COTTAGE STREET
MEDWAY, MA 02053
CONTACT: DANIEL O'DRISCOLL, PLS
(508) 533 - 3314

DIG SAFE NOTE (1-888-344-7233):
CONTRACTOR REQUIRED TO NOTIFY "DIG SAFE" 72 HOURS PRIOR TO ANY ON-SITE EXCAVATION OR CONSTRUCTION AT 1-888-344-7233. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.

NOTES:

- ORIGINAL PLANS ENTITLED, "HARTNEY ACRES II - DEFINITIVE SUBDIVISION PLAN IN MEDWAY MASSACHUSETTS", DATED NOVEMBER 29, 2004, REVISE DATE JANUARY 7, 2005, PREPARED BY O'DRISCOLL LAND SURVEYING CO. & FAIST ENGINEERING.
- ORIGINAL PLAN APPROVAL DATE: DECEMBER 17, 2004
ORIGINAL PLAN ENDORSEMENT DATE: FEBRUARY 8, 2005
ORIGINAL COVENANT DATE: JANUARY 4, 2005
RECORDING INFORMATION: PLAN BOOK 533, PLAN No. 67 OF 2005
- ELEVATIONS REFER TO THE DATUM SHOWN ON PLAN No. 67 OF 2005.
- UNDERGROUND ELECTRIC/ CABLE/ TELEPHONE UTILITY LINES/ CONDUIT LOCATIONS ARE APPROXIMATE AND BASED ON AS-BUILT UTILITY BOX LOCATIONS AND LIMITED PAVEMENT MARKINGS AT THE TIME OF THE SURVEY. (SEE DIG-SAFE NOTE).
- OWNER: HARTNEY REALTY TRUST

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD

PROJECT: STREET ACCEPTANCE & AS-BUILT PLAN
HARTNEY ACRES II
NEWTON LANE
MEDWAY, MA 02053

PREPARED FOR: HARTNEY REALTY TRUST
P.O. BOX 1
MEDWAY, MA 02053

ENGINEERING SERVICES
ENVIRONMENTAL SERVICES
67 Hall Road
Sturbridge, MA 01566
Phone: 774-241-0901
fax: 774-241-0906

CMG
Est. 2002

O'DRISCOLL
LAND SURVEYING INC.
LAND SURVEYING, GPS MAPPING, LAND CONSULTING
46 COTTAGE STREET - MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

ISSUE DATE: 10/07/2022

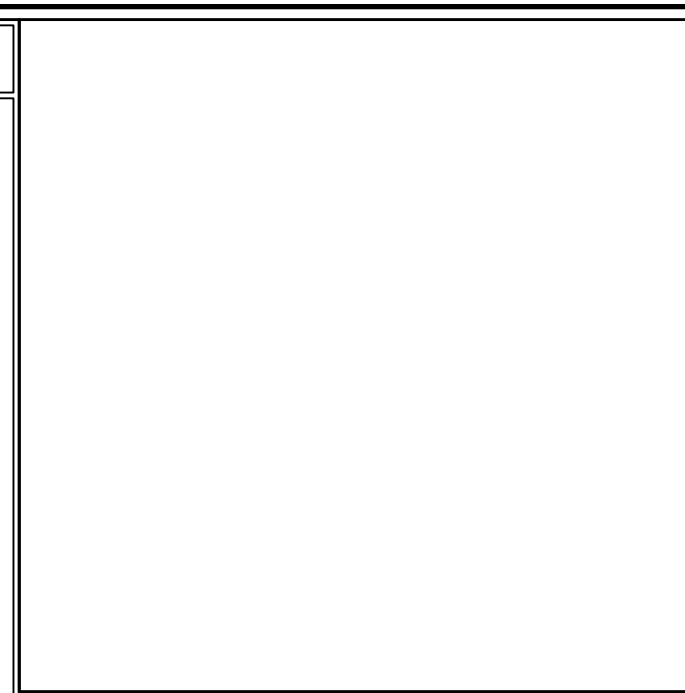
DRAWN BY: RL CHECKED BY: DTF

SCALE: 1" = 40'

PROJECT NO.: 2020-102

TITLE SHEET

C-1.0



2. ORIGINAL PLAN APPROVAL DATE: DECEMBER 17, 2004
ORIGINAL PLAN ENDORSEMENT DATE: FEBRUARY 8, 2005
ORIGINAL COVENANT DATE: JANUARY 4, 2005
RECORDING INFORMATION:
PLAN BOOK 533, PLAN No. 67 OF 2005

OWNER:
HARTNEY REALTY TRUST

PROFESSIONAL SEAL

CMG
EST. 2002

ENGINEERING SERVICES
ENVIRONMENTAL SERVICES

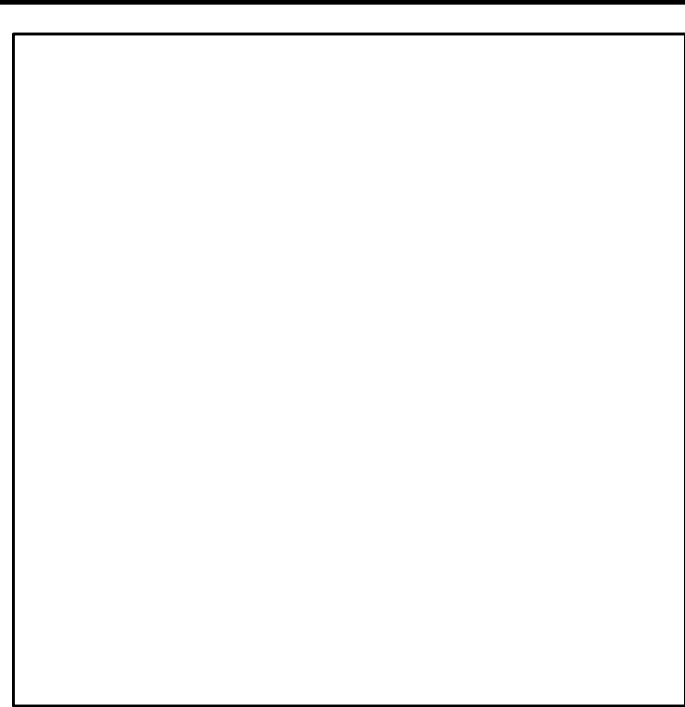
67 Hall Road
Sturbridge, MA 01566
Phone: 774-241-0801
Fax: 774-241-0906

O' DRISCOLL

LAND SURVEYING Inc.

LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

ISSUE DATE: 10/07/2022	
DRAWN BY: RL	CHECKED BY: DTF
SCALE: 1" = 40'	
PROJECT NO.: 2020-102	
STREET ACCEPTANCE PLAN	
C-2.0	



LEGEND	
PROPERTY LINE	---
ABUTTING PROPERTY LINE	---
IRON PIPE	○
MONUMENT	□
UTILITY POLE	⊗
FIRE HYDRANT	⊗
WATER GATE	W.G.
WATER LINE	W
GAS VALVE	G.G.
GAS LINE	G
CATCH BASIN (CB)	⊕
DRAINAGE MAINHOLE	⊙
DRAINAGE LINE	---
SEWER MANHOLE (SMH)	⊙
SEWER LINE	S
OVERHEAD ELECTRIC	OHW
UNDERGROUND ELECTRIC	UGE
FENCE	X
EDGE OF WETLANDS	---
WETLAND SYMBOL	---
WETLAND BUFFER	---
TC	TOP OF CURB
BC	BOTTOM OF CURB
FES	FLARED END SECTION
RCP	REINFORCED CONCRETE PIPE
L.F.	LINEAR FEET

TOWN OF MEDWAY PLANNING
& ECONOMIC DEVELOPMENT BOARD

DATE - AS-BUILT
PLAN APPROVAL

TOWN OF MEDWAY SELECT BOARD

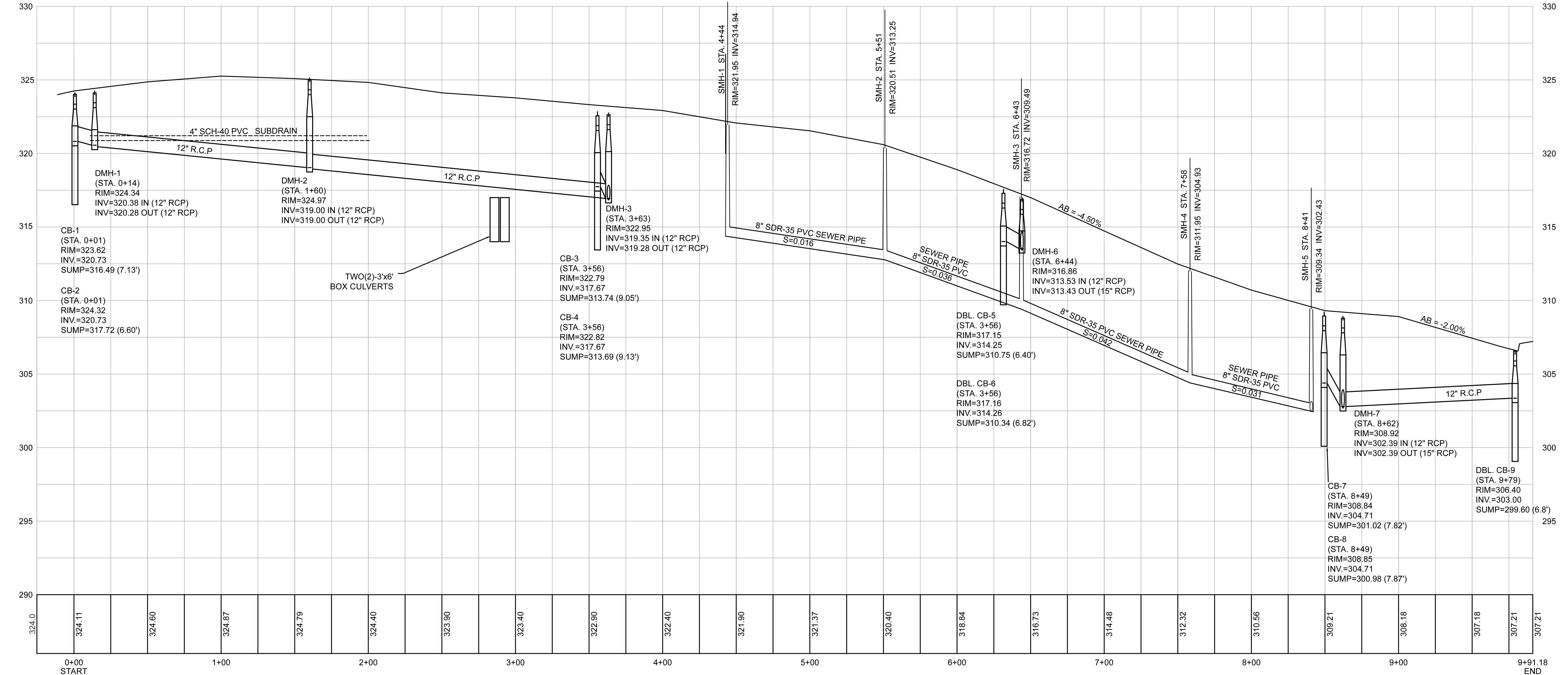
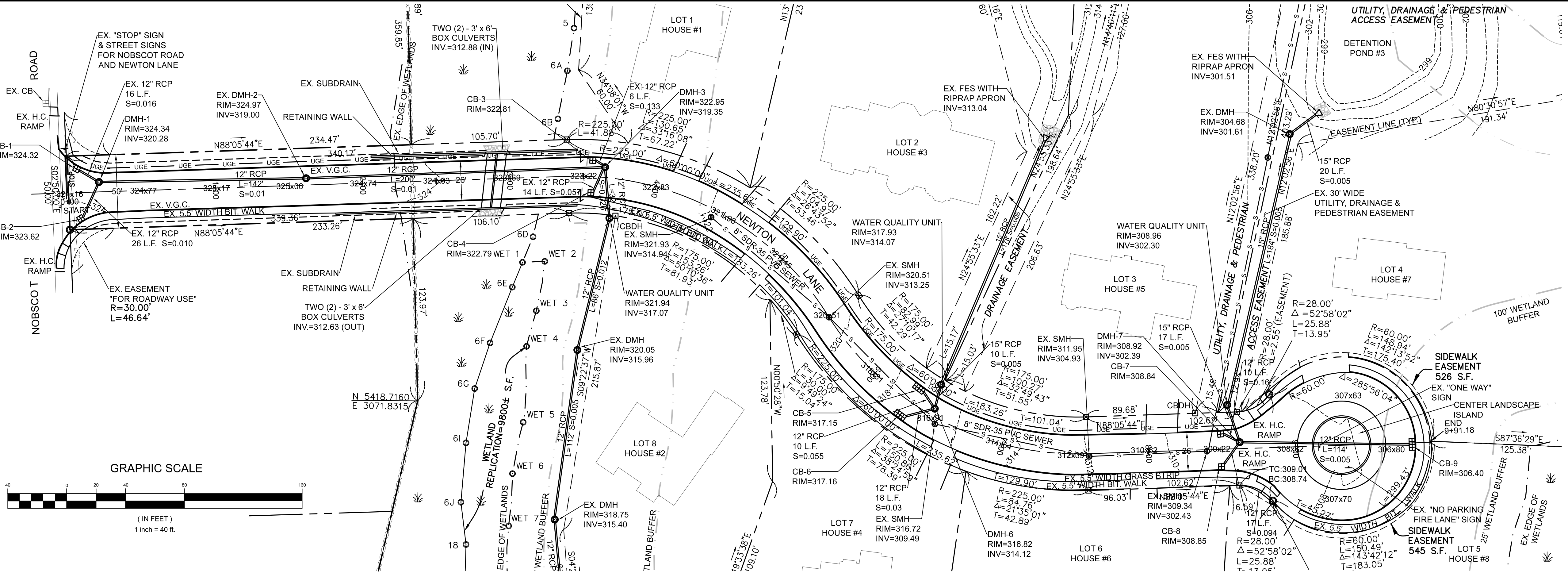
DATE - ROAD LAYOUT
ACCEPTANCE APPROVED

- 1.) "I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS-BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE ROADWAYS, DRAINAGE FACILITIES AND UTILITIES, BASED UPON A FIELD SURVEY PERFORMED BETWEEN SEPTEMBER 6, 2005 & OCTOBER 6, 2022."
- 2.) "THE STREET (OR WAY THEREOF) AS LAID OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THE PLAN."
- 3.) "I CERTIFY THAT THIS PLAN IS PREPARED IN CONFORMANCE WITH THE "RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

DANIELA O'DRISCOLL, PLS

DIG SAFE NOTE (1-888-344-7233):

CONTRACTOR REQUIRED TO NOTIFY DIG SAFE 72 HOURS PRIOR TO ANY ON-SITE EXCAVATION OR CONSTRUCTION AT 1-888-344-7233. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.



"NEWTON LANE" PROFILE:

HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=4'

NOTE:

1. ALL LOTS SERVICED BY PRIVATE WATER SUPPLY WELLS AND TOWN SANITARY SEWER.

REVISIONS	
NO.	DESCRIPTION

STREET ACCEPTANCE & AS-BUILT PLAN
HARTNEY ACRES II
NEWTON LANE
MEDWAY, MA 02053

HARTNEY REALTY TRUST
P.O. BOX 1
MEDWAY, MA 02053

ENGINEERING SERVICES
ENVIRONMENTAL SERVICES
67 Hall Road
Sturbridge, MA 01566
Phone: 774-241-0901
fax: 774-241-0906

O'DRISCOLL
LAND SURVEYING INC.
LAND SURVEYING, GPS MAPPING, LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

ISSUE DATE: 10/07/2022
DRAWN BY: RL CHECKED BY: DTF
SCALE: 1"=40'
PROJECT NO.: 2020-102
NEWTON LANE
AS-BUILT PLAN

C-3.0

LEGEND

PROPERTY LINE

ABUTTING PROPERTY LINE

IRON PIPE

MONUMENT

UTILITY POLE

FIRE HYDRANT

WATER GATE

GAS VALVE

CATCH BASIN (CB)

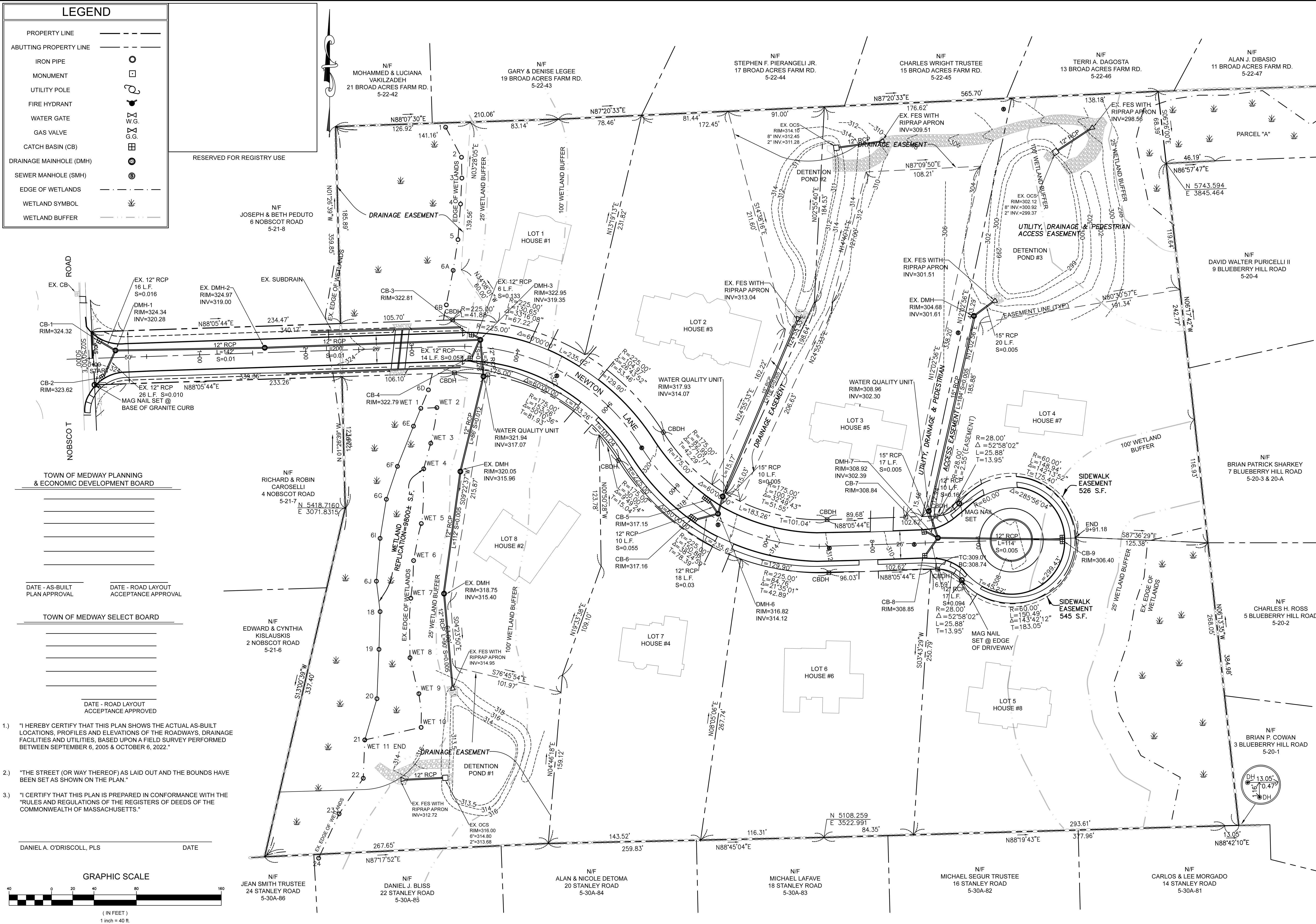
DRAINAGE MAINHOLE (DMH)

SEWER MANHOLE (SMH)

EDGE OF WETLANDS

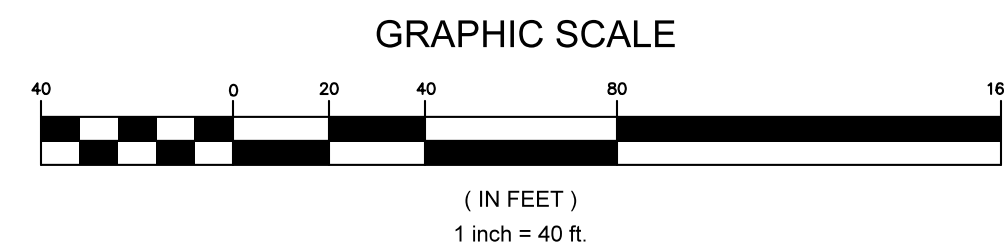
WETLAND SYMBOL

WETLAND BUFFER



- 1.) "I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS-BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE ROADWAYS, DRAINAGE FACILITIES AND UTILITIES, BASED UPON A FIELD SURVEY PERFORMED BETWEEN SEPTEMBER 6, 2005 & OCTOBER 6, 2022."
- 2.) "THE STREET (OR WAY THEREOF) AS LAID OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THE PLAN."
- 3.) "I CERTIFY THAT THIS PLAN IS PREPARED IN CONFORMANCE WITH THE "RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

DANIEL A. O'DRISCOLL, PLS DATE



DIG SAFE NOTE (1-888-344-7233): CONTRACTOR REQUIRED TO NOTIFY "DIG SAFE" 72 HOURS PRIOR TO ANY ON-SITE EXCAVATION OR CONSTRUCTION AT 1-888-344-7233. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.

NO.	DATE	DESCRIPTION	BY	CWD

STREET ACCEPTANCE & AS-BUILT PLAN

HARTNEY ACRES II

NEWTON LANE

MEDWAY, MA 02053

HARTNEY REALTY TRUST

P.O. BOX 1

MEDWAY, MA 02053

ENGINEERING SERVICES
ENVIRONMENTAL SERVICES
67 Hall Road
Sturbridge, MA 01566
Phone: 774-241-0901
fax: 774-241-0906

O'DRISCOLL
LAND SURVEYING INC.

LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314



ISSUE DATE: 10/07/2022
DRAWN BY: RL CHECKED BY: DTF
SCALE: 1" = 40'
PROJECT NO.: 2020-102

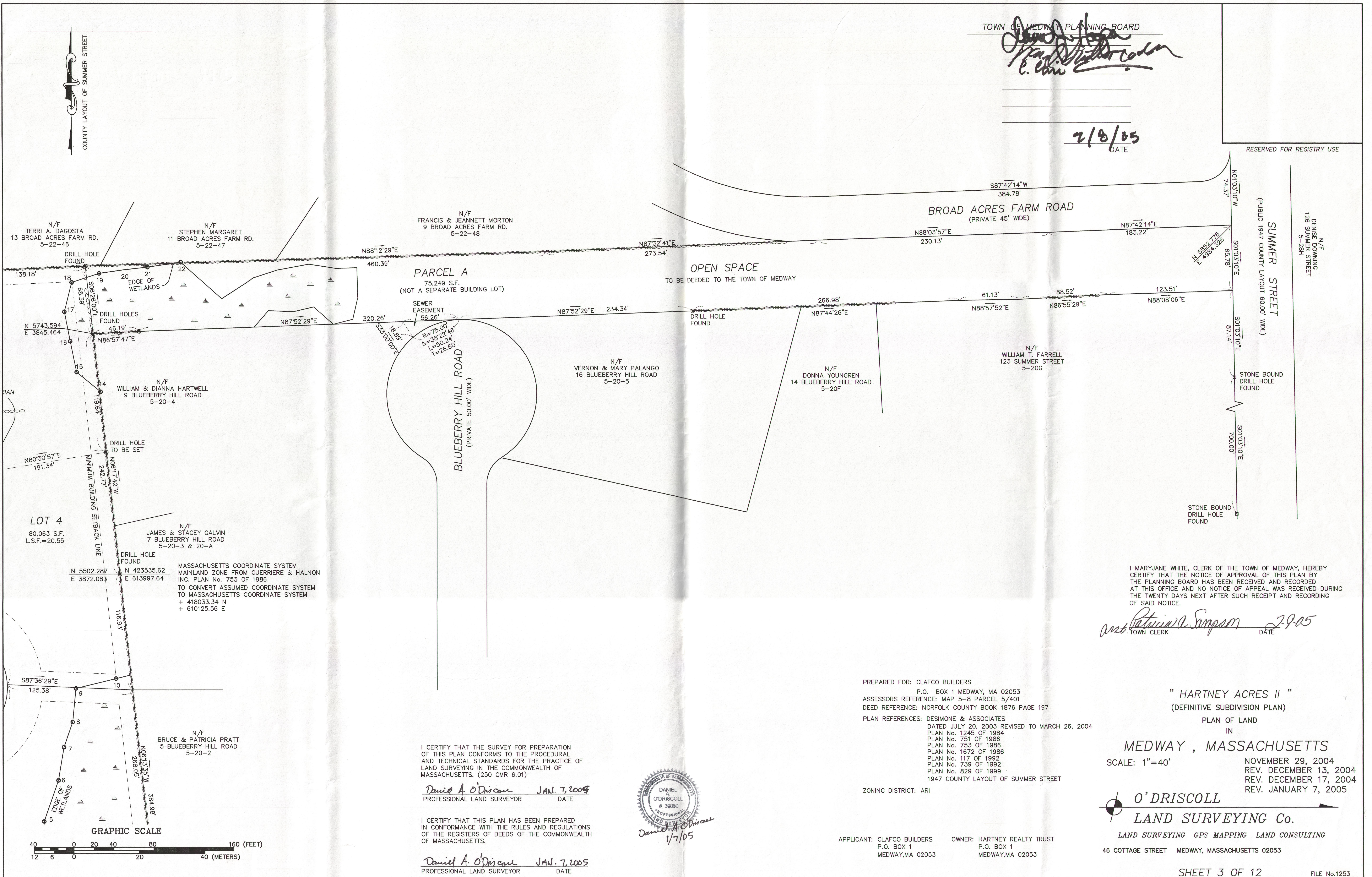
DRAINAGE SYSTEM
AS-BUILT PLAN

C-4.0

TOWN OF MEDWAY PLANNING BOARD

2/8/05
DATE

RESERVED FOR REGISTRY USE



I MARYJANE WHITE, CLERK OF THE TOWN OF MEDWAY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIVING AND RECORDING OF SAID NOTICE.

Patricia A. Simpson 2/9/05
TOWN CLERK DATE

PREPARED FOR: CLAFCO BUILDERS
P.O. BOX 1 MEDWAY, MA 02053
ASSESSORS REFERENCE: MAP 5-8 PARCEL 5/401
DEED REFERENCE: NORFOLK COUNTY BOOK 1876 PAGE 197
PLAN REFERENCES: DESIMONE & ASSOCIATES
DATED JULY 20, 2003 REVISED TO MARCH 26, 2004
PLAN No. 1245 OF 1984
PLAN No. 751 OF 1986
PLAN No. 753 OF 1986
PLAN No. 1672 OF 1986
PLAN No. 117 OF 1992
PLAN No. 739 OF 1992
PLAN No. 829 OF 1999
1947 COUNTY LAYOUT OF SUMMER STREET

ZONING DISTRICT: ARI

"HARTNEY ACRES II"
(DEFINITIVE SUBDIVISION PLAN)

PLAN OF LAND
IN

MEDWAY, MASSACHUSETTS

SCALE: 1"=40'
NOVEMBER 29, 2004
REV. DECEMBER 13, 2004
REV. DECEMBER 17, 2004
REV. JANUARY 7, 2005

O'DRISCOLL
LAND SURVEYING Co.

LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053

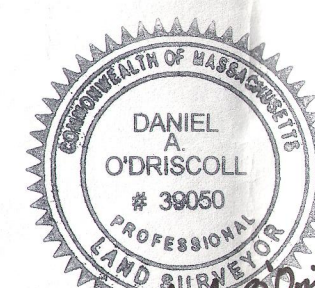
SHEET 3 OF 12 FILE No.1253

I CERTIFY THAT THE SURVEY FOR PREPARATION OF THIS PLAN CONFORMS TO THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS. (250 CMR 6.01)

Daniel A. O'Driscoll JAN. 7, 2005
PROFESSIONAL LAND SURVEYOR DATE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Daniel A. O'Driscoll JAN. 7, 2005
PROFESSIONAL LAND SURVEYOR DATE



Daniel A. O'Driscoll
1/7/05

APPLICANT: CLAFCO BUILDERS
P.O. BOX 1
MEDWAY, MA 02053
OWNER: HARTNEY REALTY TRUST
P.O. BOX 1
MEDWAY, MA 02053

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Tuesday, October 11, 2022 10:50 AM
To: Susan Affleck-Childs
Subject: [External] RE: Hartney Acres As-Built/Street Acceptance Review

Hi Susy,

Please see below updates in red from our review of the latest plans dated October 7, 2022 and CMG response letter dated October 7, 2022.

Please let me know if you have any questions, thanks.

Steve

Steven M. Bouley, PE | Project Manager
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

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From: Bouley, Steven
Sent: Wednesday, February 16, 2022 9:16 AM
To: Susan Affleck-Childs (sachilds@townofmedway.org) <sachilds@townofmedway.org>
Cc: Stephanie Carlisle <scarlisle@townofmedway.org>
Subject: Hartney Acres As-Built/Street Acceptance Review

Hi Susy,

We reviewed the As-Built/Street Acceptance plans titled "Street Acceptance & As-Built Plan for Hartney Acres II Definitive Subdivision" dated January 19, 2022, prepared by CMG. The Plans were reviewed against Section 6.7 and 6.8 of the current Town of Medway Planning Board Rules and Regulations, Chapter 100 – Land Subdivision. We have the following comments:

As-Built Plan (Sheet C-3.0)

1. The Plan is drawn at a scale of 1" = 20', the Regulations require a 1"=40' scale. (§6.7.3). **Scale was incorrectly labeled in the original submission, this has been fixed. In our opinion this comment is resolved.**
2. The Plan is not stamped. (§6.7.3) **Applicant stated this will be provided on the final plan. Applicant has acknowledged this and in our opinion this comment is resolved.**
3. The as-built plan does not show the entire limits of the easements (these are shown on the Street acceptance Plan, Sheet C-2.0). (§6.7.4.b) **Easements have been shown in their entirety on Sheet C-4.0. In our opinion, this comment is resolved.**
4. Locus Map is shown on the cover sheet for the Plans. However, it is unclear if the Regulation require a locus plan on the As-Built sheet. (§6.7.4.d) **As stated by the Applicant, the locus map is shown on the cover and several plans are required to show the as-built conditions of the Project and all plans will be recorded together. In our opinion, this comment is resolved.**
5. Driveways have not been shown. (§6.7.4.e) **Driveways within the right of way have been shown. In our opinion this comment is resolved.**

6. It does not appear bounds have been shown at the intersection of Newton Lane and Nobscott Road. (§6.7.4.f) **The Applicant's surveyor set a mag nail on the southernmost bound point, all other bounds have been installed throughout the Project. We believe this is a sufficient number of bounds to be used in the future if needed. In our opinion, this comment is resolved.**
7. Water main is not shown on the Plan but it is unclear if wells were proposed for each lot. Electric transformer locations should be shown on the Plan. (§6.7.4.g) **The Applicant stated all lots are served by wells and has included a note on the plans saying so. In our opinion, this comment is resolved.**
8. Inverts have not been provided for several of the water quality units. (§6.7.4.h) **Inverts have been shown. In our opinion, this comment is resolved.**
9. Sump depths/elevations have not been provided for the catch basins. (§6.7.4.h) **Sump elevations and depths have been provided on the plan and profile sheet (Sheet C-3.0). In our opinion, this comment is resolved.**
10. House addresses have not been included at each lot. (§6.7.4.j) **Addresses have been shown. In our opinion, this comment is resolved.**
11. No contour information has been included on the Plan. (§6.7.4.m) **Topography has been provided within the proposed right of way and for each stormwater basin. However the PEDB should confirm if the Regulation requires topography be shown on the lots and the entirety of the easements as well since the regulation states "Actual grading on the site...". We recommend the PEDB clarify if the site would also include the lots/easements.**
12. The basins (including rip-rap spillways/swales) have not been shown on the Plan and no detail for their outlet controls has been provided. This is also required to determine if the basins are properly located within their respective easements. (§6.7.4.n) **The required detail has been shown on the plans and all basins appear to be located within their respective easements. In our opinion, this comment is resolved.**

Street Acceptance Plan (Sheet C-2.0)

13. The start and end stations should be clearly labeled with "START" and "END". (§6.8.3.b.3) **The required information has been provided. In our opinion, this comment is resolved.**
14. The Plan has not been stamped and signed. (§6.8.3.c) **See update at Comment 2.**

General Comments

15. Sidewalk shown on private lots at the cul-de-sac and nearly coincident with the property lines in other locations around the right of way. Easements should be provided for sidewalks entering private property. **The Applicant appears to have acquired easements for portions of the sidewalk located on private property. In our opinion, this comment is resolved.**
16. The easement line (191.34 feet) for the easternmost drainage easement is partially showing up in the plan and should extend to the eastern property line. **The linework in question appears to be accurately shown. In our opinion, this comment is resolved.**

Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, PE | Project Manager

Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

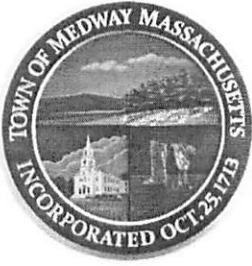
Tetra Tech | *Leading with Science®* | INE

100 Nickerson Road | Marlborough, MA 01752 | tetrattech.com

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Please consider the environment before printing. [Read more](#)



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3264
Fax (508) 321-4988
Email: mboynton@townofmedway.org

Town Manager

Michael E. Boynton

Date: October 18, 2022

To: Stefany Ohannesian, Town Clerk

From: Liz Langley, Executive Assistant, Town Manager's Office

Re: Select Board Vote at their October 17, 2022, Meeting to Layout Newton Lane as a Public Way

Attachments: Street Acceptance & As-Built Plan, Hartney Acres II, Newton Lane, Medway MA dated October 7, 2022, prepared by CMG Engineering of Sturbridge, MA and O'Driscoll Land Surveying, Inc. of Medway, MA

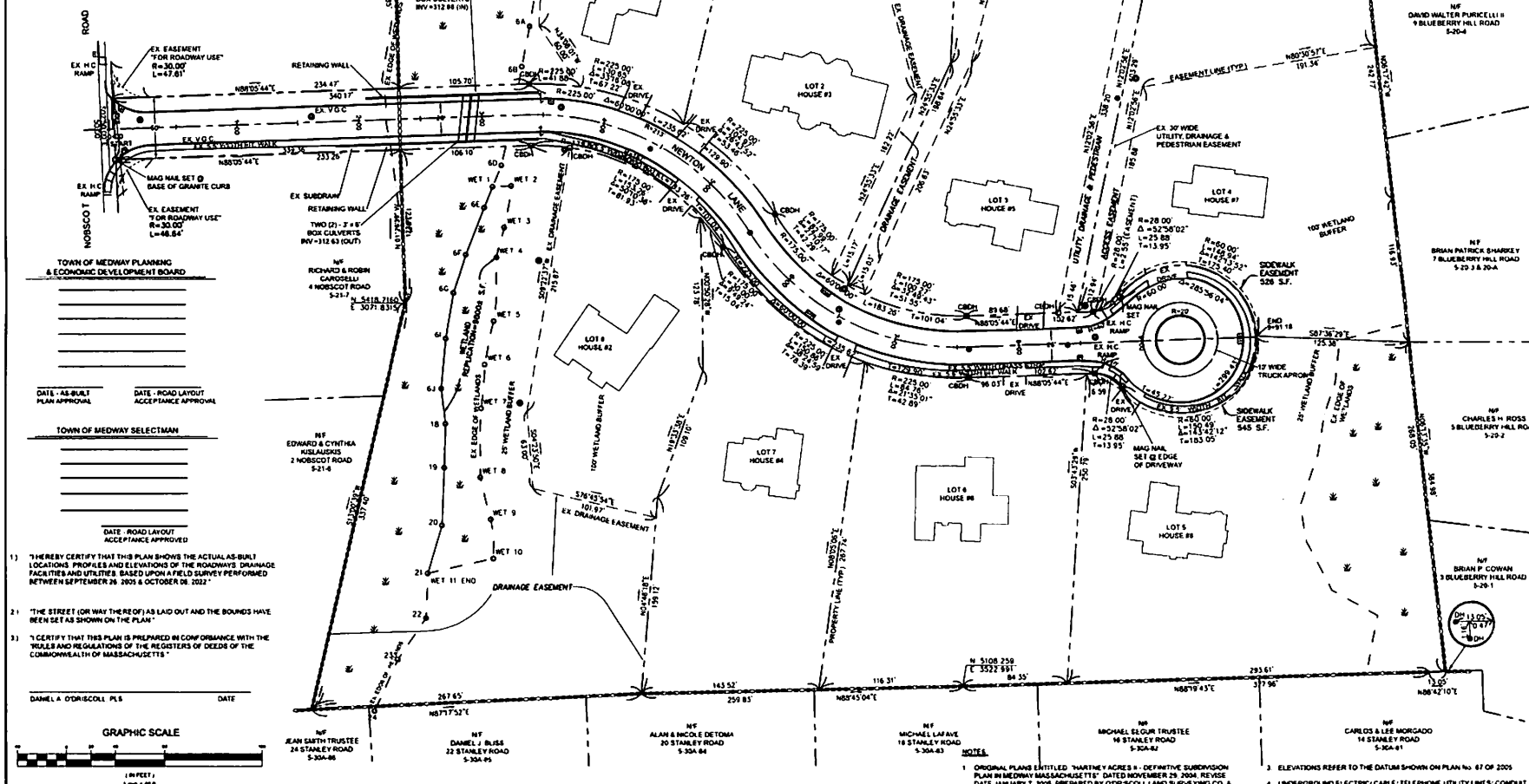
The purpose of this memo is to notify you of the Select Board's vote at their October 17, 2022, meeting of their intention to layout Newton Lane as a public way. They voted as follows:

Mr. Alessandri moved that the Board adopt the layout of the Newton Lane in its entirety from Station 0+00 at its intersection with Nobscot Road to its terminus at Station 9+91.18 as shown on Street Acceptance & As-Built Plan, Hartney Acres II, Newton Lane, Medway MA dated October 7, 2022, prepared by CMG Engineering of Sturbridge, MA and O'Driscoll Land Surveying, Inc. of Medway, MA. Mr. Trindade seconded. No discussion. VOTE: 5-0-0.

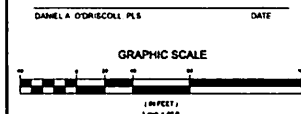
Attached to this memo is the plan as referenced in the Select Board Vote.

LEGEND	
PROPERTY LINE	---
ABUTTING PROPERTY LINE	---
IRON PIPE	—○—
MONUMENT	—●—
UTILITY POLE	—○—
FIRE HYDRANT	—●—
WATER GATE	—○—
GAS VALVE	—○—
CATCH BASIN (CB)	—○—
DRAINAGE MANHOLE (DMH)	—○—
SEWER MANHOLE (SMH)	—○—
EDGE OF WETLANDS	---
WETLAND SYMBOL	—○—
WETLAND BUFFER	---

RESERVED FOR REGISTRY USE



1. "I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS-BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE ROADWAYS, DRAINAGE FACILITIES AND UTILITIES, BASED UPON A FIELD SURVEY PERFORMED BETWEEN SEPTEMBER 26, 2005 TO OCTOBER 06, 2005."
2. "I CERTIFY THAT THE STREET (OR WAY THEREOF) AS Laid OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THE PLAN."
3. "I CERTIFY THAT THIS PLAN IS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."



DIG SAFE NOTE (1-800-344-7233):
CONTRACTOR REQUIRED TO NOTIFY "DIG SAFE" 72 HOURS PRIOR TO ANY ON-SITE EXCAVATION OR CONSTRUCTION AT 1-888-344-7233. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.

1. ORIGINAL PLANS ENTITLED "HARTNEY ACRES II - DEFINITIVE SUBDIVISION PLAN IN MEDWAY MASSACHUSETTS" DATED NOVEMBER 29, 2004. REVISED DATE JANUARY 7, 2005. PREPARED BY O'DRISCOLL LAND SURVEYING CO. & FAST ENGINEERING.
2. ORIGINAL PLAN APPROVAL DATE: DECEMBER 17, 2004. ORIGINAL PLAN ENDORSEMENT DATE: FEBRUARY 9, 2005. RECORDING INFORMATION: PLAN BOOK 533 PLAN # 67 OF 2005.
3. ELEVATIONS REFER TO THE DATUM SHOWN ON PLAN # 67 OF 2005.
4. UNDERGROUND ELECTRIC/CABLE, TELEPHONE, UTILITY LINES/CONDUIT LOCATIONS ARE APPROXIMATE AND BASED ON AS-BUILT UTILITY BOX LOCATIONS AND LIMITED PAVEMENT MARKINGS AT THE TIME OF THE SURVEY. (SEE DIG SAFE NOTE).

NO.	DATE	DESCRIPTION

STREET ACCEPTANCE & AS-BUILT PLAN
HARTNEY ACRES II
NEWTON LANE
MEDWAY, MA 02053
PAUL YORKIS
150 MAIN STREET
MEDWAY, MA 02053

CMG
O'DRISCOLL
LAND SURVEYING, INC.
448 COTTAGE STREET, MEDWAY, MASSACHUSETTS 02053 (508) 533-3314
FAX: (508) 533-3315
ISSUE DATE: 10/07/2022
SCALE: 1" = 60'
PROJECT NO: 2020-102
STREET ACCEPTANCE PLAN
C-2.0



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

216-0645

Provided by DEP

A. Project Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. This Certificate of Compliance is issued to:

CLAFCO Builders

Name

PO Box 1

Mailing Address

Medway

City/Town

MA

State

02053

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions or Order of Resource Area Delineation issued to:

CLAFCO Builders

Name

May 17, 2004 and amended 3/28/2006

Dated

216-0645

DEP File Number

3. The project site is located at:

Nobscot Road

Street Address

Medway

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

The final Order of Conditions or Order of Resource Area Delineation was recorded at the Registry of Deeds for:

Property Owner (if different)

Norfolk

County

40838

Book

272

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

3/21/22, 9/12/22, 10/11/22

Date

B. Certification

Check all that apply:

- ☒ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

216-0645

Provided by DEP

B. Certification (cont.)

- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
-
- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☐ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).
- Condition Numbers:
-
- ☐ **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

C. Authorization

Issued by:

Medway
Conservation Commission

10/13/2022
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

216-0645

Provided by DEP

C. Authorization (cont.)

Signature Authorization for COVID-19 Bk. 37885 Pg 135

Signatures:

Signature

David Travalini

Printed Name

Signature

Dayna Gill

Printed Name

Signature

Ken McKay

Printed Name

Signature

David Blackwell

Printed Name

Signature

Michael Narducci

Printed Name

Signature

Sean Green

Printed Name

Signature

Printed Name

Signature

Printed Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

216-0645

Provided by DEP

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date

Book

Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant



November 8, 2022
Medway Planning & Economic Development Board
Meeting

Choate Trail Subdivision – Discussion on
Trail

- 10-16-22 email from abutter Johanna Madge and Lynda Bannon of 38 Highland Street requesting the Board's reconsideration of having a public trail constructed along the southern length of Lot #4 adjacent to their Highland Street property
- Applicable section of the subdivision decision re: trail. Specific Condition #10.
- Applicable sheets of the endorsed Choate Trail subdivision plan showing the trail and associated public access easement location.
- Field Change authorization dated 8-16-21 regarding boulders and shrubs

Susan Affleck-Childs

From: Johanna Madge <yoyomadgey@gmail.com>
Sent: Sunday, October 16, 2022 9:58 AM
To: Susan Affleck-Childs
Cc: Robert Pace; Amy Jordan
Subject: [External] Follow up on meeting w/ Bob P.

Hi Susy!

I hope this email finds your shoulder continuing to heal nicely!! Thanks so much for helping us to get in contact with Bob P....We had a good talk. I have also included Amy Jordan (40 Highland) on this email as we have also talked. Bob, Amy, Lynda and I are hoping that you would reconsider this trail extender along the property lines. All of us are in agreement that we do not want to take any more trees down at this point. The trees are a natural buffer between the properties and the trail would not only include taking more down but would also take down the natural buffer between the properties. Also, the trail would only lead to a private road.....not sure there is any real value in this? And lastly, and most importantly to us, it would have people walking and most likely wandering onto our properties. We have a bocce pit back there and if someone was to wander onto it and step down and hurt themselves....well you can only imagine! Please let us know your thoughts on this and if this trail can be reconsidered!

Thanks so much for everything you do for the residents of Medway!

Johanna and Lynda

of replacement tree(s) shall be reviewed and approved by the Tree Warden, or otherwise will be consistent with the species of the removed tree(s).

- d. In lieu of tree planting on the subdivision property, the Applicant may make a contribution to the Medway Tree Fund in an amount to be determined by the Board upon consultation with the Medway Tree Warden based on wholesale pricing for 3-inch caliper trees from a reputable area landscape supplier. The Applicant may also combine tree planting and a contribution in lieu of tree-planting to be approved by the Board.
- e. Any such supplemental tree planting shall occur before the occupancy permit is issued for the respective lot. Any contribution in lieu of tree planting shall occur before the occupancy permit is issued for the last of the four houses.

