

Tuesday, January 24, 2023
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	X	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.

Choate Trail Subdivision – Field Change: Discussion re: Trail Location:

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

- Draft Field Change document
- Email from CED Director Barbara Saint Andre with recommended edits to the DRAFT Field Change document.

The Board is in receipt of the most recently revised language relating to the Choate Trail Subdivision Field Change. There was discussion about the planting section. There will be 38 plants, 3 gallon or 4 ft.. The plants will be placed on the northern edge of the easement. There will also be varied four season native shrubbery. There was a recommendation to place the plants outside the easement on Lot 4 so they can get the most sun and survive when planted.

On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to approve the field change for Choate Trail Subdivision as provided and discussed.

The Board would like the easement recorded prior to conveying the lot. Susy Affleck-Childs will work with Town Counsel on the easement language.

William Wallace Village Final Occupancy Permit:

The discussion for William Wallace will be held at the February 14, 2023 meeting. Tetra Tech is doing a site inspection.

Salmon and Black Brook Performance Security

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

- Draft partial release of covenant for all 22 remaining units in Unit 3B area

- Tetra Tech revised bond estimate dated 1-13-23 for \$154,846 for the Unit 3B area
- ARCH Insurance Performance Bond dated 1-18-23 for \$154,846
- Draft Performance Secured by Surety Agreement,

Salmon Portion (roadway) of Unit 3B Area:

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

- Tetra Tech revised bond estimate dated 1-13-23 for \$101,650 for the Unit 3B area
- DRAFT Performance Secured by Surety Agreement which has been provided to Jeff Robinson.

Engineer Peter Beemis was present via zoom. He thinks the units should be released and covers activity of 3B. Arch insurance is acceptable. The Board was made aware that Mr. Burns has agreed to the revised bond amount. A draft agreement has been provided to Mr. Burns and his team.

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to sign the release of covenant for all the remaining 22 units in Unit 3B area.

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to sign the performance security agreement with Mr. Burns and Arch Insurance as presented.

On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to have the completion date of the scope of work be July 31, 2024.

Construction Reports:

There were no construction reports to discuss.

The Board was informed the contract for Tetra Tech concludes on June 30, 2023. Tetra Tech has provided a proposal for another three years. There will be a meeting with Sean Reardon, Steve Bouley, and town representatives to discuss the proposal.

PEDB MEETING MINUTES:

January 10, 2023

On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted to approve the minutes from the January 10, 2023 meeting.

Zoning Bylaw Amendments:

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

- New possible amendments to Section 8.3 Home Based Business Section and a chart showing GVWR vehicle classifications
- Electric Vehicle Charging Amendments and a summary of the new Stretch Code requirements for EV parking
- Section 6 Amendments

- Groundwater Protection District Amendments
- Amendments related to Oak Grove and the Central Business District
- Amendments for “Housekeeping”

Home Based Businesses:

A draft revision to the Home-Based Business section was prepared based on the comments from the last meeting. Resident Charlie Myers had provided some proposed text. Proposed is to add a new item C for Definitions and to refer to the definitions of Home-Based Business, Commercial Vehicle, and Gross Vehicle weight rating as included in Section 2 of the ZBL. There was language added that off street parking spaces shall not be located within zoning setbacks of the property. It was recommended that this should only apply to newly created parking spaces or driveways, not to an existing driveway. Also included is wording that there shall be no outside parking of trailers, wheeled equipment, more than two Class 3 motor vehicles and no vehicles rated Class 4 and above for vehicles associated with the home based business. There was discussion that vehicles need to park on existing driveways and be prohibited from parking on the lawn. There was clarity through discussion that this may not be feasible in all situations.

The Board was advised to be careful making these changes since it will be difficult for the Town to enforce. The Board likes the chart with vehicle classification. A suggestion was made that the off-street parking be limited for business hours only and that no overnight parking be allowed. This section will be further revised and presented to the Board.

EV Parking:

This article is to amend the current language about parking spaces for electric vehicles. Proposed is to add definitions for electric vehicle, electric vehicle ready parking space, and electric vehicle supply equipment with a reference to the Standard SAE J1772. Also proposed is a change to require 20% EV charging station spaces and 30% EV ready parking spaces for parking areas with fifteen or more spaces. At the last meeting, there was discussion about how those percentage recommendations were determined. A summary of the new stretch code was referenced as it is currently in effect. It was suggested to just reference the updated stretch code requirements and to not impose anything further.

Amendment to Section 6 Dimensional Requirements:

This article came as a recommendation from the Building Inspector to specify the size of any single accessory building or structure as compared to the size of the principal residential building, refereeing to “area” instead of “gross floor area”. It was noted that the current zoning bylaw does not have the definition for area. It was suggested to use the word “footprint” and add a definition for that instead of referring to “area”.

Amendment to Groundwater Protection District

This article is to see if the Town will vote to amend the Zoning Bylaw Section 5.6.3, prohibited uses by adding language to prohibit metal roofs on buildings located in the groundwater protection area of a public water supply. There was a recommendation to reference the MA Stormwater handbook and 310 CMR.

Oak Grove Table 9.4.c

The Board is in receipt of proposed amendments to the Zoning Bylaw, Oak Grove Park Districts,

Tables 9.4.C1.A through 9.4.C.1, The chart was provided.

Ms. Saint Andre noted that the Medway Redevelopment Authority had reviewed the proposed changes and wanted to remove reference to maximum requirements where there are none.

Housekeeping:

Town Manager would like to add to the housekeeping warrant article some additional text to amend the marijuana sections of the zoning bylaw by removing the requirement for a host community agreement for registered medical marijuana facilities and recreational marijuana facilities.

Revisions to Site Plan Rules and Regulations:

- This will be discussed at the meeting on February 9, 2023.

Other Business:

Member Tucker informed the Board that he will not be seeking reelection. He thanked all who he served with and communicated it was a pleasure serving.

Executive Session:

On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted by roll call to enter into executive session pursuant to General Law, c.30A, Section 21(a)(7) to review and/or authorize release of executive session meeting minutes and to not return to open session.

Roll Call Vote:

Jessica Chabot	aye
Sarah Raposa	aye
Matt Hayes	aye
Bob Tucker	aye

The regular session ended at 8:41 pm.

NEXT REGULAR MEETING:

- February 14, 2023

The regular meeting was ended at 8:52 p.m.

Prepared by,
Amy Sutherland
Recording Secretary

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



January 24, 2023
Medway Planning & Economic Development Board
Meeting

Choate Trail Field Change – Trail
Location

- DRAFT Field Change document dated January 23, 2023.

Board Members

Matthew J. Hayes, P.E., Chair
Robert Tucker, Vice Chair
Sarah Raposa, A.I.C.P., Clerk
Jessica Chabot, Member
Thomas A. 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.org

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

DRAFT – January 23, 2023

FIELD CHANGE AUTHORIZATION

Choate Trail Way Definitive Subdivision Plan Trail on Lot 4

At its duly posted meetings held on November 8, 2022, December 13, 2022, January 10, 2023, and January 24, 2023, the Medway Planning and Economic Development Board discussed and reviewed the location of the planned 380 linear foot pedestrian trail within a 15' wide easement as shown on Lot 4 of the previously approved and endorsed Choate Trail Way Definitive Subdivision Plan. The project developer is Residences at Choate Trail, LLC, represented by Robert Pace. Choate Trail Subdivision is a four lot, permanent private way subdivision located at what was formerly 42 and 42R Highland Street. It was approved by the Board on May 18, 2020 and recorded at the Registry in August 2020.

The Board's discussion was prompted by concerns expressed by abutters at 38 and 40 Highland about the impact of the trail on their properties.

As requested by the Board, the Medway Open Space Committee reviewed the trail location at its January 3, 2023 meeting. The Open Space Committee's review memorandum dated January 9, 2023 notes the Committee's support of the trail, retention of large matures trees, and use of a meandering trail route. The Committee also offered to assist with mapping out the exact location in the field and with signage.

The discussed changes were also reviewed by Steve Bouley, P.E. at Tetra Tech, the Board's consulting engineer; he advised that there were no issues from an engineering perspective.

SCOPE OF FIELD CHANGE

- The existing 15' wide trail easement along the southern boundary of Lot 4 (now known as 2 Copper Drive) as shown on the endorsed and recorded Choate Trail Way Definitive Subdivision Plan shall remain as presently located.
- The dirt trail within the easement area will be constructed three feet wide.
- The routing of the trail within the easement shall hug the northern edge of the easement area but will meander through the woods where needed to go around and preserve large

trees. Underbrush will be retained to provide natural buffering for the adjacent residential neighbors.

- Buffers
 - ✓ Felled small trees from trail construction shall be placed south of the trail on the Highland Street abutters side of the easement area to serve as a buffer to deter trail users from walking onto the abutters' properties.
 - ✓ The developer will create several earthen berms to fill in along breaks in the existing stone wall which currently mark the boundaries between Choate Trail Lot 4 and 38 and 40 Highland Street.
 - ✓ The developer will offer smaller rocks that are removed during trail construction to the owners of 38 and 40 Highland Street for placement along their property line by those owners, also for use as a deterrent.
- Plantings – NOTE - Total of 76 shrubs was previously required . . .
 - ✓ Developer will install shrubbery plantings including rhododendrons along the stone wall and boulders which have been placed along the northern edge of the easement area on Lot 4. Will these plantings be within the easement area or outside the easement area on Lot 4? How many?
 - ✓ Developer will install on the southern side of the trail
- The Developer shall place up to four "No Trespassing" trail signs or comparably worded signs and trail blazes along the trail route. The developer shall provide and install such signs after working with the Medway Open Space Committee to determine the design, precise language, and locations.
- The developer shall install 5' wide precast concrete or granite curb stone steps into the embankment to connect Copper Drive to the western end of the trail.
- The trail shall be maintained by community volunteers with assistance of the Medway Department of Public Works. Neither the developer nor the owner of Lot 4 is responsible for trail maintenance.

At its January 24, 2023 meeting, the Planning and Economic Development Board determined that the proposed field change will not be detrimental to the achievement of the Choate Trail definitive subdivision as originally approved. Accordingly, the Planning and Economic Development Board approved the field changes as described herein with the following conditions:

CONDITIONS

- 1 The developer shall record the pedestrian access easement on Lot 4, to be accepted by the Medway Select Board, with the Norfolk County Registry of Deeds before The Town issues an occupancy permit for Lot 4.
2. The routing of the trail, location of stairs from Copper Drive, and final landscaping installation shall be shown on the subdivision as-built plan submitted to the Board at the conclusion of the project's construction.
3. The developer shall install permanent survey markers along both sides of the easement area to demarcate the easement area boundaries.

4. This Field Change supersedes the previous field change issued August 16, 2021.

cc: Robert Pace, Residences at Choate Trail, LLC
Vito Colonna, Connorstone Engineering
Jonathan Ackley, Building Commissioner
Steve Bouley, Tetra Tech
Bridget Graziano

DRAFT

Susan Affleck-Childs

From: Barbara Saint Andre
Sent: Tuesday, January 24, 2023 10:07 AM
To: Matthew Hayes ; Robert Tucker; 'Jessica Chabot'; raposamedway@gmail.com; Tom Gay (tag70c3@verizon.net)
Cc: Susan Affleck-Childs
Subject: FW: ADDITIONAL ITEM for Board Packet - Choate Trail Field Change

Good morning, all, I have a couple comments and suggestions regarding the Choate Trail Field Change for consideration at tonight's meeting.

The "Scope of Field Change" seems to include a number of requirements, should some of these be in the conditions?

Condition 1: I suggest re-wording to read: "The developer shall record the pedestrian access easement on lot 4 with the Norfolk County Registry of Deeds prior to conveyance of Lot 4 or issuance of the occupancy permit for Lot 4. Please note that the easement requires acceptance by the Medway Select Board prior to recording."

Last bullet: I recommend deleting "The trail shall be maintained by community volunteers with assistance of the Medway Department of Public Works." The important point is that the owner is not responsible for maintenance. How the Town will determine to maintain the trail, whether volunteers are available or not, etc., is beyond the control of the PEDB.

