

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

Members	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio	Jessica Chabot	Sarah Raposa
Attendance	X	Remote via telephone	X	X	X (arrived at 6:45 p.m.)	X

ALSO PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PEDB Chair Matt Hayes opened the meeting at 6:30 p.m.

A motion was made by Robert Tucker and seconded by Richard Di Iulio to go into executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares [Medway Realty LLC v. Medway Planning and Economic Development Board and the Town of Medway] and return to public session at the conclusion of the executive session for the Board's regular business.

Chair Matt Hayes declared that discussing litigation in this matter in an open meeting would be detrimental to the public good. The board will return to public session.

The motion was approved unanimously by roll call vote of Hayes, Tucker, Di Iulio, and Raposa.

At the conclusion of the executive session, the Board reconvened to public session at 7:26 p.m.

PUBLIC COMMENTS:

- There were no public comments.

NEO ORGANICS (4 MARC ROAD):

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

- Email dated 3.1.22 from Chad Blair to Susy Affleck-Childs
- Email dated 3.3.22 from Chad Blair to Susy Affleck-Childs
- Letter dated 9-17-21 from Cannabis Control Commission re: Neo Organics license
- Neo Annual Reports from 2019, 2020, and 2021
- Urban Gro Odor Control document dated 3-2-21
- Document dated 3-2-22 from Key Construction Solutions re: odor management system.

- SAC email dated 3-4-22 to NeoOrganics COO Chad Blair re: Key Construction document
- Neo Organics marijuana special permit decision dated 1-28-2020
- Bond list and estimate dated 3-4-22 from Tetra Tech

NeoOrganics COO Chad Blair zoomed in for the meeting. The Board was made aware that NeoOrganics is seeking a temporary occupancy permit for their facility at 4 Marc Road. This will allow them to take the next step with the Cannabis Control Commission for their permanent license. Neo also wants to revise the special permit to comply with the Town's updated noise standards which were approved at the November town meeting instead of the noise management language included in the decision dated 1-28-2020. Mr. Blair explained that the Cannabis Control Commission has approved the renewal of the Neo marijuana establishment licenses. The applicant has fulfilled the requirement for submitting the annual reports from 2019, 2020 and 2021.

There have been inspections completed at the facility. Consultant Bouley has been to the facility to conduct an inspection and prepare a bond estimate in the amount of \$53,750.00. The plumbing has been inspected and signed off on. The electrical work will be inspected tomorrow. The Conservation Commission still has some action items for its Certificate of Compliance which need to be completed in the spring since it involves plantings. The Police Department does need to sign off on the security, but it is not a requirement of the Special Permit. The As-built plans are being prepared. The odor management plan was sent with the engineered plan. The applicant is also prepared to submit the check for the performance security.

The only outstanding condition included in the special permit decision for an occupancy permit is the noise test. Mr. Blair indicated they want to delay the sound test. NeoOrganics noise consultant Andy Caballaria of Acentech zoomed in and explained that the noisiest time for the facility would be in the summer and that would be the best time to test the noise when all the equipment is working. The permittee communicated that a seasonal report of equipment could be provided for winter months and then a summer report could be provided. The only thing holding up full occupancy would be the noise test.

The Board decided to recommend that the Building Department issue a temporary occupancy which could be issued to not exceed 120 days and can be extended 30 days at a time based on the building inspector's determination. The noise testing of a fully functioning facility would be completed at the end of July 2022. The applicant would like to start the baseline ambient noise testing on March 12th.

A question was asked from resident John Lally who wanted to know if the odor design is available for review. The applicant communicated that there was a certification of odor engineer and plans were submitted. It was further explained that the CCC handles the odor mitigation when their review is done.

Consultant Bouley reviewed the site and prepared the bond estimate.

Bond Estimate:

On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted to approve the bond estimate in the amount of \$53,750 for 4 Marc Road.

Performance Security Agreement:

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted to approve the performance security agreement for 4 Marc Road.

Temporary Occupancy Permit:

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted to recommend the Building Department issue a temporary occupancy permit for 4 Marc Road with the understanding that the noise study will be completed prior to final occupancy.

21 HIGH STREET – Informal Pre-Application Discussion Multi-Family Development Options

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

- Information provided by owner Michael Larkin including a project narrative and 3 design options.

Owner Michael Larkin was present for the meeting. He indicated that they intend to keep the existing single family home but demolish the attached garage and secondary garage. The parcel is 3.77 acres.

Option #1:

This proposal is for townhouse style development with 21 housing units. This includes four (5) unit buildings with the existing house to be rehabbed. The units would be 3 bedrooms.

Option #2:

This proposal is a three-apartment style building with 11 units in each building plus the single family house totaling 34 units. The parking would be underneath. There would be a mix of one and two bedrooms.

Option #3:

This proposal is for two apartment style buildings with 12 units in each building plus the single family house totaling 25 housing units. The units would be three bedrooms.

The Board preferred Option #1 but with less units. It was noted that when this project was previously presented, the option with the parking underneath was unpopular. The density and architecture of the buildings will need to fit into the environment of the neighborhood. The Board suggested the applicant look at the Evergreen townhouses as an example of good architecture. The Board is concerned about the overall density and how this exceeds the density in the area. Member Tucker is not in favor of any of the options. Mr. Di Iulio is also uncomfortable with the level of density proposed.

Member Chabot left the meeting at 8:30 pm.

BATTERY ENERGY STORAGE SYSTEM:

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

- Flyer for the upcoming 3-17-22 BESS presentation by ARUP on technical language to include in zoning regulations

- Preliminary draft of an outline of recommended technical language to include zoning regulations dated 3-4-22 prepared by ARUP.

The Board was provided with a presentation prepared by ARUP who is the Town's BESS Consultant. ARUP personnel in attendance via zoom were: Geoff Gunn, Victoria Grimes and Justin Roy. The presentation was shown using the Zoom screen share feature. It included a BESS technical zoning outline overview. This was broken down into a variety of sections which included: application, definitions, general requirements, siting standards, design standards, safety and environmental standards, monitor and maintenance, abandonment or decommissioning.

The Board was informed on the two options recommended for the zoning bylaw content. This was Option A and Option B.

- Option A: NFPA 855, Standard for Installation of Stationary Storage Systems.
- Option B: 527 CMR.1.00, Massachusetts Comprehensive Fire Safety Code.

All of the energy storage systems shall be designed constructed and operated in accordance with the applicable requirements of 780 CMR. The permits must also comply with 780 CMR. All building permits will be applied for and obtained through the typical building permit process. In relation to the Fire Code, a permit under Option A will need be required the local Fire Department if the BESS exceeds the code thresholds for capacity. The review of this is done through the Fire Department.

If Option A is chosen it would require full compliance with the most recent available edition of NFPA 855 for all BESS projects within Medway. There is a recommendation for the Town to voluntary adopt the NFPA 855.

If Option B is chosen, it represents the minimum requirements currently applicable to all jurisdictions within Massachusetts. There are siting requirements which have thresholds for larger capacities. Large-scale fire test data and hazard analysis are required to support the installation. In relation to required setbacks, the Option A specifies that a minimum of 10 ft. must be between the BESS and the lot lines, public ways, buildings, stored combustible materials, hazardous materials, and high-piled storage. The Town is able to tailor the thresholds. An emergency response plan will need to be provided.

After the presentation, the Board concluded it would like to move forward with Option A, NFPA 855.

On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to use Option A NFPA 855 instead of Option B Mass Fire Code for BESS zoning regulations.

The Board was informed that the next step in this process will be a community presentation of the zoning language by ARUP on March 17, 2022. After that, the Consultant will then review the Medway Grid proposal. Town staff will then work to craft the zoning regulations incorporating the recommended safety language.

20 Broad Street – “Substantial Use” Determination:

(See Attached Notes) The Board was informed that the Special Permit decision for 20 Board Street was issued on February 20, 2020. This permit lapses after two years if substantial use has not commenced. Permittee Steve Brody was present and explained that there was permit extension legislation approved due to COVID (Chapter 52 of the Acts of 2020) which provides extensions for permits which were in effect as of March 10, 2020 for the period of the state of emergency. The date from which to count the two-year period for “Substantial Use” for 20 Board Street changed from February 20, 2020 to May 27, 2021 and the two-year deadline for “substantial use” changed from February 20, 2022 to May 27, 2023. The Board agrees with the extension.

**Public Hearing Continuation - PHYTOPIA Site Plan, Reduced Parking
Special Permit and Groundwater Protection Special Permit, 6 Industrial Park
Road**

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

- Notice dated 2-9-22 to continue the Phytopia public hearing to March 8, 2022
- Email dated 3-1-22 from Attorney Ted Cannon asking for continuation to April 12, 2022.

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted to continue the hearing for Phytopia to April 12, 22 at 8:00 pm. (Member Raposa abstained)

**148 MAIN STREET – Adaptive Use Overlay District Special Permit and Plan
Modification – Plan Review Fee:**

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

- Plan review fee estimate dated 3-2-22 from Tetra Tech for \$3,787.00.

The Board reviewed the plan review fee estimate. This is for proposed site modification to an Adaptive use overlay district project approved in 2006 for The Maids building. There is a different owner now, John Early, who wants to improve the parking layout and enhance the landscaping. The public hearing on this will begin March 22, 2022. Owners John and Christine Early were present via Zoom to listen.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted unanimously to approve the plan review fee of \$3,787.00 for the proposed modification to the 149 Main Street AUOD site plan.

CORRECTION TO CUTLER PLACE DECISION:

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

- 2-4-22 email from abutter Chris Meo
- Proposed correction to page 14 of decision.

The Board was informed that the decision included an incorrect date on a referenced plan. The Board was advised that the correction can be made as an action item.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted unanimously to approve the corrected decision for Cutler Place and endorse the plan.

(Member Raposa abstained.)

RELEASE OF PERFORMANCE SECURITY FOR CHARLES RIVER VILLAGE:

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

- Email dated 2-9-22 from Attorney Glenn Murphy requesting a release of a recorded performance security agreement for this development (off of Neelon Lane)
- Recorded Charles River Village security agreement dated 10-8-2013
- Release of document for approval and signature
- Minutes of 12-13-18 PEDB meeting with vote to release bond funds.

Susy Affleck-Childs noted this is an unusual circumstance. Performance security agreements are not required to be recorded, but the developer in this case did so. An owner in the development is selling their property and the closing attorney picked up this unreleased document in a title search.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted to sign a release of the recorded performance agreement for Charles River Village. (Member Raposa abstained)

HOUSING PRODUCTION PLAN APPROVAL VOTE:

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

- 2-14-22 version of the updated Housing Production Plan.

The Board was informed that that the Select Board voted to approve the updated Housing Production Plan.

On a motion made by Sarah Raposa, seconded by Rich Di Iulio, the Board voted unanimously to approve the Housing Production Plan dated February 14, 2022.

NEWTON LANE STREET ACCEPTANCE UPDATE:

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

- Street Acceptance and As-Built Plan for Hartney Acres II dated 1-29-22
- 9-22-21 Hartney Acres punch list prepared by Tetra Tech
- SAC email dated 3-2-22 to Paul Yorkis about status report
- Email memo dated 3-4-22 from Paul Yorkis with punch list completion.

The Board was informed that there has been a warrant article submitted to accept Newton Lane. The Select Board voted at their March 7, 2022 to begin the roadway layout process and to refer this to the PEDB for its review and recommendation. This will be on the March 22, 2022 PEDB meeting. The Select Board will hold the required public hearing on either April 4, 2022 or April 19, 2022.

APPROVAL OF MINUTES: **January 3, 2022 Executive Session:**

On a motion made by Sarah Raposa, seconded by Rich Di Iulio, the Board voted unanimously to approve the minutes of the January 3, 2022 executive session.

February 8 & 16, 2022 Regular Meetings:

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted unanimously to approve the minutes of the February 8 & 16, 2022 meetings as revised.

PLAN REVIEW FEE - COMMCAN MODIFICATION:

The Board is in receipt of a plan review fee estimate from Tetra Tech for the proposed CommCan modification at 2 Marc Road in the amount of \$3,918.00. (See Attached)

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted unanimously to approve the peer review estimate in the amount of \$ 3,918.00.

FUTURE MEETING:

- March 22, 2022

ADJOURN:

On a motion made by Rich Di Iulio, seconded by Sarah Raposa, the Board voted to adjourn the meeting.

The meeting was adjourned at 9:53 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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



March 8, 2022

Medway Planning & Economic Development Board

Meeting

NeoOrganics (4 Marc Road)

NeoOrganics is seeking a temporary occupancy permit for their facility at 4 Marc Road. Neo also wishes to speak with you about revising the special permit to comply with the updated noise standards as approved at the November town meeting. See 2 emails below from COO Chad Blair with various attachments provided.

- 3-2-22 email
- 3-3-22 email
- 9-17-2021 letters from Cannabis Control Commission approving renewal of Neo's marijuana establishment licenses
- Neo Annual Reports from 2019, 2020, and 2021
- Urban Gro Odor Control document and installation confirmation memo dated 3-2-22 from Key Construction Solutions
- SAC email dated to Chad Blair indicating that the 3-2-22 memo from Key Construction Solutions is not sufficient.

Also Attached:

- NeoOrganics marijuana special permit decision dated 1-18-20. In particular, please review pages 19-21 for conditions re: noise and odor management
- Bond list and estimate dated 3-4-22 from Tetra Tech

Susan Affleck-Childs

From: Chad Blair <cblair@neoalts.com>
Sent: Tuesday, March 1, 2022 7:14 PM
To: Susan Affleck-Childs
Cc: Patrick Thornton
Subject: RE: Marijuana special permit - modification

Hi Susan,

I hope you are well. If you haven't already done so, could NEO Alternatives be added to the board agenda for next Tuesday's meeting? I would like the agenda item to be Noise Management. Specifically, I would like to discuss the possibility of delaying the sound test and still have the ability to receive a temporary or conditional Certificate of Occupancy with a satisfactory Noise test as a requirement.

Thank you

Chad Blair
COO
617-571-6068
cblair@NEOalts.com



From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, March 1, 2022 3:15 PM
To: Chad Blair <cblair@neoalts.com>
Subject: RE: Marijuana special permit - modification

You are most welcome.

From: Chad Blair [<mailto:cblair@neoalts.com>]
Sent: Tuesday, March 1, 2022 3:14 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Patrick Thornton <pthornton@key-csi.com>
Subject: RE: Marijuana special permit - modification

Thank you. I appreciate the discussion today.

Chad

Chad Blair
COO
617-571-6068
cblair@NEOalts.com



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

Sent: Tuesday, March 1, 2022 11:48 AM

To: Chad Blair <cblair@neoalts.com>

Subject: Marijuana special permit - modification

Hi Chad,

Thanks for stopping by. Attached is the application form to use to seek approval from the Board to modify your marijuana special permit.

Please let me know if you have any questions.

Thanks.