- 9. **Sidewalk Construction** – In lieu of constructing a sidewalk along the frontage of 42 Highland Street, the applicant shall provide \$10,085 to the Medway Sidewalk Fund. This amount shall be provided before the Building Department issues an occupancy permit for the second house in the subdivision.

- 10. **Trail** – The Applicant shall construct a 5' winding dirt trail within a 15' wide trail access located along the southern length of Lot #4. The trail and the associated buffer area landscaping along the southern boundary of Lot #4 within the trail easement area shall be completed before the Building Department issues an occupancy permit for the house to be constructed on Lot #4.

- 11. **Scenic Road Work Permit** – This project is also subject to a Scenic Road Work Permit issued by the Board. As a condition of this decision, the Applicant shall comply fully with the requirements of the Scenic Road work permit.

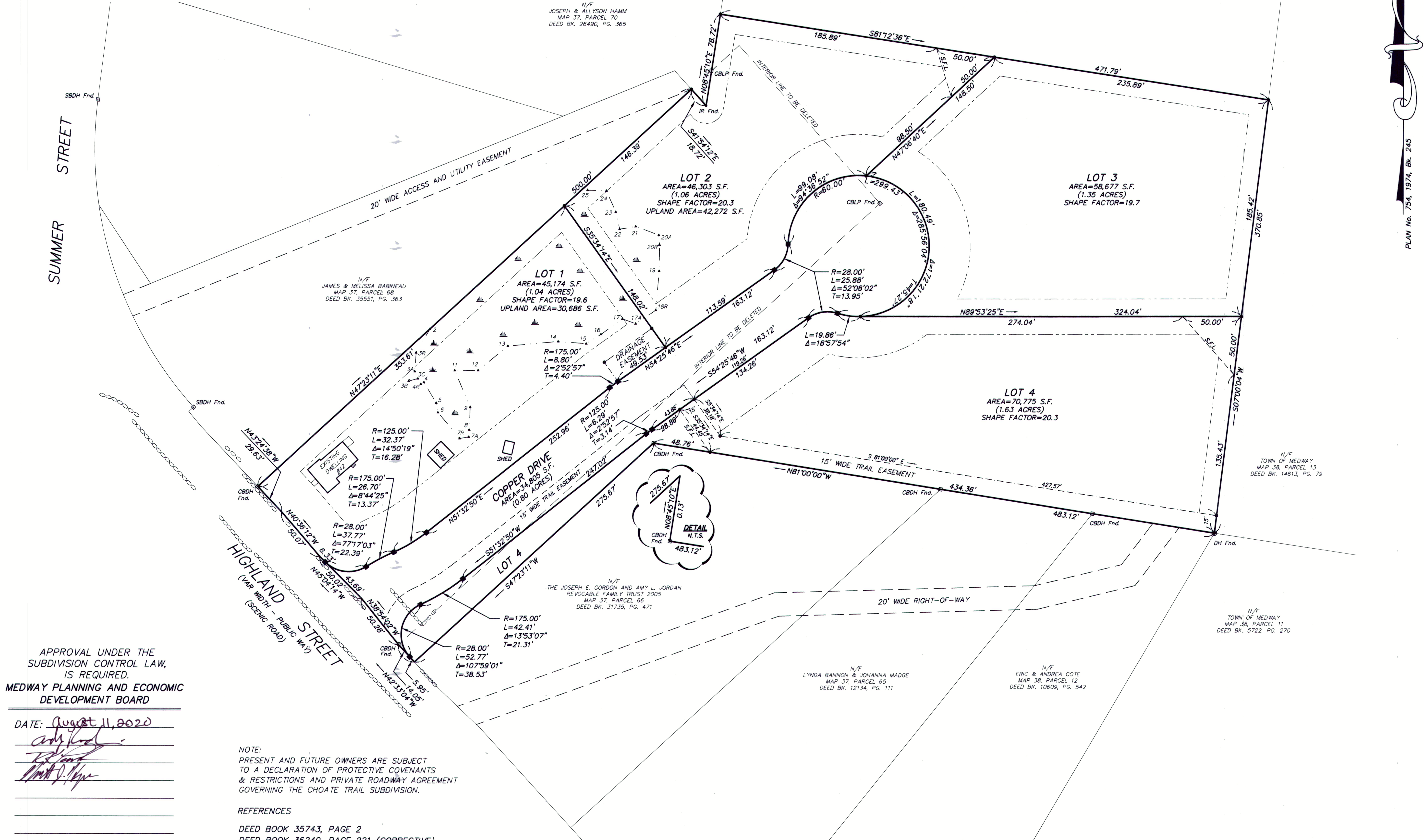
- 12. **Ownership of Copper Drive** – The roadway depicted on this subdivision plan shall remain privately owned in perpetuity to the center line by the owners of the four lots. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan.

- 13. **Homeowners Association** - There shall be established a Choate Trail Homeowners Association to be responsible for the maintenance and upkeep of the roadway including but not limited to snowplowing and sanding, maintaining the stormwater detention/infiltration system and related infrastructure located within the roadway right of way including landscaping, maintaining the sidewalk along Copper Drive, and maintaining the landscaped island in the cul-de-sac.

- 14. **Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Choate Trail Way Subdivision** – The future owners of lots 1-4 are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Choate Trail Way Subdivision* shall include language regarding the property owners' responsibility through the homeowners association for the upkeep, repair, and on-going maintenance of the

MONUMENTS

- SBDH Fnd. STONE BOUND W. DRILL HOLE FOUND
- CBDH Fnd. CONCRETE BOUND W DRILL HOLE FOUND
- IP Fnd. IRON PIPE FOUND
- IR Fnd. IRON ROD FOUND
- CONCRETE BOUND TO BE SET
- IRON ROD/CAP TO BE SET



- GENERAL NOTES:
- OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF MEDWAY ASSESSORS RECORDS.
 - THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED IN MARCH 2018.
 - LEGAL STATUS OF EASEMENTS AND WAYS, NOT DETERMINED BY THIS SURVEY.
 - WETLANDS SHOWN HEREON WERE FLAGGED BY THREE OAKS ENVIRONMENTAL WETLAND CONSULTING AND LOCATED ON-THE-GROUND BY CONNORSTONE ENGINEERING INC.

ZONED: AR-1
 AREA = 44,000 sf
 FRONTAGE = 180 feet
 SETBACKS: FRONT = 35 feet
 SIDE = 15 feet
 REAR = 15 feet

ASSESSOR MAP 37, LOT 67
 OWNER / APPLICANT:
 THE RESIDENCES AT CHOATE TRAIL, LLC
 17 GOLDFINCH LANE
 NASHUA, NH 03062

CONNORSTONE ENGINEERING INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 10 SOUTHWEST CUTOFF, SUITE 7
 NORTHBOROUGH, MASSACHUSETTS 01532
 PHONE: 508-393-9727 FAX: 508-393-5242

DEFINITIVE SUBDIVISION PLAN
LAND PLAN
CHOATE TRAIL WAY
IN
MEDWAY, MASS.

7/23/2020	CONDITIONS OF APPROVAL
4/16/2020	WET FLAG EDITS
3/19/2020	PEER REVIEW COMMENTS
3/9/2020	REVIEW COMMENTS
1/13/2020	REVIEW COMMENTS
1/3/2020	REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: NOVEMBER 8, 2019	
SCALE: 1"=40'	SHEET 2 OF 2.

APPROVAL UNDER THE
 SUBDIVISION CONTROL LAW,
 IS REQUIRED.
**MEDWAY PLANNING AND ECONOMIC
 DEVELOPMENT BOARD**

DATE: August 11, 2020
[Signature]
[Signature]
[Signature]

NOTE:
 PRESENT AND FUTURE OWNERS ARE SUBJECT
 TO A DECLARATION OF PROTECTIVE COVENANTS
 & RESTRICTIONS AND PRIVATE ROADWAY AGREEMENT
 GOVERNING THE CHOATE TRAIL SUBDIVISION.

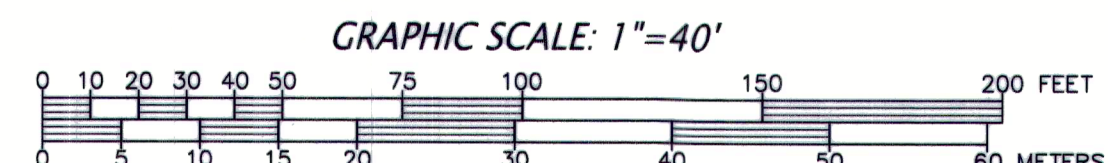
REFERENCES
 DEED BOOK 35743, PAGE 2
 DEED BOOK 36240, PAGE 221 (CORRECTIVE)

PLAN NUMBER 754 OF 1974, PLAN BOOK 245
 PLAN NUMBER 715 OF 1976, PLAN BOOK 257
 PLAN NUMBER 246 OF 1995, PLAN BOOK 429
 PLAN NUMBER 248 OF 1980, PLAN BOOK 280
 PLAN NUMBER 841 OF 1995, PLAN BOOK 435
 PLAN NUMBER 842 OF 1995, PLAN BOOK 435
 NORFOLK COUNTY REGISTRY OF DEEDS

I HEREBY CERTIFY THAT THIS PLAN
 WAS PREPARED IN CONFORMANCE WITH
 THE RULES AND REGULATIONS OF THE
 REGISTERS OF DEEDS.
[Signature] 7/23/20
 VAROUJAN H. HAGOPIAN, P.L.S. 49665



[Signature] CLERK OF THE TOWN OF MEDWAY
 RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
 OF THIS PLAN ON May 18, 2020 AND NO APPEAL WAS TAKEN
 FOR TWENTY (20) DAYS THEREAFTER.



Board Members

Andy Rodenhiser, Chair
Robert Tucker, Vice Chair
Richard Di Iulio, Clerk
Jessica Chabot, Member
Matthew Hayes, P.E.,
Member
Thomas Gay, Associate
Member



Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3291
Fax (508) 321-4987
Email: planningboard
@townofmedway.org
www.townofmedway.or

TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS PLANNING AND ECONOMIC DEVELOPMENT BOARD

August 16, 2021

FIELD CHANGE AUTHORIZATION Choate Trail Way Subdivision

At its duly posted meeting held on April 27, 2021 the Medway Planning and Economic Development Board considered the March 25, 2021 request of Robert Pace of The Residences at Choate Trail LLC to modify the buffer area between Lot 4 of the Choate Trail subdivision and the abutters at 38 and 40 Highland Street.

The proposed change pertains to the composition of the buffer area materials to screen the abutting properties at 38 and 40 Highland Street from the public walking trail to be located along the southern boundary of adjacent Lot 4. As shown on the approved and endorsed Choate Trail subdivision plan, the buffer area was to be comprised of a . . .

— MIX OF NATIVE EVERGREEN SHRUBS —
TO BE PLANTED ON THE PROPERTY
LINE OF LOT #4 ADJACENT TO #38
AND #40 HIGHLAND STREET (APPROX.
380 LINEAR FEET). PLANTINGS SHALL
BE AT LEAST 3 GALLON IN SIZE,
PLANTED 5 FEET ON CENTER IN A
STAGGERED FASHION. A MINIMUM 76
SHRUBS ARE REQUIRED.

The abutter at 38 Highland Street has requested the use of large (2' diameter minimum) boulders from the site instead of the planned landscaping. The abutter at 40 Highland Street wishes to proceed with the original landscape plan.

The Board discussed the proposed change and determined that an appropriate solution was to utilize large boulders (2' diameter minimum) and a mix of evergreen plantings in an alternating manner along the back of both 38 and 40 Highland Street (total of 380 linear feet). The previously approved minimum number of shrubs (76) may be reduced by half; shrubs shall be at least 3-gallon in size. The Board felt it was important to have a consistent aesthetic along the length of the buffer area. This field change shall be shown on the as-built plan to be provided to the Planning and Economic Development Board at the completion of the project.

Attest:

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

8-16-2021
Date

cc: Robert Pace
Jack Mee, Building Commissioner/Zoning Enforcement Officer
Steve Bouley, Tetra Tech
Amy Jordan
Lynda Bannan
Johanna Madge



November 8, 2022

**Medway Planning & Economic Development Board
Meeting**

Evergreen Village Field Change

- Email dated 10-26-22 from developer Maria Varrichione requesting elimination of pathway and raised garden bed
- Petition dated 11-1-22 from Evergreen Village property owners requesting elimination of pathway and raised garden bed
- Sheet L-1 from endorsed Evergreen Plan. The area in question is outlined in red.

Susan Affleck-Childs

From: Maria Varrichione <dreamhomesmv@gmail.com>
Sent: Thursday, October 27, 2022 7:26 PM
To: Bouley, Steven; Ron; Susan Affleck-Childs; Mark Muntz; Bridget Graziano
Subject: [External] Evergreen

Hello Everyone, I wanted to touch base with an update and request to be on agenda for release of the bond being held. I also have a letter from the owners for a minor modification that I will be sending over once I get it fully signed requesting eliminating the raised garden bed and path to it. They prefer to have the open green space and not the upkeep, watering and maintenance of something they don't feel would be getting proper use.

The granite curbing, berm and top coat has been installed as well as 98% of the landscaping. All hydroseeding, erosion control seeded blanket on slope, plantings and mulch are completed as well. We have 3 small trees we are waiting on which will be installed in the Spring when inventory is restocked.

Weather permitting, at the beginning of next week we'll be painting the "STOP" and Line anew now that the final top coat is on.

Can I now remove the black silt fence along the left side behind units 1,3, & 5 Balsam? I understand in speaking with Bridget I can not remove the back of the property silt fence until it's a bit more stable along the 25' buffer.

Also, when can the monthly reporting by Ron end? I will continue with my bi-weekly and rain reports until I receive my final cert of compliance.

Lastly, I do have a call and email into Truax for inspection and cleaning of storm drains. They have not been very receptive so I will be checking into other companies. I know most companies are short handed and overwhelmed with work.

Thank you,

Maria Varrichione
dreamhomesmv@gmail.com
Mobile- 508-561-6048

To: Medway Planning and Economic Development Board

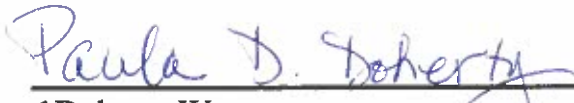
From: Owners at Balsam Way, Evergreen Village Condominiums

Re: Garden Path/Area


November 1, 2022


The below signed residents request your approval for eliminating the path and raised garden bed area as shown on the Evergreen Village subdivision plan. We have no interest in the watering, upkeep, or maintenance of these beds. Our preference is to have this remain as open green space for our enjoyment.

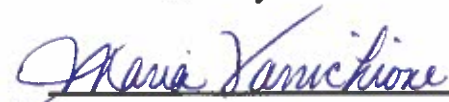
Thank you in advance for your consideration in making this minor modification.