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

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Monday, January 23, 2023 9:55 AM
To: Bob Tucker <rtucker51@gmail.com>; Robert Tucker <rtucker@compasspminc.com>; Jessica Chabot <jesswchabot@gmail.com>; Matthew Hayes <hayes7000@msn.com>; Sarah Raposa <raposamedway@gmail.com>; Tom Gay <tag70c3@verizon.net>
Cc: Bouley, Steven <steven.bouley@tetrattech.com>; Amy Sutherland <jdsals@msn.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Anna Rice <arice@townofmedway.org>
Subject: ADDITIONAL ITEM for Board Packet - Choate Trail Field Change

Hi all,

See attached additional item for the January 24, 2023 PEDB meeting. Please review in preparation for the meeting.

Thanks.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway

155 Village Street
Medway, MA 02053
508-533-3291





January 24, 2023
Medway Planning & Economic Development Board
Meeting

Salmon and Black Brook
Performance Security

Black Brook portion of Unit 3B Area

- Draft partial release of covenant for all 22 remaining units in Unit 3B area
- Tetra Tech revised bond estimate dated 1-13-23 for \$154,846 with map showing the Unit 3B area
- ARCH Insurance Performance Bond dated 1-18-23 for \$154,846
- DRAFT Performance Secured by Surety Agreement

NOTE – Mr. Burns has agreed to the revised bond amount. We await signatures of John Burns and Arch Insurance on the Town's standard Performance Secured by Surety Agreement. A DRAFT Agreement has been provided to Mr. Burns and his team. We understand ARCH will sign that Agreement. Mr. Burns will drop off the signed Agreement on Monday.

Salmon Portion (roadway) of Unit 3B Area

- Tetra Tech revised bond estimate dated 1-13-23 for \$101,650
- DRAFT Performance Secured by Surety Agreement which has been provided to Jeff Robinson.

NOTE – As of 10:40 am Friday morning, we have not heard back from Jeff Robinson. If/when that changes, I will update this file and resend to you.

***Partial Release of Covenant
Planning & Economic Development Board – Town of Medway, MA***

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that the dwellings with the following addresses:

2 Waterside Run, Medway, MA	19 Willow Pond Circle
4 Waterside Run, Medway, MA	21 Willow Pond Circle
6 Waterside Run, Medway, MA	23 Willow Pond Circle
8 Waterside Run, Medway, MA	25 Willow Pond Circle
10 Waterside Run, Medway, MA	27 Willow Pond Circle
12 Waterside Run, Medway, MA	29 Willow Pond Circle
13 Waterside Run, Medway, MA	31 Willow Pond Circle
18 Waterside Run, Medway, MA	33 Willow Pond Circle
20 Waterside Run, Medway, MA	
22 Waterside Run, Medway, MA	
24 Waterside Run, Medway, MA	
26 Waterside Run, Medway, MA	
28 Waterside Run, Medway, MA	
30 Waterside Run, Medway, MA	

each being a portion of Unit 3B The Willows at Medway and Whitney Place Condominium, as described in a Master Deed, as amended, and recorded at the Norfolk County Registry of Deeds (the "Registry") in Book 40836, Page 534, which are a part of The Willows at Medway and Whitney Place Condominium, as described in a Master Deed, recorded at the Registry in Book 36540, Page 423, and amended and recorded in Book 40184, Page 515, and shown on plans recorded with the Registry in Plan Book 708, Page 53, to which reference may be made for a more particular description, are hereby released from the terms set forth in an Adult Retirement Community Planned Unit Development Covenant between the Medway Planning and Economic Development Board and Medway Land Venture, LLC recorded in the Registry in Book 35686, Page 112. The above noted addresses comprise only a portion of all buildings to be constructed. For title reference, see Registry Book 40184, Page 539.

Executed under seal this _____ day of _____, 2023.

Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss. _____


On this _____ day of _____, before me, the undersigned notary public,
personally appeared _____

_____,
members of the Medway Planning and Economic Development Board, proved to me through
satisfactory evidence of identification, which was personal knowledge, to be the persons whose
names are signed on the above document, and acknowledged to me that they signed it
voluntarily and for its stated purpose.

Notary Public
My commission expires:

To: Susan Affleck-Childs – Coordinator, Medway Planning and Economic Development

Cc: Bridget Graziano – Medway Conservation Agent
John Burns – Applicant (Black Brook Realty)

From: Steven M. Bouley, PE 
Tucker D. Paradee, EIT

Date: January 13, 2023

Subject: Black Brook Realty Bond List

On December 8, 2022, at the request of the Medway Planning Board, Tetra Tech (TT) conducted a bond list inspection of The Willows at Medway (Willows) Project in Medway, MA. As directed, the bonding for the Project has been split into multiple lists, one for the entire site which is controlled by the Willows, one for the internal exclusive use areas controlled by Black Brook Realty, LLC (Black Brook) and one for Willows controlled areas along Black Brook Unit 3B areas. **This list encompasses the areas controlled by Black Brook, specifically the Phase I development which comprises “Unit 3B” exclusive use areas, see attached figure.** The below list and attached Estimate were generated for 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 set (Willows Plans) titled "'Salmon Health and Retirement Community', Construction Documents, Village Street, Medway, Massachusetts 02053", dated December 11, 2017, prepared by Coneco Engineers & Scientists (CES).
- A plan set (Black Brook Plans) titled "The Willows at Medway and Whitney Place Condominium, Condominium Site Plan" dated November 29, 2021, prepared by Engineering Design Consultants, Inc. (EDC).

Missing Items

1. Install landscaping, including placement of loam and seeding in Unit 3B areas not yet in development on Willow Pond Circle.
2. Install roof runoff infiltration systems at the Unit 3B areas not yet in development.

Inspection/Maintenance

3. Replace damaged bituminous curb along Waterside Run. Allowance for anticipated future berm damage has also been included for Unit 3B areas not yet in development on Willow Pond Circle.
4. Clean stormwater infrastructure within the paved area that may be impacted by the proposed development of cottages. Assume two (2) cleanings of all catch basins adjacent to work areas (11 structures) per year for two (2) years.
5. Perform erosion control maintenance for drain infrastructure potentially impacted by the proposed development of cottages. Assume two (2) new silt sacks for each catch basin per year for two (2) years.
6. Remove erosion controls upon site stabilization and as directed by Medway Conservation Commission.

Administrative

7. Contract with consulting engineer and legal counsel to provide continued construction administration for the Project.

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\143-21583-15011 (WILLOWS ARCPUD REVIEW)\CONSTRUCTION\PUNCH-BOND LIST\BOND LIST_01_BLACK BROOK_2023-01-13.DOC

**TETRA TECH**

Bond Estimate
Black Brook Realty (at The Willows)
Medway, Massachusetts
January 13, 2023

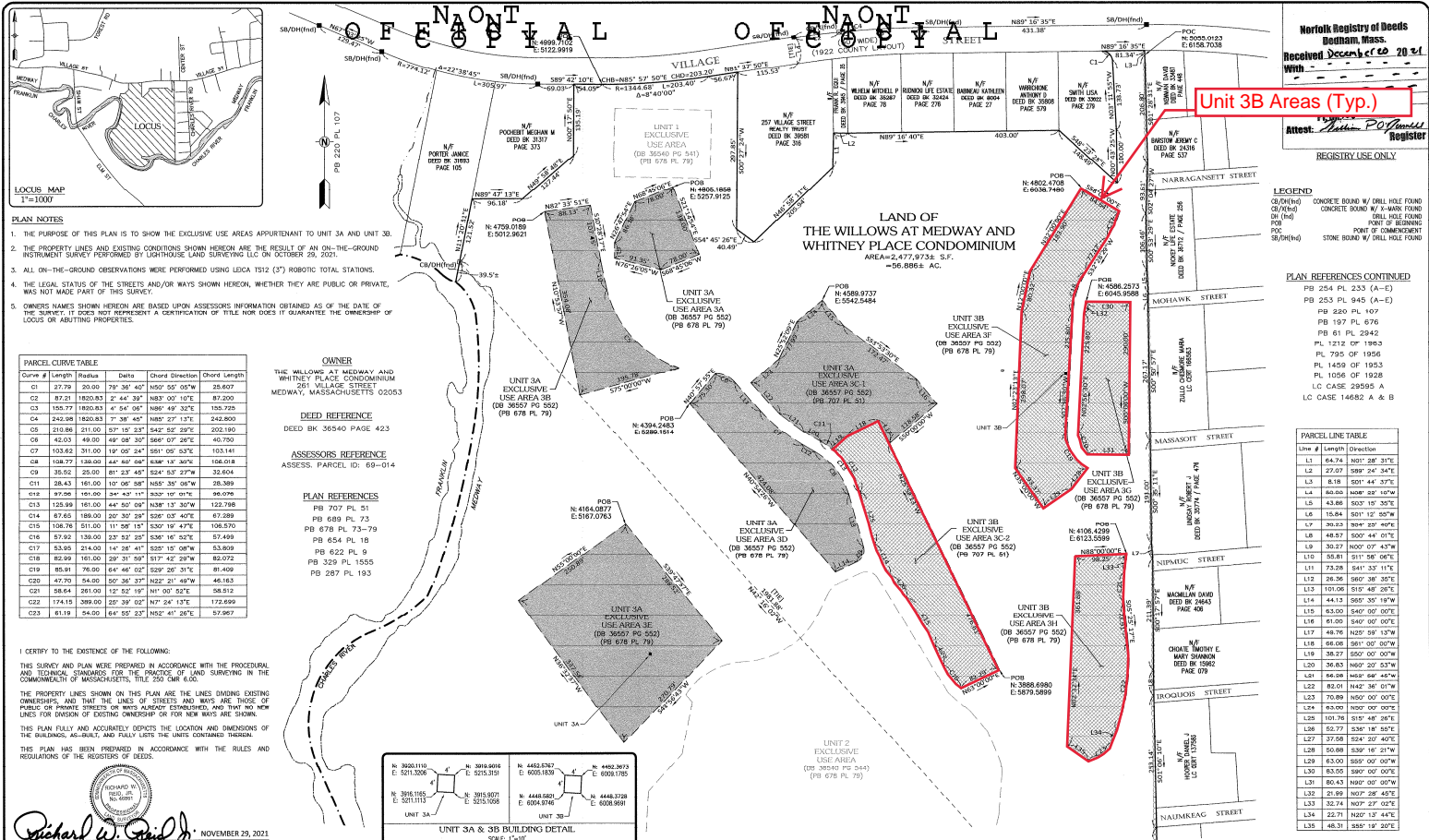
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
001	Mobilization (3% of Const. Cost)	1	LS	\$3,700.00	\$3,700
002	Landscaping	1	LS	\$7,500.00	\$7,500
003	Loam Borrow	372	CY	\$70.00	\$26,040
004	Seed	3,379	SY	\$3.00	\$10,137
005	Bituminous Curb (Damage Allowance)	500	FT	\$15.00	\$7,500
006	Roof Infiltration Systems	4	EA	\$7,500.00	\$30,000
007	Clean Catch Basins ² (21)	84	EA	\$250.00	\$21,000
008	Maintain Erosion Controls ²	1	LS	\$5,000.00	\$5,000
009	Remove Erosion Controls	1	LS	\$5,000.00	\$5,000
010	Engineering Services	1	LS	\$5,000.00	\$5,000
011	Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal					\$123,877
25% Contingency					\$30,969
Total					\$154,846

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 1/2022 - 1/2023. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

²This item will remain in the estimate until this Phase is entirely complete and stabilized. Structure cleaning assumes two (2) cleanings per year per structure for a period of two (2) years.

³Items represented in the above estimate include those from Black Brook Unit 3B exclusive use areas.



LOCUS MAP
1"=1000'

- PLAN NOTES:
1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXCLUSIVE USE AREAS APPURTENANT TO UNIT 3A AND UNIT 3B.
 2. THE PROPERTY LINES AND EXISTING CONDITIONS SHOWN HEREON ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY LIGHTHOUSE LAND SURVEYING, LLC ON OCTOBER 29, 2021.
 3. ALL ON-THE-GROUND OBSERVATIONS WERE PERFORMED USING LEICA TS17 (2") ROBOTIC TOTAL STATIONS.
 4. THE LEGAL STATUS OF THE STREETS AND/OR WAYS SHOWN HEREON, WHETHER THEY ARE PUBLIC OR PRIVATE, WAS NOT MADE PART OF THIS SURVEY.
 5. OWNERS NAMES SHOWN HEREON ARE BASED UPON ASSESSORS INFORMATION OBTAINED AS OF THE DATE OF THE SURVEY. IT DOES NOT REPRESENT A CERTIFICATION OF TITLE NOR DOES IT GUARANTEE THE OWNERSHIP OF LOOTS OR ABATING PROPERTIES.