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



Susan Affleck-Childs

From: Chad Blair <cblair@neoalts.com>
Sent: Thursday, March 3, 2022 9:37 AM
To: Susan Affleck-Childs
Cc: Jaime Lewis; Patrick Thornton; Adam Patti
Subject: RE: Marijuana special permit - modification
Attachments: MC282043-RENEWAL APPROVAL-9.17.21-pdf.pdf; MP281622-RENEWAL APPROVAL-9.17.21.pdf; NEO Annual Report 2019.docx; NEO Annual Report 2020.docx; NEO Annual Report 2021.docx; Urban Grow Odor Control Doc.pdf; Key Install letter.pdf

Hi Susan

Good morning. Steve Bouley from Tetra Tech did a site visit yesterday and should have sent a report to you either last night or one will be forthcoming today. I don't believe that the repost will show and substantial shortfall in the construction according to the discussion with Steve Bouley. I have attached some of the items that are required for us to submit as part of the special permit. These include the Neo annual reports, the current approved license applications with the CCC, the confirmation that the odor mitigation equipment has been designed by a qualified design engineer and installed per the schematics. These odor plans have also been provided to the Medway Building Commissioner per the Special Permit. We will not have the as built site plan and letter from DGT by Friday. I hope I will have these for you by the by 3/8 along with an Insurance Bond for the dollar value the town feels they need from us to provide a conditional Certificate of Occupancy. Can we request a special meeting of the board between 3/9 – 3/14 to see if the conditional CoO is possible or would you like to discuss the potential for a special meeting after we have our Noise discussion with the town at the meeting on Tuesday 3/8?

Thank you
Chad

Chad Blair
COO
617-571-6068
cblair@NEOalts.com



From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, March 1, 2022 11:48 AM
To: Chad Blair <cblair@neoalts.com>
Subject: Marijuana special permit - modification

Hi Chad,

Thanks for stopping by. Attached is the application form to use to seek approval from the Board to modify your marijuana special permit.

Please let me know if you have any questions.

Thanks.

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





September 17, 2021

NEO Manufacturing MA LLC
MC282043
jlewis@Neoalts.com

NOTICE: MARIJUANA ESTABLISHMENT LICENSE RENEWAL APPROVED

WHY ARE YOU RECEIVING THIS NOTICE?

This letter provides notice that the Cannabis Control Commission approved the renewal of a license. If the licensee has yet to obtain or be approved for a final license, this notice shall serve as an updated license certificate. If the licensee has been approved for a final license previously, an updated license certificate will accompany this notice.

WHAT ARE YOUR NEXT STEPS?

The licensee is required to remain in full compliance with the Commission's regulations on an ongoing basis. Please be advised that the Commission promulgated revised regulations effective as of November 1, 2019. The Commission's regulations can be found here: https://mass-cannabis-control.com/wp-content/uploads/2019/11/935_CM_500.000_Adult_Use_of_Marijuana_11.1.19.pdf. Additionally, please be advised that the licensee is subject to inspection, at any time without prior notice, to ensure full compliance with 935 CMR 500.000. 935 CMR 500.300(1).

As a reminder, licensees are required to renew their license annually. Licensees will receive an automated email notice 90 days prior, and 60 days prior, to the expiration of their license. License renewal applications shall be submitted 60 days prior to the expiration of the license. The Massachusetts Cannabis Industry Portal ("MassCIP") will show all licenses held and their respective expiration dates. For guidance on the requirements of the license renewal application, please visit: <https://mass-cannabis-control.com/guidancedocuments/>.

If there are any questions with regards to this notice, please contact the Commission's Enforcement staff at licensing@cccmass.com.

Sincerely,

Shawn Collins
Executive Director





September 17, 2021

NEO Manufacturing MA LLC
MP281622
jlewis@Neoalts.com

NOTICE: MARIJUANA ESTABLISHMENT LICENSE RENEWAL APPROVED

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If there are any questions with regards to this notice, please contact the Commission's Enforcement staff at licensing@cccmass.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shawn Collins'.

Shawn Collins
Executive Director





NEO Annual Report 2019

NEO is creating a cannabis operator focused on consumer brand manufacturing and distribution. We believe that the cannabis industry is maturing much like the liquor industry did 100 years ago, thus we believe that those firms that control the brands will capture the most value.

- We are focused on extraction-based products (vape, edibles, tinctures, topicals) in Massachusetts.
- Our vision is to acquire manufacturing and distribution rights for as many top cannabis brands to create an East Coast-centric "house of brands" supported by commercial quality manufacturing and distribution hubs in strategic locations.
- Our own brand(s) will be manufactured & distributed nationally through licensing partnerships.
- We have a strong, professional team that knows how to execute, create value, and exit.

Summary of Progress to Date:

1. We have our municipal approval from Medway MA and have locked up a ~30,000sf facility. We are currently doing design and engineering work and anticipate provisional state approval in 6 months and to be operational by Q1. Medway was chosen as it is equidistant from Boston, Worcester and Providence, and thus given the proximity to major highways is an ideal New England distribution hub.
2. We are finalizing our brand architecture for our own consumer branded product line.
3. We are currently negotiating with 2 high quality/well known CA based brands for manufacturing and distribution rights in MA. Hopefully we will have one or both of them locked up over the coming 60-90 days. Goal is to continue to lock up brand rights in advance of our facility launch.

Financing:

Currently raising an equity angel investment round. We will be raising a total of half our required capital requirement in this first round. Current commitments are approximately \$3.5mm.

** NEO is in compliance with the Special Permit, we have renewed our PPL License with the CCC and are in good standing, and have had no changes in management or key holders



NEO Annual Report 2020

NEO continues to execute on our business plan, raising enough capital to continue to move towards the construction of our facility at 4 Marc Road in Medway, MA. Despite the significant market disruptions due to COVID-19 we have hit several milestones to keep us on track.

Milestones Completed

1. NEO received our "special permit" from the Town of Medway (where our facility is located). This permit is a sign-off from the town allowing us to proceed with construction. It is also the last major hurdle to get our provisional approval from the State.
2. The Massachusetts Cannabis Control Commission approved our cannabis license which means we are now free to begin the buildout process of our facility in Medway, MA. This is what we have all been waiting for, and while it was delayed, not least due to the Covid-19 situation, we are now well situated to continue to move forward.
3. NEO continued to raise capital through a tough market environment to keep construction and operations on track. We raised approximately \$2mm in equity capital.

The Market

The Massachusetts cannabis market is perhaps even more interesting today than it was a year ago. The overall dynamics in the state are exceedingly favorable to our business model. There remains a severe shortage of production capacity in the state, that combined with the shortage of strong, experienced operators, and the lead time and capital requirement needed to build out such production operations offers us a unique opportunity to build a highly profitable company. The price of raw Cannabis Flower in Massachusetts is the highest in the nation and given the limited pipeline of new production coming on line this will likely remain elevated for several years. Thus, our focus is to maximize the cultivation capacity of our facility during the build out process to enable us to produce approximately 4000lbs of cannabis flower and 800lbs of cannabis trim. Current cannabis flower price per pound is approximately \$4000-\$4250/lb. We anticipate a ~10% reduction in these prices each year over the next two (2) calendar years, so if we begin our buildout now, we can be operating and generating revenue this time next year, while the prices are still extraordinarily high.

** NEO is in compliance with the Special Permit, we have renewed our PPL License with the CCC and are in good standing, and have had no changes in management or key holders



NEO Annual Report 2021

The Market

The cannabis market in Massachusetts remains as attractive or perhaps even more so than it was a year ago. The supply imbalance for raw cannabis flower has continued with flower prices remaining in the \$4000-\$4250/lb range which remains the highest in the United States. As noted previously this supply imbalance will not last forever, however given the difficulty in getting new supply online, we still have several years of runway before prices decrease to the levels of other west coast states that enjoy healthier supply dynamics.

NEO's Cannabis Strategy

While we have not abandoned our vision of becoming a "house of brands" for finished product like vapes and edibles, as previously noted we have adjusted our short term strategy to capitalize on the severe supply imbalance in Massachusetts. As a recap, this past fall we adjusted our facility architecture to increase production throughput of raw cannabis flower to enable us to maximize profits while flower is at elevated levels. We can then transition to finished products once cannabis prices decline. Thus we increased production capacity by nearly 70% per year by increasing grow room space and making the switch over to a more expensive and more efficient LED lighting system that produces approximately 1/2 pound more per plant per year than traditional HPS lighting. As a note on the lighting system though they cost significantly more in upfront capex, the additional production from these lights should pay for the entire capex increase in the first harvest through increased production. Plus these lights are cheaper to run both in ongoing energy use and annual maintenance, thus reducing operating costs.

In regard to our ability to produce branded finished products like vapes and edibles. We are still setting aside plenty of space in the facility to handle production and shipping of these products. During our buildout we are stubbing out these rooms for future use, but not incurring the cost to complete the rooms or buy the equipment. Thus we will not launch with these capabilities however we can quickly pivot to complete those rooms once we generate enough cash flow to pay for it. The additional capex will be approximately \$1.5mm to accomplish this.

Progress and Timeline for Build-out

We have completed the following:

1. Interior demolition complete
2. Equipment selection and ordering complete
3. Architecture & Permit Sets complete
4. Energy, water, environmental assessments/approvals complete
5. Construction permit complete
6. Plumbing, roof replacement and flooring complete
7. Interior renovation approximately 60% complete

Capital Raising

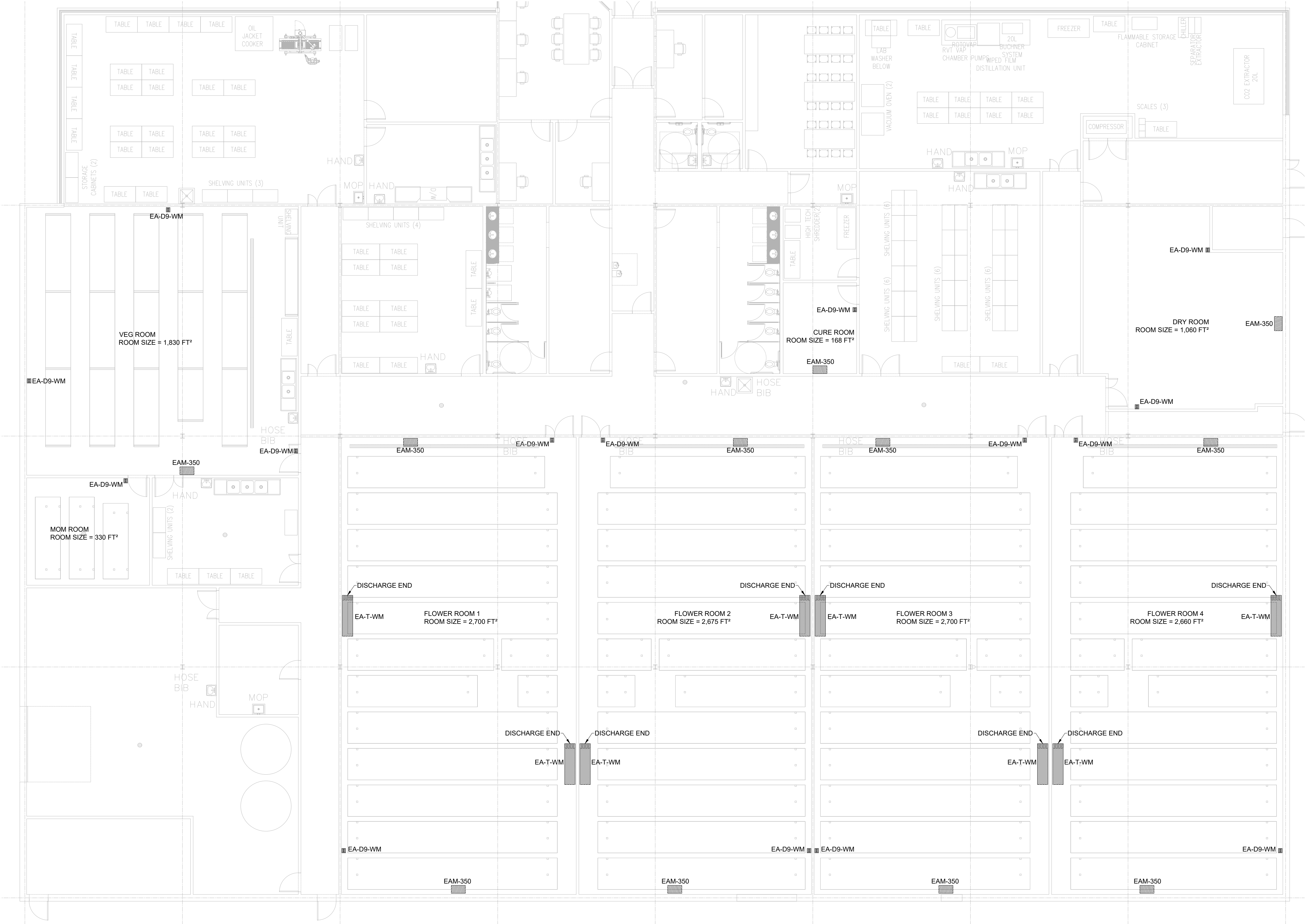
We raised approximately \$4mm in additional capital and will require additional capital to complete the facility and get it operational.

We closed on a \$2.5mm equipment finance line to cover the cost of our cultivation and building equipment such as lighting systems, controls, HVAC and other.

****** NEO is in compliance with the Special Permit, we have renewed our PPL License with the CCC and are in good standing, and have had no changes in management or key holders

TOTAL ELEMENT AIR UNIT SUMMARY		
UNIT	TOTAL QUANTITY	POWER REQUIREMENTS
EAM-350	11	120V; 1.0 AMPS
EA-D9-WM	15	120V; 0.64 AMPS
EA-T-WM	8	110V; 2.36 AMPS

ROOM SUMMARY OF UNITS			
ROOM	SQFT	UNIT	QUANTITY
TYPICAL FLOWER ROOM	2,660-2,700	EAM-350	2
		EA-D9-WM	2
		EA-T-WM	2
VEG/CLONE ROOM	1830	EAM-350	1
		EA-D9-WM	3
MOTHER ROOM	330	EA-D9-WM	1
DRY ROOM	1060	EAM-350	1
		EA-D9-WM	2
CURE ROOM	168	EAM-350	1
		EA-D9-WM	1



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- FLOWERING SCHEDULE FOR TOWER UNITS:
 - WEEK 1-3: TWO LIGHT CELLS WILL RUN CONTINUOUSLY.
 - WEEK 4-5: THREE LIGHT CELLS WILL RUN CONTINUOUSLY.
 - WEEK 6+: ALL FOUR LIGHT CELLS WILL RUN ALL THE TIME.
- ALL EQUIPMENT IS TO BE WALL MOUNTED WITH BOTTOM OF EQUIPMENT BETWEEN 6.5' - 7' TO ENSURE THE EQUIPMENT IS HIGH ENOUGH TO NOT INTERFERE WITH DAILY WORK WHILE ALSO BEING LOW ENOUGH FOR EASE OF MAINTENANCE.
- IF DESIGN IS ALTERED OR INSTALLED DIFFERENTLY THAN SHOWN, URBAN-GRO ASSUMES NO LIABILITY FOR THE PERFORMANCE OF SYSTEMS.