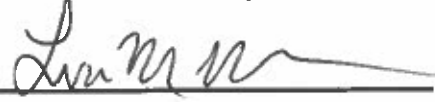

1 Balsam Way

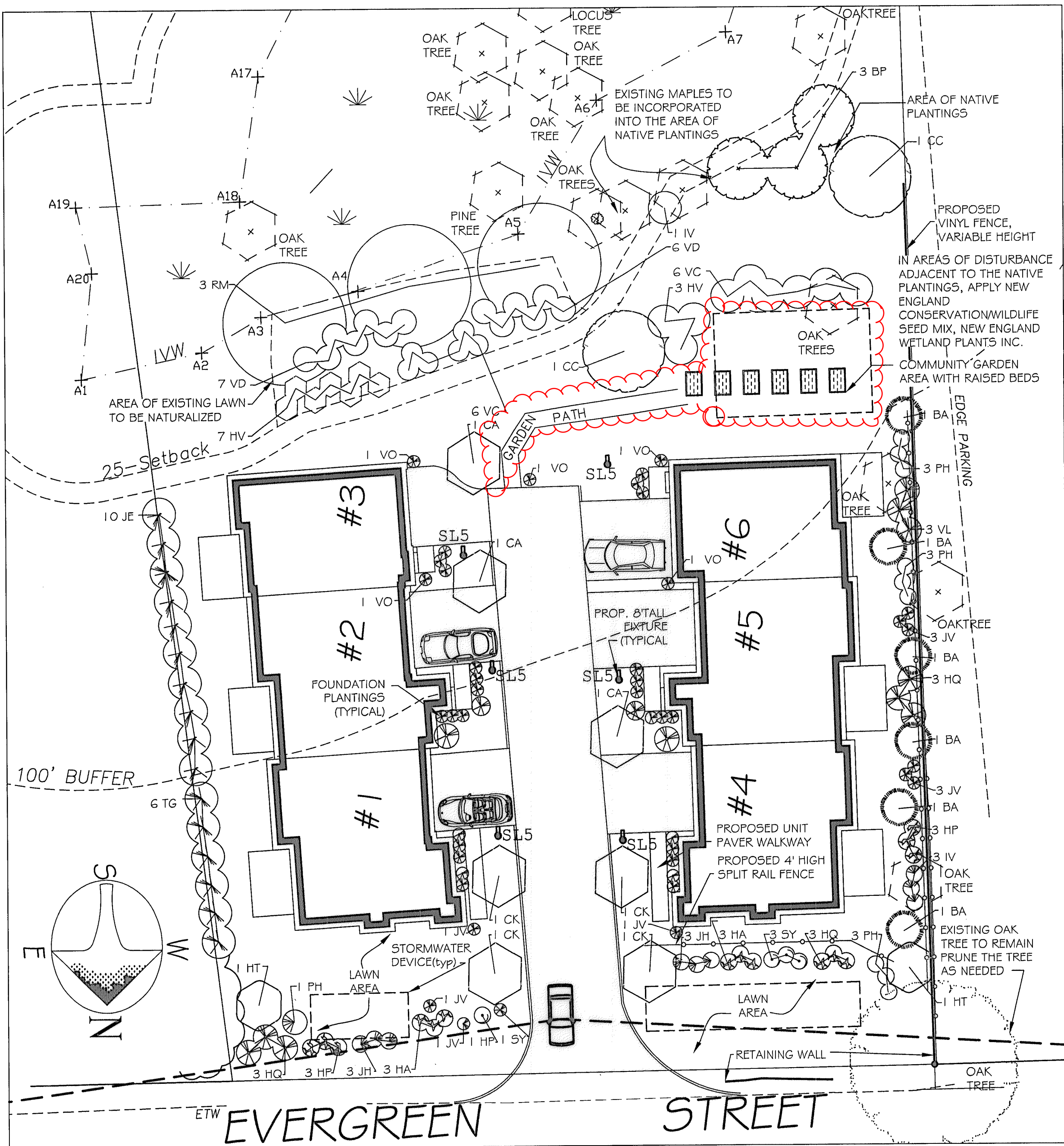

2 Balsam Way


3 Balsam Way


4 Balsam Way

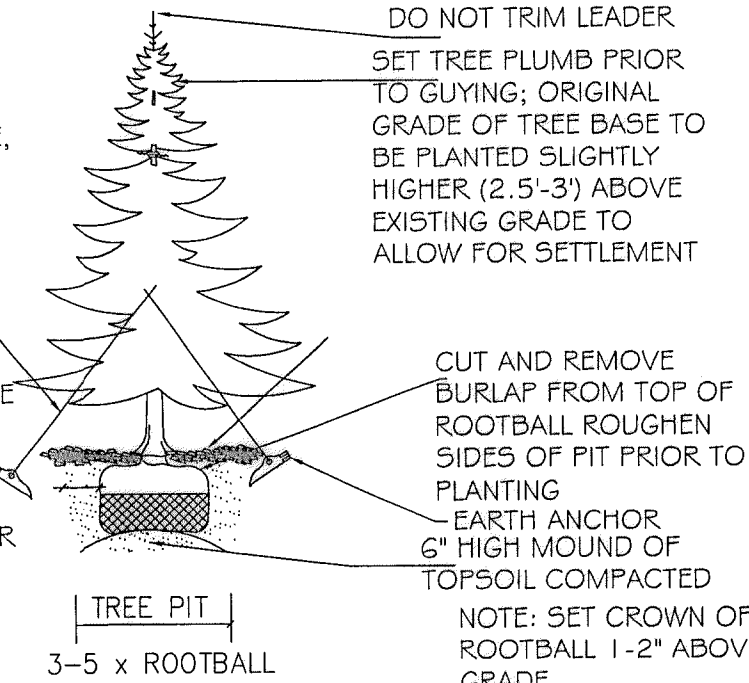

5 Balsam Way -


6 Balsam Way



- LANDSCAPING NOTES
1. NOTIFY DIG-SAFE AT 1-888-DIG-SAFE AND LOCAL AUTHORITIES PRIOR TO ANY TYPE OF SITE PREPARATION OR CONSTRUCTION.
 2. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL AND MULCH IN SUFFICIENT QUANTITIES TO COMPLETE PLANTING AS SHOWN ON THE DRAWINGS.
 3. DRAWING QUANTITIES TAKE PRECEDENCE OVER PLANT LIST QUANTITIES.
 4. ALL PLANT MATERIAL SHALL CONFORM TO THE GUIDELINES SET FORTH BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION.
 5. ALL TREES AND SHRUBS SHALL BE PLANTED WITH THE 'BEST FACE' SHOWING. ALL PLANTS SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN, UNLESS OTHERWISE APPROVED BY THE LANDSCAPE ARCHITECT.
 6. ALL CONTAINER GROWN STOCK SHALL BE HEALTHY, VIGOROUS, WELL ROOTED AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE GROWING. THEY SHALL HAVE TOPS OF GOOD QUALITY, NO APPARENT INJURY AND BE IN A HEALTHY GROWING CONDITION. A CONTAINER GROWN PLANT SHALL HAVE A WELL ESTABLISHED ROOT SYSTEM REACHING THE SIDES OF THE CONTAINER TO MAINTAIN A FIRM BALL.
 7. THE QUALITY OF ALL TREES & SHRUBS IS TO BE NORMAL FOR THE SPECIES. ALL PLANTS ARE TO HAVE DEVELOPED ROOT SYSTEMS, TO BE FREE OF INSECTS AND DISEASES AS WELL AS MECHANICAL INJURIES, AND IN ALL RESPECTS BE SUITABLE FOR PLANTINGS.
 8. ALL CONIFERS SHALL HAVE DORMANT BUDS AND SECONDARY NEEDLES.
 9. WHERE SPECIFIED, CALIPER SIZE IS TO BE THE OVERRIDING FACTOR IN TREE SELECTION. CALIPER SIZE SHALL BE MEASURED 1 1/2" ABOVE THE ROOTBALL.
 10. PLANT SUBSTITUTIONS ARE NOT ALLOWED UNLESS APPROVED BY THE PROJECT LANDSCAPE ARCHITECT.
 11. ALL DISTURBED AREAS NOT SHOWN OTHERWISE SHALL BE LOAMED AND SEEDED AND BLENDED INTO EXISTING GRADE AND CONDITIONS.
 12. PRIOR TO INSTALLING ANY PLANT MATERIAL, THE CONTRACTOR SHALL SUBMIT A LOAM SOIL SAMPLE FOR A ROUTINE, ORGANIC, SALTS, AND NITRATE SOIL TEST. UPON THE RESULTS OF THIS TEST, THE SITE CONTRACTOR SHALL AMEND THE LOAM AS RECOMMENDED. SEND THE SOIL SAMPLE TO THE UNIVERSITY OF MASSACHUSETTS SOIL AND PLANT TISSUE TESTING LABORATORY, WEST EXPERIMENT STATION, 682 NORTH PLEASANT ST., UNIVERSITY OF MASSACHUSETTS, AMHERST, MA 01003.
 13. LAWN SEED MIX SHALL BE THE PREVIOUS YEARS CROP: 35% JEFFERSON KENTUCKY BLUEGRASS, 35% CARMEN CHEVING FESCUE AND 30% STALLION PERENNIAL RYEGRASS, OR APPROVED EQUAL. PLANT AT A RATE OF 1 LB. PER 150 SQUARE FEET.
 14. SLOPE SEED MIX SHALL BE THE PREVIOUS YEARS CROP: PLANT AT A RATE OF 1 LB. PER 150. SQUARE FEET. SEED MIX SHALL BE STALLION PERENNIAL RYE 10%, CREEPING RED FESCUE 50%, ANNUAL RYE GRASS 15%, JEFFERSON KENTUCKY BLUE GRASS 10%, RED TOP CLOVER 5%, AND LADINO CLOVER 5%, OR APPROVED EQUAL. PLANT AT A RATE OF 1 LB. PER 150SF.
 15. LAWN SEED AREAS SHALL BE NOT BE DEEMED ACCEPTABLE UNTIL IN EXCESS OF 90% OF EACH AREA, INDEPENDENTLY, IS GERMINATED, GROWING AND DISPLAYING HEALTHY, UNIFORM GROWTH AND HAS BEEN CUT TWICE. THE SITE CONTRACTOR IS RESPONSIBLE FOR APPLYING AT A MINIMUM 1" OF WATER A WEEK UNTIL THE SEEDED AREAS HAVE BEEN ACCEPTED. THE WATERING SHALL OCCUR IN SMALL DOSES, THE SITE CONTRACTOR IS RESPONSIBLE FOR REMOVING ANY WEEDS (CRAB GRASS) WITHIN THE SEEDED AREAS UNTIL THE SEEDED AREAS HAVE BEEN ACCEPTED.
 16. THE HYDRO SEED SLURRY SHALL BE A WOOD BASED BONDED FIBER MATRIX. THE APPLICATION RATE SHALL BE 2,500-3,000LB. PER ACRE SPRAYED IN A LEAST TWO DIRECTIONS. DO NOT APPLY HYDRO SEED SLURRY IF RAIN IS EXPECTED WITHIN 12 HOURS, AND WHEN TEMPERATURES ARE BELOW 50 DEGREES.
 17. PRIOR TO PLANTING, THE LANDSCAPER SHALL REVIEW AND COORDINATE WITH THE SITE UTILITY PLAN AND GRADING PLAN.
 18. THE ROOTS OF NEWLY PLANTED TREES AND SHRUBS MUST BE KEPT STEADILY MOIST, AS THE DEVELOPING ROOTS ESTABLISH IN THE NEW SOIL. AT PLANTING, WATER THOROUGHLY TO SOAK THE ROOTS AND TO SETTLE THE NEW SOIL AROUND THE ROOT BALL. THE AMOUNT OF SUPPLEMENTAL WATER NEEDED EACH WEEK DURING THE FIRST GROWING SEASON AFTER PLANTING DEPENDS ON RECENT RAINFALL, TEMPERATURE, AND WIND. IF LESS THAN ONE-INCH OF RAIN HAS FALLEN OVER THE PAST FIVE TO SEVEN DAYS, THE NEW PLANTINGS MUST BE WATERED. LAWNS, TREES, AND SHRUBS WATERING SHALL OCCUR AT A MINIMUM OF TWO (2) TIMES A DAY FOR THE FIRST TWO (2) MONTHS; ONCE IN THE EARLY MORNING AND THEN THE OTHER IN THE LATE AFTERNOON. IN GENERAL TEN GALLONS OF WATER APPLIED TWICE A WEEK WILL WET A 20'-24' ROOT BALL AND PROVIDE THE EQUIVALENT OF ONE INCH OF RAIN FALL. NEW LAWNS SHALL BE WATERED SO THAT IT RECEIVES AT A MINIMUM ONE INCH (1") OF WATER EVERY WEEK.
 19. WITHIN THE LANDSCAPE BEDS ADJACENT TO THE BUILDING FOUNDATIONS, NO HEMLOCK, PINE, SPRUCE, OR CEDAR MULCH OR OTHER COMBUSTIBLE LANDSCAPE MATERIALS SHALL BE INSTALLED WITHIN 18" OF THE FOUNDATION.
 20. ALL LANDSCAPE BEDS SHALL RECEIVE THREE-INCHES OF BARK MULCH.
 21. LANDSCAPE AREAS SHALL BE DEEP TILLED TO A DEPTH OF TWELVE INCHES TO FACILITATE DEEP WATER PENETRATION.
 22. THE QUANTITIES OF THE FOUNDATION PLANTINGS ARE NOT LISTED WITHIN THE PLANTING SCHEDULE. FOUNDATION PLANTINGS FOR UNITS OUTSIDE THE 100' BUFFER AND WITHIN THE 100' BUFFER SHALL BE FROM THE RECOMMENDED LISTS BELOW.

ARBORTIE (GREEN) GUYING MATERIAL IS TO BE FLAT WOVEN POLYPROPYLENE, 3/4" WIDE, 900 LB. BREAK STRENGTH. ARBORTIE SHALL BE FASTENED TO TREE STAKES IN A MANNER WHICH PERMITS TREE MOVEMENT (8" SWAY) AND SUPPORTS THE TREE.



EVERGREEN TREE PLANTING

NOT TO SCALE

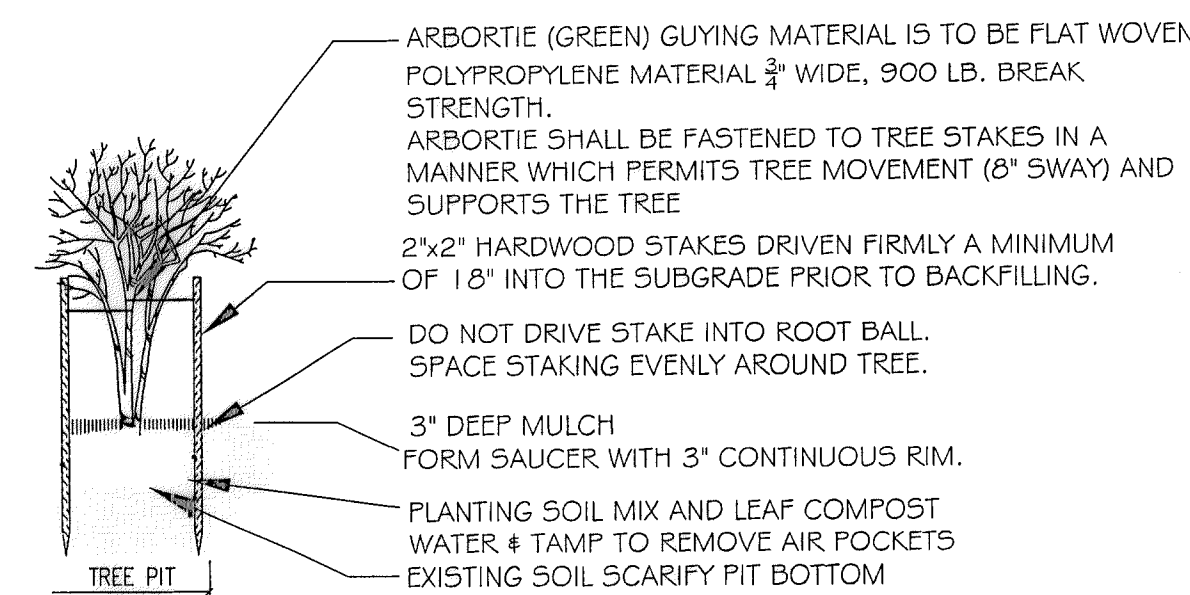
Planting Schedule		Botanical Name	Size	Remarks
Qty.	Common Name			
TREES				
6	BA Balsam Fir	Abies balsamea	8' Ht.	B&B
3	BP Grey Birch	Betula populifolia	8' Ht.	B&B-Multi-stem
3	CA Pagoda Dogwood	Cornus alternifolia	3' Cal.	B&B
2	CC Hornbeam	Cornus canadensis	3' Cal.	B&B
4	CK 'Cherokee Brave' Dogwood	Cornus florida 'Cherokee Brave'	3' Cal.	B&B
2	HT 'Tardiva' Hydrangea	Hydrangea paniculata 'Tardiva' treeform	#1 Spot	Container Grown
3	RM Red Maple	Acer rubrum	3' Cal.	B&B
6	TG 'Green Giant' Arborvitae	Thuja x plicata 'Green Giant'	6' Ht.	B&B

SHRUBS				
10	HQ	Oakleaf Hydrangea	Hydrangea quercifolia	24" Ht.
10	HV	Common Witchhazel	Hamamelis virginiana	24" Ht.
4	IV	Winterberry	Ilex verticillata	24" Ht.
7	PH	Golden Cup St. John's Wort	Hypericum Hidcote	24" Ht.
10	JE	Eastern Red Cedar	Juniperus virginiana	48" Ht.
6	JH	Creeeping Juniper	Juniperus horizontalis	#7 Pot
7	JV	'Taylor' Red Cedar	Juniperus virginiana 'Taylor'	48" Ht.
10	PH	'Summerwine' Purple Ninebark	Physocarpus opulifolius 'Summerwine'	24" Ht.
4	SY	'Bloomerang' Lilac	Syringa x Bloomerang	#3 Pot
12	VC	Highbush Blueberry	Vaccinium corymbosum	24" Ht.
13	VD	Arrowwood Viburnum	Viburnum dentatum	36" Ht.
3	VL	Chicago Lustre' Viburnum	Viburnum dentatum 'Chicago Lustre'	36" Ht.
5	VO	Highbush cranberry	Viburnum opulus	36" Ht.

PERENNIALS				
6	HA	'Aureola' Hakone Grass	Hakonechloa macra 'Aureola'	#3 Pot

GENERAL SITE NOTES

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS, RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.
2. ALL WORK SHALL CONFORM TO LOCAL, COMMONWEALTH OF MASSACHUSETTS, AND OSHA STANDARDS AND GUIDELINES.
3. LOCATION OF ALL EXISTING AND PROPOSED SERVICES ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY WITH LOCAL UTILITY COMPANIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. ALL UTILITY SERVICE CONNECTION POINTS SHALL BE CONFIRMED INDEPENDENTLY BY THE CONTRACTOR IN THE FIELD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
4. ALL UTILITY LOCATIONS ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE CONDUITS, PRODUCT PIPING, ETC. PRIOR TO COMMENCEMENT OF EXCAVATION OF ANY TYPE.
5. ALL EXCAVATED UNSUITABLE MATERIAL MUST BE TRANSPORTED TO AN APPROVED DISPOSAL LOCATION.
6. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY "DIG SAFE" (1-888-344-7233) 72 HOURS PRIOR TO ANY EXCAVATION ON THIS SITE. CONTRACTOR SHALL ALSO NOTIFY THE LOCAL DEPARTMENT OF PUBLIC WORKS TO MARK OUT THEIR UTILITIES.
7. THE LIMITS OF WORK SHALL BE CLEARLY MARKED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION OR SITE CLEARING.
8. ALL CONCRETE AND BITUMINOUS PATCH AREAS TO MATCH EXISTING GRADES.
9. SOLID WASTE TO BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
10. CONTRACTOR IS RESPONSIBLE FOR ALL EXCAVATION TO BE PERFORMED IN ACCORDANCE WITH CURRENT STANDARDS, AS WELL AS ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES.
11. IN CASE OF DISCREPANCIES BETWEEN PLANS, THE SITE PLAN WILL SUPERCEDE IN ALL CASES. NOTIFY ENGINEER OF RECORD OF ANY CONFLICTS.



- NOTES:
1. STAKE TO MAIN BRANCHES AS NECESSARY FOR FIRM SUPPORT.
 2. PLANT SO THAT TOP OF ROOT BALL IS EVEN WITH THE FINISHED GRADE.
 3. GUY WIRE SHALL NOT TOUCH OR RUB ADJACENT TRUNKS OR BRANCHES.
 4. REMOVE ALL CONTAINERS AND BASKETS FROM ROOT BALL.
 5. REMOVE BURLAP FROM TOP ONE THIRD OF ROOT BALL.
 6. LOOSEN ROOTBALL PRIOR TO PLANTING.

DECIDUOUS TREE PLANTING

NOT TO SCALE

DIG SAFE NOTE:

UTILITIES ARE PLOTTED FROM FIELD LOCATION AND ANY RECORD INFORMATION AVAILABLE, AND SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT AVAILABLE. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING. ALSO, CALL "DIG-SAFE" AT 1(888)344-7233 1(888)DIG-SAFE.

THE OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

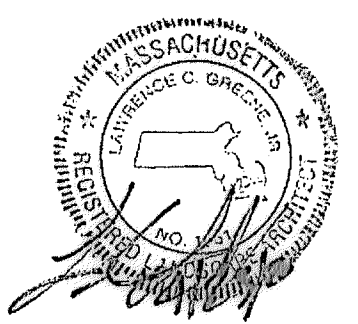
THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RONALD TIBERI P.E.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

LAWRENCE GREENE, RLA#1561

09/23/20
DATE



8-11-2020

APPROVED BY PLANNING BOARD

DATE: April 7, 2020

PROPOSED SITE

LANDSCAPE PLAN

IN
MEDWAY, MASSACHUSETTS

EVERGREEN VILLAGE 22 EVERGREEN STREET

PREPARED FOR:

SAMPSON POND LLC
P.O. Box 5
MEDWAY MA 02053

PREPARED BY:

McCARTY ENGINEERING
42 JUNGLE ROAD
LEOMINSTER, MA 01453

DRAWING SCALE: 1 inch = 20 feet

PROJECT NUMBER: 2616

DATE: SEPTEMBER 2.2019

L-1

PLANT SCHEDULE - RECOMMENDED FOUNDATION PLANTINGS FOR BUILDING UNITS OUTSIDE THE 100' WETLAND BUFFER

'Buzz Midnight' Butterfly Bush	Buddleia davidi 'Buzz Midnight'	36" Ht.	B&B
'Blue Chip' Butterfly Bush	Buddleia davidi 'Blue Chip'	36" Ht.	B&B
'Dark Knight' Bluebeard	Caryopteris x clandonensis 'Dark Knight'	36" Ht.	B&B
'Golden Mops' Hinoki Cypress	Chamaecyparis obtusa 'Golden Mops'	36" Ht.	B&B
'Pearl Glam' Callicarpa	Callicarpa sp. 'Pearl Glam'	36" Ht.	B&B
'Ivory Halo' Dogwood	Cornus alba 'Ivory halo'	36" Ht.	B&B
'Gold Splash' Euonymus	Euonymus fortunei 'Gold Splash'	36" Ht.	B&B
'Lady Stanley' Rose of Sharon	Hibiscus syriacus 'Lady Stanley'	36" Ht.	B&B
'Little Quick Fire' Hydrangea	Hydrangea paniculata 'Little quick fire'	36" Ht.	B&B
'Limelight' Hydrangea	Hydrangea paniculata 'Limelight'	36" Ht.	B&B
'Sky Pencil' Holly	Ilex crenata 'Sky Pencil'	36" Ht.	B&B
'Blushing Knock out' Rose	Rosa sp. 'Blushing Knock Out'	36" Ht.	B&B
'Little Princes' Spirea	Spirea japonica 'Little Princes'	36" Ht.	B&B
'Blue Muffin' Viburnum	Viburnum dentatum 'Blue Muffin'	36" Ht.	B&B
'Shasta' Viburnum	Viburnum plicatum tomen. 'Shasta'	36" Ht.	B&B

'Hamel' Fountain Grass	Pennisetum alopecuroides 'Hamel'	#3 Pot	C.G.
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PLANT SCHEDULE - RECOMMENDED FOUNDATION PLANTINGS FOR BUILDING UNITS WITHIN THE 100' WETLAND BUFFER

Shadow. service berry	Amelanchier canadensis-single stem	36" Ht.	B&B
Sweet pepperbush	Clethra alnifolia	36" Ht.	B&B
Sweet fern	Comptonia peregrina	#3 Pot	C.G.
Grey Dogwood	Cornus racemosa	36" Ht.	B&B
Red Twig Dogwood	Cornus sericea	36" Ht.	B&B
Silky Dogwood	Cornus amomum	36" Ht.	B&B
Fothergilla	Fothergilla major	36" Ht.	B&B
Mountain pieris	Pieris floribunda	36" Ht.	B&B
Beach plum	Prunus maritima	36" Ht.	B&B
Rosebay Rhododendron	Rhododendron maximum	36" Ht.	B&B
Canada yew	Taxus canadensis	36" Ht.	B&B
Maple leaf viburnum	Viburnum acerifolia	36" Ht.	B&B



November 8, 2022
Medway Planning & Economic Development Board
Meeting

Construction Reports
UPDATED

- Salmon Health – The Willows
 - Field Report #82 dated 8/29/22, by Tetra Tech
 - Field Report #83 dated 9/6/22, by Tetra Tech
 - Field Report #84 dated 10/14/22, by Tetra Tech
- Medway Mill
 - Field Report #12 dated 7/6/22, by Tetra Tech
 - Field Report #13 dated 8/3/22, by Tetra Tech
 - Field Report #14 dated 11/4/22, by Tetra Tech
- Harmony Village
 - Field Report #24 dated 10/19/22, by Tetra Tech
- **Cutler Place – October Monthly report dated 11-1-22 from project engineer Rob Tiberi**
- **William Wallace Village – October monthly report dated 11-5-22 from project engineer Dan Merrikin**

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 08/30/2022	Report No. 82
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Black Brook Realty (Developer) C.D Riley (Site Contractor)	Weather A.M. P.M. CLEAR	Temperature A.M. P.M. 86°F

FIELD OBSERVATIONS

On Tuesday, August 30, 2022, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. General site conditions: Current construction efforts are being done on the proposed cottages along Waterside Run. Silt fence barrier (SFB) and compost filter socks have been installed along the western limits of Waterside Run and various sections appear damaged. Construction material is stockpiled throughout the site.
- B. Contractor has begun work on the next group of cottages along Waterside Run. Foundations for Units 20 and 22 have been poured and backfilled. The remaining foundation locations have been excavated and are being prepared.
- C. Excavation for infiltration trench 30 has been completed. TT examines native material at bottom of trench which appears to be loamy sand. These observations correlate to Test Pit 15-42 results. Contractor to backfill the trench with imported material for the roof infiltration system subbase that closely resembles the native material. Contractor has provided the sieve analysis for the fill material.
- D. Vertical construction continues for Units 2 through 16 along Waterside Run.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		
Laborers	3	Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters	5-10	Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
		Conc. Truck		Skidder		
		Conc. Pump Truck		Compact Track Loader	Peter Bemis	EDC
		Pickup Truck		Water Truck		
		Tri-Axle Dump Truck		Crane Truck		
		Trailer Dump Truck		Sweeper		
		Rock Truck	1	BOMAG Remote Comp.		
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	4:30 P.M. – 4:45 P.M.

Project Salmon Health and Retirement Community	Date 08/30/2022	Report No. 82
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Properly dispose of concrete washouts located throughout the site. ConCom or TT are required to be on site during removal to ensure the washouts are not buried. **TT Update: ConCom confirms concrete washouts were disposed of properly. In our opinion, this item is resolved.**
- B. Repair damaged SFBs located behind Cottages 6 and 8 along Waterside Run.
- C. Provide outstanding SWPPP inspection reports to Conservation.
- D. Developer to confirm Basin 3's maintenance drawdown outlet is closed to ensure the basin is operating as designed. **TT Update: We will visit the site during the next heavy rain event to check on the basin.**
- E. Repair damaged CCB along Waterside Run upon completion of the cottages.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 09/06/2022	Report No. 83
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Black Brook Realty (Developer) C.D Riley (Site Contractor)	Weather A.M. RAIN P.M.	Temperature A.M. 60°F P.M.

FIELD OBSERVATIONS

On Tuesday, September 6, 2022, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. General site conditions: Site is wet with ponding stormwater throughout the entire site. Recently placed loam around the cottages on Waterside Run is soft, however, there are no signs of erosion. Silt fence barrier (SFB) and compost filter socks are erected along the western limits of Waterside Run and appear to be repaired. Stormwater is being retained in Basin 1 and Basin 2 as designed.
- B. Stockpiles of loam and gravel are located near Walnut Grove and are unstable. TT recommends the contractor place additional compost filter socks around the toe of the stockpiles to mitigate erosion.
- C. Contractor continues work on the next group of cottages along Waterside Run. Foundations for Units 20 and 22 have been poured and backfilled. The footers for the foundations of Units 24 and 26 have been poured and concrete form boards are on site for the foundation.
- D. Infiltration trench 30 has been installed and backfilled. Inspection ports have been added to both Cultec rows and covered with crushed stone and wrapped in filter fabric. The infiltration trench is mostly backfilled with excavated material.
- E. Carpentry continues for Units 2 through 16 along Waterside Run.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		
Laborers		Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters	5-10	Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
		Conc. Truck		Skidder	OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck		Water Truck		
		Tri-Axle Dump Truck		Crane Truck		
		Trailer Dump Truck		Sweeper		
		Rock Truck	1	BOMAG Remote Comp.		
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	11:15 A.M. – 11:45 A.M.

Project Salmon Health and Retirement Community	Date 09/06/2022	Report No. 83
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. Install compost filter socks around unstable material stockpiles.