PARCEL CURVE TABLE					
Curve	Length	Radius	Delta	Chord Distance	Chord Length
C1	27.79	20.00	79° 38' 40"	M50° 55' 05"W	28.607
C2	87.31	1820.83	2° 44' 39"	N83° 00' 10"E	87.300
C3	188.77	1860.61	1° 24' 56"	N48° 44' 32"E	188.720
C4	242.98	1820.83	7° 38' 40"	N89° 27' 13"E	242.800
C5	210.86	2110.57	57° 15' 23"	S42° 52' 29"E	202.190
C6	42.03	48.00	48° 58' 30"	S66° 07' 26"E	40.750
C7	103.62	391.00	12° 02' 24"	S50° 05' 53"E	103.141
C8	108.77	138.00	44° 40' 08"	S38° 19' 30"E	108.018
C9	35.52	25.00	81° 23' 48"	S24° 53' 27"W	32.804
C10	38.43	161.00	10° 56' 58"	N50° 38' 06"W	38.389
C11	87.98	161.00	24° 44' 11"	S32° 10' 01"E	88.078
C13	125.98	161.00	44° 50' 08"	N38° 13' 30"W	122.788
C14	87.65	189.00	20° 30' 29"	S36° 03' 40"E	87.389
C15	108.76	51.00	11° 58' 18"	S30° 19' 47"E	108.570
C16	57.92	138.00	23° 32' 35"	S26° 16' 52"E	57.499
C17	53.65	214.00	14° 26' 41"	S20° 15' 08"W	53.609
C18	82.69	161.00	29° 31' 59"	S17° 42' 29"W	82.072
C19	65.81	78.00	64° 44' 02"	S22° 25' 31"E	61.408
C20	47.70	54.00	50° 36' 37"	N22° 21' 49"W	46.163
C21	58.64	261.00	12° 52' 18"	N1° 00' 52"E	58.512
C22	174.15	389.00	25° 39' 02"	N47° 24' 13"E	172.699
C23	81.19	54.00	64° 05' 27"	N52° 41' 26"E	81.987

OWNER
THE WILLOWS AT MEDWAY AND
WHITNEY PLACE CONDOMINIUM
261 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

DEED REFERENCE
DEED BK 36540 PAGE 423

ASSESSORS REFERENCE
ASSESS. PARCEL ID: 69-0714

PLAN REFERENCES
PB 707 PL 251
PB 689 PL 73
PB 678 PL 73-79
PB 654 PL 18
PB 622 PL 9
PB 329 PL 1555
PB 287 PL 193

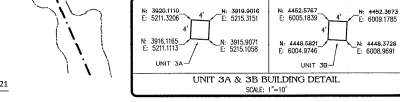
I CERTIFY TO THE EXISTENCE OF THE FOLLOWING:
THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS, TITLE 260 CMR 6.00.

THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THAT THE LINES OF STREETS AND WAYS ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

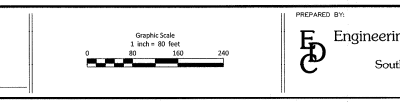
THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE BUILDINGS, AS-BUILT, AND FULLY LIES THE LINES CONTAINED THEREIN.

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

Richard W. Spill
PROFESSIONAL LAND SURVEYOR
NOVEMBER 29, 2021
DATE



REVISIONS:				
DATE	BY	DATE	DESCRIPTION	
07/08/21	200			
08/03/21	PBR			
08/03/21	INT			



Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts
(508) 480-0225

PROJECT:
THE WILLOWS AT MEDWAY
AND WHITNEY PLACE CONDOMINIUM
261 VILLAGE STREET
(NORFOLK COUNTY)
MEDWAY, MASSACHUSETTS

TITLE:
CONDOMINIUM SITE PLAN
PREPARED FOR:
Black Brook Realty, LLC
17 Main Street
Hopkinton, Massachusetts 01748
DATE:
NOVEMBER 29, 2021
1 OF 3
EDC PROJECT NUMBER
3750

Norfolk Registry of Deeds
Dedham, Mass.
Received December 29, 2021
VW
Attest: *John P. Farrell*
Register
REGISTRY USE ONLY

LEGEND
CONCRETE BOUND W/ DRILL HOLE FOUND
CONCRETE BOUND W/ E-WAY FOUND
C/N(h)nd POINT OF BEGINNING
P(h)nd POINT OF BEGINNING
S(h)nd(h)nd STONE BOUND W/ DRILL HOLE FOUND

PLAN REFERENCES CONTINUED
PB 254 PL 233 (A-E)
PB 253 PL 945 (A-E)
PB 220 PL 107
PB 197 PL 676
PB 61 PL 2942
PL 1212 OF 1563
PL 795 OF 1956
PL 1458 OF 1953
PL 1056 OF 1928
LC CASE 29955 A
LC CASE 14682 A & B

PARCEL CURVE TABLE	
Curve	Length/Direction
L1	64.74 N01° 28' 31"E
L2	27.07 S88° 24' 34"E
L3	8.78 N01° 44' 37"E
L4	56.86 N88° 38' 10"W
L5	43.88 N01° 13' 30"E
L6	15.84 S01° 13' 05"W
L7	26.32 N88° 38' 10"W
L8	48.57 S00° 44' 02"E
L9	30.27 N00° 07' 43"W
L10	55.87 S01° 13' 05"W
L11	72.58 S41° 38' 11"E
L12	26.36 S88° 38' 35"E
L13	109.08 S15° 45' 28"E
L14	14.12 S88° 38' 10"W
L15	83.00 S40° 00' 00"E
L16	61.00 S40° 00' 00"E
L17	46.76 N25° 59' 13"W
L18	46.08 S81° 02' 20"W
L19	38.27 S00° 00' 00"W
L20	26.63 N82° 27' 53"W
L21	44.12 N42° 46' 42"E
L22	82.01 N42° 46' 42"E
L23	70.88 N00° 00' 00"E
L24	43.60 N00° 00' 00"E
L25	21.96 N07° 38' 40"E
L26	36.74 N07° 27' 06"E
L27	27.08 S18° 18' 58"E
L28	52.77 S38° 18' 58"E
L29	63.01 S88° 00' 00"E
L30	83.00 S88° 00' 00"E
L31	80.43 N88° 00' 00"W
L32	21.96 N07° 38' 40"E
L33	36.74 N07° 27' 06"E
L34	22.71 N30° 13' 44"E
L35	48.31 S88° 19' 20"E

SUBDIVISION PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS THAT **BLACK BROOK REALTY, LLC** as **PRINCIPAL** and **ARCH INSURANCE COMPANY** authorized to do business in the State of **MASSACHUSETTS** and having an office at **60 CATAMORE BLVD, EAST PROVIDENCE, RI 02914**, as Surety, are held and firmly bound unto **THE TOWN OF MEDWAY, MA** as Obligee, in the penal sum of **ONE HUNDRED FIFTY FOUR THOUSAND EIGHT HUNDRED FORTY SIX AND NO/100 (\$154,846.00)** for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounded Principal has been granted approval by the above named Obligee for a subdivision known as **THE WILLOWS AT MEDWAY**, Medway, Massachusetts

NOW, THEREFORE the condition of the above obligation is such that if the said Principal shall complete the **IMPROVEMENTS AS DESCRIBED ON JANUARY 13, 2023 "BLACK BROOK REALTY BOND LIST" PROVIDED BY TETRA TECH** in accordance with the plans and specifications approved by **THE TOWN OF MEDWAY, MA** within the **TWO** year period from the date hereof; and shall indemnify and save harmless the Town from all costs and damages which it may suffer by reason of failure to do so, and fully reimburse and repay the Obligee any outlay and expense which it may incur in making good any such default, then this obligation shall be null and void, otherwise it will remain in full force and effect.

THE FOREGOING OBLIGATION however, is limited by the following express conditions the performance of which shall be a condition precedent to any rights of claims or recovery here under

1. Upon the discovery by the Obligee, or by the Obligee's agent or representative, of any act or omission that shall or might involve a loss hereunder the Obligee shall endeavor to give written notice thereof with the fullest information obtainable at the time to the Surety at its office at **ARCH INSURANCE COMPANY - SURETY DIVISION, 3 PARKWAY, SUITE 1500, PHILADELPHIA, PA 19102**
2. Legal proceeding for recovery hereunder may not be brought unless begun within twelve (12) months from the date of the discovery of the act or omission of the Principal on account of which claim is made.
3. The Principal shall be made a party of any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this bond.
4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Obligee, and the Obligee's right hereunder may not be assigned without the written consent of the Surety.
5. This Bond shall automatically renew for successive one-year terms through completion of the Principal's obligations required by the Agreement, unless at least sixty (60) days prior to the next annual renewal date (**which shall be JANUARY 18TH of each calendar year**) the Surety delivers written notice to Principal and to Obligee, or Principal delivers written notice to Surety and Obligee, that the notice-sender seeks to modify the terms of, or cancel this bond. Written notices effective if delivered to, or sent by certified mail, postage prepaid, and deposited in the U.S. Mail addressed to the Principal or Surety, as the case may be, and to the Obligee requiring bond, as outlined in the notice section of this Bond, and is actually received by the Principal or Surety, as the case may be, and the Obligee at least thirty (30) days prior to the renewal date. However, neither: (a) the Surety's decision to cancel nor (b) the failure or inability of the Principal to file a replacement bond or other security in the event the Surety exercises its

right to cancel this Bond, shall itself constitute a loss to the Obligee recoverable under this Bond or any extension thereof


IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representative of the Principal and the Surety.

SIGNED, SEALED AND DATED---- 18TH day of January, 2023

BLACK BROOK REALTY, LLC

ARCH INSURANCE COMPANY

BY



Russell C. Corner II, ATTORNEY-IN-FACT



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Charles A. Byrne, Denise A. Chianese, Jessica Mendonca, Russell C. Corner II and Shanise Barrett of East Providence, RI (EACH)

its true and lawful Attorney(s) in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed: Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding One Hundred Fifty Million Dollars (\$150,000,000.00). This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on August 31, 2022, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on August 31, 2022:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on August 31, 2022, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company. **In Testimony Whereof**, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this **15th** day of **December, 2022**.

Attested and Certified


Regan A. Shulman, Secretary



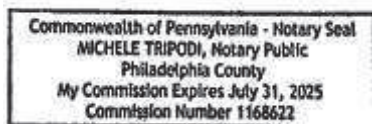
Arch Insurance Company



Stephen C. Ruschak, Executive Vice President

STATE OF PENNSYLVANIA SS
COUNTY OF PHILADELPHIA SS

I, **Michele Tripodi**, a Notary Public, do hereby certify that Regan A. Shulman and Stephen C. Ruschak personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



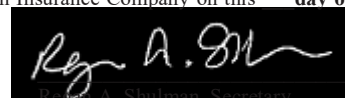

Michele Tripodi, Notary Public

My commission expires 07/31/2025

CERTIFICATION

I, **Regan A. Shulman**, Secretary of the Arch Insurance Company, do hereby certify that the attached **Power of Attorney dated December 15, 2022** on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said Stephen C. Ruschak, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 18th day of January, 2023.


Regan A. Shulman, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division
3 Parkway, Suite 1500
Philadelphia, PA 19102



*To verify the authenticity of this Power of Attorney, please contact Arch Insurance Company at SuretyAuthentic@archinsurance.com
Please refer to the above named Attorney-in-Fact and the details of the bond to which the power is attached.*

***Performance Secured by
Surety Agreement***

Planning & Economic Development Board – Town of Medway, MA

Bond No. _____

This Surety Agreement is entered into this ____ day of January, 2023, among the Town of Medway, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as “the Board”), and Black Brook Realty LLC, a Massachusetts limited liability company having a principal place of business located at 17 Main Street, Hopkinton, Massachusetts (“Owner”), and _____ a corporation duly organized and existing under the laws of the state of _____ licensed and registered to do business in the Commonwealth of Massachusetts, and with a usual place of business and address of _____ (“Surety”), to secure completion of the installation of required site improvements and landscaping.