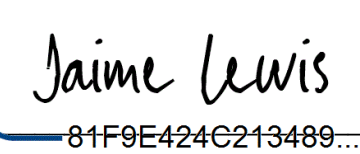
SIGNATURE REQUIRED

SIGNATURE INDICATES THAT CLIENT HAS REVIEWED AND APPROVED ALL DOCUMENTS, TABLES, CHARTS, AND SCHEDULES AND CONFIRMS ACCURACY AND ACCEPTANCE OF SAME, WITH OR WITHOUT REVISIONS AS NOTED.

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2/1/2021

DATE: _____

ISSUE:		DATE:	
CONSTRUCTION DOCUMENTS		10.14.2020	
CONSTRUCTION DOCUMENTS		01.28.2020	
REV:	DESCRIPTION:	BY:	DATE:

urban-gro®

CLIENT: NEO ORGANICS

FACILITY: 4 MARC ROAD

DESIGNER: URBAN-GRO, INC.

SITE: 4 MARC ROAD
MEDWAY, MA 02053

TITLE: ELEMENT AIR LAYOUT

SCALE: NTS	DRAWN: DR	CHECKED: TS	
PROJECT NO:	DRAWING NO: EA1.0		



CASE STUDY

ELEMENT AIR™ SOLUTION REDUCES
MICROBIALS, PARTICULATES, AND VOCs
FOR CANNABIS CULTIVATION FACILITY



OVERVIEW

SUMMARY

In March 2019, Skinny Pineapple installed Element Air's PHI + Tower, RGF's Hepa Filter and Element Air's Carbon Filter systems. The research project goal was to significantly reduce odors associated with late flower terpene production and volatile organic compounds (VOCs). Within 24 hours of equipment installation, the facility experienced a dramatic reduction in unwanted airborne VOCs, microbials, and particulates. Third-party labs confirmed an 85% reduction in total VOCs and a 99.97% particulate filtration to remove microbials and particulates.

SKINNY PINEAPPLE



THE FACILITY

Skinny Pineapple is a commercial cannabis cultivation facility located in Lafayette, Colorado. Known in the cannabis world as The Farm, a well-regarded craft cannabis brand in production since 2015, Skinny Pineapple employs sustainable growing practices, including the use of biologicals. In order to maintain an optimal growing environment, Skinny Pineapple has implemented a comprehensive sanitation and integrated pest management (IPM) strategy to ensure clean, homogeneous environmental conditions.

Because the cultivation facility is located within an office and industrial park, the ownership and management are keenly aware of any odors generated during the cultivation process and how they could trigger complaints from surrounding businesses. As such, odor control is a top priority.

As an innovator in cannabis cultivation, Skinny Pineapple regularly tests and deploys new service and product offerings aimed at improving the health of the facility, employee safety, and maintaining goodwill with local businesses. Both the ownership and the head cultivator are engaged in product evaluation with the goal of providing a consistently high-quality, safe product for both medical patients and adult-use customers.

THE TEST



TESTING FOR MICROBIALS, PARTICULATES, AND VOLATILE ORGANIC COMPOUNDS (VOCs)

In March 2019 at the recommendation of urban-gro, Inc., Skinny Pineapple installed a combination Element Air PHI (Wall Mount Tower) + HEPA + Carbon Filter system. This combined solution—dubbed the “Trifecta of Microbial and VOC/Odor Purification”—helps mitigate microbes and VOCs and promotes odor control.

Prior to installation, the urban-gro and Element Air team established a baseline of VOCs present in the test room measuring 26 feet by 32 feet by 22 Feet. The test room includes 130 plants / 25 1000 watt lights and utilizes a five-ton HVAC Roof unit feeding directly into room.

Element Air and RGF utilized three core technologies (Advanced Oxidation, HEPA, and Activated Carbon) in tandem to achieve the best results possible. The Element Air Tower provided advanced oxidation as the primary defense against VOCs, microbes, and pathogens.

THE RESULTS



THIRD-PARTY LABORATORY RESULTS

In April 2019, testing of the air purification and odor control protocols commenced at Skinny Pineapple. As a result of using the Element Air and RGF technologies, Skinny Pineapple experienced a dramatic lowering of unwanted airborne VOCs.

Confirmed by a third-party laboratory via air sampling and testing, the report reflected an 85% reduction in total volatile organic compounds over a 20-hour period. Specifically, these common cannabis terpenes were systematically reduced: Alpha-Pinene was reduced 100%; beta-Myrcene was reduced 82%; and D-Limonene was reduced 87% over the same 20-hour period.

Additionally, the Element Air HEPA provided 99.97% particulate filtration to remove microbials and particulates. The Element Air Carbon provided additional protection, filtering out even more VOCs from the air.

SAMPLE	TIME AFTER RGF UNITS STARTUP (hr)	ALPHA-PINENE (ug/m3)	BETA-MYRCENE (ug/m3)	D-LIMONENE (ug/m3)	TOTAL VOCs FROM LIBRARY SEARCH (ug/m3)
1	0	16	370	120	590
2	1	15	370	120	590
3	2	14	310	100	490
4	19	5.8	78	0	110
5	20	0	66	16	87
	Percent Reduction	100%	82%	87%	85%

All air samples were collected using stainless-steel canisters under a vacuum. The cannisters were then analyzed by a nationally accredited lab with Gas Chromatography/Mass Spectrometry (GC/MS).

CONCLUSION

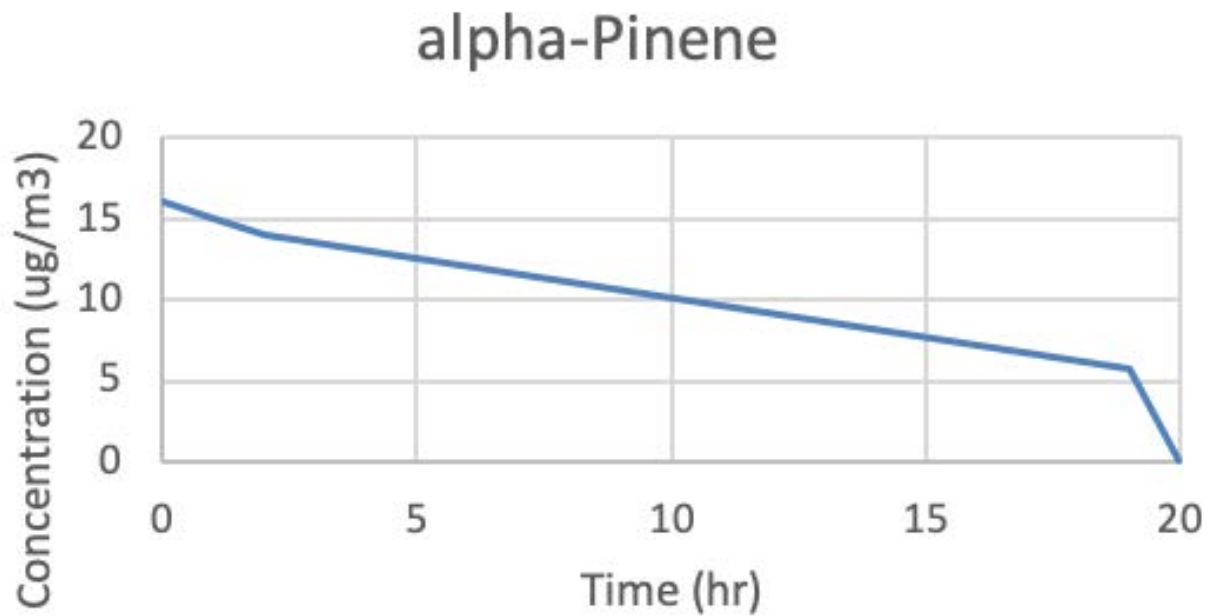


STUDY CONCLUSION

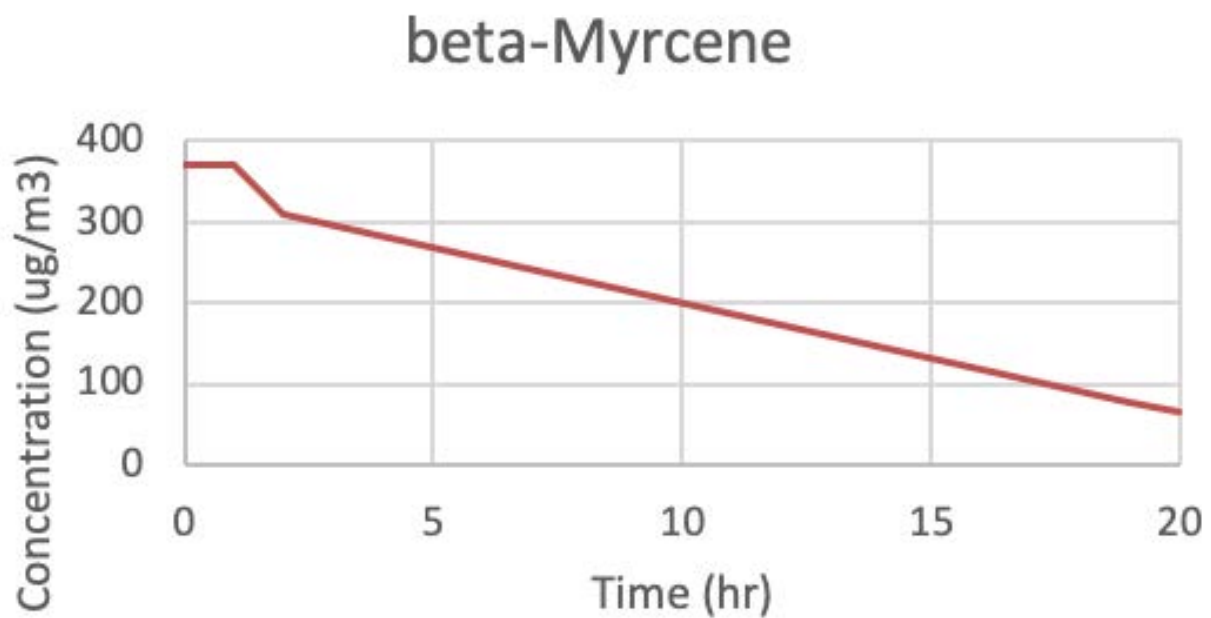
As confirmed by the test results, Skinny Pineapple successfully reduced airborne VOCs, microbials, particulates, and odor. According to head cultivator, John Billings, "using the Element Air solution as a part of my overall integrated pest management (IPM) program has been effective in optimizing my grow environment. urban-gro's IPM program evolves over time to keep up with changing regulations and pest practices, ensuring effective and compliant pest mitigation."

For more information on Element Air, urban-gro, or to request a copy of the test results, please email marketing@urban-gro.com.

THE DATA



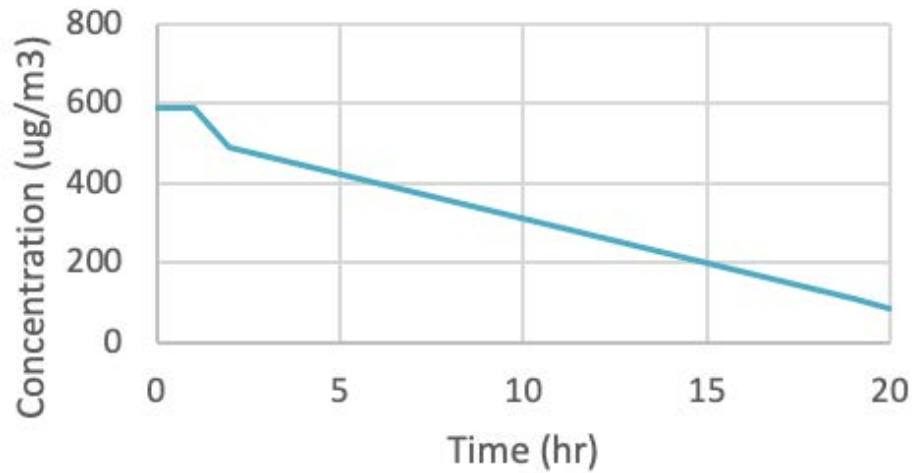
Alpha-Pinene was reduced 100%



Beta-Myrcene was reduced 82%

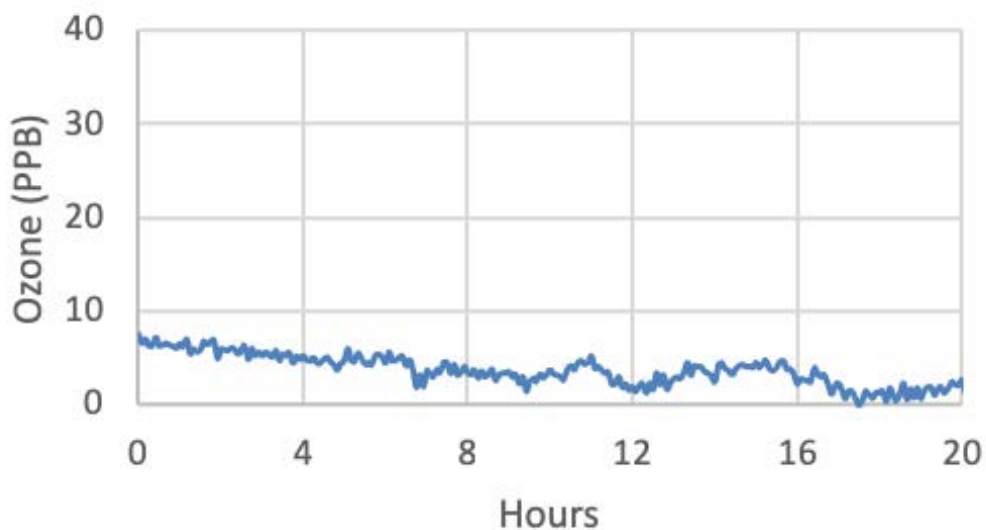
THE DATA

Total Volatile Organic Compounds from Library Search



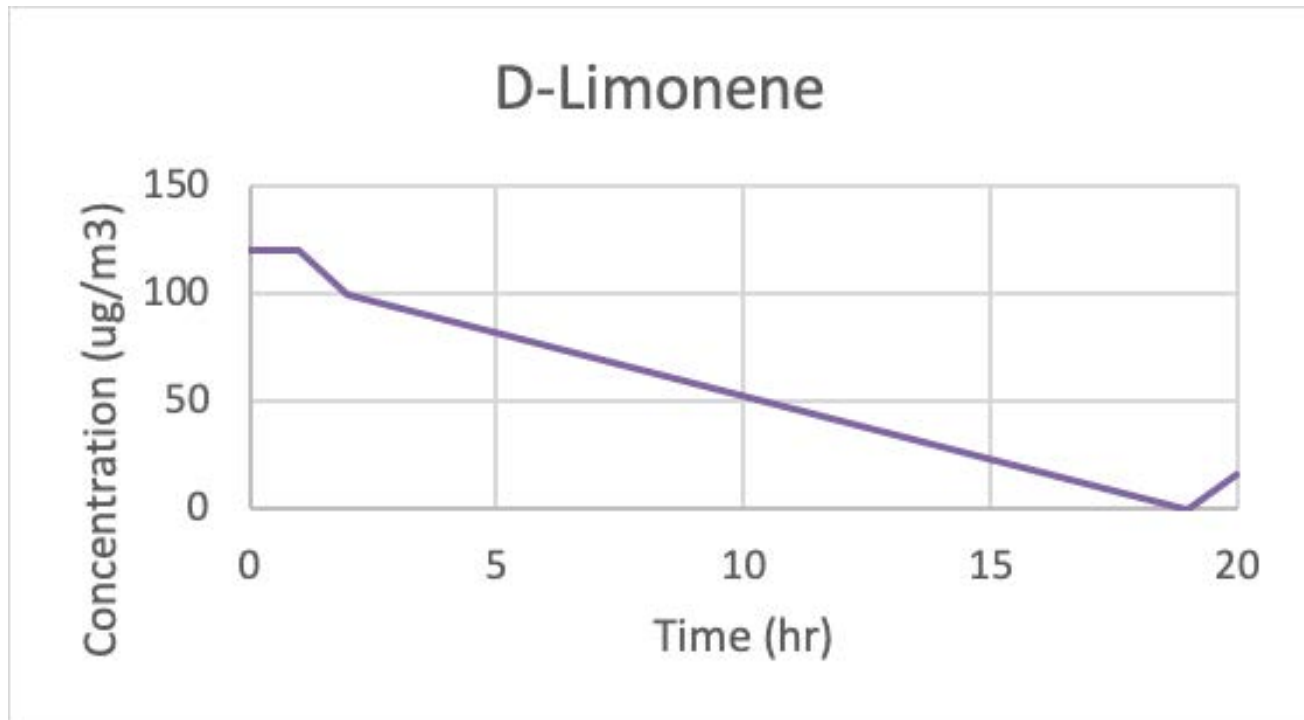
85% reduction in total VOCs over a 20-hour period

Ozone Level in Flowering Room



Ozone levels remained below 5 ppb over most of the 20 hrs which equates to statistically negligible.