4. PREVIOUS OPEN ACTION ITEMS

- A. Repair damaged SFBs located behind Cottages 6 and 8 along Waterside Run. **TT Update: SFBs appear to be repaired and in good condition. In our opinion, this item is resolved.**
- B. Provide outstanding SWPPP inspection reports to Conservation.
- C. Developer to confirm Basin 3's maintenance drawdown outlet is closed to ensure the basin is operating as designed. **TT Update: We will visit the site during the next heavy rain event to check on the basin.**
- D. Repair damaged CCB along Waterside Run upon completion of the cottages.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 10/14/2022	Report No. 84
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Black Brook Realty (Developer) C.D Riley (Site Contractor)	Weather A.M. RAIN P.M.	Temperature A.M. 60°F P.M.

FIELD OBSERVATIONS

On Friday, October 14, 2022, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. This report outlines observations made during the site visit.

1. OBSERVATIONS

- A. General site conditions: Site is soft and wet throughout the disturbed regions along Waterside Run. Slopes have been stabilized around Units 2 through 18 with vegetation. Some erosion is observed at the gutter downspouts which should be addressed at the earliest convenience. Silt fence barrier (SFB) and compost filter socks are in good condition along the western limits of Waterside Run.
- B. TT on site to observe Basin 3 following a recent rain event. The forebay and basin appear to be staging water as designed. No flow is observed on the downstream end of the Outlet Control Structure (OCS) which indicates that the dewatering valve is closed.
- C. TT observed excessive ponding at approx. STA 9+50 along Waterside Run. TT recommends the contractor clean the silt sacks located in the catch basins at this station to allow for positive flow into the structures.
- D. Stockpiles of loam and gravel near Walnut Grove remain unstable, however, the contractor has placed compost filter socks around each stockpile.
- E. Contractor continues work on the cottages along Waterside Run. Foundations for Units 20 through 26 have been poured and backfilled. The footers for the foundations of Units 28 and 30 have been poured.
- F. Carpentry continues for Units 2 through 16 along Waterside Run.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		
Laborers		Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters	5-10	Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
		Conc. Truck		Skidder	OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck		Water Truck		
		Tri-Axle Dump Truck		Crane Truck		
		Trailer Dump Truck		Sweeper		
		Rock Truck	1	BOMAG Remote Comp.		
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	10:15 A.M. – 10:45 A.M.

Project Salmon Health and Retirement Community	Date 10/14/2022	Report No. 84
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. Repair eroded loam along Waterside Run.
- B. Clean silt sacks at approx. STA 9+50 to prevent excessive ponding in the roadway.

4. PREVIOUS OPEN ACTION ITEMS

- A. Provide outstanding SWPPP inspection reports to Conservation.
- B. Developer to confirm Basin 3's maintenance drawdown outlet is closed to ensure the basin is operating as designed. **TT Update: Basin was checked during this visit and appears to be functioning as designed. In our opinion, this item is resolved.**
- C. Repair damaged CCB along Waterside Run upon completion of the cottages.
- D. Install compost filter socks around unstable material stockpiles. **TT Update: Contractor has placed compost filter socks around all stockpiles adjacent to Walnut Grove. In our opinion, this item is resolved.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Medway Mills	Date 07/06/2022	Report No. 12
Location 165 Main Street, Medway, MA	Project No. 143-21583-20011	Sheet 1 of 2
Contractor Peter McCarthy (Site Contractor) John Greene (Developer)	Weather A.M. P.M. CLEAR	Temperature A.M. P.M. 77°F

FIELD OBSERVATIONS

On Wednesday, July 6, 2022, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location with Ariel Powers of Medway Conservation Commission (ConCom) to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Condition/Erosion Controls: Dry ground surface that is firm throughout the site. Sit fence barrier (SFB) and compost filter socks have been installed around the perimeter of the site in accordance with approved site plans and appear to be in good condition. Silt sacks have been installed at catch basins adjacent to the driveway apron. Vegetation has been established around the entirety of the site excluding the recently excavated swale along the southeast corner of the site.
- B. Contractor is not on-site during inspection. Stone gabion weir has been completely installed in proposed infiltration basin. Vegetation has been established within the basin and is stabilizing the slopes.
- C. Excavation has been performed for the proposed swale at the southeast corner of the property adjacent to the existing parking lot. Riprap check dams are to be installed in the excavated as indicated in the approved Plans.
- D. Compacted gravel bed has been placed adjacent to the proposed brick sidewalk in preparation for the proposed paved fire truck access.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	
Foreman		Backhoe		Asphalt Reclaimer	
Laborers		Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.		Skid Steer		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator		Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tack Truck	
Surveyors		Conc. Mixer		Man Lift	
Roofers		Conc. Truck		Skidder	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader	
		Pickup Truck			
		Tri-Axle Dump Truck			
		Trailer Dump Truck			
Police Details:				RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.				Name	Time on-site
				Tucker D. Paradee, EIT	12:30 P.M. – 1:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Medway Mills	Date 07/06/2022	Report No. 12
Location 165 Main Street, Medway, MA	Project No. 143-21583-20011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

A. TT will maintain communication with the developer and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

A. Developer to submit field change at the location of the existing roof drain into the proposed swale.

4. PREVIOUS OPEN ACTION ITEMS

A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Medway Mills	Date 08/03/2022	Report No. 13
Location 165 Main Street, Medway, MA	Project No. 143-21583-20011	Sheet 1 of 2
Contractor Peter McCarthy (Site Contractor) John Greene (Developer)	Weather A.M. P.M. MOSTLY CLEAR	Temperature A.M. P.M. 95°F

FIELD OBSERVATIONS

On Wednesday, August 3, 2022, George Sachs-Walor from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Condition/Erosion Controls: Dry ground surface that is firm throughout the site. Sit fence barrier (SFB) and compost filter socks have been installed around the perimeter of the site in accordance with approved site plans and appear to be in good condition. Silt sacks have been installed at catch basins adjacent to the driveway apron. Damaged sections of SFB near bottom of walkway to parking lot in need of repair. Vegetation has been established around the entirety of the site excluding the recently excavated swale along the southeast corner of the site. Additional vegetation stockpiled at the southeast end of the site in preparation to be planted.
- B.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS		
Sup't		Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer			
Laborers		Loader		Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck					
		Tri-Axle Dump Truck					
		Trailer Dump Truck					
Police Details:					RESIDENT REPRESENTATIVE FORCE		
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name		Time on-site
					George Sachs-Walor		1:40 P.M. – 1:50 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Medway Mills	Date 08/03/2022	Report No. 13
Location 165 Main Street, Medway, MA	Project No. 143-21583-20011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

A. TT will maintain communication with the developer and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

A. Repair damaged SFB sections near bottom of walkway steps.

4. PREVIOUS OPEN ACTION ITEMS

A. Developer to submit field change at the location of the existing roof drain into the proposed swale.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Medway Mills	Date 10/29/2022	Report No. 14
Location 165 Main Street, Medway, MA	Project No. 143-21583-20011	Sheet 1 of 2
Contractor John Greene (Developer)	Weather A.M. CLEAR P.M. CLEAR	Temperature A.M. 40°F P.M. 55°F

FIELD OBSERVATIONS

1. OBSERVATIONS

- A. TT on-site to observe top course paving operations by Del Vecchio Construction. The existing binder course was recently swept and leaves blown off for a clean surface. The contractor placed tack coat throughout the limits of the parking lot with a tack wagon with manual wand for good coverage. Contractor placed approximately 2 ¼ - 2 ½ inches of bituminous asphalt concrete top course mix to achieve a final compacted depth of approximately 1 ½ - 2 inches per the approved plans.
- B. Much of the new parking lot area is stabilized and appears to be near completion. The developer continues work on the proposed swale along the east side of the site.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		Del Vecchio Construction	Top Course Paving
Laborers	3-5	Loader		Vib. Roller	2		
Drivers	3	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck	1		
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck					
		Tri-Axle Dump Truck	3				
		Trailer Dump Truck					
Police Details:						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Steven M. Bouley, PE	8:00 A.M. – 11:00 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Medway Mills	Date 10/29/2022	Report No. 14
Location 165 Main Street, Medway, MA	Project No. 143-21583-20011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. TT will maintain communication with the developer and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Developer to submit field change at the location of the existing roof drain into the proposed swale. **TT Update: Stormwater is permitted through Conservation and will coordinate with that Board.**
- B. Repair damaged SFB sections near bottom of walkway steps. **TT Update: this area appears to be stabilized and no additional erosion controls appear to be needed, In our opinion, this item is resolved.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Harmony Village	Date 10/19/2022	Report No. 24
Location 218-220 Main Street, Medway, MA	Project No. 143-21583-20018	Sheet 1 of 2
Contractor Gary Feldman, Marcelo Alves (Applicant/Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 44°F P.M.

FIELD OBSERVATIONS

On Wednesday, October 19, 2022, Tucker Paradee from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- Site Conditions: Existing driveway is covered with leaves that are cleaned with blowers prior to paving. Vegetation has been established throughout the entire site.
- TT on site to inspect top course paving efforts. Subcontractor starts in the parking areas for Units 1 and 2 with handwork at corners. Ambient temperatures while paving this region are below the recommended 40F and rising until 9AM. Bituminous concrete asphalt is installed at a depth of approximately 2-inches (loose) to achieve a compacted depth of 1 ½-inch. Prior to paving, tack coat is spread around the binder course surface to ensure proper adhesion between layers. Installed top course is continuously compacted with vibrating roller and a walk behind compactor is utilized around the edges. Temperatures range from 260-290F out of the screed. Saw cuts are made along Main St. and the adjoining sidewalk to ensure final grades are matched. Contractor installs proposed cape cod berm along the western side of the driveway.
- Contractor is tapping water main along Main St. while on site.
- Some sections of irrigation appear damaged and should be repaired during final landscaping efforts.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer		A-1 Paving	Top course installation
Laborers	7	Loader		Vib. Roller	2		
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	3	Well Drilling Rig			
		Tri-Axle Dump Truck	1				
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Tucker Paradee	8:00 A.M. – 12:30 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Harmony Village	Date 10/19/2022	Report No. 24
Location 218-220 Main Street, Medway, MA	Project No. 143-21583-20018	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. TT will maintain communication with the Contractor and Developer and will inspect the site on an as-needed basis.

3. NEW ACTION ITEMS

- A. Repair irrigation during landscaping efforts.

4. PREVIOUS OPEN ACTION ITEMS

- A. Repair/replace filter socks along western property line. **TT Update: With exterior construction no longer being done and the site being stabilized, TT recognizes filter socks are no longer necessary. In our opinion, this item is resolved.**
- B. Remove stockpiled material from the top of compost filter sock and repair erosion controls as needed. **TT Update: See update for above item. In our opinion, this item is resolved.**
- C. Install roof drain overflow devices at downspouts for Units 1 and 2. **TT Update: Overflow devices have been installed for Units 1 and 2. In our opinion, this item is resolved.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

Progress Report

Project Details

Project name	Cutler Place	
Location	6 Cutler Street	Medway MA
Owner	Cutler Place LLC	Medway MA
Reporting period	9-29-2022 thru 11-1-2022	
Report compiled by	Ron Tiberi P.E. 	9 Mass Ave Natick MA
Date inspected/ submitted	11/1/22	

Summary

Erosion controls partially installed & maintained. Limited Site Activity. Utilities from street completed. Addition enclosed, decks under construction. No significant Site work this period.

Activities

Activity 1 Construction Controls

Status	Achieved
Objective	Addition Enclosed- decks under construction
Activity dates	
Progress	
Comments	Sanitary Facilities on-site, No construction trailers

Activity 2 Erosion Controls

Status	Achieved
Objective	Erosion controls implemented & maintained
Activity dates	
Progress	Completed & maintained
Comments	

Activity 3 Water & Sewer Utilities

Status	Completed
Objective	
Activity dates	
Progress	Piping installed to Cutler Street, and domestic H2O and fire suppression lines have also been stubbed into basement from street.
Comments	

Activity 4 Parking Area

Status	
Objective	Rain Garden rough graded
Activity dates	
Progress	
Comments	

Activity 5 Building

Status	IN Progress
Objective	Addition Enclosed decks constructed
Activity dates	
Progress	
Comments	

Activity 6 Site Features

Status	
Objective	
Activity dates	
Progress	
Comments	

Photographs

#1



Building addition enclosed & sided, decks framed & Rain garden

#2



Side of addition



dan@legacy-ce.com

508-376-8883(o)

508-868-8353(c)

730 Main Street

Suite 2C

Millis, MA 02054

CONSTRUCTION INSPECTION REPORT

Date of Inspection: 11/4/2022 **Time On-Site:** 11:00 am **Weather:** 70F, Sunny

Location: William Wallace Village, 274 Village Street, Medway, MA

Inspection By: Daniel J. Merrikin, P.E.

Date of Report: 11/5/2022

Observation Requested by: DTRT LLC
Medway Planning & Economic Development Board

Activity Summary:

At the time of inspection work on the following structures was ongoing:

- Unit 2/4 is substantially complete and occupied.
- Unit 6/8 appears to be substantially complete and occupied.
- Unit 18 (old house) is substantially complete and occupied.
- Unit 20/22/24 appears to be substantially complete and partially occupied.
- Unit 10/12 is substantially complete on the exterior. Interior fit and finish continues.
- Unit 14/16 is framed and roofed. Interior and exterior construction continues.
- The mail kiosk is substantially complete.

Note the following site construction activities since our last inspection.

- Some site subgrade work has been conducted around unit 14/16 and 20/22/24 in preparation of loaming and seeding.
 - Vertical concrete curbing at the entrance is installed.
 - Portions of the site sidewalk have been gravelled in preparation for binder course installation.
 - Removal of the remainder of an old concrete foundation behind until 10/12 is complete.
 - Sediment accumulated in a small portion of the stormwater basin as a result of the well installation has been removed.
-



Erosion Controls:

Note the following:

- Removal of the remainder of an old concrete foundation behind unit 10/12 is complete.
Erosion controls will be re-established in that area.

Recommended Improvements:

1. Refresh erosion controls behind unit 10/12.
2. Refresh erosion controls throughout site as needed in areas where final stabilization has not yet occurred.











November 8, 2022
Medway Planning & Economic Development Board
Meeting

Town Meeting – Zoning Bylaw
Amendments – Discussion on PEDB
recommendations

- Final Town Meeting Warrant

Article 21 pertains to the Board's proposal to define "Contractor's Quarters" and allow such use by right in multiple business/industrial zoning districts in Medway.

When Matt and I attended the 10-17-22 Select Board meeting to review all the proposed ZBL amendments, Select Board member Glenn Trindade vocalized his opposition to the proposal; the SB did not vote its recommendation at that time and has kept it open. At the 10-26-22 FinCom meeting, Select Board member Trindade expressed his opposition to the article and FinCom voted to NOT recommend it to Town Meeting. We expect the Select Board will decide at its 11-7-22 meeting whether to recommend this article.

The PEDB needs to revisit how it wants to proceed with Article 21. You previously voted to recommend approval. If both FinCom and the SB do not recommend it, and you want to proceed, the PEDB will need to offer an affirmative motion to

approve and discussion will then ensue.

Another option is for the PEDB to take a new vote to recommend referring Article 21 back to the Planning and Economic Development Board for further study. Such an approach will provide maximum flexibility going forward if the Board wishes to rework the proposal.

**TOWN OF MEDWAY
WARRANT FOR 2022
FALL TOWN MEETING**

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the Medway High School Auditorium, 88 Summer Street, on Monday, November 14, 2022, at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Raise and Appropriate: Fiscal Year 2023 Debt Budget)
To see if the Town will raise and appropriate the sum of \$495,000 in fiscal year 2023 and transfer this sum to the fiscal year 2023 debt budget, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 2: (Acquire 120 Main Street)
To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of 120 Main Street, Assessor's Parcel 39-069, and described in a deed recorded in the Norfolk County Registry of Deeds in Book 9695, Page 721, containing 8.309 acres more or less, including all structures and fixtures thereon, upon such terms and conditions as the Select Board shall determine to be appropriate, to be under the care, custody, management and control of the Select Board for general municipal purposes, and, further, to see if the Town will vote to appropriate the sum of \$4,515,000 to pay the costs of acquiring the property and for the payment of all other costs incidental and related thereto, and to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow such sum under General Laws Chapter 44, section 7 or any other enabling authority, and further to authorize the Select Board and Town officers to execute all instruments and agreements and take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 3: (Acquire 72B Main Street)

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of 72B Main Street, Assessor's Parcel 40-051-0001, containing 0.814 acres more or less, including all structures and fixtures thereon, upon such terms and conditions as the Select Board shall determine to be appropriate, to be under the care, custody, management and control of the Select Board for general municipal purposes, and, further, to see if the Town will vote to appropriate the sum of \$405,000 to pay the costs of acquiring the property and for the payment of all other costs incidental and related thereto, and to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow such sum under General Laws Chapter 44, section 7 or any other enabling authority, and further to authorize the Select Board and Town officers to execute all instruments and agreements and take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 4: (Accept Gift of Land: 72A Main Street)

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of a parcel of land located at 72A Main Street, Assessor's Parcel 40-051-0002, containing 2.514 acres more or less, including all structures and fixtures thereon, upon such terms and conditions as the Select Board shall determine to be appropriate, to be under the management and control of the Select Board for general municipal purposes, and, further, to see if the Town will vote to transfer from available funds or raise and appropriate the sum of \$5,000 to pay costs of acquiring the property and for the payment of all other costs incidental and related thereto and to authorize the Select Board and Town officers to execute all instruments and agreements and take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 5: (Raise and Appropriate: Fiscal Year 2023 DPW Budget)

To see if the Town will raise and appropriate the sum of \$85,000 in fiscal year 2023 and transfer this sum to the fiscal year 2023 Public Works Department Vehicle Fuel Budget, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 6: (Prior Year Bills)

To see if the Town will vote to transfer \$214.50 from the Fiscal Year 2023 Human Resources Other Purchased Services Account and \$335 from the Fiscal Year 2023 Solid Waste Recycling Disposal Account for the purpose of paying prior year, unpaid bills of the Town, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 7: (Free Cash Transfer to Facility Stabilization Fund)

To see if the Town will vote to transfer \$1,000,000 from Certified Free Cash to the Capital Stabilization Fund, or act in any manner thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 8: (Fund High School Tennis and Pickle Court Lights from Free Cash and/or Community Preservation Act Funds)

To see if the Town will vote to transfer \$240,000 from available funds for the purpose of purchasing and installing the following capital items, and for the payment of all other costs incidental or related thereto:

Project	Department	Cost
Lights at High School Pickle Ball/Tennis Courts	Public Works	\$240,000
	Total	\$240,000

Or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: To Be Determined

ARTICLE 9: (Free Cash Transfer: Athletic Field Stabilization Fund)

To see if the Town will vote to transfer \$75,000 from Certified Free Cash to the Athletic Field Stabilization Fund, or act in any manner relating thereto.

FINANCE COMMITTEE

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 10: (Borrowing -Water Enterprise Fund - Fund Lead Water Line Study)

To see if the Town will vote to appropriate the sum of \$140,000 for the purpose of funding a lead service water line inventory and development of a replacement plan for such water lines; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$140,000 and issue bonds or notes therefore pursuant to the provisions of General Laws Chapter 44, section 8, Chapter 29C, or any other enabling authority; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Select Board determines that those bonds should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Select Board be authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Select Board be authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and further, to authorize the Select Board and Town officers to take all related actions necessary or appropriate to carry out the purpose of this article, including the execution of contracts in excess of three years to undertake or assist with the inventory and plan, and the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, or act in any manner relating thereto.

PUBLIC WORKS DEPT

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 11: (Borrowing - Water Enterprise Fund– Oakland Well Water Line to New Centralized Water Treatment Plant)

To see if the Town will vote to authorize the Treasurer with the approval of the Select Board to borrow \$610,000 under General Laws Chapter 44, section 8 or any other enabling authority for the purpose of funding the construction of a water line from the Oakland Well to the new centralized water treatment plan, including engineering, design and project management services, site preparation, and for the payment of all other costs incidental and related thereto; and further, to authorize the Select Board to apply for, accept and expend any county, state or federal grant for this purpose, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 12: (Endorse Master Plan)

To see if the Town will vote to accept the following Resolution to endorse the 2022 Medway Master Plan.

Whereas, the 2022 Medway Master Plan has been created with the input of Medway citizens, organizations, local government representatives, and Town administration;

And whereas, the Medway Planning and Economic Development Board has approved the 2022 Medway

Master Plan, consisting of 24 goals and many specific strategies, in 4 different categories;

And whereas, the 2022 Medway Master Plan has been posted on the Town of Medway website under the Master Plan Committee webpage;

Now, therefore be it hereby resolved, that the Medway Town Meeting endorses the 2022 Medway Master Plan, as approved by the Medway Planning and Economic Development Board on October 25, 2022.

Or to act in any manner relating thereto.

**MASTER PLAN COMMITTEE AND
PLANNING AND ECONOMIC DEVELOPMENT BOARD**

SELECT BOARD RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 13: (Amend General Bylaws: Permit/License Security)

To see if the Town will vote to amend the General Bylaws by adding a new Bylaw as follows:

Section XXXIII Security Posted in Connection with Licenses, Permits and Approvals

Section 33.1 Purpose

The purpose of this Bylaw is to provide a mechanism for the application by Town officers, boards, committees and commissions of security posted by applicants in connection with their obtaining licenses, permits, approvals, authorizations and contracts. This Bylaw is adopted pursuant to the home rule authority of the Town and the authority conferred by G.L. c. 44, § 53G½.

Section 33.2 Scope

It is the intent of this Bylaw to govern as broad a range of situations as possible in which Town officers, boards, committees and commissions require some form of security from applicants, provided that this Bylaw shall not apply to deposits or other financial surety received under G.L. c. 41, § 81U or financial surety governed by other general or special laws. Without limiting the generality of the foregoing, this Bylaw shall apply to surety required by (a) the Select Board to secure performance under any contract which such board is authorized to execute by general or special law or by any of the General Bylaws; (b) the Select Board to secure performance of any condition for the issuance by such board of any license, permit or approval; (c) the Conservation Commission to secure performance of any obligation undertaken by an applicant for an order of conditions, land disturbance permit or other approval granted by such commission; (d) the Planning and Economic Development Board and Zoning Board of Appeals to secure performance of any obligation undertaken by an applicant for a special permit, variance, site plan approval, land disturbance permit or other approval granted by such boards; and (e) the Department of Public Works to secure performance of any obligation undertaken by an applicant for a stormwater permit, street opening permit, or other approval granted by such department.

Section 33.3 Handling of Funds.

(a) Subject to any restrictions set forth in any authorizing statute or Bylaw, Town officers, boards, committees and commissions may require, accept, hold and apply security in a deposit of money, a bond issued by a bonding company authorized to do business within the Commonwealth of Massachusetts, a letter of credit, and a so-called 'tri-partite' agreement of the kind described in G.L. c. 41, § 81U(4).