WHEREAS, on March 24, 2016, after a duly noticed public hearing, the Board issued a Special Permit Decision (“Special Permit”) for the property known as 259, 261, 261R, and 263 Village Street, Medway, Massachusetts (the “Property”). For a copy of the decision reference is made to Book 35686, Page 76; and

WHEREAS, the Property is shown on a plan entitled “Salmon Health and Retirement Community, 259, 261, 261R and 263 Village Street, Medway, Massachusetts 02053, ARCPUD Special Permit Site Plans” dated June 12, 2015 recorded with the Norfolk County Registry of Deeds in Plan Book 665, Page 4 (hereinafter referred to as “the Site Plan”); and

WHEREAS, portions of the work pursuant to the Special Permit have been completed and additional required work remains uncompleted; and

WHEREAS, the Owner purchased Unit 3B of the condominium known as “The Willows at Medway and Whitney Place Condominium.” For title reference see deed from Willows Medway Townhomes Realty LLC to Black Brook Realty LLC dated November 30, 2021 and recorded with the Norfolk County Registry of Deeds in Book 40184, Page 539 (hereinafter referred to as “the Deed”), and shown on “Condominium Site Plan” recorded at said Deeds at Plan Book 708, Page 53; and

WHEREAS, Unit 3B is part of the Property that is the subject of the Special Permit; and

WHEREAS, the Owner has requested a partial release of the Covenant entitled “Adult Retirement Community Planned Unit Development Covenant Planning and Economic Development Board Town of Medway, MA” December 12, 2017 and recorded with the Norfolk County Registry of Deeds in Book 35686, Page 112

(hereinafter referred to as "the Covenant") as it pertains only to Unit 3B and for no other portion of the Property; and

WHEREAS, the Board is willing to grant a partial release of the Covenant as it pertains to only to Unit 3B, provided that the Covenant shall remain in full force and effect for all other portions of the Property which has not be previously released and provided further that the Surety secures completion of the installation of required site improvements and landscaping for Unit 3B; and

WHEREAS, the Board is required by the site plan approval decision to secure completion of the required site improvements and landscaping as estimated by the Town's engineering consultant, Tetra Tech before an occupancy permit is issued; and

WHEREAS, the value of the remaining required site improvements and landscaping for Unit 3B is estimated to be \$154,846 as specified in the bond estimate dated January 13, 2022 and prepared by the Town's engineering consultant, Tetra Tech; and

WHEREAS, the Owner has elected to secure the installation of the required site improvements and landscaping for Unit 3B by means of a SURETY BOND in the penal sum of \$154,846.

NOW, THEREFORE, the parties agree as follows:

1. The Owner and Surety hereby bind and obligate themselves and their successors and assigns to the Town of Medway in the sum of \$154,846 and have secured this obligation by means of a SURETY BOND to be used to secure the performance by the Owner of required site improvements and landscaping for Unit 3B set forth in the site plan decision and the endorsed site plan and the bond estimate dated January 13, 2023, prepared by the Town's engineering consultant, Tetra Tech.
2. The Surety shall deliver a surety bond in a form acceptable to the Board to the Treasurer of the Town of Medway, at the time of the execution of this agreement, in the amount of \$154,846 for purpose of securing completion of the required site improvements and landscaping for Unit 3B.
3. The Owner shall complete the installation of the required site improvements and landscaping by January 19, 2025.
4. 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 Owner, the Board shall release the Owner and Surety from this surety agreement.
5. In the event the Owner should fail to complete the installation of the required site improvements and landscaping for Unit 3B as specified in the approved Site Plan and Decision and within the time herein specified, the Board may apply the bond held by the Treasurer of the Town of Medway, 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 the required site improvements and landscaping as

|

provided in this agreement. Any portion of the bond that is not applied as set forth above, shall be returned to the Surety upon completion of the required site improvements and landscaping by the Town of Medway

6. The Board, at its discretion, may grant an extension of time and/or reduce the penal amount of the bond and notify the Owner, the Surety, and the Treasurer of the Town of Medway of any authorized adjustment.

7. The Owner and Surety agree and understand that the Board will not release this surety bond in full until the required site improvements and landscaping have been deemed by the Board to be constructed and installed in accordance with this agreement. This agreement does not expire until the Board releases the surety bond in full.

8. Failure to complete the required site improvements and landscaping may result in the Board's rescission of approval of the Site 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 _____ day of January, 2023.

**TOWN OF MEDWAY
PLANNING & ECONOMIC DEVELOPMENT BOARD**

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of January, 2023, before me, the undersigned notary public, personally appeared the Members of the Medway Planning and Economic Development Board, _____

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: _____

|

OWNER

By: John J. Burns

Title/Position: Manager

Organization: Black Brook Realty LLC

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this ____ day of January, 2023, before me, the undersigned notary public, personally appeared the above-named John J. Burns, 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 Black Brook Realty LLC.

Notary Public

My commission expires: _____

SURETY COMPANY

By: _____

Title/Position: _____

Organization: _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared the above-named _____, 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 _____ of _____.

Notary Public

My commission expires: _____

|


APPENDIX

(Tetra Tech Bond Estimate dated January 10 20, 2023)

DRAFT

To: Susan Affleck-Childs – Coordinator, Medway Planning and Economic Development

Cc: Bridget Graziano – Medway Conservation Agent
Jeff Robinson – Applicant (Willows)

From: Steven M. Bouley, PE 
Tucker D. Paradee, EIT

Date: January 13, 2023

Subject: The Willows at Medway Bond List (Unit 3B Area)

On December 8, 2022, at the request of the Medway Planning Board, Tetra Tech (TT) conducted a bond list inspection of The Willows at Medway (Willows) Project in Medway, MA. As directed, the bonding for the Project has been split into multiple lists, one for the entire site which is controlled by the Willows, one for the internal exclusive use areas controlled by Black Brook Realty, LLC (Black Brook) and one for Willows controlled areas along Black Brook Unit 3B areas. **This list encompasses the areas controlled by The Willows along the entirety of Waterside Run and Willow Pond Circle (STA 9+00 to STA 11+75) which generally align with the frontage of Black Brook Unit 3B areas, see attached figure.** Items reflected in this list include but are not limited to roadways, drain infrastructure, utility infrastructure, and common areas. The below list and attached Estimate were generated for 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 set (Willows Plans) titled "'Salmon Health and Retirement Community', Construction Documents, Village Street, Medway, Massachusetts 02053", dated December 11, 2017, prepared by Coneco Engineers & Scientists (CES).
- A plan set (Black Brook Plans) titled "The Willows at Medway and Whitney Place Condominium, Condominium Site Plan" dated November 29, 2021, prepared by Engineering Design Consultants, Inc. (EDC).

Missing Items

1. Sweep existing binder, spray tack coat asphalt emulsion and install bituminous top course. Regions that require top include the entirety of Waterside Run and Willow Pond Circle (STA 9+00 to STA 11+75).
2. Install striping along roadways.

Inspection/Maintenance

3. Provide snow plowing throughout the paved area of the Project. Assume two (2) years of plowing.
4. Perform street sweeping in the Spring and Fall. Assume two (2) years of street sweeping.

Administrative

5. Contract with consulting engineer and legal counsel to provide continued construction administration for the project.
6. Provide as-built plans of the Project.

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\143-21583-15011 (WILLOWS ARCPUD REVIEW)\CONSTRUCTION\PUNCH-BOND LIST\BOND LIST_01_WILLOWS_UNIT 3B_2023-01-13.DOC

**TETRA TECH**

Bond Estimate
The Willows at Medway - Unit 3B Frontage
Medway, Massachusetts
January 13, 2023

ITEM NO.	DESCRIPTION	QUANTITY ²	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
001	Tack Asphalt Emulsion (Roadway)	321	GAL	\$9.00	\$2,888
002	Top Course Asphalt (Roadway)	359	TON	\$140.00	\$50,308
003	Striping (Roadway)	1	LS	\$500.00	\$500
004	Snow Plowing ²	1	LS	\$5,000.00	\$5,000
005	Street Sweeping ²	1	LS	\$4,000.00	\$4,000
006	Engineering Services	1	LS	\$2,500.00	\$2,500
007	As-Built Plans	1,750	LF	\$7.50	\$13,125
008	Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal					\$81,320
25% Contingency					\$20,330
Total					\$101,650

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 1/2022 - 1/2023. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

²This item will remain in the estimate until this Phase is entirely complete and occupancy is granted to all units.

³Items represented in the above estimate include the roadway (berm to berm) and infrastructure along the entirety of Waterside Run and Willow Pond Circle (STA 9+00 and STA 11+75) which generally represents the frontage areas along Black Brook Unit 3B lease areas.

FOR REGISTRY USE ONLY

PLANNING BOARD APPROVAL
REQUIRED UNDER THE SPECIAL
PERMIT ARCUPD ZONING BY-LAW.

MEDWAY PLANNING BOARD:

DATE OF APPROVAL: _____

DATE OF ENDORSEMENT: _____



- HATCH**
- OPEN SPACE AREA
 - OPEN SPACE
 - STRUCTURES
 - PAVED
 - PERMEABLE PAVER
 - DEVELOPED GREEN AREA*
 - CHARLES RIVER
 - OPEN WETLAND AREAS
 - WALKING PATH
 - EXISTING WALKING PATH TO REMAIN
 - EDGE OF BVW
 - EDGE OF BANK
 - EDGE OF VERNAL POOL

OPEN SPACE TABLE			
TOTAL SITE AREA: 2,477,973 S.F. (56.9 AC.)			
OPEN SPACE CALCULATIONS			
OPEN SPACE PERCENTAGE	REQUIRED	PROVIDED	USEABLE
40%	66%	48%	
OPEN SPACE AREA (S.F.)	991,189	1,630,889	1,199,593
OPEN SPACE AREA (AC.)	22.8	37.4	27.5

WALKING PATH AREA	
PATHWAY	SQUARE FOOTAGE
PREVIOUSLY EXISTING PATHWAY	5,908
PROPOSED PATHWAY	44,104
TOTAL PATHWAY	50,012

* DEVELOPED GREEN AREA DOES NOT CONSTITUTE A GRASSED AREA. THE AREA IS FOR CALCULATION PURPOSES ONLY AND NOT FOR CONSTRUCTION.