THE DATA



D-Limonene was reduced 87%

TESTING INFORMATION



THIRD-PARTY SAMPLING LOCATION

Skinny Pineapple
1265 Rock Creek Circle, Unit A
Lafayette, CO 80026
Samples taken within Flowering Room

THIRD-PARTY SAMPLING VERIFICATION

urban-gro, Inc.

THIRD-PARTY LAB SERVICE

EMSL Analytical, Inc.

THIRD-PARTY LAB

LA Testing
5431 Industrial Drive, Huntington Beach, CA 92649

RGF UNITS

1 Whole Home Hepa
1 Floor Mounted Tower
1 Carbon Drum

PROTOCOL

METHOD REFERENCE

USEPA: Compendium Method TO-15, "Determination of Volatile Organic Compounds (VOCs) in Air..." Collected in Specially-Prepared Canisters and Analyzed by Gas Chromatography/Mass Spectrometry (GC/MS), January 1999, (EPA/625/R-96/010b) Includes Library Search

TESTING PROTOCOL

- Prior to air treatment by RGF, collect initial air sample using the lab supplied stainless steel canister.
- Position Hepa, Tower, and Carbon Drum into Flowering Room and turn on units. Take several air samples over the next day with the units running continually.

urban-gro[®]

Element Air[™]

A Division of RGF Environmental Group, Inc.

urban-gro[®]

Element Air[™] Tower

Air Purification System

Advanced Oxidation Advantage

Most facilities do not check the air for microorganisms on a daily or monthly basis. Bacteria and mold can continuously breed within the environment and on plants. RGF[®] developed this air treatment system to provide continuous protection in sensitive air spaces.

As air passes through a REME/PHI oxidation chamber, high Intensity UV light rays are targeted on a quad-metallic compound, destroying airborne microbes. The process develops a highly charged atmosphere of hydroxyl radicals, hydro-peroxides and super oxide ions. This atmosphere oxidizes contaminants in the air with friendly oxidizers, those which revert back to oxygen and hydrogen after the oxidation process. No chemical residue or dangerous compounds are emitted from the system.

The system can reduce levels of airborne microbes and odors by up to 99%. Airborne contaminants in the form of bacteria, mold, and yeast continue to be one of the least addressed issues in most facilities. The unit was designed for grow house applications and does not emit any visible light, allowing the unit to run 24/7.

Element Air[™]



RGF[®]
ENVIRONMENTAL GROUP, INC.



Pre-filter



H₂O₂



UV Light



CFM

Reduces	Applications
Pathogens	Greenhouses
Microbials	Cultivation Rooms
Mold	Large Harvest Rooms
Odors/VOCs	Processing Rooms



Free standing and wall mount available



Pre-filter



H₂O₂



UV Light



CFM

Specifications

Materials: Anodized Aluminium	Item Model:	EA-T-G2 (free standing)	EA-T-WM-G2 (wall mount)
Dimensions: 18" W x 20" D x 78" H	Treatment Area:	12,000 cubic feet	
Weight: 70 lbs.	Replacement Media:	EAT-Gen1-0000-RC (3)	EAT-Gen1-2575-RC (1)
Electrical: 255W, 110V, 50/60Hz, 2.36A			
CFMs: 700 cfm			

WARNING

This unit is recommended to be placed in a room no smaller than 12,000 cubic feet (square feet times ceiling height). This unit has the potential to create high levels of ozone. The ozone levels will depend on the level of microorganisms or contaminants in the space. Ozone will revert to oxygen when it encounters a contaminant. Due to this reaction, ozone levels will always be lower when the levels of contaminants are high and vice versa. An ozone monitor is recommended to ensure safe levels.

Product does not meet California requirements; It cannot be shipped to California.

Element Air™

RGF®
ENVIRONMENTAL GROUP, INC.

WARRANTY

All RGF products are protected by a twelve (12) month limited warranty. (For international orders only parts are included. Shipping not included.) This warranty covers all parts and labor for all products used under normal operating conditions and procedures as described in the owner/operator manual supplied with each product. RGF's obligation under this warranty is limited to the repair, replacement, or return/credit of the unit or component determined by RGF to be defective.

Any misuse, improper operation or installation of any RGF parts or equipment, as determined by RGF, will void any and all warranty claims to the primary component as well as all supporting components. Any repairs, modifications, or services performed by someone other than an RGF authorized technician will void any and all warranty claims to the primary component as well as all supporting components. RGF shall not be liable to the purchaser or others for loss of use of the generator or for other special, indirect, incidental or consequential damages. The RGF warranty policy does not cover shipping and handling charges incurred during the warranty claim process.

Actions that would void the warranty include:

Allowing water or liquid to enter the system control panel, electrical enclosures or wire pathways.

Connecting an improper incoming power source to the unit that does not match the incoming power requirements as outlined in the operators' manual.

Spraying or splashing fluid onto the unit or its components.

Locating the equipment in an environment that is not well ventilated and/or does not offer a degree of protection from all weather conditions, fluid contact, excessive heat, excessive cold or impacts.

THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF

To obtain warranty service, you should contact the factory at (561) 848-1826 800-842-7771 or the part should be shipped postage prepaid to:

RGF Environmental Group, Inc. 1101 West 13th Street Riviera Beach, Florida 33404

Include a copy of your bill of sale, invoice or receipt of purchase, with an explanation of the problem or defect.

Element Air™

Element Air™

Grow House Air Purification System

A Photohydroionization® (PHI) Technology

INSTALLATION INSTRUCTIONS



EA-T-G2
Portable Unit

EA-T-WM-G2
Wall Mount Unit



WARNING

NEVER LOOK DIRECTLY AT UV LIGHT
DISCONNECT UNIT BEFORE SERVICING



THIS UNIT IS INTENDED TO BE INSTALLED BY A QUALIFIED,
LICENSED TECHNICIAN. ENSURE A PROPER DISCONNECT
IS IN PLACE TO REMOVE POWER FROM UNIT

Manufactured by RGF Environmental Group, Inc. Riviera Beach, Florida
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OPERATION

Most facilities do not check the air for microorganisms on a daily or monthly basis. Bacteria and mold can continuously breed within the environment and on plants. RGF® developed this air treatment system to provide continuous protection in sensitive air spaces.

Air passes through a REME® / PHI oxidation chamber, which destroys airborne microbes with high intensity UV light rays targeted on a quad-metallic compound. The process develops a highly charged atmosphere of hydroxyl radicals, hydro-peroxides and super oxide ions. This atmosphere oxidizes contaminants in the air with friendly oxidizers. By friendly oxidizers, we mean oxidizers that revert back to oxygen and hydrogen after the oxidation process. No chemical residue or dangerous compounds are emitted from the system. The system can reduce levels of airborne microbes and odors by up to 99%. Airborne contaminants in the form of bacteria, mold, and yeast continue to be one of the least addressed issues in most facilities.

The unit was designed for grow house applications and does not emit any visible light allowing the unit to run 24/7.



LAMP SELECTOR:

•The Element Air Air Purification output can be adjusted by energizing any number of the cells by turning on each switch located at the bottom rear of unit. All switches on creates the highest output. To lower the output, start by turning off switch 1 first. To lower output further, turn off the remaining switches 2 through 4 in order.



FILTER REPLACEMENT

To replace the intake filter, remove the thumb screw holding the cover onto the unit located at the lower right of the main housing. Slide out filter and replace. (Part # FL-155)



This unit is recommended to be placed in a room no smaller than 12,000 cubic feet (Square feet times ceiling height). This unit has the potential to create high levels of ozone. The ozone levels will depend on the level of microorganisms or contaminants in the space. Ozone will revert to oxygen when it encounters a contaminant. Due to this reaction, ozone levels will always be lower when the levels of contaminants are high and vice versa. An ozone monitor is recommended to ensure safe levels.

SAFETY PRECAUTIONS:

- To prevent electrical injury -

DISCONNECT POWER BEFORE SERVICING.

- Product emits germicidal ultraviolet energy, never handle or look directly at an illuminated unit - **SERIOUS EYE INJURY CAN OCCUR.**

- Once installed, ensure the provided yellow CAUTION sticker is affixed on a visible location on the outside access cover to the unit. This ensures future service technicians are aware of UV being used within the unit.

This unit is available as a free standing or wall mounted system.

Cell replacement

It is recommended that after one year or 10,000 hours that the cell be changed out to maintain optimum cell performance. Ensure all power to unit is removed prior to any cell replacement.

To replace the cells remove the sixteen (16) snap latches that hold the outside front cover of the main housing. Slide front cover off the main housing. Inside, the cell shield is sealed with metallic tape. Cut the tape with a razor knife and remove the shield exposing the cells.



At the center of the cells loosen the 8/32 x 3/4" machine screw holding the clamp to the cell bracket.

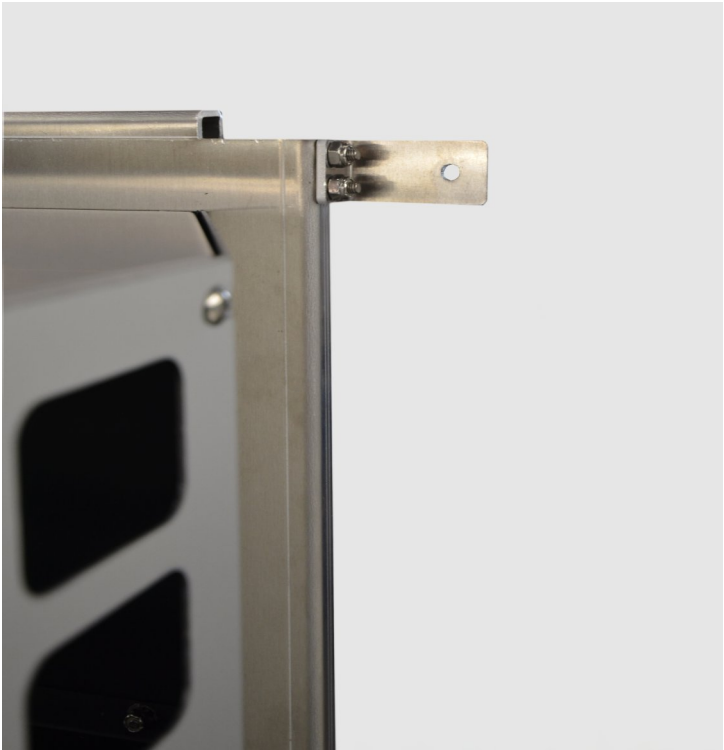


Slide the cell clamp away from the cell bracket.



Below the lower section of cell chamber disconnect the waterproof connection to the cell. The cell can now be lifted out of the cell chamber.
NOTE: Be sure to place new cell in correct position as marked on bottom of lower plate. After replacing cell and shield, use supplied metallic tape to reseal cell chamber.

3. Raise unit up until bracket on unit hooks onto top of wall bracket.
Using one (1) set screw at top of unit bracket affix to wall to lock in place.



RECOMMENDED PARTS

MAINTENANCE PARTS

Part Description	Part Number	VGH
Cell Assembly #1	EAT-GEN1-0000-RC	3 Each
Cell Assembly #3	EAT-GEN1-2575-RC	1 Each

REPLACEMENT PARTS

Part Description	Part Number	VGH
BALLAST	EL-905	4 Each
FAN	EL-1104	1 Each
ON/OFF SWITCH	EL-1051	4 Each
5 AMP CIRCUIT BREAKER	EL-378	1 Each
INTAKE FILTER	FL-155	1 Each

WALL MOUNT UNIT INSTALLATION

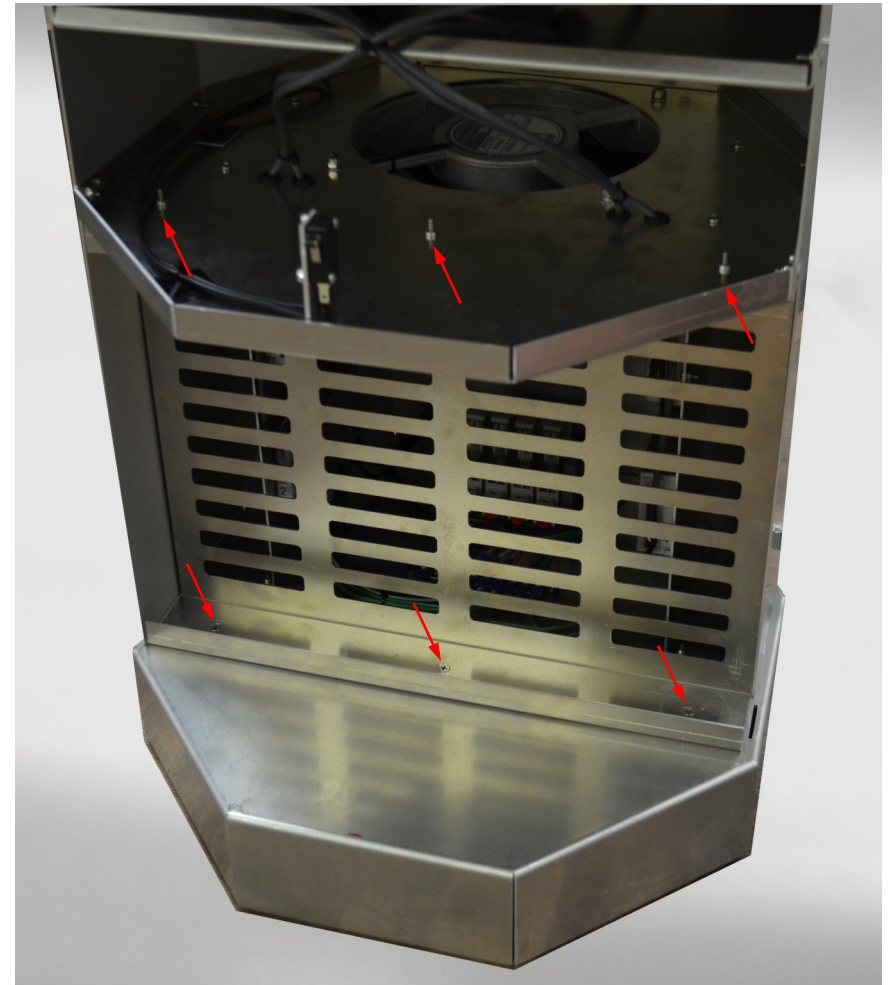
The Growhouse Air Purification Wall Mount Unit is for when a permanent installation is desired.