(b) Any deposit of money hereunder shall be held by the Treasurer in a special account established specifically for such purpose, separate and apart from all other funds. Any bonds, letters of credit and so-called "tri-partite" agreements shall also be held by the Treasurer, and any funds generated from such surety shall likewise be deposited in such a special account. Any such account shall be an interest-bearing account with a Massachusetts bank. All interest accruing on each such account shall be added to the principal of such account for disposition as set forth herein.

Section 33.4 Performance Standards

(a) Any Town officer, board, committee or commission requiring surety from any applicant hereunder shall be responsible for determining, in the exercise of his, her or its reasonable discretion and in good faith, the extent, quality and adequacy of any work done by such applicant or performance by such applicant of the obligation for which such surety was given. Such officer, board, committee or commission may, but need not, reduce the amount of surety held upon proof of satisfactory partial work or performance by such applicant, provided that nothing herein shall require that such reduction be commensurate with the extent of such performance.

(b) If and when such Town officer, board, committee or commission determines that such applicant has fully and satisfactorily completed all work and performed all obligations for which such surety was given, such surety shall be released and returned to the applicant, including any accrued interest.

Section 33.5 Default

(a) If any Town officer, board, committee or commission which has received surety for work or for the performance of any obligation hereunder determines at any time that the applicant who posted such security is in default of his, her or its obligations (whether because of a failure to complete such work or performance by a designated deadline, or the unsatisfactory quality of such applicant's work or performance, or otherwise), such officer, board, committee or commission may declare such applicant in default, after first providing the applicant with written notice and an opportunity to be heard regarding whether such applicant is in default.

(b) Upon a declaration of default, such officer, board, committee or commission shall be entitled to apply any and all surety posted by such applicant (including any interest received thereon) to the completion of the work or the performance of the obligations for which such surety was posted. Without limiting the generality of the foregoing, such officer, board, committee or commission may take any and all actions necessary or appropriate to enforce any bond, make demand on any issuer of a letter of credit, and demand payment under any so-called "tri-partite" agreement, and any money received as a result thereof shall be deposited in an account held by the Treasurer under §31.3(b), above. Monies in such special account may be expended by such officer, board, committee or commission, without further appropriation, to complete the work or perform the obligations which such applicant was obliged to do or perform. Any monies remaining in such account after all work has been done and all obligations performed to the full satisfaction of such officer, board, committee or commission shall be returned to the applicant, including any accrued interest.

Section 33.6 Procedure for Return of Surety

(a) At any time, and from time to time, an applicant whose surety is being held by the Treasurer on behalf of a Town officer, board, committee or commission may give written notice to such officer, board,

committee or commission that in such applicant's opinion the work or performance that such surety was intended to secure has been fully and satisfactorily completed. Such notice shall contain a demand for the return of surety and the full name and address of the applicant. If such officer, board, committee or commission determine that such work or performance has been fully and satisfactorily completed, then he, she or it shall release the surety, or so much of it as may then remain, including any accrued interest, as set forth in §31.4(b), above. If such officer, board, committee or commission determines that such work or performance has not been fully and satisfactorily completed, then he, she or it shall specify in a written notice to the applicant the details wherein such work or performance remains incomplete or unsatisfactory within forty-five days after the receipt by such officer, board, committee or commission of the said notice and demand from the applicant. In the event that such forty-five-day period expires without such specification, then the applicant shall be entitled to the return of all surety then remaining, including any accrued interest. Any notice under this Bylaw by an applicant to a Town officer, board, committee or commission shall be given by certified mail, return receipt requested, or by hand delivery with a signed receipt.

Section 33.7 Severability

If any term, condition or provision set forth in this Bylaw should be found by a court of competent jurisdiction to be illegal, invalid or unenforceable as applied under particular circumstances, such term, condition or provision shall not be deemed stricken from this Bylaw but rather shall be, to the greatest extent possible, deemed applicable only to such circumstances as will not support a finding of such illegality, invalidity or unenforceability. The illegality, invalidity or unenforceability of any term, condition or provision of this Bylaw shall not affect the legality, validity or enforceability of any other term, condition or provision of this Bylaw.

Or act in any manner related thereto.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPT

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 14: (Amend General Bylaws: Building Demolition)

To see if the Town will vote to amend the General Bylaws, Article XVII, Building Demolition, as follows (deletions shown in ~~strike through~~ and additions underlined):

ARTICLE XVII

Building Structure Demolition

Section 17.1 Intent and Purpose

This bylaw is enacted to promote the public welfare and safeguard Medway's historical, cultural and architectural heritage by protecting historical resources that make the town a more interesting, attractive and desirable place in which to live. The bylaw aims to protect "preferably-preserved historically significant ~~buildings~~-structures" within the town by encouraging their owners to seek alternatives to their demolition and by providing the town an opportunity to work with owners of such properties in identifying alternatives to their demolition.

Section 17.2 Definitions

As used in this bylaw, the following words and terms shall have the meanings set forth below, unless the context otherwise requires:

- 2.1 "APPLICANT" - any person or entity who files an application for a demolition permit.
- 2.2 "BUILDING" - any combination of materials forming a shelter for persons, animals or property.
- 2.3 "COMMISSION" - the Medway Historical Commission.
- 2.4 "DEMOLITION" - any act of destroying, pulling down, razing or removing a buildingstructure or substantial portion thereof, or starting the work of any such act with the intention of completing the same.
- 2.5 "HISTORICALLY SIGNIFICANT ~~BUILDINGSTRUCTURE~~" - any buildingstructure or portion thereof, which:
 - (a) Is in whole or in part seventy-five or more years old; and
 - (b) Is listed on the National Register of Historic Places or the Massachusetts Register of Historic Places, or which is the subject of a pending application for such listing, or is eligible for such listing, or;
 - (c) Is within any historic district, or;
 - (d) Has an important association with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth, or;
 - (e) Is historically or architecturally important (in terms of period, style, method of buildingstructure construction, or association with a recognized architect or builder) either by itself or in the context of a group of buildingsstructures.
- 2.6 "PREFERABLY-PRESERVED HISTORICALLY SIGNIFICANT ~~BUILDINGSTRUCTURE~~" - any historically significant buildingstructure which the Commission determines, as provided in section 17.3.6.iii of this bylaw, is in the public interest to be preserved or rehabilitated rather than to be demolished.
- 2.7 "STRUCTURE": Anything constructed or erected at a fixed location on the ground to give support or to provide shelter, including dams.

Section 17.3 Procedure

- 3.1 No permit for the demolition of a buildingstructure which is in whole or in part seventy-five or more years old or portion thereof shall be issued other than in conformity with the provisions of this bylaw as well as in conformity with the provisions of other laws applicable to the demolition of buildingsstructures and the issuance of permits thereof generally.
- 3.2 Application contents: Every application for a demolition shall be filed with the Building Commissioner and shall contain the following information:
 - (i) The owner's name and current address (and/or the name of owner's legal representative, if applicable);
 - (ii) The applicant's name, address, and interest in such buildingstructure, if different from the owner;
 - (iii) The address or location of such buildingstructure;
 - (iv) Assessors' Parcel ID;
 - (v) A brief description of such buildingstructure including its age;
 - (vi) An explanation of the proposed use and/or changes thereof to be made of the site of such buildingstructure; and
 - (vii) 4" x 6" color photos of all sides of the buildingstructure exterior and all other outbuildingsstructures that are visible from the street.

- 3.3 Upon receipt of an application for a demolition permit for a buildingstructure which is in whole or in part seventy-five or more years old, the Building Commissioner shall forward a copy thereof to the Commission within seven business days. No demolition permit shall be issued at that time.
- 3.4 Within forty-five days after the Commission's receipt of a complete application, the Commission shall make an initial determination on whether the buildingstructure is historically significant. The applicant for the permit may make a presentation to the Commission at that time. The Commission may require that the applicant provide a report from an engineer licensed to practice in Massachusetts with respect to any claims by the applicant as to the structural condition of the buildingstructure. The Commission may also, at the applicant's expense, hire its own consultant to review any such reports and any claims by the applicant as to the structural condition of the house.
- 3.5 If the buildingstructure is determined not to be historically significant, the Commission shall notify the Building Commissioner and the applicant, in writing, within seven business days of its initial determination and the Building Commissioner may issue a demolition permit.

If the Commission determines that the buildingstructure is historically significant, it shall notify the Building Commissioner and the applicant, in writing, within seven business days of its initial determination; and the Commission shall, within forty-five days of its initial determination, open a public hearing to determine whether the historically significant buildingstructure is preferably preserved.

(i) Publication of Notice of Public Hearing

Public notice of the time, place and purpose of the hearing shall be published in a newspaper of general circulation in the Town not less than fourteen days prior to the date of said hearing and shall be posted in a conspicuous place in town hall for a period of not less than fourteen days prior to the date of said hearing. Notice of the hearing shall also be posted online on the Town of Medway website (www.townofmedway.org) for a period of not less than fourteen days prior to the date of said hearing.

(ii) Notification of Abutters

At least fourteen days prior to the public hearing, the applicant shall send copy of said notice by mail, postage prepaid, to the owners of all abutting properties at their mailing addresses shown in the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private way and abutters to the abutters within 300 feet of the property line of the applicant. A list of those so notified shall be provided to the Commission prior to the opening of the public hearing.

All costs associated with publication of the legal notice and required mailings shall be the responsibility of the applicant. Failure to comply with any of the above will result in a delay of the public hearing.

- 3.6 The Commission shall make a determination of whether or not the historically-significant buildingstructure is preferably preserved within thirty-one days following the close of the public hearing.

- (i) If after a public hearing the Commission determines that the buildingstructure should not be preferably preserved, the Commission shall notify the Building Commissioner and the applicant, in writing within seven business days after the close of the public hearing and the Building Commissioner may issue a demolition permit upon receipt of the written decision.
 - (ii) If after a public hearing the Commission determines that the buildingstructure should be preferably preserved, the Commission shall so notify the Building Commissioner and the applicant in writing within seven business days after the close of the public hearing, and no demolition permit may be issued until:
 - a. at least twenty-four months after the date of determination by the Commission, for buildingsstructures that are 200 or more years old; or
 - b. at least eighteen months after the date of the determination by the Commission, for buildingsstructures that are at least 150 years old, but less than 200 years old; or
 - c. at least twelve months after the date of the determination by the Commission, for buildingsstructures that are at least 75 years old, but less than 150 years old.
- 3.7 The demolition permit shall expire after eighteen months of being issued. This means that once the above conditions have been satisfied, the owner of the property or applicant has eighteen months to demolish the buildingstructure. If the buildingstructure is not taken down in that period, the owner or applicant shall submit a new demolition permit application.
- 3.8 Notwithstanding anything contained in section 17.3.6, the Building Commissioner may issue a demolition permit for a preferably-preserved historically significant buildingstructure at any time after receipt of written advice from the Commission to the effect that either:
- (i) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, rehabilitate and restore the subject buildingstructure, or
 - (ii) The Commission is satisfied that for at least the demolition delay period the owner had made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject buildingstructure, and that such efforts have been unsuccessful.

Section 17.4 Responsibility of Owners

- 4.1 During the demolition delay period, the applicant shall make continuing, bona fide and reasonable efforts to find an alternative use for the buildingstructure that will result in its preservation, including seeking a new owner willing to purchase and preserve, restore or rehabilitate the buildingstructure. Other alternatives to demolition include, but are not limited to, incorporation of the buildingstructure into the future development of the site; adaptive reuse of the buildingstructure; utilization of financial incentives to rehabilitate the buildingstructure; or moving or relocating the buildingstructure. For the purposes of this paragraph, “continuing, bona fide and reasonable efforts” to seek a new owner shall mean retaining a licensed broker to market the property in the usual manner over substantially all of the demolition delay period, obtaining

an appraisal from a reputable appraiser and providing evidence of good faith negotiations with potential buyers of the property.

- 4.2 Upon determination by the Commission that a buildingstructure is a preferably preserved historically significant buildingstructure, the owner shall be responsible for properly securing the structure, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to so secure the buildingstructure, the subsequent destruction of such buildingstructure through any cause, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of this bylaw.
- 4.3 If requested by the Commission, it shall be the responsibility of the owner to assist in the facilitation of the implementation of the requirements of this Bylaw by providing information and any architectural plans readily available to the owner, allowing access to the property, participating in the investigation of preservation options, and actively cooperating in seeking alternatives with the Commission and any persons designated by the Commission.

Section 17.5 Emergency Demolition

Nothing in this bylaw shall restrict or prevent the Building Commissioner from ordering the demolition of a historically significant buildingstructure determined by the Building Commissioner pursuant to state law and/or the State Building Code to be unused, uninhabited or abandoned, and open to the weather.

If the Building Commissioner determines there is no reasonable alternative to an emergency demolition, the Building Commissioner shall prepare a written report describing the basis of that decision. A copy of that report shall be filed with the Commission.

Section 17.6 Non-Compliance

- 6.1 Any owner of a historically significant buildingstructure who violates any provision of this bylaw shall be penalized by a fine of not more than three hundred (\$300.00) dollars. Each day during which any portion of a violation continues shall constitute a separate offense.

As an alternative means of enforcement, the Building Commissioner may impose noncriminal penalties pursuant to G.L. c. 40, § 21D and Article XX of the Town's General Bylaws, in accordance with the following schedule:

- (i) First offense: one hundred dollars
- (ii) Second offense: two hundred dollars
- (iii) Third and each subsequent offense per violation: three hundred dollars

- 6.2 The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity, as they deem necessary to obtain compliance with the requirements of this bylaw or to prevent a violation thereof.
- 6.3 No permit shall be issued with respect to any premises upon which a historically significant buildingstructure has been demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition. As used herein, "premises" includes all land within the property lines of said parcel of land upon which the demolished historically significant buildingstructure was located.

Section 17.7 Severability

If any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Section 17.8 Regulations

The Commission may enact rules and regulations to carry out the provisions and purposes of this By-law.

Or act in any manner related thereto.

HISTORICAL COMMISSION

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 15: (Amend Zoning Bylaw: Battery Energy Storage)

To see if the Town will vote to vote to amend the Zoning Bylaw by:

(1) Amending Section 2 Definitions by deleting the definition of Battery Energy Storage Facility and adding the following new definition in Section 2:

Battery Energy Storage System (BESS): One or more containers or cabinets on a lot containing batteries and related equipment, assembled together, capable of storing electrical energy in order to supply electrical energy to the power grid at a future time. This includes all accessory equipment on said lot necessary for energy storage including but not limited to inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, and other power interconnection facilities and/or a project substation, but does not include public utility owned and operated interconnection equipment, regardless of location, or other interconnection equipment to be located on the real property of the public utility or within its right of way, determined to be necessary by the public utility to facilitate the BESS interconnection with the power grid whether for bringing power to the BESS or for returning it to the power grid, a stand-alone 12-volt vehicle battery, or an electric motor vehicle.

(2) Amending Table 3, Schedule of Off-Street Parking Requirements, by adding a new line:

Battery energy storage systems (as principal use)	2 spaces for Tier 1 3 spaces for Tier 2
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(3) Amending Section 3.5 Site Plan Review as follows:

Amend Section 3.5.3.A.1 Major Site Plan Review by adding:

“f. Tier 2 Battery Energy Storage Systems”

And amend Section 3.5.3.A.2 Minor Site Plan Review by adding:

“h. Tier 1 Battery Energy Storage Systems”

(4) And adding a new Section 8.12 Battery Energy Storage Systems:

Section 8.12 Battery Energy Storage Systems

A. Purpose. The purpose of this Section is to advance and protect the public health, safety, welfare, and quality of life by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

1. To provide a regulatory scheme for the location, construction and operation of battery energy storage systems consistent with best practices and safety protocols;
2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems and to mitigate any potential impacts on abutting and nearby properties; and
3. To mitigate the impacts of battery energy storage systems on environmental resources such as agricultural lands, forests, wildlife, wetlands and other natural resources.

This Section shall be construed to be consistent with state law, including but not limited to the provisions of General Laws chapter 40A, section 3, and state regulations, including but not limited to the provisions of the State Building Code, State Fire Code, and State Electrical Code. In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

B. Definitions

As used in this bylaw, the following terms shall have the meanings indicated. Terms that are not defined herein or elsewhere in this Zoning Bylaw shall be as defined in NFPA 855 if applicable.

ANSI: American National Standards Institute

Battery or batteries: A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management System (BESS): An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Dedicated-Use Building: A building that is built for the primary intention of housing battery energy storage system equipment, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

- b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Nationally Recognized Testing Laboratory (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NFPA: National Fire Protection Association.

Non-Dedicated-Use Building: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

Non-Participating Property: Any property that is not a participating property.

Non-Participating Residence: Any residence located on non-participating property.

Participating Property: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

This bylaw: Section 8.12 of the Zoning Bylaw

UL: Underwriters Laboratory

C. Applicability

1. The requirements of this bylaw shall apply to battery energy storage systems permitted, installed, decommissioned or modified after the effective date of this bylaw, excluding general maintenance and repair. BESS subject to this bylaw are only those that exceed the following capacities:

- Lead-acid with a capacity of greater than 70 kWh
- Nickel with a capacity of greater than 70 kWh
- Lithium-ion with a capacity of greater than 30 kWh
- Sodium nickel chloride with a capacity of greater than 20 kWh
- Flow with a capacity of greater than 20 kWh
- Other battery technologies with a capacity of greater than 10 kWh

BESS that do not meet the threshold capacities above are not subject to this bylaw and are allowed by right in all zoning districts.

2. A battery energy storage system that is subject to this bylaw is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

a). Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 1MWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

b). Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 1MWh or are comprised of more than one storage battery technology in a room or enclosed area.

D. General Requirements

1. All permits required by state codes, including but not limited to building permit, an electrical permit, and a fire department permit shall be required for installation of all battery energy storage systems.
2. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.
3. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

E. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems are allowed by right in all zoning districts, subject to applicable provisions of the State Building Code, Electrical Code, Fire Code, and other applicable codes, and are subject to minor site plan review and such provisions of this bylaw as are applicable.

F. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are subject to this bylaw and require the issuance of a special permit in those zoning districts identified in Table 1, Schedule of Uses, and are subject to Major Site Plan Review pursuant to Section 3.5. Tier 1 and Tier 2 BESS shall comply with the applicable requirements set forth in this bylaw, as well as this Zoning Bylaw, and the Medway General Bylaws. The following requirements apply to all Tier 1 and Tier 2 BESS subject to this bylaw, except where it is specifically noted to apply only to Tier 2 BESS:

1. **Utility Lines and Electrical Circuitry.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles.
2. **Signage.** Signage shall comply with the requirements of Section 7.2 of this Zoning Bylaw and the following additional requirements; in the event of a conflict between the provisions of Section 7.2 and this section, the requirements of this section shall prevail.
 - a) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
 - b) As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

- c) Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.
3. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety, security and operational purposes and shall comply with Section 7.1.2 of this Zoning Bylaw.
4. Vegetation and tree-cutting. Areas within ten feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
6. Setbacks. Tier 2 Battery Energy Storage Systems shall be set back a minimum of 50 feet from all side, rear, and front lot lines; except that Tier 2 BESS shall be set back a minimum of 100 feet from side, rear, and front lot lines that abut or are across a street from residential zoning districts or existing single, two-family, or multi-family structures. The minimum setback areas shall include a Buffer Area at least fifteen feet wide along all property lines. Access drives and parking are allowed in the setback areas, but shall not intrude into the required Buffer Areas except where necessary to provide access or egress to the property. In addition, a minimum of 10 feet must be maintained between BESS components and all buildings, stored combustible materials, hazardous materials, high-piled storage, personnel means of egress, and other exposure hazards not associated with electrical grid infrastructure.
7. Dimensional. Tier 2 Battery Energy Storage Systems shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Section 6 of this Zoning Bylaw, unless otherwise provided in this bylaw.
8. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum eight foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Security barriers, fences, landscaping, and other enclosures must not inhibit required air flow to or exhaust from the BESS and components. Electrical equipment greater than 1,000V require a separate and additional means to restrict access. NFPA 855 requires specialty safety systems to be provided based on the BESS chemistry and installed location.
9. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to or exhaust from the BESS and components and must comply with the setbacks established in paragraph 6 above.
10. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within one year immediately preceding the filing an application to install a Tier 2 BESS, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to two times the total area of Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in

response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.

11. Mitigation for Disruption of Trail Networks. If existing trail networks, old roads, or woods or cart roads are disrupted by the location of a Tier 2 BESS, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

12. Mitigation for Disruption of Historic Resources and Properties. Historic resources, structures and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed for a Tier 2 BESS. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area as determined by the PEDB shall be established on all sides of each historic resource.

13. Batteries. Failed battery cells and modules shall not be stored on the site and shall be removed no later than 30 days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Medway Fire Chief in advance if the type of battery or batteries used onsite is to be changed.

14. Decommissioning Plan. The applicant shall submit with its application a decommissioning plan for Tier 2 BESS to be implemented upon abandonment and/or in conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Commissioner in writing at least twenty days prior to when a Tier 2 BESS will be decommissioned. Decommissioning of an abandoned or discontinued Tier 2 BESS shall be completed within six months after the facility ceases operation. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method by which the decommissioning cost will be kept current;
- g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

15. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the

Planning and Economic Development Board and Town Counsel, for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

16. **Proof of Liability Insurance.** The applicant or property owner shall provide evidence of commercially liability insurance in an amount and type generally acceptable in the industry and approved by the PEDB prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with this bylaw.

G. Site plan application. For a Tier 2 Battery Energy Storage System the site plan application shall include the following information, in addition to that required by Section 3.5 of this Zoning Bylaw and the Planning and Economic Development Board Rules and Regulations Governing Site Plan Applications:

1. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all State Electrical Code compliant disconnects and over current devices.

2. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

3. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.

4. Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL 9540A fire test data must be made available to the Planning and Economic Development Board for review:

- BESS systems with a capacity of greater than 50kWh
- BESS systems with spacing between arrays of less than 3 feet

5. **Commissioning Plan.** The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the Building Code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to Zoning Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.

6. **Fire Safety Compliance Plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with state codes, including documentation that BESS components comply with the safety standards set forth in subsection 8.12.I.

7. **Operation and Maintenance Manual.** Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation,

testing and commissioning information and shall meet all requirements set forth state codes and NFPA 855. Maintenance provisions will be driven by manufacturer requirements for the specific listed system.

8. Depending on the location of the BESS in relation to and its interaction with the electrical grid, interconnection will be completed per 527 CMR 12.00. System interconnections into utility grids shall be in accordance with NFPA 855. An accessible disconnect is required per 527 CMR 12.00.

9 Prior to the issuance of the building permit, engineering documents must be signed and sealed by a Massachusetts Licensed Professional Engineer.