Tracy L. Duarte
5/23/16

REVISIONS	
NO.	DESCRIPTION
1	TOWN & PER REVIEW COMMENTS
2	TOWN & PER REVIEW COMMENTS
3	TOWN & PER REVIEW COMMENTS
4	TOWN & PER REVIEW COMMENTS
5	FINAL SUBMISSION

PREPARED BY: CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT NO. 8548.0

PROPOSED OPEN SPACE AND TRAILS

CLIENT: SALMON HEALTH AND RETIREMENT COMMUNITY
259, WESTBOROUGH, MASSACHUSETTS 01581

DATE: 06/12/2015

DESIGNED: JEN

DRAFTED: DUD

SCALE: 1" = 100'

PROJECT NO. 8548.0

SHEET NO. C2

CONECO
Engineers & Scientists

4 FIRST STREET, BROADWAY, MASSACHUSETTS 02324
PHONE: 508-697-7777 FAX: 508-697-5996
WWW.CONECO.COM

DATE: 06/12/2015

DESIGNED: JEN

DRAFTED: DUD

SCALE: 1" = 100'

PROJECT NO. 8548.0

SHEET NO. C2

***Performance Secured by
Surety Agreement***

Planning & Economic Development Board – Town of Medway, MA

Bond No. _____

This Surety Agreement is entered into this ____ day of January, 2023, among the Town of Medway, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as “the Board”), and _____ (“Owner”) with an address of _____ and _____ a corporation duly organized and existing under the laws of the state of _____ licensed and registered to do business in the Commonwealth of Massachusetts, and with a usual place of business and address of _____

_____ (“Surety”), to secure completion of the installation of required roadway and site improvements.

WHEREAS, on March 24, 2016, after a duly noticed public hearing, the Board issued a Special Permit Decision (“Special Permit”) for the property known as 259, 261, 261R, and 263 Village Street, Medway, Massachusetts (the “Property”). For a copy of the decision reference is made to Book 35686, Page 76; and

WHEREAS, the Property is shown on a plan entitled “Salmon Health and Retirement Community, 259, 261, 261R and 263 Village Street, Medway, Massachusetts 02053, ARCPUD Special Permit Site Plans” dated June 12, 2015 recorded with the Norfolk County Registry of Deeds in Plan Book 665, Page 4 (hereinafter referred to as “the Site Plan”); and

WHEREAS, portions of the work pursuant to the Special Permit have been completed and additional required work remains uncompleted; and

WHEREAS, the Owner sold Unit 3B of the condominium known as “The Willows at Medway and Whitney Place Condominium.” For title reference see deed from Willows Medway Townhomes Realty LLC to Black Brook Realty LLC dated November 30, 2021 and recorded with the Norfolk County Registry of Deeds in Book 40184, Page 539 (hereinafter referred to as “the Deed”), and shown on “Condominium Site Plan” recorded at said Deeds at Plan Book 708, Page 53; and

WHEREAS, Unit 3B is part of the Property that is the subject of the Special Permit; and

WHEREAS, Black Brook Realty has requested a partial release of the Covenant entitled "Adult Retirement Community Planned Unit Development Covenant Planning and Economic Development Board Town of Medway, MA" December 12, 2017 and recorded with the Norfolk County Registry of Deeds in Book 35686, Page 112 (hereinafter referred to as "the Covenant") as it pertains only to portions of Unit 3B and for no other portion of the Property; and

WHEREAS, the Board is willing to grant a partial release of the Covenant as it pertains to only to portions of Unit 3B, provided that the Covenant shall remain in full force and effect for all other portions of the Property which has not been previously released and provided further that the Surety secures completion of the installation of required roadway and site improvements for Unit 3B; and

WHEREAS, the Board is required by the site plan approval decision to secure completion of the required roadway and site improvements as estimated by the Town's engineering consultant, Tetra Tech before an occupancy permit is issued; and

WHEREAS, the value of the remaining required roadway and site improvements for Unit 3B that is the Owner's responsibility is estimated to be _____ as specified in the bond estimate dated _____ and prepared by the Town's engineering consultant, Tetra Tech; and

WHEREAS, the Owner has elected to secure the installation of the required roadway and site improvements for Unit 3B by means of a SURETY BOND in the penal sum of _____.

NOW, THEREFORE, the parties agree as follows:

1. The Owner and Surety hereby bind and obligate themselves and their successors and assigns to the Town of Medway in the sum of \$ _____ and have secured this obligation by means of a SURETY BOND to be used to secure the performance by the Owner of required roadway and site improvements for Unit 3B set forth in the site plan decision and the endorsed site plan and the bond estimate dated _____ prepared by the Town's engineering consultant, Tetra Tech.
2. The Surety shall deliver a surety bond in a form acceptable to the Board to the Treasurer of the Town of Medway, at the time of the execution of this agreement, in the amount of _____ for purpose of securing completion of the required roadway and site improvements for Unit 3B.
3. The Owner shall complete the installation of the required roadway and site improvements by _____.
4. 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 Owner, the Board shall release the Owner and Surety from this surety agreement.

|

5. In the event the Owner should fail to complete the installation of the required roadway and site improvements for Unit 3B as specified in the approved Site Plan and Decision and within the time herein specified, the Board may apply the bond held by the Treasurer of the Town of Medway, 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 the required roadway and site improvements as provided in this agreement. Any portion of the bond that is not applied as set forth above, shall be returned to the Surety upon completion of the required roadway and site improvements by the Town of Medway

6. The Board, at its discretion, may grant an extension of time and/or reduce the penal amount of the bond and notify the Owner, the Surety, and the Treasurer of the Town of Medway of any authorized adjustment.

7. The Owner and Surety agree and understand that the Board will not release this surety bond in full until the required roadway and site improvements have been deemed by the Board to be constructed and installed in accordance with this agreement. This agreement does not expire until the Board releases the surety bond in full.

8. Failure to complete the required roadway and site improvements may result in the Board's rescission of approval of the Site 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 _____ day of January, 2023.

**TOWN OF MEDWAY
PLANNING & ECONOMIC DEVELOPMENT BOARD**

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of January, 2023, before me, the undersigned notary public, personally appeared the Members of the Medway Planning and Economic Development Board, _____

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: _____

OWNER

By: _____

Title/Position: _____

Organization: _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this ____ day of January, 2023, before me, the undersigned notary public, personally appeared the above-named _____ 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 _____ of _____

Notary Public

My commission expires: _____

SURETY COMPANY

By: _____

Title/Position: _____

Organization: _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared the above-named _____, 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 _____ of _____.

Notary Public

My commission expires: _____

APPENDIX

|

(Tetra Tech Bond Estimate dated January 13, 2023)

DRAFT



January 24, 2023
Medway Planning & Economic Development Board
Meeting

Zoning Bylaw Amendments for May
Town Meeting

- NEW – Possible amendments to Section 8.3 Home Based Business Section (with SAC comments) and info on GVWR vehicle classification
- Electric Vehicle Charging Amendments – Draft dated 12-9-22 which you reviewed at the 1-10-23 meeting and new MA Stretch Code info on EV requirements. NOTE – I understand the Energy and Sustainability may have reviewed this draft at its 1-18-23 meeting. I am trying to find out if they have any feedback for you.
- Section 6 Amendments (with added info on definition of Gross Floor Area.
- Groundwater Protection District Amendments to restrict use of metal roofs. Original draft plus information on metal roofs provided by MA DEP

REMINDER – Articles are due to the SB/TM office by February 21, 2023. We also need to pick a date for the public hearing. Town Meeting is May 8th.

Please confirm that we can go ahead to submit the following articles:

- Site Plan to no longer allow a developer to construct sidewalks elsewhere in the community in lieu of providing on site
- Changes to Oak Grove
- Housekeeping
- Contractor Construction Services

We will hold off on:

- NEW ARIII/Early Suburban residential zoning district

Other ones to work on???? Let's discuss.

-
-

EDITS OFFERED BY Charlie Myers 1-11-23

Sac edits offered 1-20-23

8.3. HOME-BASED BUSINESS

- A. Purposes. The purposes of the Home-Based Business bylaw is to provide for the conduct of home occupations in a residential or mixed-use district while preserving the residential character of the premises and preventing adverse effects on the neighborhood.
- B. Applicability. A Home-Based Business shall be allowed by right as shown in TABLE 1 if it meets the requirements of this Section 8.3.
- C. Basic Requirements.
1. The business use is subordinate to the residential use of the premises. No more than 20 percent of the gross floor area of the dwelling and any accessory structures, up to a maximum of 1,000 square feet of gross floor area, shall be used for the home-based business.
 2. There shall be no visible evidence of the home-based business from the street or an adjacent lot. A home-based business shall be conducted entirely indoors within the principal dwelling on the lot or a building accessory thereto.
 3. There shall be no outside storage associated with the home-based business. Accessory structures such as sheds, detached garages, and barns may be used for unheated storage of the home-based business's stock in trade, commodities, tools, equipment, vehicles or products.
 4. Not more than one non-resident shall be employed on the premises at any time, and the maximum number of customers on the premises at any given time shall not exceed the number that can be accommodated in one passenger vehicle.
 5. The maximum number of off-street parking spaces for employee and customer parking shall be two. Off-street parking spaces shall not be within setbacks of the property. (Amended 11-16-15)
 6. There shall be no outside parking of trailers, wheeled equipment, more than two Class 3 ~~commercial~~ motor vehicles and no commercial motor vehicles rated Class 4 and above as defined by gross vehicle weight rating (GVWR) associated with the home-based business. (Added 11-16-15)
 7. There shall be no change in the exterior appearance of the dwelling or accessory building used for the home-based business. Any new building constructed for the business shall not deviate from the residential character of the area. No signs shall be permitted for a home based business except as provided in Section 7.2.2 of this Zoning Bylaw.
 8. No equipment or process shall be used in the home-based business which creates noise, vibration, odor, fumes, gas, smoke, dust, or electrical disturbance detectable to the normal senses off the lot.
 9. A home-based business shall not generate any solid waste or sewage discharge in volume or type greater than that associated with a typical residential use.

Commented [SAC1]: Add a new item C Definitions and refer to definitions of Home Based Business, Commercial Vehicle, and Gross Vehicle Weight Rating as included in Section 2 of the ZBL

Commented [SAC2]: Suggest adding "vehicles" to this list

Commented [SAC3]: Perhaps this should only apply to newly created parking spaces or driveways , not to an existing driveway that could already be within the setback area. Would also add the word "zoning" before "setbacks".

10. Deliveries or pick-ups of supplies or products for the home-based business are allowed between 8 am and 8 pm. Vehicles used for such delivery and pick-ups shall be limited to those that customarily serve residential neighborhoods.

11. The owner or operator of the home-based business shall reside on the premises. (Added 11-16-15)

- D. There is no limit to the number of home based businesses that may occupy a single dwelling unit, provided that the cumulative total of the area used for home-based businesses on the premises shall not exceed Paragraph C (1) above.
- E. Special Permits. A home-based business that does not comply with all of the above standards shall only be allowed by special permit from the Zoning Board of Appeals. Special permits granted hereunder shall be based upon the criteria in Section 3.4.
- F. Registration. Pursuant to G.L. c. 110, Sections 5-6 and Chapter 227, § 5A, most home-based businesses are required to register with the Town Clerk and obtain a Business Certificate before commencing business operations.

REFERENCE INFORMATION provided by sac

Key Definitions from the Medway ZBL

Home Based Business: An occupation or business activity conducted and/or managed in whole (or in part) within a dwelling or structure accessory thereto by a person residing on the premises which results in the sale of provision of a product or service. A home-based business is an accessory use, incidental and subordinate to the primary residential use of the property.

Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the loaded weight of a single vehicle including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers, as established by the National Highway Traffic Safety Administration, U.S. Department of Transportation.

Commercial Vehicle: Any vehicle defined as such by the Massachusetts Registry of Motor Vehicles in 540 CMR 2.05.

Class One: 6,000 lbs. or less



Full Size Pickup



Mini Pickup



Minivan



SUV



Utility Van

Class Two: 6,001 to 10,000 lbs.



Crew Size Pickup



Full Size Pickup



Mini Bus



Minivan



Step Van



Utility Van

Class Three: 10,001 to 14,000 lbs.



City Delivery



Mini Bus



Walk In

Class Four: 14,001 to 16,000 lbs.



City Delivery



Conventional Van



Landscape Utility



Large Walk In

Class Five: 16,001 to 19,500 lbs.



Bucket



City Delivery



Large Walk In

Class Six: 19,501 to 26,000 lbs.



Beverage



Rack



School Bus



Single Axle Van



Stake Body

Class Seven: 26,001 to 33,000 lbs.



City Transit Bus



Furniture



High Profile Semi

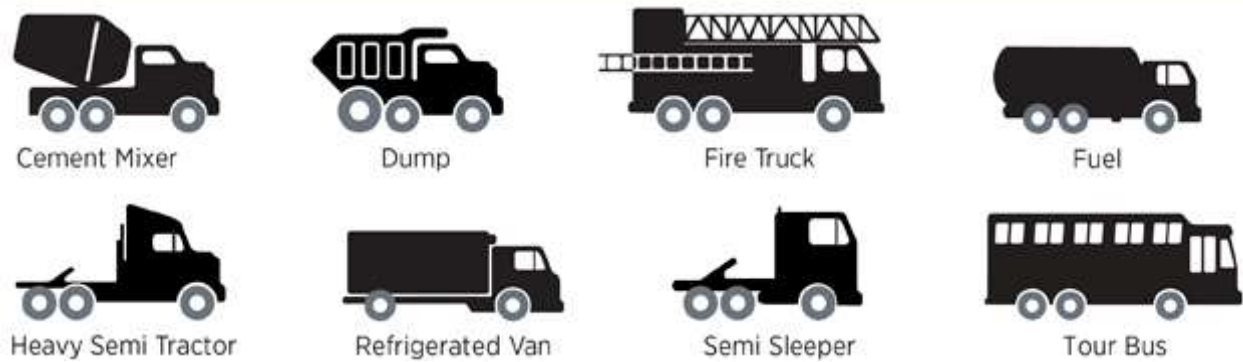


Home Fuel



This chart shows typical vehicle types found in the Federal Highway Administration (FHWA) vehicle classes. For more information about vehicle categories see [Vehicle Weight Classes and Categories](#). (data/10380)

Class Eight: 33,001 lbs. & over



EV Parking
Revised 12-9-22 SC

ARTICLE : To see if the Town will amend the Zoning Bylaw, Section 2 DEFINITIONS by adding the following definitions:

ELECTRIC VEHICLE (EV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current.