The wall mount bracket consists of a wall mounted panel with an L bracket top and side bracket for the back of the unit with corresponding attachment points. The unit can be mounted vertically or horizontally which ever works best for specific requirements.

1. Find a suitable area to mount unit.
Be sure unit is accessible and is not blocked for sufficient air flow.
2. Using appropriate fasteners, mount wall bracket to studs of wall or in case of concrete walls, masonry screws or shields and screws.
(Fasteners not supplied)



INTERIOR ELECTRONICS ACCESS



Remove 6 screws fastening filter holder to unit. Remove filter holder to access electronic components and service unit.

ADVANCED CONTROL OPTION

The cells of the units can operate remotely in addition to the 4 manual switches. Each of the 4 cells are independently connected through their own relay. Each relay is wired to be normally closed to apply power to each cell in the normally operating condition. In order to deactivate a cell, apply 24 VAC power to contacts 14 and 13 as shown below. To reduce the output of the machine, deactivate one cell at time starting with the #1. To lower the output further deactivate cells 2 through 4 in that order. A ½" cutout with a plastic cover is provided above the power cable to gain entry into the electronics compartment.



24 VAC
Coil #1
Contacts

24 VAC
Coil #2
Contacts

24 VAC
Coil #3
Contacts

24 VAC
Coil #4
Contacts

SAFETY SWITCH



A safety limit switch is located behind the front cover to ensure power to the machine is never applied with the cover off. Power to the entire unit is routed through the safety limit switch. The switch is automatically activated when the front cover is installed and pushing on the switch

urban-gro[®]

Element Air[™]
Air Purification Systems

Reduces

- ✓ Odors
- ✓ VOCs
- ✓ Microbials
- ✓ Particulate

Applications

- ✓ Cultivation rooms
- ✓ Large harvest rooms
- ✓ Green houses
- ✓ Processing rooms
- ✓ Offices
- ✓ Dry/Cure room

Ducted HEPA Advantage

The Element Air[™] HEPA ducted air filtration system is easily installed in your facility's HVAC or air handling system to provide 99.97% airborne particulate reduction without impacting air flow, static pressure or unit sizing.

This whisper-quiet air filtration system is efficient in removing particles >0.3 microns in size. It is recommended for areas up to 5,000 sq. ft.



Element Air[™]
Air Purification Systems



Features

- No negative impact on AC blower static pressure
- Insulated cabinets for whisper-quiet operation
- Low maintenance; HEPA cartridges can last up to five years depending on the environment
- Energy efficient due to effective design and quality motors
- Our Microcon[®] filtration systems are constructed out of durable steel and finished with baked on powder coat paint
- Environmentally friendly
- VOC Canister contains carbon with 1,705,000 m² of adsorbent surface area for capturing chemicals

Specifications

- **Dimensions:** 14.5"W X 27.5"H
- **Motor/Fan:** Designed for continuous operation, Run tested for 50,000+ hours

Model:	HEPA 350	HEPA 675
Coverage:	2,625 sq. ft.	5,000 sq. ft.
Inlet:	8" Duct Collar	10" Duct Collar
Outlet:	6" Duct Collar	8" Duct Collar
Weight:	30 Lbs.	33 Lbs.
Air Flow:	350 C.F.M.	675 C.F.M.
Electrical:	120V, 1.0 amps, 125W	120V, 1.8 amps, 225W

Model Number	Electrical	Dimensions	Weight LBS.
EAM-350	120 VAC 50/60 Hz	27" H x 15" W x 15" L	40
EAC-675	120 VAC 50/60 Hz	27" H x 15" W x 15" L	40

MICROCON[®]

HEPA BYPASS AIR FILTRATION SYSTEM

**HOMEOWNERS MANUAL & DEALER INSTALLATION INSTRUCTIONS
FOR MICROCON[®] MODELS 350 & 675**

Rules for Safe Installation and Operation

**READ AND SAVE
THESE INSTRUCTIONS!**

Please read instructions before installing and using the HEPA Bypass Air Filtration System (HEPA system). This will help you obtain the full benefit of the HEPA system you have selected. It will also help you to avoid needless service costs.

1. Read this manual carefully. Failure to follow these rules and instructions could cause a malfunction of the air filter or unsatisfactory service and could void your warranty.
2. Follow a regular service and maintenance schedule to ensure efficient operation.
3. For safety and optimized performance of your HEPA system, all installation and maintenance must be performed by a professional heating and ventilation contractor. The installer should be made aware of your indoor air quality situation and be familiar with your heating, ventilation and air conditioning equipment.
4. High particulate distribution may occur during initial start-up of this product after installation or after scheduled filter changes. Individuals who are highly sensitive to airborne particulates should not be in the building and allow 24 hours of operation for removal of particulates from occupied spaces before re-entry.

⚠ WARNING

Risk of property damage, injury or death.

Installation, adjustments, alterations, service and maintenance must be performed by a qualified technician.

⚠ WARNING

Risk of Carbon Monoxide Poisoning.

Can cause injury or death.

Do not operate equipment without access panel in place. Operation of this equipment without all access panels in place may cause gas fumes from the heating system to be drawn into occupied spaces.

Shipping and Packing List

Package 1 of 1 contains:

- 1 - HEPA System
- 1 - Complete Filter Set (Packed inside Unit)
- 1 - Installation Instructions (this manual)

HEPA System Models

Model MICROCON[®]-350 is designed to filter air up to a rate of 350 cfm.

Model MICROCON[®]-675 is designed to filter air up to a rate of 675 cfm.



⚠ WARNING

Electrical Shock Hazard.

Can cause injury or death.

Disconnect all electrical power supplies before servicing.

Do not operate equipment without access panels in place.

Table of Contents

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Specifications

	350	675
Nom. Air Flow @ 120VAC @ 0.0" E.S.P.	350 cfm	675 cfm
Weight (max - unpackaged)	30 lbs.	33 lbs.
Supply Voltage	120 VAC	120 VAC
Nom. Measured Power Consumption	125 Watts	225 Watts
Motor Current Draw - Total	1.0 amps	1.8 amps
Air Intake Collar (max)	8"-round	10"-round
Air Outflow Collar (max)	6"-round	8"-round
Operating Temp. Range - Return air (°F)	30 to 95	30 to 95

HEPA filter efficiency = 99.97% @ 0.3 micron particles

Ambient temperature range: -40°F to 130°F

Introduction

Congratulations! You will quickly realize that you have purchased a very effective air cleaning system. It incorporates state of the art HEPA (High Efficiency Particulate Air) technology.

Your HEPA system comes with a limited warranty. With proper attention to its care and maintenance, you will receive optimum performance.

If your indoor air has abnormally high concentrations of particulates, the life span of the filter media may be shortened. Excessive particulates in the air will reduce the expected life of the HEPA filter. Under normal conditions the HEPA filter will last from two to five years.

The optional activated carbon canister has a finite limit as to the amount of odor or other gaseous volatile organic compounds (V.O.C.'s) that it can adsorb. The higher the concentrations, the shorter the expected life. Higher humidity may shorten the life of the carbon canister. Under normal conditions, the carbon canister should

last up to 12 months.

Initially, the HEPA filter's particulate removal efficiency improves with use. However, the air flow through the HEPA filter media will decrease, as dust builds up on the filter, thus lowering its ability to circulate and clean as much air as when it was new. If the air flow through your unit is noticeably reduced, you can inspect the pre-filter and HEPA filter to see if they should be replaced. Replacement (or washing, if foam) of the pre-filter every 3 months will help extend the life of the HEPA filter.

Please contact your local dealer regarding replacement of filter media, warranty information or if you have any questions or concerns about the performance of your HEPA system.

NOTE: This filtration system is an ADDITIONAL filter, and does NOT replace the existing air handler/furnace system filter.

General Information

Media Filters

Media filters strain particulates from the air. The filter media needs to have tiny holes to allow air to pass through, but not particulates. Filter types vary for all sorts of purposes. The most effective and proven filter media is HEPA. HEPA filter media is 99.97% efficient at capturing particles which are 0.3 micron in size or larger.

Carbon Filters

Carbon media is used to capture chemicals and odors, also referred to as V.O.C.'s. Chemicals and odors cannot be captured with media type filters. Activated carbon collects chemicals and odors in a process called adsorption. If air passes through the carbon filter before particulates are removed, the surface of the carbon quickly gets covered with particulates, rendering it ineffective at capturing chemicals and odors. If particulates are removed from the air with a HEPA filter, virtually the entire surface area of the carbon can be used to capture chemicals and odors. This increases the efficiency and filter life of the carbon filter.

Separate HEPA and Carbon Filters

HEPA and carbon filters have different life spans. It is important for a filtration system to keep the filter components independent from each other, so that

the filter that is dirty/saturated can be changed. This is more economical than a system where you need to throw out two or three filters when only one needs changing.

The HEPA System's 3 Stage Filtration Process

The 3 stage filtration process is used to create a very effective filtration system. Each filter is independent and can be changed individually.

- **Stage 1:** Pre-filter - The inexpensive foam pre-filter removes larger particulates from the air, thus prolonging the life of the HEPA filter.
- **Stage 2:** HEPA - The HEPA filter removes 99.97% of particulates 0.3 micron and larger. The cleaned air then passes through the third stage filter.
- **Stage 3:** Carbon - The carbon filter is about 1/2 an inch thick to give it plenty of surface area for removing chemicals and odors from the air. This filter may be replaced by an optional heavy duty granular carbon canister available for maximum removal of chemicals and odors. The clean air is then reintroduced into the air you breathe.

Product Application Guidelines

Size of House vs. Air Changes per Hour

Model Unit	Size of House*							
	1,000 ft2 (8,000 ft3)	1,200 ft2 (9,600 ft3)	1,500 ft2 (12,000 ft3)	1,800 ft2 (14,400 ft3)	2,000 ft2 (16,000 ft3)	2,500 ft2 (20,000 ft3)	3,000 ft2 (24,000 ft3)	3,500 ft2 (28,000 ft3)
Model 350	2.4	2.0	1.6	1.4	1.2	1.0	0.8	0.7
Model 675	5.0	4.2	3.4	2.8	2.5	2.0	1.7	1.5

* Chart based on homes with 8 ft. ceilings.

Notes:

- Industry experience indicates that one (1) air change per hour generally provides adequate air cleaning. Actual results will depend on multiple factors such as outdoor particulate levels, infiltration rate, indoor activities etc.
- Generally speaking, the more air changes per hour provided, the more effective a HEPA system will be. People with sensitivities may desire a higher number of air changes per hour for cleaner air.

Parts Identification

Cabinet Parts

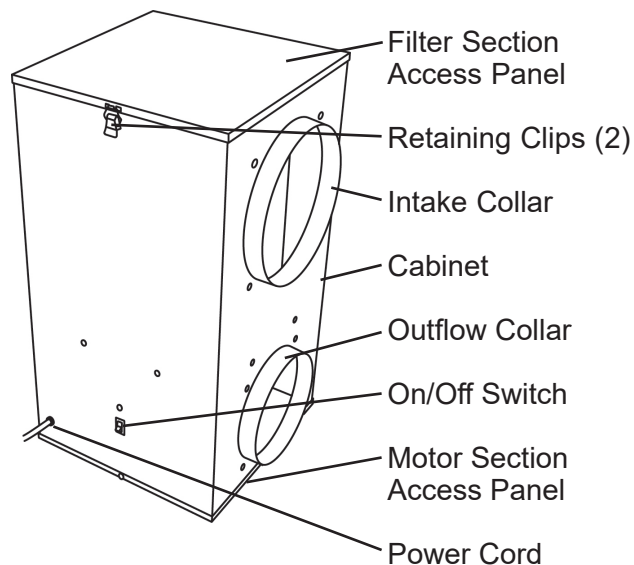


Figure 1.

Inside Cabinet (Filter Section)

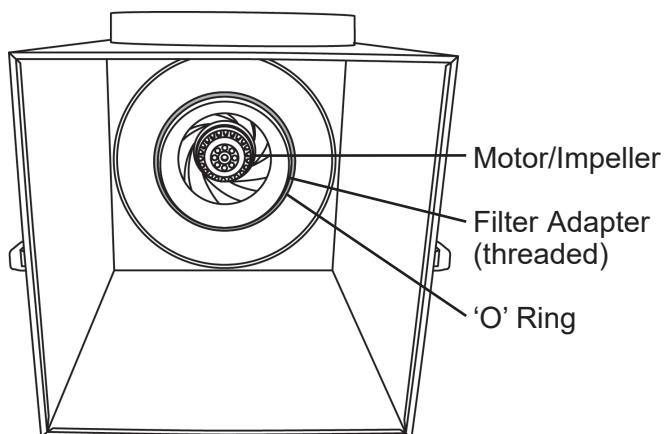


Figure 2.

Filter Parts Identification

HEPA Cartridge Parts

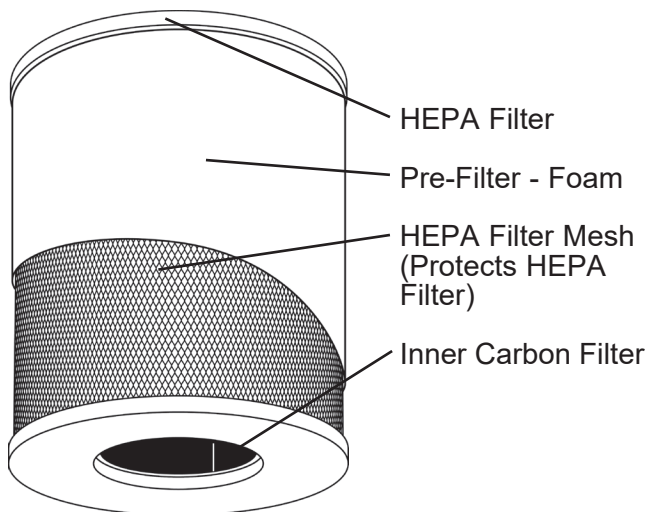


Figure 7.