10. Emergency Operations Plan. An Emergency Operations Plan compliant with NFPA 855 is required. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police Department, Building Commissioner, and Town Manager's office with contact information for personnel that can be reached 24 hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls, including time intervals for inspection and testing.
- c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for safe disposal of battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

H. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or

operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change. A new owner or operator must provide such notification to the Building Commissioner in writing.

I. Safety

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 - a) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
 - b) UL 1642 (Standard for Lithium Batteries),
 - c) UL 1741 or UL 62109 (Inverters and Power Converters),
 - d) Certified under the applicable electrical, building, and fire prevention codes as required.
 - e) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
2. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
3. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

K. Abandonment

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a Tier 2 BESS and restoration of the site in accordance with the decommissioning plan.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 16: (Amend Zoning Bylaw: Schedule of Uses – BESS and Solar)

To see if the Town will vote to amend Zoning Bylaw by amending Table 1, Schedule of Uses in Section 5.4.E, Industrial Uses, as shown in the Table below, (deleted words shown in strikethrough, added words shown in **bold**):

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts			
											OGV C	OGB P	OG N	
E. INDUSTRIAL AND RELATED USES														
Warehouse/distribution facility	N	N	N	N	N	Y	N	Y	Y	Y	N	PB	N	
Wholesale bakery <i>(Added 11-16-15; amended 11-15-21)</i>	N	N	N	N	N	N	N	Y	N	Y	N	Y	N	
Wholesale showroom or office, including warehouse <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N	
Manufacturing <i>(Amended 5-8-17; amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N	
Light Manufacturing <i>(Added 5-8-17; amended 11-15-21)</i>	N	N	N	N	N	Y	Y	Y	N	Y	N	Y	N	
Contractor's yard	N	N	N	N	N	N	Y	Y	N	N	N	PB	N	
Construction Equipment/Machinery Sales, Leasing or Rentals <i>(Added 11-15-21)</i>	N	N	N	N	N	N	N	N	N	PB	N	N	N	
Research and development <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N	
Brewery <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N	
Research and development and/or manufacturing of renewable energy products <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	
Bulk Storage <i>(Added 11-18-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	
Electric power generation which includes large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more and other Renewable Energy sources but excluding battery energy storage systems. See footnote 5 <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	N	N	Y	N	N	N	N	
Large-scale ground-mounted solar electric installations, including those with a rated name plate capacity of 250 kW (DC) or more; but excluding battery energy storage systems as a principal use.	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	
Small-scale ground-mounted solar electric installations (as principal use)	N	N	N	N	N	SP	Y	Y	Y	Y	N	Y	N	
Tier 1 Battery Energy Storage System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Tier 2 Battery Energy Storage System	N	N	N	N	N	N	N	N	PB	N	N	N	N	
Gravel/loam/sand or stone removal, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	
Accessory Uses														
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject	N	N	N	N	N	N	Y	Y	Y	Y	N	PB	N	

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGV C	OGB P	OG N
to Section 7.1.3 of the Zoning Bylaw <i>(Amended 11-18-19)</i>													
Small-scale ground-mounted solar electric installations	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Solar Parking Canopies	N	N	N	PB	PB	PB	PB	PB	PB	PB	PB	PB	N
Tier 1 Battery Energy Storage System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Footnotes:

1. In the OGN District, detached single family homes are permitted if they meet the designs standards for cottages under Section 9.4
2. In the OGVC and CB District, multi-family dwellings and developments include rowhouses (attached single family units) which are subject to the design standards under Section 9.4 *(Amended 5-10-21)*
3. Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E). *(Added 5-10-21)*
4. Vehicle fuel station with convenience store in the Central Business District (CB) is only allowed on the site of an existing vehicle fuel station with convenience store or an existing vehicle fuel station with repair services. Any substantial improvement to the existing building(s) or fueling station(s) shall require the site to comply with the design standards of Gas Station and Convenience Store in Section 9. Table 9.4.C.1.B *(Added 5-10-21)*
5. **Certain small- scale ground-mounted solar electric installations and Solar Parking Canopies are allowed in certain zoning districts under Section 8.11.C. Roof-mounted Solar Energy Facilities are allowed per Section 8.11.C.**

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 17: (Amend Zoning Bylaw: Schedule of Uses)

To see if the Town will vote to amend Zoning Bylaw, Section 5.4, Table 1 Schedule of Uses, by:

- (1) changing the special permit granting authority for “Infill Dwelling Unit, Subject to Section 8.1”; and “Assisted living residence facility”, and “Electric vehicle charging station with digital advertising signage, subject to Section 5.4.2 of the Zoning Bylaw” from the Planning and Economic Development

Board to the Zoning Board of Appeals in each zoning district in which said uses are currently allowed by special permit; and

(2) changing the special permit granting authority for “Retail store larger than 20,000 sq. ft.” from the Zoning Board of Appeals to the Planning and Economic Development Board in the Business Industrial Zone; and

(3) changing the special permit granting authority for “Shopping center/multi-tenant development” from the Zoning Board of Appeals to the Planning and Economic Development Board in the Neighborhood Commercial and Business Industrial Zones; and

(4) changing the special permit granting authority for “Veterinary Hospital” and “Lodge or Club” from the Planning and Economic Development Board to the Zoning Board of Appeals in the Central Business District.

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 18: (Amend Zoning Bylaw: –Solar Electric Installations)

To see if the Town will vote to amend Zoning Bylaw by amending Section 2 Definitions, added language shown in **bold** and deleted language shown in ~~strikethrough~~:

Electric Power Generation: The process of generating electric power from other sources of primary energy such as electromechanical generators, chemical combustion, and Renewable Energy, **but excluding Solar Electric Installations and Solar Photovoltaic Arrays.**

And by amending Section 8.11, Solar Electric Installations, as follows, with wording to be deleted shown in ~~strikethrough~~, and added wording shown in **bold**:

SECTION 8.11 SOLAR ELECTRIC INSTALLATIONS

A. Purpose

The purpose of this bylaw is to facilitate and appropriately regulate the creation of Ground-Mounted Solar Electric Installations: (a) by providing standards for the approval, placement, design, construction, operation, monitoring, modification and removal of such installations to protect the public health, safety and welfare, including protection and preservation of Town infrastructure (including roads); providing for public safety; and mitigating any impacts upon environmental, scenic, and historic resources; (b) by providing adequate financial assurance for the eventual decommissioning of such installations; and (c) by protecting large, contiguous blocks of forest land, based on the understanding that large, contiguous tracts provide many ecological benefits, including improved water and air quality, sequestration of carbon, reduced movement of invasive species, provision of wildlife habitat and the support for greater biodiversity; and providing many recreational opportunities for town residents. **The Town through this bylaw also seeks to incentivize solar installations within already developed sites and lands with lower resource values (e.g., parking lots, roofs) in accordance with state policies such as the Department of Environmental Protection Wetlands Program Policy 17-1.**

B. Definitions

Where the following terms appear in this ~~section 8.11~~ **Zoning Bylaw**, they shall have the following meanings.

Forestland: A dense growth of trees and shrubs covering an area of one acre or more.

Ground-Mounted Solar Electric Installation: A Solar Electric System that is affixed to the ground (not roof-mounted) and all appurtenant fencing, access driveways, drainage infrastructure, electronics, and any surrounding shade management areas.

Large-Scale Ground-Mounted Solar Electric Installation: A Ground-Mounted Solar Electric Installation which occupies more than one acre of land and no greater than fifteen acres of land; **also including a Ground-Mounted Solar Electric Installation with a rated name plate capacity of 250 kW (DC).**

Small-Scale Ground-Mounted Solar Electric Installation: A Ground-Mounted Solar Electric Installation which occupies one acre or less of land.

Solar Electric System: A group of Solar Photovoltaic Arrays used for electrical power generation.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Parking Canopy: An elevated structure that hosts solar panels installed over parking lots or other hardscape areas.

Solar Photovoltaic Array: An active Solar Energy collection device that converts solar energy directly into electricity whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

C. Applicability

1. Roof-mounted Solar Energy Facilities. Solar energy panels mounted on the roof of a building as an accessory portion of the structure, and related equipment which is necessary for and incidental to those solar energy panels, are allowed by right in all zoning districts, and do not need to comply with the other provisions of this Section 8.11.
2. Small-Scale Ground-Mounted Solar Electric Installations which are accessory to a residential or non-residential use, and which generate electricity principally used by such residential or non-residential use, may be allowed by special permit **in all zoning districts**, do not need to comply with the other provisions of this Section 8.11, but require Site Plan Review under Section 3.5 from the Planning and Economic Development Board.
3. Solar Parking Canopies which are accessory to a residential or non-residential use may be allowed by special permit in all zones except AR-I, AR-II, **OGN** and VR, or which are otherwise allowed under the provisions of this Zoning Bylaw, and are subject to the requirements of this Section 8.11.
4. All other Small-Scale and Large-Scale Ground-Mounted Solar Electric Installations are subject to the requirements of this Section 8.11, and are allowed in zoning districts only as specified in Table 1: Schedule of Uses, ~~under Section E Industrial and Related Uses, as “Electric power generation, which includes large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kw (DC) or more and other Renewable Energy sources.”.~~
5. The Planning and Economic Development Board (the Board) shall be the special permit granting authority for all special permit applications under Section 8.11.

D. General Requirements

1. Compliance with Laws, Bylaws, and Regulations - The construction and operation of all Ground-Mounted Solar Electric Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements, and require Site Plan Review per Section 3.5.3.A.1.d of this Zoning Bylaw.
2. Mitigation for Loss of Carbon Sequestration and Forest Habitat - If land that is Forestland or has been Forestland within the **one year immediately preceding the filing of an application to install** ~~past year is proposed to be converted to~~ a Ground-Mounted Solar Electric Installation, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to **two** ~~four~~ times the total area of **Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by** such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.
3. Mitigation for Loss of Forest Habitat within the Installation - If Forestland is proposed to be converted to a Ground-Mounted Solar Electric Installation, the plans shall show mitigation measures that create a wildflower meadow habitat within and immediately around the Solar Electric System, and a successional forest habitat in the surrounding areas managed to prevent shading until such time as the installation is decommissioned. The wildflower meadow shall contain a wide variety of plants that bloom from early spring into late fall, that are planted in clumps rather than single plants to help pollinators find them, and that are native plants adapted to local climate, soil and native pollinators. At least 50% of the array footprint and perimeter shall be planned to have these flowering plants. Mowing shall be limited to no more than once annually. Plans for pollinator-friendly vegetation establishment and maintenance shall be compiled and written by a professional biologist or ecologist with relevant experience and expertise in pollinator habitat creation, grassland habitat restoration, and/or knowledge of native New England plant communities.
4. Mitigation for Disruption of Trail Networks - If existing trail networks, old roads, or woods or cart roads are disrupted by the location of the Ground-Mounted Solar Electric Installation, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.
5. Mitigation for Disruption of Historic Resources and Properties - Historic resources and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed, including clearing for shade management. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area **as determined by the Planning and Economic Development Board** shall be established on all sides of each historic resource.
6. All plans and maps shall be prepared, stamped and signed by a Professional Civil Engineer licensed to practice in the Commonwealth of Massachusetts.
7. Vehicular access for the purpose of construction shall be from paved streets.

8. Lots for Ground-Mounted Solar Electric Installations shall have the required frontage on a street.
9. The special permit may be conditioned to effectuate and make enforceable these requirements.

E. Required Documents

The project applicant shall provide the following documents.

1. Site Plan. A Site Plan additionally showing:
 - a. Locations of wetlands and Priority Habitat Areas as defined by the Natural Heritage & Endangered Species Program (NHESP).
 - b. Locations of local or National Historic Districts.
 - c. Locations of all known, mapped or suspected Native American archaeological sites or sites of Native American ceremonial activity. Identification of such sites shall be based on responses, if any, to written inquiries with a requirement to respond within 35 days, to the following parties: all federally or state recognized Tribal Historic Preservation Officers with any cultural or land affiliation to the Medway area; the Massachusetts State Historical Preservation Officer; tribes or associations of tribes not recognized by the federal or state government with any cultural or land affiliation to the Medway area; and the Medway Historical Commission. Such inquiries shall serve as a notice to the aforesaid parties and shall contain a plan of the project, specific identification of the location of the project, and a statement that permitting for the project is forthcoming. Accompanying the site plan shall be a report documenting such inquiries, the responses from the parties, a description of the location and characteristics, including photographs, of any Native American sites and the outcomes of any additional inquiries made based on information obtained from or recommendations made by the aforesaid parties. A failure of parties to respond within 35 days shall allow the applicant to submit the site plans.
 - d. The project proponent must submit a full report of all materials to be used, including but not limited to the use of cleaning products, paints or coatings, hydro-seeding, fertilizers, and soil additives. When available, Material Safety Data Sheets will be provided.
2. Blueprints. Blueprints or drawings of the installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, showing:
 - a. The proposed layout of the system and any potential shading from nearby structures.
 - b. One- or three-line electrical diagram detailing the Ground-Mounted Solar Electric Installation, associated components, and electrical interconnection methods, with all Massachusetts and National Electrical Code compliant disconnects and overcurrent devices.
3. General Documentation. The following information shall also be provided:
 - a. A list of any listed hazardous or known carcinogenic materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.
 - b. Name, address, and contact information for proposed system installer.
 - c. The name, contact information and signature of any agents representing the project applicant.
4. Site Control - The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Ground-Mounted Solar Electric Installation.
5. Operation and Maintenance Plan - The project applicant shall submit a plan for the operation and maintenance of the Ground-Mounted Solar Electric Installation, which shall include measures for maintaining safe access to the installation, stormwater management (consistent with DEP's and, where appropriate, Medway's stormwater regulations), as well as general procedures for operational maintenance of the installation.

6. Financial Surety - Applicants for Ground-Mounted Solar Electric Installations shall provide a form of surety, either through a deposit of money, bond, triparty agreement, or other means acceptable to the Board, to cover the cost of removal in the event the Town must remove the installation and remediate the site to its natural preexisting condition, in an amount and form determined to be reasonable by the Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein. The project applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
7. Utility Notification - No Ground-Mounted Solar Electric Installation shall be constructed, nor building permit issued until evidence has been provided to the Building Commissioner that the utility company that operates the electrical grid where the installation is to be located has approved the solar electric installation owner or operator's intent to install an interconnected customer-owned generator and that the utility has approved connection of the proposed generator into their power grid. Off-grid systems shall be exempt from this requirement.
8. Proof of Liability Insurance. The applicant or property owner shall provide evidence of liability insurance prior to the issuance of a building permit, **and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with subsection K of this bylaw.**

F. Dimensional Requirements

1. Minimum setbacks for all Large-Scale Ground-Mounted Solar Electric Installations shall be:
 - Front setback: 500 feet
 - Side and rear setback: 100 feet
2. Minimum setbacks for all Small-Scale Ground-Mounted Solar Electric Installations shall be:
 - Front setback: 100 feet
 - Side and rear setback: 50 feet
3. Minimum setbacks for all Ground-Mounted Solar Electric Installations that are installed on or above existing paved parking areas (Solar Parking Canopies):
 - Front setback: 50 feet
 - Side and rear setback: 50 feet
4. Required setback areas shall not be counted toward a facility's total acreage.

G. Design and Performance Standards

1. Lighting - ~~Large and Small Scale Solar Electric Installations, except Solar Parking Canopies, shall have no permanently affixed exterior lighting.~~ **Lighting shall be limited to that minimally required for safety and operational purposes and shall comply with Section 7.1.2 of this Zoning Bylaw.**
2. Signage
 - a. Sufficient signage shall be provided to identify the owner of the facility and provide a 24-hour emergency contact phone number.
 - b. Signage at the perimeter warning pedestrians is allowable.
 - c. Ground-Mounted Solar Electric Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of such installation.

3. Control of Vegetation - Herbicides or pesticides may not be used to control vegetation or animals at a Ground-Mounted Solar Electric Installation.
4. Visual Impacts
 - a. Ground-Mounted Solar Electric Installation shall be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and to screen abutting residential dwellings.
 - b. When possible, a diversity of plant species shall be used, with a preference for species native to New England.
 - c. Use of invasive or exotic plants, as identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited.
 - d. The Board may require vegetative screening, up to 30 feet in depth in locations it deems necessary. Such screening shall be composed of native trees, staggered for height and density, and shall be properly maintained.
 - ~~e. The owner and operator shall not remove any naturally occurring vegetation such as trees and shrubs unless it adversely affects the performance and operation of the solar installation.~~
 - f e. Landscaping shall be maintained and replaced as necessary by the owner and operator of the Ground-Mounted Solar Electric Installation.
5. Utility Connections - Electrical transformers, wires, or other utility interconnections shall be constructed as required by the utility provider and may be above ground if necessary; provided, however, that every reasonable effort shall be made to place all utility connections underground, depending on appropriate soil conditions and topography of the site and any requirements of the utility provider.
6. All electric power generated at a Ground-Mounted Solar Electric Installation shall be from Solar Energy.
7. Access Driveways shall be constructed to minimize finished width, grading, removal of stone walls or roadside trees, incompatible appearance from the roadway, and impacts to environmental or historic resources.

H. Safety and Environmental Standards

1. Emergency Services
 - a. Ground-Mounted Solar Electric Installations owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief.
 - b. The owner or operator shall cooperate with local emergency services to develop a written emergency response plan that is provided to police and fire departments
 - c. All means of shutting down the solar electric installation shall be clearly marked on the equipment.
 - d. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. Contact information shall be provided annually to the Town Manager including name, email and telephone number for the designated person and a back-up person.
2. Land Clearing, Soil Erosion and Land Impacts
 - a. The facility shall be designed to minimize impacts to open agricultural land and fields, even if not in production. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Ground-Mounted Solar Electric Installation. Grading that substantially disturbs the existing soil profile and structure is prohibited; sites shall

- be selected where construction may be accomplished without such earth work.
- b. Prior to any site disturbance and construction, the limits of the work shown on the approved site plan shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify to the Building Commissioner, in writing, that the limit of work, as shown on the approved site plans, has been established on site.
 - c. The design shall minimize the use of concrete and other impervious materials to the maximum extent possible. **Except where necessary for structural or other reasons established by the applicant to the reasonable satisfaction of the PEDB, Ground-Mounted Solar Electric Installations, except Solar Parking Canopies, shall be installed on water permeable surfaces in order to promote groundwater recharge, minimize groundwater run-off, preserve wildlife habitat and biodiversity, and reduce heat island effects and climate change impacts.**
 - d. Locating Ground-Mounted Solar Electric Installations, including access driveways and any associated drainage infrastructure on original, pre-development grades in excess of 15% is prohibited.
3. Habitat Impacts - Large-Scale Ground-Mounted Solar Electric Installations shall not be located on permanently protected land subject to G.L. c. 184, sections 31-33, Priority Habitat and Bio Map 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage and Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.
 4. Wetlands
 - a. In order to provide an adequate intervening land area for the infiltration of stormwater runoff from a Solar Electric Installation, ground alterations, such as stump removal, excavation, filling, and grading, or the installation of drainage facilities or solar panels, are prohibited within 100 feet of any wetlands or hydrologic features subject to the jurisdiction of the Conservation Commission.
 - b. The Board may impose conditions to contain and control stormwater runoff that might negatively impact identified wetlands or other hydrologic features even if the proposed work area is outside the jurisdiction of the Conservation Commission.

I. Monitoring, Maintenance and Reporting

1. Solar Electric Installation Conditions
 - a. The Ground-Mounted Solar Electric Installation owner or operator shall maintain the facility in good condition.
 - b. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
 - c. Site access shall be maintained to a level acceptable to the Fire Chief.
 - d. The owner or operator shall be responsible for the cost of maintaining the Solar Electric Installation and any access driveways.
2. Annual Reporting
 - a. The owner or operator of a Ground-Mounted Solar Electric Installation shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan, the requirements of this Section 8.11 and the approved special permit, including but not limited to continued management and maintenance of vegetation, compliance with the approved plans and any special permit conditions, continuation of liability insurance, and adequacy of road access.
 - b. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility.
 - c. The report shall be submitted to the Department of Community and Economic Development and Building Commissioner, no later than 45 days after the end of the calendar year.

K. Abandonment or Decommissioning

1. Removal Requirements
 - a. Any Ground-Mounted Solar Electric Installation which has reached the end of its useful life, has been abandoned, or taken off line shall be removed.
 - b. The owner or operator shall physically remove the installation no later than 150 days after the date of discontinued operations.
 - c. The owner or operator shall notify the Building Commissioner in writing at least sixty days in advance of the proposed date of discontinued operations and plans for removal.
2. Decommissioning shall consist of:
 - a. Physical removal of all components of the Ground-Mounted Solar Electric Installation, including but not limited to structures, foundations, equipment, security barriers, and on-site above-ground transmission lines. Associated off-site utility interconnections shall also be removed if no longer needed.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Restoration of the site, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations and electric lines in order to minimize erosion and disruption to vegetation.
3. Decommissioning by the Town - If the owner or operator of a Ground-Mounted Solar Electric Installation fails to remove such installation in accordance with the requirements of this Section 8.11 within 150 days of discontinued operations or abandonment, the Town may, **after compliance with any applicable state and federal constitutional requirements**, enter the property and physically remove the installation and stabilize the site, at the owner's expense, drawing upon the financial surety provided by the applicant.

or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 19: (Amend Zoning Bylaw: Multi-Family Housing)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.4 Multi-Family Housing, as follows. Proposed language is noted in **bold**, deletions in ~~strikethrough~~.

By revising item 1. in C. Dimensional Regulations.

1. The minimum dimensional regulations as specified in Table 2 shall be the same **for a proposed multi-family building, apartment building, or multi-family development** as for the underlying zoning district in which the parcel is located. However, the Planning and Economic Development Board may adjust these dimensional requirements by a four-fifths vote if, in its opinion, such adjustment will result in a more desirable design of the development or provide enhanced buffering for adjacent residential properties. **Such adjustment may include increasing the underlying setback requirements.**

And by adding a new item 5. in C. Dimensional Regulations

5. The minimum lot size for a Multi-Family Building shall be 30,000 sq. ft.

And by amending D. Density Regulations by revising items 1 and 2 as follows, inserting a new item 3, and changing the numbering of item 3 to item 4.

1. For lots of one acre or more:

- a. The density of a Multi-Family Building or a Multi-Family Development without an Apartment Building shall not exceed 8 dwelling units per whole acre **of Land Available for Development**. For example, the maximum density of a lot with 1.8 Acres of Land Available for Development shall not exceed 8 dwelling units.
- b. The density of an Apartment Building or a Multi-Family Development which includes an Apartment Building shall not exceed 12 dwelling units per whole acre **of Land Available for Development**.