ELECTRIC VEHICLE READY PARKING SPACE ("EV READY SPACE"): A designated parking space which is provided with wiring and electrical service ~~located within 6 feet of the parking space~~ that is sufficient to provide AC Level 2 or equivalent EV charging, as defined by Standard SAE J1772 for EVSE servicing *electric vehicles*.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the Electric Vehicle.

And by amending Section 7.1.1 Off-Street Parking and Loading, E. General Parking Requirements, item 4. Electric Vehicle Parking by deleting the current text and replacing it as follows:

4. Electric Vehicle Parking –
 - a) Multi-family housing developments shall provide at least one parking space with either an EV Charging Station or an EV Ready Parking Space per dwelling unit.
 - b) The parking areas of industrial, commercial, mixed-use, and institutional developments with fifteen or more parking spaces shall be comprised of at least 20% Electric Vehicle Charging Station spaces and at least another 30% of Electric Vehicle Ready Parking Spaces.

The required number of electric vehicle and electric vehicle ready parking spaces is to be included within the total number of required parking spaces computed pursuant to section 7.1.1.E.1.

Commented [BSA1]: What is this? If we are going to include it, could we include where this standard is from?

Commented [SAC2R1]: https://www.sae.org/standards/content/j1772_201710/ ???

Commented [SC3R1]: This is the type of plug connection, like a two prong electric plug for your coffee maker, or a three prong for a grounded outlet etc... Teslas have their own plug connection, but you can buy adapters

Commented [SAC4R1]: SAE International is a United States based, professional association and standards developing organization for engineering professionals and related technical experts to enable safe, clean, and accessible mobility solutions.

Commented [SC5]: I think this is great. Just wondering where you got these percentages so we can defend it

Summary of Proposed New 225 CMR 22.00 and 23.00 (Updated September 22, 2022)

2023 Stretch Energy Code Update and Municipal Opt-in Specialized Code

1. Background

The Stretch energy code (Stretch Code) regulations have since 2009 been published in MA 780CMR chapters 115.aa and previously 780 CMR 110.aa under the jurisdiction of the Board of Building Regulations and Standards. The climate act of 2021 moved the authority for the Stretch Code promulgation to the Department of Energy Resources (DOER) and at the same time required the development of a new Municipal Opt-in Specialized energy code (Specialized Code). These appear as new regulations in 225 CMR 22.00 and 225 CMR 23.00.

- CMR 22.00 covers Residential low-rise construction and
- CMR 23.00 covers Commercial and all other construction (including most multi-family).

This document provides an overview and explanation of these draft regulations. In the following sections, this document summarizes:

- **Section 1: Background and Timeline.**
- **Section 2: Structure.**
- **Section 3: Stretch Code.** The modifications to the Base Energy Code that form the Stretch Code amendments in Residential Low Rise (Section 3.A) and Commercial and all other buildings (Section 3.B).
- **Section 4: Specialized Opt-in Code.** The modifications to the Stretch Code that form the Specialized Code appendices in Residential Low Rise (Section 4.C) Commercial and all other buildings (Section 4.D).

1.1 Timeline for Stretch and Specialized Code adoption

The Stretch code has been available since late 2009 and has already been widely adopted by cities and towns in Massachusetts. As a result, the update to the Stretch code will not require an additional bylaw vote in those existing Stretch code municipalities, some of whom are on their 3rd update already. The Specialized code is a new option and is adopted as a municipal opt-in code similar to the Stretch code process. Cities and towns seeking to adopt will require an active vote by City council or Town meeting to opt-in to the Specialized Code.

1.2 Energy code options

The current energy code options in Massachusetts are as follows:

- **Current Base Energy Code** = IECC 2018 with MA amendments
- **Current Stretch Code** = IECC 2018 with MA amendments + Stretch Code amendments

The current Base Energy Code is being updated along with the rest of the BBRS regulated building codes to a 10th edition MA code that will be based on the International Code Council (ICC) 2021 edition. Combined with the Stretch Code update and new Specialized Code contained in DOER's proposed regulations, this results in a tiered set of 3 energy code options for municipalities as follows:

- **Updated Base Energy Code** = IECC 2021 with MA amendments
- **Updated Stretch Code** = IECC 2021 with MA amendments + Stretch Code amendments
- **Specialized Code** = IECC 2021 with MA amendments + Stretch Code amendments + Specialized Code appendices

2. Structure

The updated Stretch Code as newly incorporated into DOER regulations (225 CMR) is divided into 2 chapters, following the format of the IECC.

- A. 225 CMR 22 - Residential Low-rise Construction Stretch Energy Code
- B. 225 CMR 23 - Commercial (and all other) Construction Stretch Energy Code

The Specialized Code includes additional requirements that form an Appendix to each of the chapters of the Stretch Code.

- C. 225 CMR 22 Appendix RC – Residential Low-rise Construction Specialized Code
- D. 225 CMR 23 Appendix CC – Commercial (and all other) Construction Specialized Code

3. Stretch Code Summary

A. 225 CMR Chapter 22: Residential Low-Rise Construction Stretch Code

Code Compliance Pathways

The current Base Energy Code for residential low-rise construction allows 3 different pathways for code compliance. The current Stretch Code requires code compliance through 2 of those pathways:

- A1. Home Energy Rating Scores (HERS) index certification
- A2. Passive house certification

The updated Stretch Code maintains these 2 pathways for compliance, but amends certain requirements in the HERS (Section R406) and Passive house (Section R405)¹ pathways.

A1. HERS Pathway (Section R406)

The updated Stretch Code lowers the maximum allowable HERS ratings to reflect improvements in energy efficiency as shown in Table 1 below.

TABLE 1: CHANGES TO MAXIMUM HERS INDEX (SEE TABLE R406.5)

On-site Clean Energy Application	Maximum HERS Index score (before renewable energy credit)				
	New construction			Alterations, Additions and Change of use	
	Updated Stretch Code July 1, 2024	Updated Stretch Code (Same as base code)	Current Stretch Code	Updated Stretch Code	Current Stretch Code
None (Fossil fuels)	42	52	55	52	65
Solar		55	60	55	70
All-Electric	45	55	60	55	70
Solar & All-Electric		58	65	58	75

¹ Key sections of the Stretch Code and Specialized Code are referenced in parentheses based on their IECC section number. For example: Updated HERS ratings (Section R406).

As shown in Table 1, the current Stretch Code allows a 5-point higher HERS rating for homes using heat pumps for space and water heating compared to homes using fossil fuels (natural gas, propane or heating oil) for space heating.

The updated Stretch Code maintains differential HERS ratings, and after a phase-in period until July 1, 2024 requiring HERS 45 for all-electric homes and HERS 42 for homes with any use of fossil fuels (Section R406.5). The updated Stretch Code is simplified and emphasizes energy efficiency and electrification by dropping the 5 HERS point credit for rooftop solar and 2 HERS point credit for solar thermal in the current Stretch Code.

The updated Stretch Code also updates HERS requirements for alterations, additions and change of use for existing homes. Additional detail on alterations, additions and change of use can be found in A5 below (Section R503.1.5).

A2. Passive House Pathway (Section R405)

Passive House certification is an optional code compliance pathway in the Base Energy Code and the current Stretch Code. The current Base Energy Code and current Stretch Code allow certification through the Passive House Institute US (Phius) Phius+ 2018 standard or the Passive House International (PHI) standard. The updated Base Energy Code and updated Stretch Code will align with the most recent Phius standards, allowing the Phius CORE 2021 standard (efficiency) or the Phius ZERO 2021 standard (efficiency and renewables). The PHI standard remains unchanged as an option.

New Residential Stretch Code Requirements

A3. Energy or heat recovery ventilation (Section R403.6.1)

The updated Stretch Code adds ventilation requirements through either heat recovery or energy recovery to the HERS Pathway. There is no change to the Passive house Pathway because heat or energy recovery is already required.

A4. Wiring for Electric Vehicle (EV) charging (Section R404.4)

The proposed updated Base Energy Code requires at least 1 space per home or a minimum of 10% of spaces in a new multi-family parking lot be provided with electric wiring to allow for future EV charging. The updated Stretch Code requires the same 1 space per home and increases the requirement to a minimum of 20% of spaces in a new multi-family parking lot.

A5. Existing buildings: Alterations, Additions and Changes of use (Section R503.1.5)

The updated Stretch Code clarifies when alterations to existing homes trigger compliance with different requirements. The requirements are as follows:

- Additions over 1,000 square feet (sf) must follow the HERS Pathway and meet the HERS requirements for Additions in Table 1 above. Additions under 1,000 square feet will continue to follow Base Energy Code.

- Additions that exceed 100% of the conditioned floor area of the existing dwelling unit (ie. more than double the size of the house) must follow the HERS Pathway and meet the HERS requirements for Additions in Table 1 above.
- Level 3 Alterations (over 50% of the home is renovated and reconfigured) as defined in the International Existing Building Code (IEBC 2021) must meet the HERS requirements in Table 1 above. Level 1 and Level 2 alterations will continue to follow the Base Energy Code.

B. 225 CMR chapter 23: Commercial (all other) Stretch Code amendments

Code Compliance Pathways

The current Base Code for commercial construction has multiple code compliance pathways from the IECC as well as the ASHRAE 90.1 standard. The current Stretch Code requires a 10% improvement over the ASHRAE 90.1 Appendix G pathway for buildings over 100,000-sf (limit is 40,000-sf for labs, hospitals, supermarkets, refrigerated warehouses and data centers) but allows smaller commercial buildings to choose from the other Base Code IECC pathways.

The updated Stretch Code includes 5 code pathways for new construction. These new requirements will go into effect on the following schedule:

1. All non-residential commercial buildings: any building applying for permit on or after July 1, 2023 subject to updated stretch code provisions
2. Multi-family commercial buildings follow schedule below:

	Updated Stretch Code July 1, 2023 through June 30, 2024	Updated Stretch Code Beginning July 1, 2024
Targeted Performance	Optional	Optional
HERS	Optional HERS 52/55	Optional HERS 42/45
Passive House	Optional	Optional
Relative Performance	Optional	Not allowed

Allowable use of each pathway is based on the type of building, with 4 major categories of buildings:

B1. TEDI Pathway: Offices, residential, and schools over 20,000-sf are required to use a new Thermal Energy Demand Intensity (TEDI) Pathway. The updated Stretch Code sets forth specific TEDI limits by building type. This uses the same energy software tools as the current ASHRAE 90.1 Appendix G pathway but with significantly more focus on heating, cooling and the building envelope. Building uses adjacent to office and residential use, such as post offices, town hall, and other similar buildings are also covered under this pathway.

B2. 10% better than ASHRAE Appendix G: High ventilation buildings such as labs and hospitals can continue to use a 10% better than ASHRAE appendix G pathway or opt to use the TEDI pathway. Multi-family buildings may follow the ASHRAE appendix G pathway until July 1, 2024. The updated Base Code and updated Stretch Code change the underlying ASHRAE standard 90.1 to the more recent 2019 edition.

B3. Prescriptive pathway: Small commercial buildings (any building use except multi-family) under 20,000-sf will be able to continue to comply through an updated prescriptive pathway, or can opt to use the TEDI pathway. The prescriptive pathway is being updated in the Base Energy Code, and the updated Stretch Code includes additional amendments to improve efficiency beyond Base Energy Code for small buildings.

B4. HERS and Passive House: Multi-family buildings larger than those covered by the residential low-rise code can choose between HERS and Passive House pathways that contain the same energy efficiency requirements as the updated Residential low-rise Stretch Code. The Passive House certification options remain available as an option for all building types.