Optional Carbon Canister

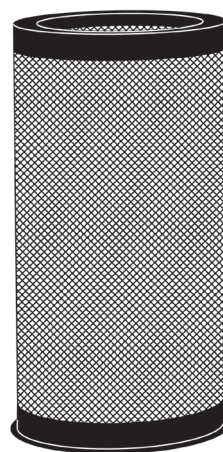


Figure 8.

For third stage increased removal of chemicals and odors.

Located inside the HEPA filter.

Discard inner carbon filter when using the optional carbon canister.

Physical Dimensions of Unit

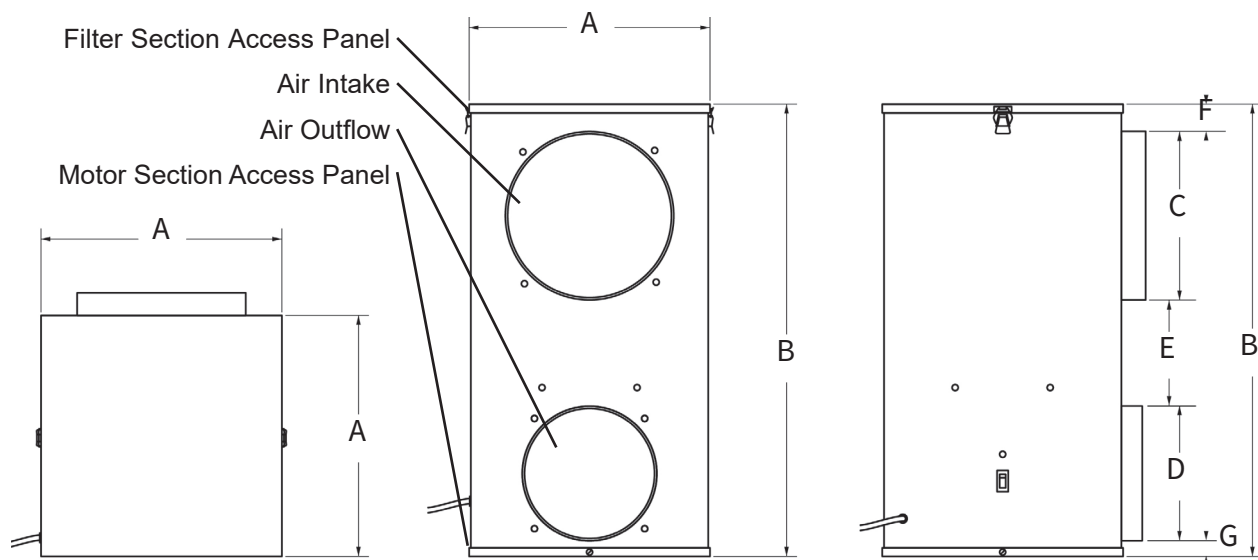


Figure 11.

MODEL NO.	A	B	C	D	E	F	G
Model 350	14.5 (368)	27.25 (692)	7.875 (200)	5.875 (149)	8.5 (216)	3 (76)	2 (51)
Model 675	14.5 (368)	27.25 (692)	9.875 (251)	7.875 (200)	6.5 (165)	2 (51)	1 (32)

Dimensions in inches (mm)

Dealer Installation Instructions

Forced air handler/furnace systems:

The HEPA system should be installed as a bypass system, with part of the return ducted into the HEPA system. The filtered air is then rerouted back into the return air, and continues through the system to be heated/cooled.

Typical Return to Return Application

For homes with **upflow** forced air handler/furnace systems.

(Air handler/furnace is shown in a typical basement. See figure 6.)

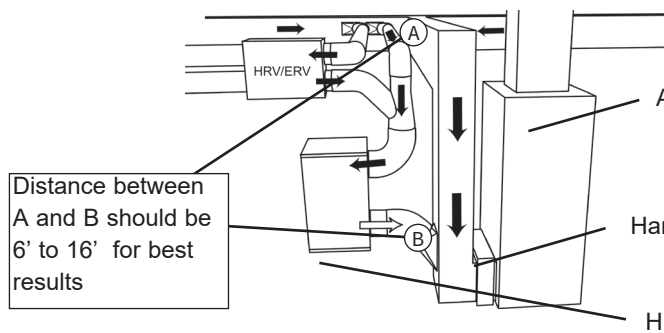


Figure 14.

Typical Return to Return Application

For homes with **horizontal** forced air handler/furnace systems.

(Air handler/furnace is shown in an typical attic. See figure 7.)

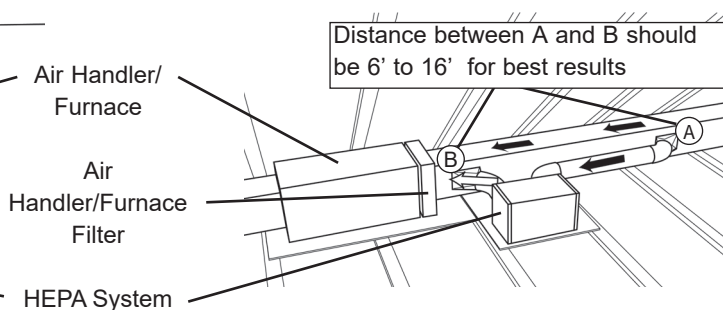


Figure 15.

NOTE: This filtration system is an **ADDITIONAL** filter, and does **NOT** replace the existing air handler/furnace system filter.

Preparation:

Here are some things to consider as you decide where to install the HEPA system.

Location:

- Make sure there is room to open the HEPA filter access panel for filter changes/inspections.
- Keep the HEPA system in a location where you can still access the air handler/furnace filter.
- Keep the HEPA system away from possible water damage.
- Vibration pads will reduce vibration for installations where the unit is placed on the floor.
- Install HEPA System on floor or suspended platform. If the unit is suspended, screws must not penetrate through the cabinet. Make sure that you have the proper chains/straps/joists and equipment to keep unit secure.

Intake (Marked as 'Air In' on unit):

- Intake ducts should be installed upstream of any humidifiers and be installed on the main return.
- Intake duct should be installed at least 6 ft. away from the outflow duct on the main return.

Outflow (Marked as 'Clean Air Out' on unit):

- Outflow duct should be installed as close to the air handler/furnace inlet as possible but not directly into the return air elbow of the main return.
- If the unit is being installed independently of any other system, room diffusers are recommended to help distribute airflow evenly in the occupied space.

Ducting:

- If HEPA system is installed where inlet and outflow collars face down, metal elbows must be connected to both inlet and outflow collars.
- Each connection must be sealed with aluminum tape or mastic, including all take offs.
- Installed duct runs should be as straight as possible (if the duct runs are too long, reduced CFM may result).
- If duct is exposed to unconditioned air, externally insulated flex duct is highly recommended.
- Externally insulated flex duct can also be used for noise reduction purposes.
- For best indoor air quality, do not use ductboard or fiberglass inside of ducts.

Electricity:

- The unit must be plugged into a grounded 120V, 60Hz outlet.

Required Materials for Installation of Unit:

Items for 350

Flex or rigid duct (length as required)	8" round & 6" round
Takeoffs	One 8" & One 6"

Items for 675

Flex or rigid duct (length as required)	10" round & 8" round
Takeoffs	One 10" & One 8"

All Models

Aluminum tape or mastic as required
Misc. hanging materials - field provided

NOTE: Be sure to review 'Rules for Safe Installation and Operation' on page 1 of this document before start-up of this unit.

Dealer Installation Instructions

Forced air handler/furnace system with an HRV/ERV

This application provides filtration of all Outdoor Air (OA) that is brought into the home through the HRV/ERV, thus reducing the introduction of dust, pollen and mold from the outdoor air. For systems that have HRV/ERV units installed, we recommend ducting the 'fresh air' outflow from the HRV/ERV into the HEPA system. If the HRV/ERV CFM (cubic feet per minute) rating is lower than that of the HEPA system, an additional return needs to be installed into the HEPA system (See figure 8.) The outflow air from the HEPA system then needs to be installed into the main return of the air handler/furnace system. Ensure that you follow the proper installation instructions as outlined in the HRV/ERV Installation manual(s).

Preparation:

Here are some things to consider as you decide where to install the HEPA system with an HRV/ERV.

Location:

- Make sure there is room to open the HEPA filter access panel for filter changes/inspections.
- Keep the HEPA system in a location where you can still access the air handler/furnace filter.
- Keep the HEPA system away from possible water damage
- Vibration pads will reduce vibration for installations where the unit is placed on the floor.
- Install HEPA System on floor or suspended platform. If the unit is suspended, screws must not penetrate through the cabinet. Make sure that you have the proper chains/straps/joists and equipment to keep unit secure.

Intake (Marked as 'Air In' on unit):

- Most HRV/ERV systems will not move as much air as the HEPA system. For these systems, install an additional return from another treated air source into the HEPA system.
- If using an additional return duct, it should be installed upstream of any humidifiers. The fresh air outflow of the HRV/ERV should be "Y" connected to the additional return duct then connected to the inlet of the HEPA system.
- The additional return duct (if any) should be installed at least 6 ft. away from the outflow duct on the main return.
- Duct both the HRV/ERV and the additional return into the intake of the HEPA system.

Outflow (Marked as 'Clean Air Out' on unit):

- Outflow duct should be installed as close to the air handler/furnace inlet as possible but not directly into the return air elbow of the main return.

Ducting:

- If HEPA system is installed where inlet and outflow collars face down, metal elbows must be connected to both inlet and outflow collars.
- Each connection must be sealed with aluminum tape or

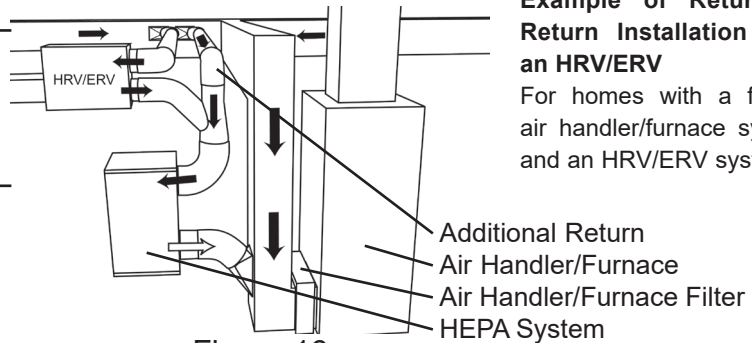


Figure 16.

Example of Return to Return Installation with an HRV/ERV

For homes with a forced air handler/furnace system and an HRV/ERV system.

NOTE: This filtration system is an **ADDITIONAL** filter, and does **NOT** replace the existing air handler/furnace system filter.

mastic, including all take offs.

- Installed duct runs should be as straight as possible (if the duct runs are too long, reduced CFM may result).
- If duct is exposed to unconditioned air, externally insulated flex duct is highly recommended.
- Externally insulated flex duct can also be used for noise reduction purposes.
- For best indoor air quality, do not use ductboard or fiberglass inside of ducts.

Electricity:

- The unit must be plugged into a grounded 120V, 60Hz outlet.

Required Materials for Installation of Unit:

Items for 350

Flex or rigid duct	8" round & 6" round
(length as required)	

Takeoffs	One 8" & One 6"
----------	-----------------

Items for 675

Flex or rigid duct	10" round & 8" round
(length as required)	

Takeoffs	One 10" & One 8"
----------	------------------

All Models

Aluminum tape or mastic as required

Misc. hanging materials - field provided
--

NOTE: Be sure to review 'Rules for Safe Installation and Operation' on page 1 of this document before start-up of this unit.

Dealer Installation Instructions

Independent Operation:

The HEPA systems can be used independently of any other equipment! The intake and outflow of the filtration system can be ducted into the same room to create a cleaner environment almost anywhere. The intake or outflow can also be ducted elsewhere. The intake and outflow should be installed on opposite sides of the room; however, this varies according to your specific needs.

Preparation:

Here are some things to consider as you decide where to install the HEPA system independently of other systems.

Location:

- Make sure there is room to open the HEPA filter access panel for filter changes/inspections.
- Keep the HEPA system away from possible water damage
- Vibration pads will reduce vibration for installations where the unit is placed on the floor.
- Install HEPA System on floor or suspended platform. If the unit is suspended, screws must not penetrate through the cabinet. Make sure that you have the proper chains/straps/joists and equipment to keep unit secure.

Intake (Marked as 'Air In' on unit):

- Intake ducts should be installed near the floor for optimum airflow (see figure 11). If space does not allow, then the inlet can be installed in the ceiling.
- Intake duct should be installed at least 6 ft. away from the outflow duct.
- Intake duct should be installed at opposite end of the room from the outflow duct(s) if in the same room.
- Diffusers are recommended to help distribute airflow evenly.

Outflow (Marked as 'Clean Air Out' on unit):

- Outflow(s) should be installed in the ceiling away from any other air inlet(s)
- Room diffusers are recommended to help distribute airflow evenly in the occupied space.

Ducting:

- If HEPA system is installed where inlet and outflow collars face down, metal elbows must be connected to both inlet and outflow collars.
- Each connection must be sealed with aluminum tape or mastic, including all vent connections.
- Installed duct runs should be as straight as possible (if the duct runs are too long, reduced CFM may result).
- If duct is exposed to unconditioned air, insulated flex duct is highly recommended.

Example of Single Room Stand Alone System Installation

For single rooms where increased filtration is desired such as a dedicated 'smoking room'.

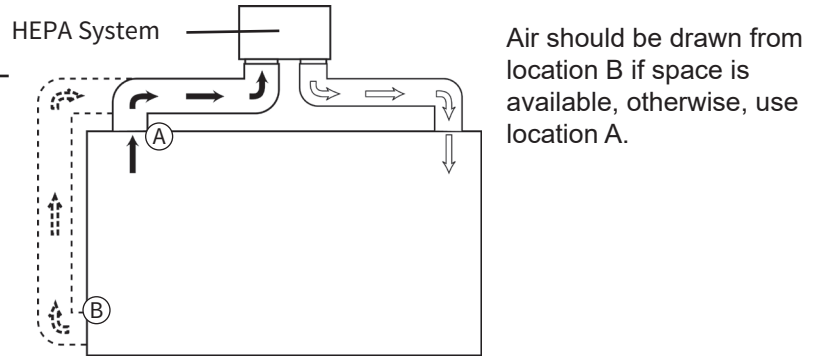


Figure 17.

- Externally insulated flex duct can also be used for noise reduction purposes.
- For best indoor air quality, do not use ductboard or fiberglass inside of ducts.

Electricity:

- The unit must be plugged into a grounded 120V, 60Hz. outlet.

Required Materials for Installation of Unit:

Items for 350

Flex or rigid duct	8" round & 6" round (length as required)
Takeoffs	One 8" & One 6"
Diffusers	One 8" & One 6"

Items for 675

Flex or rigid duct	10" round & 8" round (length as required)
Takeoffs	One 10" & One 8"
Diffusers	One 10" & One 8"

All Models

Aluminum tape or mastic as required
Misc. hanging materials - field provided

NOTE: Be sure to review 'Rules for Safe Installation and Operation' on page 1 of this document before start-up of this unit.