2. For lots under one acre, the density of a Multi-Family Building or a Multi-Family development shall not exceed its relative portion of an acre **of Land Available for Development**.

3. **Land Available for Development = Total area of the site minus the area subject to upland utility easements and minus 50% of all areas subject to protection under the Wetlands Protection Act, G.L. c. 131, §40, and the Town's General Wetlands Protection Bylaw, Article XXI of the General Bylaws.**

3.4. An Applicant is not entitled to the maximum possible number of dwelling units described herein. The number of dwelling units for a Multi-Family Development and/or Multi-Family Building shall be determined by the Planning and Economic Development Board in accordance with the criteria specified in Paragraph I. Decision herein.

And by revising item 3. Parking in E. Special Regulations

3. Parking: At least ~~one and one-half~~ **two** off-street parking spaces shall be provided for each dwelling unit plus one additional visitor parking space for every two dwelling units. **The Planning and Economic Development Board may adjust this requirement by a four-fifths vote, in consideration of the size of the proposed dwelling units.**

And by adding a new item 8 in E. Special Regulations

8. Architectural Character – In designing new construction of a Multi-Family Building, Apartment Building, or Multi-Family development, Applicants should consider the existing character, scale, and architecture of the surrounding neighborhood and nearby buildings.

Or to act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 20: (Amend Zoning Bylaw: Add New Section – Development Mitigation)

To see if the Town will vote to amend the Zoning Bylaws, by adding a new Section 7.4 Development Mitigation as follows:

Section 7.4 Development Mitigation

- A. **Purposes.** The purposes of this bylaw include the encouragement of development design that protects the Town's environmental, scenic, and historic resources, by: a) providing mitigation of the impacts of significant development projects in order to protect the public health, safety and welfare, including mitigating any impacts upon environmental, scenic, and historic resources; and

(b) protecting large, contiguous tracts of forest land, based on the understanding that large, contiguous tracts provide many ecological benefits, including improved water and air quality, sequestration of carbon, reduced movement of invasive species, provision of wildlife habitat and the support for greater biodiversity.

B. **Applicability.** The requirements of this Bylaw (Section 7.4) apply to all developments under the following sections of this Zoning Bylaw: 8.4 Open Space Residential Development (OSRD); 8.5 Adult Retirement Community Planned Unit Development; 8.7 Wireless Communication Facilities; 8.8 Small Wind Generation; 8.9 Registered Medical Marijuana Facilities; 8.10 Recreational Marijuana; 8.11 Solar Installations, and 8.12 Battery Energy Storage Systems.

C. **Standards.** For all developments that are subject to this Bylaw, mitigation for the impacts of the development shall be required for the following impacts.

1. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within the one year immediately preceding the filing an application for a development, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to two times the total area of Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by such development. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the development, except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest. In the case of a development such as a solar array that is decommissioned, upon completion of decommissioning, these requirements will no longer apply.

2. Mitigation for Disruption of Trail Networks. If existing trail networks, old roads, or woods or cart roads are disrupted by the location of the development, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

3. Mitigation for Disruption of Historic Resources and Properties. Historic resources, structures and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed, including clearing for shade management. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area as determined by the Planning and Economic Development Board shall be established on all sides of each historic resource.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 21: (Amend Zoning Bylaw: Add New Use – Contractor's Quarters)

To see if the Town will vote to amend the Zoning Bylaw by adding the following definition in Section 2:

Contractor's Quarters: The premises of a building, construction, plumbing, wiring, landscaping, or other similar contracting or sub-contracting business, occupied and used by a contractor or subcontractor with offices for its administrative operations and any one or more of the following purposes to be conducted wholly indoors: storage of equipment, supplies and materials, and finished products; product assembly; servicing of equipment; wholesale or retail sales; or showroom for finished and unfinished products or materials.

And by amending Table 1, Schedule of Uses in Section 5 Use Regulations to allow Contractor's Quarters by right in the following zoning districts: Village Commercial, Business Industrial, West Industrial, East Industrial, Central Business District, Neighborhood Commercial and Oak Grove Business Park, and prohibited in all other districts.

And to act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: Not Recommended

ARTICLE 22: (Amend Zoning Bylaw: Central Business and Oak Grove Districts)
To see if the Town will vote to amend the Zoning Bylaw, Section 9 Oak Grove Park Districts, and Section 10 Central Business District Development Standards as follows (deleted wording shown in strikethrough, added wording shown in bold):

(1) Amend Oak Grove Park Districts, Section 9.4.B as follows:

B. Determination of Building Type

1. **At the time any application is filed with the PEDB under this Section 9, the applicant shall file a written request with the Building Commissioner to classify any new principal structures that are proposed as part of the application, or any existing structures that are to be expanded or converted to new uses.** The Building Commissioner shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Building Commissioner shall also classify existing structures that are being expanded or converted to new uses under this section. If the Building Commissioner is unable to classify an existing principal structure as one of the building types of this section, the structure is considered nonconforming. **The Building Commissioner shall respond to such requests, in writing, within twenty days of receipt of the request.**
2. If a new building is proposed that cannot be classified as one of the allowed building types of this section by the Building Commissioner, the building type is subject to special permit review by the PEDB under Section 9.9. **The PEDB shall determine if the building type is appropriate for the Zoning District, and, if so, determine the building type under Tables 9.4.C.1.A through 9.4.C.1.C that most closely resembles the proposed new building, and apply the standards for that building type to the new building.**

3. When granting a special permit for a building type that cannot be classified under Tables 9.4.C.1.A through 9.4.C.1.C., any such building shall not be used except for a use allowed by right or by special permit in Table 1 in Section 5.4 Schedule of Uses.

(2) And amend Tables 9.4.C.1.B and 9.4.C.1.C as follows: by deleting the text for Maximum Building Footprint (SF) in the columns for “Mixed-Use Building”, “General Commercial Building”, “Hotel” and “Fabrication or Flex Building”, and inserting in its place in each column the words “Not Required”.

(3) And amend Central Business District, Section 10.2.C.1; Section 10.3.C.1, and Section 10.4.C as follows:

10.2.C Building Placement and Orientation.

1. Building Lot and Type. The minimum lot size in the Central Business District is identified on Table 2 - Dimensional and Density Regulations in Section 6.1 of the Zoning Bylaws. For specific building types, ~~other there are alternative dimensional standards for building lot and for building design that apply under Section 10.4 below.~~

10.3 MIXED-USE DEVELOPMENT STANDARDS

C. Dimensional Requirements.

1. Mixed-Use and Residential Development. ~~The dimensional requirements for the Central Business District are provided in Section 6.1, Schedule of Dimensional and Density Regulations.~~ For residential and mixed-use development, ~~however,~~ the following standards apply.
 - a. Front-yard Setback Encroachments. Principal buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the ten-foot minimum setback.
 - b. Side-Yard and Rear-Yard Setbacks. Notwithstanding the provisions of Section 10.2.E.3, there shall be a minimum setback of 25 feet from all side and rear lot lines abutting a residential zoning district, of which the first ten feet nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.
 - c. Maximum Building Height: Residential and mixed-use buildings shall not exceed sixty feet in height, and are subject to the building height step back requirements in Section 10.2.C.3.

10.4 BUILDING TYPES AND DESIGN STANDARDS

C. Commercial, Residential and Mixed-Use Building Types.

1. Building Design Standards. The building types and associated design standards permitted in the Central Business District are identified below:
 - a. Rowhouse (RH) on Separate Lot as set forth in TABLE 9.4.C.1.A.
 - b. Rowhouse (RH) on Common Lot as set forth in TABLE 9.4.C.1.A.
 - c. Multi-Family Building as set forth in TABLE 9.4.C.1.A.
 - d. Mixed-Use Building as set forth in TABLE 9.4.C.1.B.
 - e. General Commercial Building as set forth in TABLE 9.4.C.1.B.

- f. Hotel as set forth in TABLE 9.4.C.1.B.
- g. Gas Station and Convenience Store as set forth in TABLE 9.4.C.1.B, applicable only to substantial redevelopment or renovation of existing vehicle fuel stations with repair or vehicle fuel stations with convenience store pursuant to Section 10.2.A.
- h. Civic or Community Building as set forth in TABLE 9.4.C.1.C.

2. At the time any application is filed with the PEDB under this Section 10, the applicant shall file a written request with the Building Commissioner to classify any new principal structures that are proposed as part of the application, or any existing structures that are to be expanded or converted to new uses. The Building Commissioner shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Building Commissioner shall also classify existing structures that are being expanded or converted to new uses under this section. If the Building Commissioner is unable to classify an existing principal structure as one of the building types of this section, the structure is considered nonconforming. The Building Commissioner shall respond to such requests, in writing, within twenty days of receipt of the request.

23. Alternative Building Types. If the Building Commissioner cannot classify a proposed new building as one of the building types specifically allowed by this section, the building type is subject to issuance of a special permit by the PEDB. **The PEDB shall determine if the building type is appropriate for the Zoning District, and, if so, determine the building type under Tables 9.4.C.1.A through 9.4.C.1.C that most closely resembles the proposed new building, and apply either the standards for that building type or the dimensional standards in Section 6.1 to the new building.**

(4) And amend Table 2, Dimensional and Density Regulations to add a footnote for the “CB” column: “Dimensional requirements set forth in Section 10 of this Zoning Bylaw shall take precedence over the provisions of this Table 2 for the CB zone.”

Or take any action relative thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 23: (Amend Zoning Bylaw: Housekeeping)

To see if the Town will vote to amend the Zoning Bylaw, as provided below

1. Amend Open Space Residential Development, Section 8.4.F.1 by changing the reference “Paragraph I” to “Paragraph J”
2. Amend Section 2 by adding a new definition, in alphabetical order:

Forestland: A dense growth of trees and shrubs covering an area of one acre or more.

3. Change all references in the Zoning Bylaw that now read “Board of Selectmen” to “Select Board” and all references that now read “Department of Public Services” to “Department of Public Works”. Delete “the Water and Sewer Commission” in Section 5.6.3.F.1.

or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 24: (Street Acceptance: Newton Lane)

To see if the Town will vote to accept as a public way, the following street as laid out by the Select Board and as shown on a plan or plans on file in the office of the Town Clerk:

- Newton Lane in its entirety from Station 0+00 at its intersection with Nobscot Road to its end at Station 9+91.18

As shown on *Street Acceptance & As-Built Plan for Hartney Acres II Definitive Subdivision* (Newton Lane), Medway, MA dated October 7, 2022, prepared by O’Driscoll Land Surveying, Inc. of Medway, MA and CMG Engineering Services, of Sturbridge, MA,

And further to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said street and any associated drainage, utility or other easements for said streets, and for any trail or public access easements, and to appropriate a sum of money for this purpose and any related expenses;

And further to authorize the Select Board and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 25: (Citizens’ Petition: Voter ID)

To see if the town will vote to amend the General By-laws by adding a section that shall require Medway voters attending Town Meeting and/or voting in Town Elections to produce a valid photo ID document, or do anything in relation there to; and further to authorize the Town Clerk or other appropriate municipal official to assign proper chapter and section numbering for said new by-law.

CITIZENS’ PETITION

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Not Recommended

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least FOURTEEN (14) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

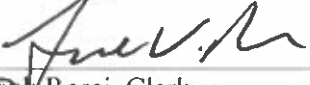
Given under our hands in Medway, this 17th day of October 2022.

A TRUE COPY:

THE TOWN OF MEDWAY SELECT BOARD



Dennis Crowley, Chair

Glenn Trindade, Vice-Chair

Frank Bossi, Clerk

Maryanne White, Member

Todd Alessandri, Member

ATTEST: Paul Trufant, Constable



November 8, 2022

Medway Planning & Economic Development Board
Meeting

Discussion on Possible Amendments to Site Plan Rules and Regulations

UPDATED

- SAC emails dated 10-12 and 10-31 to PEDB members
- Current *Site Plan Rules and Regs* dated 10-8-19
- SAC notes dated 10-14 and 11-30-22
- **Comments from Barbara Saint Andre dated 11-3-22**

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Monday, October 31, 2022 5:24 PM
To: Bob Tucker; Bob Tucker; Jessica Chabot; Matthew Hayes ; Sarah Raposa; Tom Gay
Cc: Steve Bouley ; Barbara Saint Andre
Subject: RE: Amendments to Site Plan Rules and Regs - HOMEWORK REMINDER

Hi everyone,

Just sending along a friendly reminder about your *Site Plan Rules and Regs* homework assignment.

We have a pretty light agenda next week, so this will be a really good opportunity to identify the spots where the *Site Plan Rules and Regs* need some attention.

If you can't review and send me any comments by this Wednesday, please still go ahead to review the R & R and make your notes so we can have a hearty discussion next Tuesday. It is my goal to at least identify the various items that need some editing.

Thanks.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291



From: Susan Affleck-Childs
Sent: Wednesday, October 12, 2022 2:32 PM
To: Bob Tucker <rktucker51@gmail.com>; Bob Tucker <RTucker@compasspmnc.com>; Jessica Chabot <jesswchabot@gmail.com>; Matthew Hayes <hayes7000@msn.com>; Rich Di Iulio <diuliorj@gmail.com>; Sarah Raposa <raposamedway@gmail.com>; Tom Gay <tag70c3@verizon.net>
Cc: Steve Bouley <steven.bouley@tetrattech.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: Amendments to Site Plan Rules and Regs

Hi,

So, based on last night's discussion with Stephanie Carlisle, we need to make some changes to the *Site Plan Rules and Regs* to address stormwater, resiliency, etc.

This is also an opportunity to modify some other provisions that aren't clear or are troublesome and to add needed text where we might be lacking.

Here is the link to the Site Plan Rules and Regs.

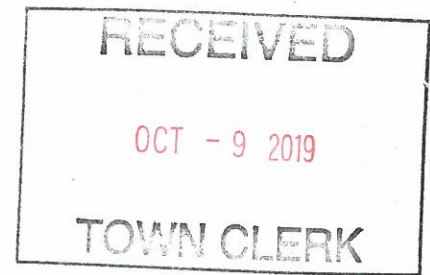
https://www.townofmedway.org/sites/g/files/vyhli8006/f/uploads/site_plan_rules_regs_approved_10-8-2019_0.pdf

HOMEWORK ASSIGNMENT – Please peruse the SP Rules and Regs and make some notes re: any spots where you feel changes or additions are needed. SEND your comments only to me via EMAIL. Please do so by October 28th.

Thanks.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291





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

Robert K. Tucker, Vice-Chairman

Thomas A. Gay, Clerk

Richard Di Iulio

Matthew J. Hayes, P.E.

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**Medway Planning and Economic Development Board
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
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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>

SAC Notes for Revisions to Site Plan Rules and Regs

(10-14-22 and 11-3-22)

Throughout – Change Board of Selectmen to Select Board; Change Town Administrator to Town Manager

Section 202 – GENERAL PROVISIONS

202-2 Scope. Add reference to façade review from ZBL

202-3 Requirements. Add reference to façade review from ZBL

202-4 Add Definitions:

- development project; (DRAFT - Any construction related to new or existing buildings and/or structures and site improvements and infrastructure, including expansion, renovation and upgrades)
- Redevelopment
- Land disturbance area – be consistent with definition in the stormwater bylaw

Section 203 – SITE PLAN APPLICATION PROCEDURES

203-2 B. Interdepartmental review – What info needs to be provided by prospective applicant to CED for such meetings?

Section 204 – MAJOR SITE PLAN REVIEW

204-3 Major Site Plan Review Submittals

204-3 G. Stormwater Documentation

- 2) Change NOAA rainfall reference to Atlas 14+
- 3) What sort of mini SWPPP should we require for major site plan projects with land disturbance area less than one acre?

NOTE – Add requirement to provide information on phosphorus removal calculations as recommended by Stephanie Carlisle.

204-3 H. Construction Management Plan – delete from required application submittal documents; require for submittal before pre-construction meeting

204- 3 K. Wetland Resources - Add an option for a written communication from the Conservation Agent re: status of wetlands on the property

NOTE - Add requirements for submittal of noise and/or odor studies . . .

204-4 Standards for Site Plan Preparation - Add text that site plan shall be prepared in a format suitable for recording at the Norfolk County Registry of Deeds

204-5 Site Plan Contents

204-5 A. Cover sheet – Include plan references at Registry of Deeds applicable to the subject property including easements.

204-5 B. Site Context Sheet. 2) Show property addresses for properties within 300' of the site

204-5 C. Existing Conditions Sheet(s)

- 3) Existing Landscape Inventory – what size and type of tree do we want inventoried and shown? Current language states trees with a diameter of 15 inches or greater at 4 feet above grade AND any trees that are beneficial for screening purposes. Do you want to adjust this size? Only require inventory of certain types of trees (hardwood)? Denote trees to be removed as a result of the project.

204-5 D. Site Plan Information Sheets

NOTES

- Add a requirement to include a plan sheet for the Stormwater O & M plan as requested by Stephanie Carlisle
- Add requirement to show land disturbance area boundaries and calculation

3) Parking Plan – Refer to Section 207-12 of R&R and to Section 7.1.1 of the ZBL for items to include on parking plan

4) Site Improvements – Add reference to CBD and Oak Grove zoning requirements in ZBL (Sections 9 or 10) including site amenities, etc. Add information about sidewalk construction along public ways and provide internal reference to Section 207-9 of the R&R

8) Landscape Plan

a) Need to discuss and decide again on whether you want to require the landscape plan to be prepared by a Registered Professional Landscape Architect or a MA Certified Landscape Professional. This is one of the items for which applicants often request a waiver.

Add a reference to Section 207-19 of the R&R for landscaping requirements

14) Master Signage Plan – Perhaps only require for multi-tenant developments

17) Zoning Compliance Table - Add requirement to include impervious coverage data (existing and post-construction) as requested by Stephanie Carlisle

204-6 Review by Town Officials

- A. Add Board of Health, SB, TM, and Treasurer/Collector's office to the list of entities to be notified.
- B. Change reference to "advisory report" to "review comments".
- C. Review by Building Department – adjust language per Barbara's standard concern that PEDB R & R cannot direct the Building Department staff to do something.

204-8 Decision

A. **Deadline to File Decision** – Add language that if the project is also subject to a special permit that is concurrently under review, then the standard site plan decision deadlines do not apply.

F. **Approval Criteria Findings** – NOTE that the Board’s decision shall include findings on all the noted criteria.

3) Eliminate reference to Master Plan goals in this criterion. Establish a separate criterion to address how the project implements MP goals and strategies.

NOTE – Perhaps this section could be edited a bit.

NOTE – Add a criterion, applicable to projects in the CBD and Oak Grove, that requirements of Sections 9 or 10 of the ZBL have been met.

H. Notice of Decision – More specific on when the Notice of Decision has to be distributed after filed with Town Clerk. Indicate that notice can be sent by first class mail.

Section 204-10 Plan Endorsement

A. Deadline for plan endorsement – Change from 90 days to 120 days.

205 – MINOR SITE PLAN REVIEW

General Comment – Need to have a somewhat less rigorous process

NOTE – Most changes to be made in Section 204 for major site plan review can also be made in Section 205

Question – Do you want to require minor site plans and associated decisions to be recorded at the Registry of Deeds?

NEED TO ADD A NEW SECTION RE: Façade Review per Section 3.5.3 A. 4. of the ZBL

207 – DEVELOPMENT STANDARDS (RENAME to Section 208)

Section 207-5 Environmental Considerations

B. Low Impact Development – Need stronger language to give priority to LID/nature-based solutions as requested by Stephanie Carlisle

207-9 Pedestrian & Bicycle Access and Sidewalks

Consolidate sub-sections A and B. into one

B. Sidewalks, 3) – Correct reference to applicable ZBL requirement

Add requirement for bicycle racks.

207-11 Traffic and Vehicular Circulation

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

4) Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved materials . . . NEED TO DISCUSS THIS. Common waiver request.

B. Internal Site Circulation and Parking Lot Drive Aisles

2) Perimeter of drive aisles shall be bounded with vertical granite curbing. NEED TO DISCUSS THIS. Common waiver request.

C. Mitigation - NOTE – Add language that the Board may require one way traffic routing . . .

Section 207-12 Parking

H. Curbing

1) The perimeter of the parking area shall be bounded by vertical granite curb, bituminous concrete curb, or cement concrete curb to delineate the parking lot and collect and direct stormwater runoff. NEED TO DISCUSS – This is a common waiver request.

I. Electrical Vehicle Charging Stations

NOTE – Add language that the Board may require the provision of EV ready parking spaces. How many?

208 – ADMINISTRATION

208-1 – preconstruction mtg – soil management plan for projects involving more than 2,000 cubic yards of fill, construction management plan for projects over_____,

BJS Comments – 11/3/22

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

Robert K. Tucker, Vice-Chairman

Thomas A. Gay, Clerk

Richard Di Iulio

Matthew J. Hayes, P.E.

**Medway Planning and Economic Development Board
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. The purposes of these Rules and Regulations include the protection of the environment; compliance with federal and state stormwater standards; provision of vehicular, pedestrian, and bicyclist safety; protection of public health, welfare, and safety; to support the most appropriate use of land; to mitigate the deleterious effects of development; minimize climate change impacts; promote open space and use of best management practices. ~~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.~~

Commented [A1]: I would prefer a purpose statement, not just a summary of contents. This is just a suggested starting place.

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.~~
- e) ~~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.~~

Commented [A2]: Is this really needed? Incorporate into other sections.

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).

Commented [A3]: Is this correct?

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. Screening, creative parking lot design, use of alternative paving materials, and planting of trees for shading and buffers for parking areas.

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.~~

Commented [A4]: I believe we put this in the ZBL.

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. The site plan meets the requirements of the Zoning Bylaw and these regulations, except to the extent any regulations are waived by the Board.~~
- 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 ~~use?~~ throughout the site.
- 8) Design and construction minimize, to the extent reasonably practical, the following environmental impacts:
 - a) the volume of cut and fill;

Commented [A5]: This seems to require a vote of at least 3 members in order to grant site plan approval, even if only 3 members are voting.

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Commented [A7]: See nos. 4, 8 and 10

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- 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.~~

Commented [A9]: See no. 1

Commented [A10]: This seems to sum it up, do we really need this with all the others above?

- 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*.

Commented [A11]: We should explore ways to make minor site plan simpler.

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*.

Commented [A12]: If we are sending notice to abutters, why not just make it a public hearing?

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 3.5.4J.15. A. 2. of the *Zoning Bylaw*, the ~~Town Administrator and the~~ Board ~~has~~ 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.

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- 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 (i.e. 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;

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- 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.

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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* – Shall comply with Section 7.1.1.E.4 of the Zoning Bylaw. 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

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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

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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 ~~recommendation~~ 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

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>