Mixed-use buildings can use a combination of code pathways as appropriate for different portions of the building, or choose a whole-building approach through the TEDI or Passive House pathways.

Additional Commercial energy efficiency requirements:

B5. Efficient electrification (Section C401.4)

The updated Stretch Code mandates partial electrification of space heating for highly ventilated buildings which follow the ASHRAE Appendix G compliance pathway. The updated Stretch Code mandates full electrification of space heating for buildings not following the ASHRAE pathway which choose to utilize the less stringent curtainwall envelope UA² performance option (See B6 below).

B6. Mandatory envelope “Area-weighted U value”² (Section C402.1.5) (btu/hr-sf-F) of an envelope section

The proposed Base Code and updated Stretch Code updates and simplifies the existing mandatory envelope UA provisions that are currently in the MA Base Code and Stretch Code. Mandatory area-weighted U value provisions replace UA provisions and are simplified and strengthened compared to existing provisions for all buildings not using curtain wall. Mandatory area-weighted U value provisions remain at the same stringency as existing provisions for curtain wall buildings. However, buildings which opt for the curtainwall U value limit are required to have full efficient electrification of space heating (see B5 above).

² ‘Area-weighted U value’ designates the average effective insulation level measured by the ‘U’ value across an exterior area ‘A’ of multiple elements (walls, windows, doors, etc).

B7. Air leakage (Section C402.5)

The updated Stretch Code strengthens the air leakage limit compared to the updated Base Energy Code. Code language of this section adopts proposed IECC 2024 language which clarifies requirements.

B8. Thermal bridges (Section C402.7)

Thermal bridge accounting is added to the updated Stretch Code to more accurately represent the insulation performance of a fully constructed wall or building envelope. Prescriptive and tailored accounting approaches are available.

B9. Economizers (Section 403.5)

Economizer requirements (which permit the use of outside air for free night-time cooling) are expanded in the updated Stretch Code compared to the updated Base Energy Code.

B10. Ventilation energy recovery (Section C403.7)

Ventilation energy recovery requirements are strengthened in the updated Stretch Code compared to the updated Base Energy Code. New provisions are also added to better accommodate high ventilation buildings and toxic exhaust requirements.

B11. Wiring for Electric Vehicle (EV) charging (Section C405.13)

The updated Base code requires wiring for future EV charging to 10% of new parking spaces. The updated Stretch Code raises the minimum number of spaces requiring EV wiring to 20% in Group R and B occupancies³, with 10% for all other occupancies. EV charging can be met with either dedicated electric branch circuits, or with an automatic load management service (ALMS) that allows multiple spaces to be served by a higher amperage circuit, thus improving overall charging capacity at a lower installed cost.

B12. Additional efficiency requirement (Section C406)

Section C406 in the base code mandates certain additional efficiency measures, allowing designers to choose from a number of equivalent efficiency options. The updated Stretch Code modifies the existing IECC 2021 language to further incentivize efficient electrification, primarily by removing fossil fuel options from contributing toward the C406 points system.

B13. Existing buildings

Additions (Section C502)

The updated Stretch Code allows building additions which are less than 20,000-sf to continue to follow Base Energy Code. Additions greater than 20,000-sf will be required to meet applicable Stretch Code requirements for that building type and size.

³ Group R = Residential use, Group B = Business use – as defined in International Building Code (IBC) chapter 3

Alterations (Section C503)

The current Stretch Code requires commercial building alterations to meet Base Energy Code prescriptive requirements because there is no prescriptive commercial pathway in the current Stretch Code. The updated Stretch Code will require commercial building alterations to follow the new Stretch Code prescriptive pathway but allow for 10% reduced envelope requirement for alterations compared to true new construction.

The updated Stretch Code eliminates an existing exception in Base Energy Code which allows exterior walls which have any amount of insulation to remain non-code compliant, even when the alteration scope includes alterations to the exterior walls. The updated Stretch Code will require that any altered walls be brought up to prescriptive stretch code, although historic buildings remain exempt from these provisions.

Change of use Occupancy (Section C503)

The current Stretch Code requires buildings going through change of use or occupancy to meet Base Energy Code prescriptive requirements because there is no prescriptive commercial pathway in the current Stretch Code. The updated Stretch Code will require buildings of any size which undergo change of use or occupancy to follow the new Stretch Code prescriptive pathway, but allows for a 10% reduced envelope requirement for change of use compared to true new construction.

Historic Buildings (R501.6)

The Stretch Code will maintain R501.6 from Base Code: Provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings provided that a report has been submitted to the code official and signed by the owner, a registered design professional, or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.

4. Specialized Code Summary

Background

4.1 Timeline for Specialized Code adoption

Cities and towns will require an active vote by City council or Town meeting to opt-in to the Specialized Code. The Specialized Code must be available for adoption by December 24, 2022. When a municipality votes to adopt the Specialized Code, DOER recommends that the requirements take effect for new building permit applications beginning on the next January 1st or July 1st, whichever is a minimum of 6 months after the municipal vote. This phase-in period, also utilized by new Stretch Code municipalities, allows an orderly transition for developers, designers and builders as well as additional training time for municipal code officials.

4.2 Designed to achieve Massachusetts GHG emission limits and sub-limits

The Specialized Code is required by statute (*MGL Session Laws of 2021 Chapter 8: Section 31*) to be designed to achieve MA GHG emission limits and sub-limits set every five years from 2025 to 2050. As a result, all compliance pathways under the Specialized Code are designed to ensure new construction that is consistent with a net-zero Massachusetts economy in 2050, primarily through deep energy efficiency, reduced heating loads, and efficient electrification.

Regardless of the on-site renewable potential, the largest emissions impact for many buildings stems from the heating loads and choice of heating fuel for the building. Buildings reliant on fossil fuel combustion equipment have no clear path to zero emissions, while electrically heated buildings do due to the steady increase in renewable and clean energy sources on the ISO-NE electric grid. In drafting the Specialized Code, DOER recognizes that many building construction sites and high-rise building structures do not currently lend themselves to achieving net-zero energy or emissions on-site. For example, urban infill multi-family housing close to transit can greatly assist in achieving a net-zero economy in 2050 while not meeting a net-zero on-site building definition at the building level. Where on-site renewable energy generation is not practical, or is limited relative to the building load and available solar access, there is still potential for siting additional renewable energy in the community, however as renewable sites and procurements become distant from the building site it stretches the feasibility of local building officials to regulate them under the energy code. Accordingly, the Specialized Code requires all new buildings to be designed with electric service and wiring sufficient for future electrification of space and water heating as well as any combustion equipment appliance loads.

4.3 Definition of net-zero building and net-zero building performance standards

The statute stipulates that the specialized code must include both

- a) A definition of net-zero building
- b) net-zero building performance standards

The Specialized Code appendices are a set of **net-zero building performance standards** that adopts a broad **Net-zero Building** definition intended to cover all new buildings in the Specialized Code that is consistent with Executive Office of Energy and Environmental Affairs

2050 Roadmap Study and Buildings Technical Report, which utilized the following definition net zero new construction.

Net Zero new construction is defined as being consistent with the electrification and deep efficiency benchmarks described in the All Options pathway, discussed in the Energy Pathways Report – that is, that the new construction is compatible, as-built, with the Commonwealth’s net-zero emissions economy in 2050. Its focus is on-site emissions; it does not necessitate onsite or offsite renewables, nor the assumption that a building is net-zero energy...These assumptions include enhanced energy efficiency compared to current code and effective elimination of on-site emissions from space heating, domestic hot water, cooking and other process uses. ([Buildings Technical Report](#), p. 39)

Therefore, the Specialized Code adopts a definition of **Net-zero Building** as follows:

A building which is consistent with achievement of MA 2050 net zero emissions, through a combination of highly energy efficient design together with being an all-electric or Zero Energy Building, or where fossil fuels are utilized, a building fully pre-wired for future electrification and that generates solar power on-site from the available Potential Solar Zone Area.

Appendix RC and Appendix CC, which together form the Specialized Code, are Net-zero building performance standards and are summarized in sections C and D below.

C. 225 CMR 22 Appendix RC: Residential low-rise Construction Specialized Code

C1. Requirements by residential building size and fuel.

The Residential low-rise Specialized Code offers 3 pathways to demonstrate energy code compliance with varying sets of additional requirements over and above the updated Stretch code:

- 1. Zero Energy pathway:** (Section RC102)
- 2. All-Electric pathway:** (Section RC103)
- 3. Mixed-Fuel pathway:** (Sections RC104 and RC105)

New homes up to 4,000 sf in size may follow any of the three pathways. New homes over 4,000 sf in size shall follow either pathway 1 or pathway 2. Table 2 below summarizes the low-rise residential Specialized Code requirements by home size and fuel use. All buildings are required to install wiring for electric vehicle (EV) charging in a minimum of 20% of new parking spaces, and one space per home in one and two family homes. Buildings with any combustion equipment designed for fossil fuel use are termed ‘mixed-fuel’ buildings.

TABLE 2: Residential Specialized code requirements summary by building/dwelling unit size

Building Size	Fuel Type	Minimum Efficiency	Electrification	Min. EV wiring	Renewable Generation
Dwelling units up to 4,000 sf	All Electric	HERS 45 or Phius CORE or PHI	Full	1 parking space	Optional
Dwelling units up to 4,000 sf	Mixed-fuel	HERS 42 or Phius CORE or PHI	Pre-wiring	1 parking space	Solar PV (except shaded sites)
Dwelling units > 4,000 sf	All Electric	HERS 45 or Phius CORE or PHI	Full	1 parking space	Optional
Dwelling units > 4,000 sf	Mixed-fuel	HERS 0 or Phius ZERO	Pre-wiring	1 parking space	Solar PV or other renewables
Multi-family >12,000 sf	All Electric	Phius CORE or PHI	Full	20% of spaces	Optional
Multi-family >12,000 sf	Mixed-fuel	Phius CORE or PHI	Pre-wiring	20% of spaces	Optional

C1.2 All Electric building performance standard (Section RC103)

All electric buildings are defined in the updated Stretch Code, and comply with the 2050 net-zero emissions performance standard by meeting the minimum efficiency standards of either HERS 45 or the Passive house pathway and using either air source or ground source heat pumps for primary space heating and heat pump or solar thermal water heating, as well as all electric appliances. All electric buildings are not required to install on-site solar panels but roofs must be solar-ready in accordance with the base and stretch code requirements. This pathway is laid out in Section RC103.

C1.3 Mixed-fuel building performance standard (Sections RC104 & RC105)

C.1.3a Homes and Units less than 4,000-sf

New low-rise buildings using fossil fuels for any on-site use including space heating, water heating, cooking or drying must meet minimum efficiency requirements of HER 42 or the Passive House pathway. In order to demonstrate alignment with the 2050 net-zero emissions mandate, all homes or units using fossil fuels for space heating, water heating, cooking, or drying must install sufficient electrical service, space and wiring to allow for future conversion to all electric buildings.

These mixed-fuel homes and buildings utilizing the HERS pathway are also required to install solar panels that provide no less than 4kw for single family and not less than 0.75 W/ft² for multi-family, to mitigate these near-term emissions, with an exemption for shaded sites. Homes

and buildings utilizing the Passive House pathway are exempt from additional solar install requirements, but must have solar-ready roofs consistent with both the stretch and base code provisions. These requirements are set forth in Sections RC104, and RC105.

C.1.3b Homes and Units greater than 4,000-sf

New low-rise buildings containing one or more dwelling units over 4,000 sf and using fossil fuels for any on-site use including space heating, water heating, cooking, or drying must meet HERS 0 or Phius ZERO requirements described in C1.4 below.

C1.4 Zero Energy Buildings

The Specialized Code also contains a definition of **Zero Energy Building** based on how this term is used in the IECC 2021 in the appendices for both residential and commercial chapters, as follows:

A building which through a combination of highly energy efficient design and onsite renewable energy generation is designed to result in net zero energy consumption over the course of a year as measured in MMBtus or KWh_{eq}, on a site energy basis, excluding energy use for charging vehicles.

This definition is intended to cover exemplary buildings, and building uses for which achieving zero energy on-site is feasible.