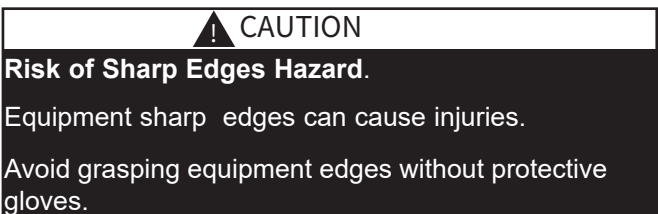
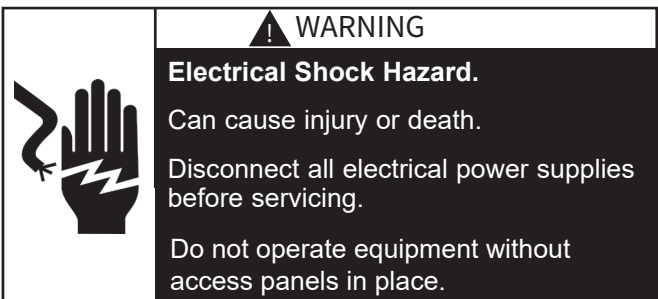
Operation

1. Make sure that the unit is plugged into a grounded outflow (120 Volt, 60 Hz).
2. For optimum performance, the HEPA system should operate when the indoor air handler/furnace blower is on.
3. Turn the unit on by pressing the on/off switch to the '1' position. The switch should light up when the unit is on.
4. To turn the unit off, press the on/off switch to the '0' position. The switch light should turn off when the unit is off.

Maintenance

Proper care and maintenance of your HEPA system will ensure years of service. The unit must be turned off during service/maintenance or when filters are being changed.

It is recommended that gloves and a filtered breathing mask be worn during filter replacement.



Filter Change Schedule

Note: Failure to properly maintain your HEPA system will decrease the efficiency and air flow.

Foam Pre-Filter: 3 to 4 months*

HEPA Filter: 2 to 5 years

Inner Carbon Filter: 6 months

Optional Carbon Canister: 12 months

* The foam pre-filters can be washed and reused

NOTE: Filter life is based on average air content. Some filters may need to be changed more often due to higher amounts of dust, humidity, or chemicals found in your ambient air. Additionally, people who are more sensitive to these airborne contaminants may desire more

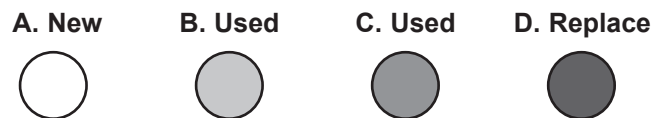
Filter Changing Guidelines

Pre-Filter:

Dust and other large particles will collect on the pre-filter over time. The color of the filter will change as particulates build up on the pre-filter. Change the pre-filter when you can see the particulate build up start to clog up the pre-filter.

HEPA Filter:

As the HEPA filter captures particulates, it will darken over time. Replace the HEPA filter when it darkens to the level seen in example D.



Inner Carbon Filter:

The inner carbon filter will rarely look used. This filter captures odors and gasses, yet the filter's appearance will not change. When this filter has reached its maximum adsorbency of odors and gasses, it will no longer work. Replace this filter when it no longer seems to capture odors, or every 3 months (12 months for optional Carbon Canister), whichever occurs first.

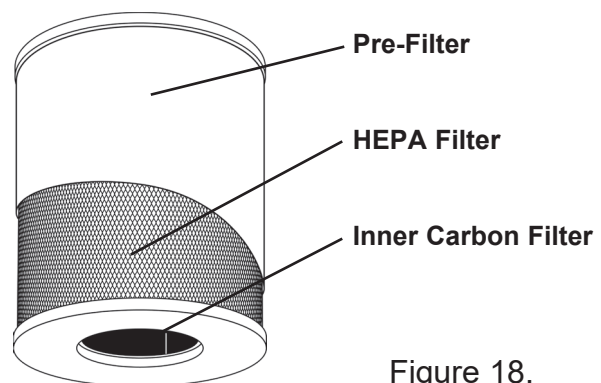


Figure 18.

Dealer Filter Change Instructions



⚠ WARNING

Electrical Shock Hazard.

Can cause injury or death.

Disconnect all electrical power supplies before servicing.

Do not operate equipment without access panels in place.

⚠ CAUTION

Risk of Sharp Edges Hazard.

Equipment sharp edges can cause injuries.

Avoid grasping equipment edges without protective gloves.

It is recommended that gloves and a filtered breathing mask be worn during filter replacement to avoid breathing particulates (dust, mold, pollen, etc.) captured on the filter that become airborne during the filter(s) changeout.

The old filters should be wrapped and sealed in plastic bags immediately upon removal from the unit to avoid distributing particles throughout the house during the process of disposal.

1. Accessing the filters

- Remove safety screw(s) from HEPA filter access panel.
- Unlatch the two retaining clips and lift off HEPA filter access panel.
- Bracing the unit so it does not move, turn the HEPA cartridge counter-clockwise and lift/pull out.

2. Pre-filter Replacement

- Pull the pre-filter up and off the unit. **NOTE:** The pre-filter may contain contaminants, remove it slowly to avoid releasing particles back into the air.
- Foam pre-filters can be washed several times, wash by hand in warm water. Let it dry completely before placing it back onto the HEPA cartridge.
- If replacing the filter, remove plastic shrink wrap from the new pre-filter.
- Stretch the new/washed filter around the top of the HEPA cartridge and slide it down into place.

3. Inner Carbon Filter Replacement

- Look inside the HEPA cartridge to locate the two ends of the inner carbon filter.
- Pull one end of the old inner carbon filter in and bend it into a loose roll so it can be removed.
- Remove the inner carbon filter from the HEPA cartridge.

- Remove plastic shrink wrap from the new inner carbon filter.
- Unroll the inner carbon filter and roll it up in the opposite direction (this makes the filter follow a more contoured profile against the inner HEPA filter surfaces and helps keep it in place), place the rolled inner carbon filter inside the HEPA cartridge and gently unroll it until the ends 'butt' together and the filter is snug against the HEPA filter.

4. HEPA Filter Replacement

- If replacing the HEPA filter with a new filter, discard old HEPA filter and use new when replacing the HEPA filter into the unit.
- With each annual filter replacement kit, a new 'o' ring is provided. The old one is removed by pinching it between two fingers and pulling it off the collar on the blower deck.
- Discard old 'o' ring.
- Place the new 'o' ring onto the collar and slide it down to the base of the blower deck.


5. Optional Carbon Canister

- Remove old carbon canister (if installed) by pulling it out from the inside of the HEPA filter.
- If replacing an inner carbon filter with the carbon canister, remove inner carbon filter by following the steps a. to c. in section 3.
- Remove the plastic shrink wrap from the new carbon canister.
- Slide the carbon canister into the HEPA cartridge, smaller end first. The carbon canister should slide all the way in until the metal edges at the base meet the HEPA filter.
- Support the carbon canister with your fingers so it does not slide out when replacing the HEPA cartridge assembly into the unit.

6. Installing the HEPA Filter Cartridge

- With the filters changed or inspected, all 3 filters are ready to be placed back into the unit. Place the HEPA cartridge gently into the unit (if a carbon canister is being used, take care not to let it slide out as it is heavy and could damage the unit).
- When the HEPA cartridge is in place, brace the unit, press down and gently turn it clockwise to lock it into place. If too much force is used, the cartridge may be difficult to remove!
- Replace the HEPA filter access panel and latch it with the two retaining clips.
- Re-install safety screw(s) into HEPA filter access panel.
- Plug the unit back into a power outlet and turn it on.

Dealer Motor Assembly Replacement Instructions



⚠ WARNING


Electrical Shock Hazard.

Can cause injury or death.

Disconnect all electrical power supplies before servicing.

Do not operate equipment without access panels in place.

Do not use this fan with any solid-state speed control device.



⚠ CAUTION

Risk of Sharp Edges Hazard.

Equipment sharp edges can cause injuries.

Avoid grasping equipment edges without protective gloves.

1. Accessing the motor assembly

- Turn the unit off and unplug it from any electrical source before opening the cabinet.
- Remove the safety screw(s) from the motor section access panel.
- Lift the door off the unit.

2. Removing the old motor assembly

- Disconnect all four motor wires from switch, ground post and capacitor.
- Disconnect the two white wires from the capacitor.
- Separate the motor from the motor mount by removing the four screws found in figure 13.
- Slide the motor out from under the motor mount to remove it from the unit.

3. Installing the new motor assembly

- Slide the new motor into the motor mount making sure that the wires go through the smaller hole offset from the center of the bracket.
- Secure the new motor to the motor mount with the four screws removed in step 2c.
- Connect the wires as follows:
 - Blue wire from motor to the on/off switch.
 - Yellow/green wire from motor to the ground post.
 - Brown wire from the motor to a capacitor post.
 - Black wire from the motor to the other capacitor post.
 - White wire from the on/off switch to the capacitor via the black wire piggyback post.
 - White wire from the power cord to the capacitor via the other white wire's piggyback post.

Closing the unit

- Replace the motor section access panel and secure it with the eight screws removed in step 1b.
- Plug the unit into it's electrical source and turn it on.

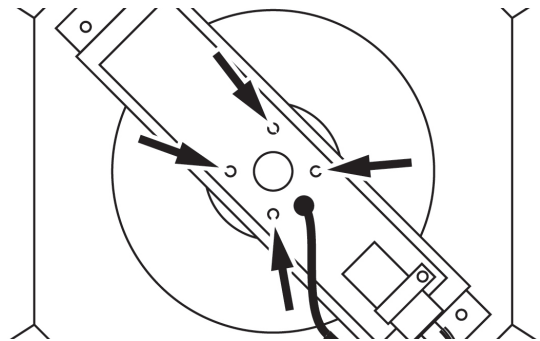


Figure 19.

Electrical Diagram

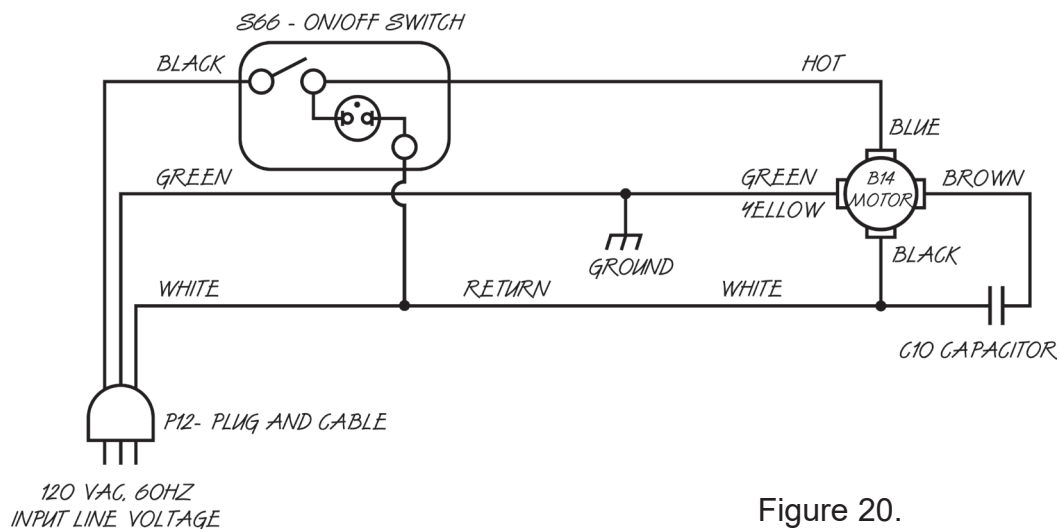


Figure 20.

Replacement Parts

90-A-16ME-ET	HEPA, Easy Twist Cartridge 16", Single
94-A-1602-UL	ULTRA VOC Canister (100%) Carbon & prefilter (for extreme chemical removal)
93-A-16ST00-ET	16" ET Standard Annual Kit (1 foam prefilter/2 carbon inner filters)
93-A-16PL02-ET	16" ET Plus Annual Kit (1 foam prefilter/1 VOC canister)



urban-gro®

Element Air™

Air Purification Systems

- ✓ Anodized Aluminum
- ✓ Reduce airborne microbes by 99%
- ✓ Made for greenhouse and indoor cultivation environments
- ✓ Completely safe for workers and plants

Protecting Your Grow

Our patented Element Air treatment systems are the most practical and effective solutions for airborne and surface microbial contaminants, including powdery mildew, total yeast and mold (TYM) and Cannabis odors. Element Air has been independently verified to reduce bacterial and other microbial contaminants by 99+%.

The Element Air technology utilizes broad spectrum, high-intensity UV lights targeted on a hydrated quad-metallic catalyst which utilizes ambient moisture to generate hydro-peroxides and hydroxides that are propelled into the cultivation facility, to provide active microbial and odor mitigation.

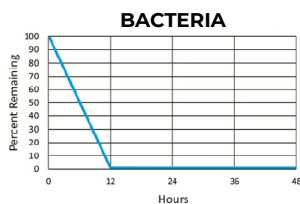
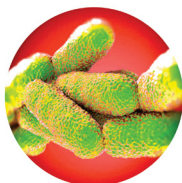
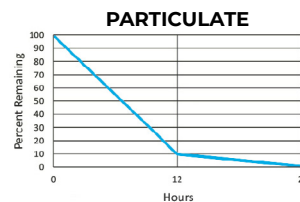
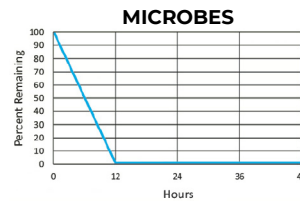
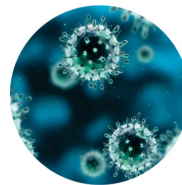
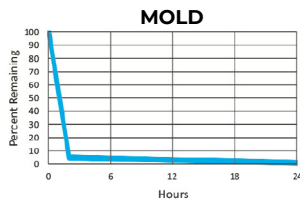
As opposed to other units promoted to the Cannabis market which utilize a similar technology, Photocatalytic Oxidation (PCO), which only sanitize the air that is passed directly in its path, Element Air is an active purification system. It purifies the ducts and general growing spaces, while also removing odor at the source.

Benefits of Element Air Systems:

- Reduce airborne microbes by 99%
- Reduce airborne VOC's, including airborne Cannabis terpenoids and other odors
- Helps eliminate airborne bacteria, mold and odors
- Actively scrubs ducting, air and surfaces with airborne hydro-peroxides
- Completely safe for workers and plants
- Made for greenhouse and indoor cultivation environments
- Food grade stainless steel construction for years of trouble free service
- 1 year warranty
- No visible light emits from tower perfect for flavor rooms



Element Air DTR Unit Dry/Trim



**REDUCES
99+%**

Element Air
Air Purification Systems

SPECIFICATIONS

Material: Anodized Aluminum
Width: 6.5"
Depth: 6.5"

Height: 29"
Weight: 10 lbs.
Electrical: 120/140V (switching power supply)
0.64 Amps @120V

CFMs: 138 cfm
Replacement Cells: EAWM-12-RC (2)

BACTERIA

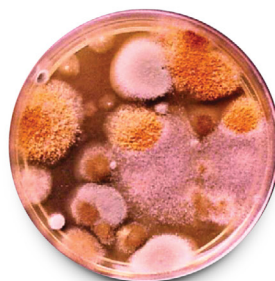


Before

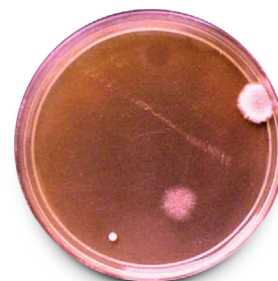


After

MOLD



Before



After

ACTUAL LAB TESTS SHOWING UP TO 99% REDUCTION
OF AIRBORNE BACTERIA AND MOLD



KEY Construction Solutions.