C1.4a HERS 0 performance standard (Section RC 102)

For the HERS index pathway, the Specialized Code adopts and modifies the definition of zero energy building published in the IECC 2021 Appendix RC – Residential building Provisions.

Appendix RC uses the HERS rating scale to set a zero energy building at HERS 0 or lower after on-site solar generation is factored in. The required minimum level of energy efficiency without solar in the IECC is currently HERS 47, the Specialized Code adjusts the required minimum energy efficiency level down to HERS 42. The gap between HERS 42 and HERS 0 is made up with renewable energy from on-site power production (OPP) typically with solar panels.

C1.4b Phius ZERO performance standard (Section RC 102)

For the Passive House pathway, the Specialized Code adopts the Phius ZERO building performance standard for zero energy buildings. Phius ZERO certification includes the Phius CORE efficiency requirements while adding a requirement to net out energy use on an annual basis with renewable energy. The Specialized Code excludes contracts for Renewable Energy Credits (RECs) or off-site Renewable Energy Sources which are otherwise allowed under the Phius ZERO certification.

D. 225 CMR 23 Appendix CC: Commercial Construction Specialized Code

D1.1 Energy Efficiency Requirements

The Specialized Code maintains the same energy efficiency requirements as the Updated Stretch Code for all building types except multi-family, including adoption of the ASHRAE 90.1-2019 pathway for high ventilation buildings, TEDI requirements for offices and schools, and a new prescriptive path for small buildings.

Multi-family buildings built to the Commercial Specialized Code must achieve precertification to Passive House standards (either from PHI or Phius). These requirements are phased-in for buildings up to 5 stories required to meet Passive House requirements if applying for permits after January 2023, and taller buildings 6 stories and above required to meet Passive House for permit applications beginning in January 2024.

D1.2. All Electric Building Performance Standard (Section CC104)

This is the simplest compliance pathway under the Specialized Code, requiring the energy efficiency requirements described in D1.1, and requiring that all space heating, water heating, cooking equipment and drying equipment is powered by electricity and meets minimum efficiency standards.

D1.3. Mixed-Fuel Building Performance Standard (Sections CC105 and CC106)

This pathway establishes minimum requirements for new buildings designed with any space heating systems, water heating systems or appliances capable of using fossil fuels such as natural gas, heating oil or propane fuel. While allowing these fossil-fired systems, the Specialized Code requires mitigation of these emissions with the following requirements:

- a) Minimum efficiency requirements for space and water heating, including both fossil fuel and clean biomass boilers and furnaces systems.
- b) Solar development of the available on-site solar potential, specifically through one of 2 options:
 - i. *Not less than 1.5W/ft² for each sq foot of the 3 largest floors (the threshold proposed in solar requirements in the forthcoming IECC2024),*
or
 - ii. *not less than 75% of the Potential Solar Zone Area*
- c) Pre-wiring and electrical service provision to the building to allow for future electrification of space and water heating and cooking and drying equipment.

D1.4 Zero Energy Building Performance Standard (Section CC103)

This is the most stringent of the 3 pathways in that it requires net zero energy on an annual basis from the 1st year of construction. The Specialized Code amends the IECC commercial appendix CC: Zero Energy Commercial Building Provisions by simplifying the allowable renewable options. As a result, zero energy may be demonstrated only with on-site generation (typically

solar PV), and all buildings must meet minimum energy efficiency requirements prior to renewable offsets.

The option to show compliance using HERS 0 or Phius ZERO certification as used in the low-rise residential Specialized Code is also eligible under the Zero Energy pathway for multi-family residential buildings.

Article ____

Amendments to Section 6. Dimensional Regulations

To see if the Town will vote to amend the Zoning Bylaw, Section 6.3.C, as follows:

C. In a residential zoning district, the area of any single accessory building or structure shall not exceed the ~~gross floor~~ area of the principal residential building on the premises unless authorized by special permit from the Zoning Board of Appeals.

And amend Section 6.2.F by adding a new subsection 5:

5. Nothing herein shall prevent the projection of steps, porches (not exceeding 30 square feet in area), eaves, cornices, windowsills or belt courses into any required setback.

REFERENCE INFORMATION provided by sac (1-20-23)

ZBL Definition for Gross Floor Area – The sum of the gross horizontal area of the several floors of a building, measured from exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches.

NOTE – The ZBL does not include a definition for “area”. When our ZBL does not include a definition, we look to a definition in the MA Building Code, or MASS General Laws, or Black’s Law Dictionary.

State Building Code definition - **AREA, BUILDING.** The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

Amendment to Groundwater Protection District

DRAFT – January 9, 2022

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Groundwater Protection Overlay District, Section 5.6.3 F.2, Prohibited Uses, by adding a new item “p”. as follows:

p. Installation of metal roofs on any new or existing structure, unless such metal roof meets the requirements of the current version of the Massachusetts Stormwater Management Standards for infiltration of runoff from a metal roof that is located within the Zone II or Interim Wellhead Protection Area of a public water supply.

Commented [BSA1]: Should we be more specific?

Susan Affleck-Childs

From: Bridget Graziano
Sent: Thursday, January 19, 2023 2:23 PM
To: Susan Affleck-Childs
Subject: FW: [External] Re: 21 Trotter Drive Medway

Here is the brief explanation of what contaminates drinking water.

From: Maguire, Thomas (DEP) <thomas.maguire@state.ma.us>
Sent: Wednesday, August 3, 2022 12:08 PM
To: Peter Bemis <pbemis@edcma.com>
Cc: Richard Nylen <rnylen@ldnllp.com>; Schmitz, Judith (DEP) <judith.schmitz@state.ma.us>; Rhodes, Lisa (DEP) <lisa.rhodes@state.ma.us>; Bridget Graziano <bgraziano@townofmedway.org>
Subject: [External] Re: 21 Trotter Drive Medway

Thank you for your inquiry. Applicants are required to comply with Orders of Conditions issued pursuant to MGL Chapter 131 Section 40, and 310 CMR 10.00. The Order was not appealed to MassDEP, therefore the Order is final. To avoid any penalties for noncompliance, I strongly suggest you comply with any directives issued by the Medway Conservation Commission.

In regard to your question regarding metal roofs, I am responding in general, and not specific to the Project Site, as you already received an Order of Conditions, that you must comply with.

Zone II of public water supply is classified as a Critical Area, to protect the statutory interests listed in MGL Chapter 131 s. 40 of public water supply and ground water supply. The Massachusetts Wetlands Protection regulations at 310 CMR 10.05(6)(k)6. specify that "Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or to any other critical area require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such area as provided in the Massachusetts Stormwater Handbook." The requirement to comply with the specifications of the Massachusetts Stormwater Handbook is also required by the Municipal Separate Storm Sewer System (MS4) permit issued by EPA: "Stormwater management systems design shall be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook." (MS4, 2021, Section 2.3.6.a.ii.2.)

Metal roofs are defined in the Massachusetts Stormwater Handbook as galvanized or copper (Volume 1, page 7). Galvanization includes zinc. The zinc is a coating that covers the roof to prevent rusting. Both zinc and copper are contaminants listed in the Massachusetts Drinking Water regulations, 310 CMR 22.07D, with Secondary Maximum Contaminant (MCL) Levels.

SOURCE CONTROL: Not utilizing a metal roof in a Zone II to infiltrate stormwater is a source control measure. Towards that end, the Massachusetts Stormwater Handbook provides no pretreatment is required to infiltrate stormwater from non-metal roofs. There are many different types of non-metal roofs.

POLLUTION PREVENTION: When a metal roof is proposed to infiltrate stormwater to a Zone II, the pollution prevention measures specified in the Massachusetts Stormwater Handbook must be followed (310 CMR

10.05(6)(k)6.). The pollution prevention measures specified in the Massachusetts Stormwater Handbook to infiltrate stormwater into Zone II from a metal roof require "pretreatment by means of a BMP capable of removing metals, such as a sand filter, organic filter, filtering bioretention area or equivalent." (Volume 1, page 7, and Table RR on page 8). This provision works in conjunction with 310 CMR 22.21(2)(b)7. which prohibits the siting of "land uses that result in the rendering impervious of more than 15% or 2500 square feet of any lot or parcel, whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality." The Secondary MCL listed in 310 CMR 22.07D is 1 mg/l for Copper and 5 mg/l for Zinc. When pretreatment is proposed, the pretreatment should be designed to comply with the Secondary MCL.

Zinc is a coating slowing rusting or oxidation. Coatings used on metal roofs are sacrificial, designed to wear off. Galvalume roofs are galvanized. They contain zinc.

In regard to the Order of Conditions, which is final as it was not appealed to MassDEP, to avoid any penalties for noncompliance, I strongly suggest you comply with any directives issued by the Medway Conservation Commission.

Thomas Maguire
Massachusetts Department of Environmental Protection
Wetlands Program
Boston MA

From: Peter Bemis <pbemis@edcma.com>

Sent: Friday, July 29, 2022 11:28 AM

To: Maguire, Thomas (DEP) <thomas.maguire@mass.gov>

Cc: Richard Nylén <rnylen@ldnllp.com>; Schmitz, Judith (DEP) <judith.schmitz@mass.gov>; Rhodes, Lisa (DEP) <lisa.rhodes@mass.gov>; BGraziano@townofmedway.org <BGraziano@townofmedway.org>

Subject: Re: 21 Trotter Drive Medway

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your reply and now that I better understand the mechanics of authority on the matter, could you please confirm whether the use of an infiltrative detention basin then satisfies the criteria that you have referenced or does the treatment unit for a metal roof need to be entirely separate from the overall stormwater management system? Are we allowed to treat the metal roof with a more superior coating system? Can you provide any reference materials that we can rely upon to properly address this situation? Thank you for your consideration and assistance.

On Thu, Jul 28, 2022 at 12:04 PM Maguire, Thomas (DEP) <thomas.maguire@state.ma.us> wrote:

If an Order of Conditions was issued by the Town of Medway Conservation Commission approving alterations to a resource area or buffer, and that Order was not appealed to the Massachusetts Department of Environmental Protection within 10-days, you are obligated to comply with the Order. The Town Conservation Commission, as the Issuing Authority, has the authority to determine compliance with any such Order.

MS4: The entire Town of Medway is designated as a Municipal Separate Storm Sewer System (MS4). The currently effective MS4 permit requires in part that "Stormwater management systems design shall be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook." (MS4, 2021, Section 2.3.6.a.ii.2.). The Town of Medway bylaw likewise has a requirement to "Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6."

Thomas Maguire
Massachusetts Department of Environmental Protection
Wetlands Program
Boston MA

From: pbemis@edcma.com <pbemis@edcma.com>
Sent: Wednesday, July 27, 2022 4:59 PM
To: Maguire, Thomas (DEP) <thomas.maguire@mass.gov>
Cc: 'Richard Nylen' <rnylen@ldnllp.com>
Subject: 21 Trotter Drive Medway

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Tom – we are in need of reaching you regarding the above referenced site as the Medway Conservation Commission is quoting you on Stormwater Matters that directly affect the operation of the existing facility located at 21 Trotter Drive. I have attached the approved Grading & Drainage Plan so that you can have a better understanding of the parameters involved at this location. The underlying site is located within a Zone II that extends from Milford to the north and Franklin to south with no current Zone I located within the designated limits. The pre-existing building has a metal roof and the new addition was recently constructed with a Galvalume Plus Coated Metal Roof. I have spoken to several folks at DEP responsible for Wellhead Protection and they did not believe that Medway was interpreting the illicit stormwater provision correctly and then I was told that it was your office that provided the criteria that they are applying to this project. The building is located totally outside the wetland buffer zone while stormwater from the roof is directed to an Infiltration Detention Basin that does ultimately discharge to wetlands that border the site. I would be most grateful to talk directly (please call cell 5083809922) with you so that I can advise my client properly as we are only hearing from the Medway ConCom Administrator that this is an illicit discharge and she is intending to start fining us as an illicit discharge starting on August 1st. Thank you for your time and consideration of this matter.

Peter Bemis

Engineering Design Consultants, Inc.

32 Turnpike Road

Southborough, MA 01772

(508)480-0225 Ext. 11 – cell 5083809922