Project – Neo Organics Cultivation

Address – 4 Marc Rd, Medway, MA

This memo is to confirm that the Key Construction Solutions has completed the install of the Urban Grow (Element Air) odor management system per the urban grow design and NEO direction.

Thank you,

X Patrick Thornton

Patrick Thornton

Key PM

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Friday, March 4, 2022 2:00 PM
To: Chad Blair
Cc: Jaime Lewis; Patrick Thornton; Adam Patti; Jack Mee; Barbara Saint Andre
Subject: RE: Marijuana special permit - occupancy permit

Hi again,

Getting into this, finally.

The communication from Key Construction Solutions about the odor management system installation is not sufficient. See language below from the Neo decision. The letter provided from Key Construction Solutions has no address or identifying information. Further, there is no evidence provided that Patrick Thornton is a licensed engineer.

E. 5. Prior to the issuance of an occupancy permit by the Medway Building Department, the Applicant shall review the approved odor control system as installed with the Building Commissioner and demonstrate that the measures specified in the approved odor control, abatement and mitigation plan including the secondary safeguard system have been implemented. The Applicant shall provide a certification made by a licensed engineer that the odor mitigation measures included in the approved plan have been installed. Additional odor mitigation measures may be required if determined to be necessary by the Building Commissioner.

Please address this and submit a certification from a licensed engineer that meets the requirements.

Thanks.

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



From: Chad Blair [mailto:cblair@neoalts.com]
Sent: Thursday, March 3, 2022 9:37 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Jaime Lewis <jlewis@neoalts.com>; Patrick Thornton <pthornton@key-csi.com>; Adam Patti <apatti@neoalts.com>
Subject: RE: Marijuana special permit - modification

Hi Susan

Good morning. Steve Bouley from Tetra Tech did a site visit yesterday and should have sent a report to you either last night or one will be forthcoming today. I don't believe that the report will show a substantial shortfall in the construction according to the discussion with Steve Bouley. I have attached some of the items that are required for us to submit as part of the special permit. These include the Neo annual reports, the current approved license applications with the CCC, the confirmation that the odor mitigation equipment has been designed by a qualified design engineer and installed per the schematics. These odor plans have also been provided to the Medway Building Commissioner per the Special Permit. We will not have the as built site plan and letter from DGT by Friday. I hope I will have these for you by the by 3/8 along with an Insurance Bond for the dollar value the town feels they need from us to provide a conditional Certificate of Occupancy. Can we request a special meeting of the board between 3/9 – 3/14 to see if the conditional CoO is possible or would you like to discuss the potential for a special meeting after we have our Noise discussion with the town at the meeting on Tuesday 3/8?

Thank you
Chad

Chad Blair
COO
617-571-6068
cblair@NEOalts.com



From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, March 1, 2022 11:48 AM
To: Chad Blair <cblair@neoalts.com>
Subject: Marijuana special permit - modification

Hi Chad,

Thanks for stopping by. Attached is the application form to use to seek approval from the Board to modify your marijuana special permit.

Please let me know if you have any questions.

Thanks.

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





TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

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

Board Members

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

Staff

Susan Affleck-Childs,
Planning and Economic
Development Coordinator

**Adult Recreational Marijuana Special Permit,
Groundwater Protection Special Permit, and
Site Plan Decision**

**NeoOrganics, LLC - 4 Marc Road
APPROVED with Conditions**

Decision Date: January 28, 2020

Name/Address of Applicants:

Neo Organics LLC
365 Boston Post Road, # 184
Sudbury, MA 01776

NEK, LLC
20533 SE Evergreen Highway
Camas, WA 98607

Name/Address of Property Owner:

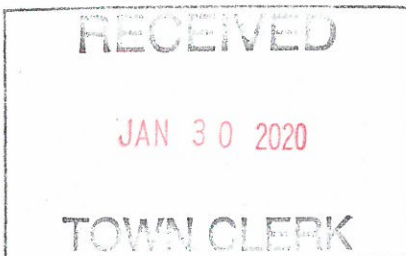
NEK, LLC
20533 SE Evergreen Highway
Camas, WA 98607

Location: 4 Marc Road

Assessors' Reference: 32 – 026

Zoning District: East Industrial

Site Plan: Permit Site Plan for 4 Marc Road, Neo Cultivation and
Manufacturing, dated August 6, 2019, last revised
December 13, 2019, prepared by DGT Associates
Surveying and Engineering of Framingham, MA





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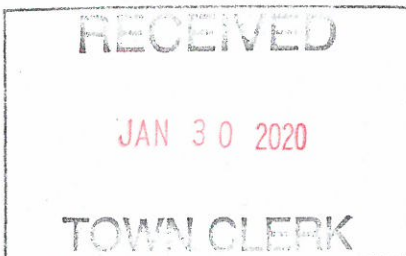
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Groundwater Protection Special Permit, and
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NeoOrganics, LLC - 4 Marc Road
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Decision Date: January 28, 2020

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Location: 4 Marc Road

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Surveying and Engineering of Framingham, MA

I. PROJECT DESCRIPTION - The Applicants seek a Recreational Marijuana Establishment Special Permit pursuant to Section 8.10 of the Medway *Zoning Bylaw*, a Groundwater Protection Special Permit pursuant to Section 5.6.3 of the *Zoning Bylaw*, and site plan approval pursuant to Section 3.5 of the *Zoning Bylaw*, to use the existing 29,718 sq. ft. (more or less) industrial building at 4 Marc Road, (*Medway Assessors' Parcel 32-026* on the north side of Marc Road in the East Industrial zoning district for the cultivation, processing, manufacturing, and packaging of marijuana for adult recreational use by Neo Organics, LLC of Sudbury, MA. The proposed scope of work includes interior renovations to accommodate the new use, construction of a 3,000 sq. ft. outside concrete mechanical pad to house HVAC and odor control equipment, construction of a dumpster pad with associated fencing, installation of stormwater management measures to supplemental those presently on site, clean-up of the existing manmade drainage ditch, and construction of a 17' wide fire lane along the west side of the building. The property includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission. Because a portion of the site is located within the Town's Groundwater Protection District and 24% of the improved site will have impervious surface, a Groundwater Protection special permit is also required.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on January 28, 2020, on a motion made by Tom Gay and seconded by Bob Tucker, voted to approve with CONDITIONS and WAIVERS as specified herein a recreational marijuana establishment special permit, a groundwater protection special permit, and a site plan for 4 Marc Road in Medway, MA.

The vote was approved by a vote of five in favor and none opposed.

Planning & Economic Development Board Member	Vote
Richard Di Iulio	Yes
Matthew Hayes	Yes
Thomas A. Gay	Yes
Andy Rodenhiser	Yes
Robert Tucker	Yes

III. PROCEDURAL HISTORY

- A. August 6, 2019 – Special permit application filed with the Board; filed with the Town Clerk on August 7, 2019
- B. August 9, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. August 9, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- D. August 13 and August 20, 2019 - Public hearing notice advertised in *Milford Daily News*.
- E. August 27, 2019 - Public hearing commenced. The public hearing was continued to September 24, October 8, November 12 and 26, 2019 and to January 14, 2020 when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

- A. The following documents were provided at the time the applications were filed with the Board:

Site Plan Application

- Application for Minor Site Plan Approval dated August 6, 2019 with Project Description
- *PERMIT SITE PLAN - Neo Cultivation & Manufacturing*, dated August 6, 2019, prepared by DGT Associates of Framingham, MA
- Requests for Waivers from Medway *Site Plan Rules and Regulations*
- Purchase & Sale Agreement dated February 8, 2019, between NEK, LLC (property owner) and Pangea Realty LLC (buyer), pertaining to the sale of the 4 Marc Road property.
- *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 25, 2019, prepared by DGT Associates of Framingham, MA
- Schematic Design (floor plan), Sheet A1.2, 4 Marc Road, by Anderson Porter Design, Cambridge, MA

Marijuana Special Permit Application

- Marijuana Special Permit Application dated August 6, 2019 with Project Description
- Odor Mitigation Plan received August 6, 2019, unattributed
- Noise Mitigation Plan received August 6, 2019, unattributed
- Security Plan received August 6, 2019, unattributed
- Transportation of Marijuana Guidelines received August 6, 2019, unattributed

Groundwater Protection Special Permit

- Groundwater Protection Special Permit Application dated August 8, 2019 with Project Description

- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant and its representatives and consultants:

- Updated Noise Mitigation Plan dated September 27, 2019 with Noise Mitigation Plan letter from Andy Caballerira of Acentech, Inc. dated September 25, 2019
- Updated Odor Mitigation Plan by Impact Engineering dated September 12, 2019.
- Revised site plans from DGT Engineering Associates dated September 19, 2019, October 24, 2019 and December 13, 2019.
- Plan revision submittal letter from DGT Engineering Associates dated September 19, 2019
- Response letter from DGT Engineering Associates dated September 26, 2019 to Tetra Tech review comments dated August 22, 2019.
- Response letter from DGT Engineering Associates dated October 23, 2019 to Tetra Tech comments dated September 27, 2019
- Revised floor plans from Anderson Porter Design dated September 9, 2019
- Photometric plan by Illuminate dated September 23, 2019
- NeoOrganics security plan, unattributed, received September 19, 2019

- Assignment of interest in the purchase and sale agreement from Pangea, LLC to 4 Marc Road LLC dated March 1, 2019
 - Lease dated May 3, 2019 between Neo Organics, LLC and 4 Marc Road LLC for 4 Marc Road.
 - Additional request for a waiver from *Site Plan Rules and Regulations*, dated September 10, 2019.
 - Proposed sound wall information received November 8, 2019
 - *Land Disturbance Area Plan* dated September 27, 2019, revised October 22, 2019 and December 13, 2019, prepared by DGT.
 - *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road* dated July 25, 2019, revised September 19, 2019, last revised December 13, 2019, prepared by DGT Associates of Framingham, MA.
- C. During the course of the review, a variety of other materials were submitted to the Board by the Board's consultants and Town staff:
- Plan review letters and emails from Gino Carlucci, PGC Associates, dated August 20, 2019, October 3, 2019 and October 31, 2019
 - Plan review letters from Tetra Tech to the Board dated August 22, 2019, September 27, 2019 and October 28, 2019
 - Noise mitigation plan review letters from Ron Dempsey, Noise Control Engineering, dated August 21, 2019, October 3, 2019 and October 23, 2019
 - Odor mitigation plan review letters from Bruce Straughan, Straughan Forensic dated August 21, 2019 and October 2, 2019.
 - Host Community Agreement dated March 4, 2019 between Neo Cultivation MA, LLC and Neo Manufacturing MA, LLC and the Town of Medway.
 - Letter dated August 16, 2019 from Building Commissioner Jack Mee
 - Review letter dated October 7, 2019 from Police Chief Allen Tingley
 - Email memo dated August 12, 2019 from Treasurer/Collector Joanne Russo
 - 2 Marc Road CommCan recreational marijuana special permit decision dated February 26, 2019
 - Email memo dated November 26, 2019 from Deputy Fire Chief Mike Fasolino
 - Email memo dated December 12, 2019 from Fire Chief Jeff Lynch.
 - Plan review letter from Tetra Tech to the Conservation Commission dated December 16, 2019.
 - Revised Conservation Commission Order of Conditions dated January 14, 2020.
 - MA Department of Environmental Protection EP Noise Policy and associated Noise Regulations (310 CMR 7.10).
 - Installation Guide – Atlantic Industries Limited – AIL Tuf Barrier and Silent Protector Sound Walls
- D. Abutter Comments
- Email communication dated October 8, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
 - Email communication dated November 12, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
 - Email communication dated December 4, 2019 (with attachments) from abutter John Lally, 35 Coffee Street

E. Other Documentation

1. Mullins Rule Certification dated September 10, 2019 for Board member Matthew Hayes pertaining to the August 27, 2019 hearing.
2. Mullins Rule Certification dated October 22, 2019 for Board member Robert Tucker pertaining to the October 8, 2019 hearing.
3. Mullins Rule Certification dated October 17, 2019 for Board member Thomas Gay pertaining to the October 8, 2019 hearing.

V. **TESTIMONY** – During the course of the public hearing, the Board heard and received verbal testimony from:

- Gino Carlucci, PGC Associates, the Town’s Consulting Planner – Commentary throughout the public hearing process.
- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Ron Dempsey and Jeff Komrower of Noise Control Engineering LLC, acoustic sound consultants for the Town.
- Jaime Lewis, Neo Organics
- Andy Carballeria, Acentech Inc., acoustic sound consultant for the Applicant.
- Bert Corey and Joe Losanno, DGT Associates, engineering consultant for the Applicant.
- Resident and abutter John Lally, 35 Coffee Street
- Resident and neighbor Edward Burns, 43 Coffee Street

VI. **FINDINGS**

The Planning and Economic Development Board, at its meeting on January 28, 2020, on a motion made by Bob Tucker and seconded by Tom Gay, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for 4 Marc Road. The motion was approved by a vote of five in favor and none opposed.

GENERAL FINDINGS from PUBLIC HEARING TESTIMONY

(1) **NOISE ISSUES**

- A. Pursuant to Section 7.3.C.2. of the *Zoning Bylaw*, the “Maximum permissible sound pressure levels measured at the property line nearest to the noise source for noise radiated continuously from the noise source between 10 PM and 7 AM shall be as follows.”

Frequency Band (Cycles per Second)	Sound Pressure Level (Decibels 43 0.0002 Dyne/CM2)
2-72	69
75-150	54
150-300	47
300 - 600	41
600 – 1,200	37
1,200 – 2,400	34
2,400 - 4,800	31
4,800 – 10,000	28

“For noise levels between 7 A.M. and 10 P.M., and if the noise is not smooth and continuous, the following corrections shall be added to each of the decibel levels given above:

- Daytime operation only: +5
- Noise source operated at less than 20% of any 1-hour period: +5”

- B. Earlier in 2019, during the Board’s review of the recreational marijuana establishment special permit application for 2 Marc Road, the Board along with the Board’s sound consultant (Noise Control Engineering) and that applicant’s sound consultant (Acentech, Inc.) agreed that the frequency band range form of noise measurement specified in the *Medway Zoning Bylaw* is outdated. The consultants concurred that noise measurements in accordance with the *Zoning Bylaw*’s standards are neither ideal nor typical today. The Board acknowledged that frequency band ranges presently included in the *Zoning Bylaw* do not accurately reflect contemporary sound measurement standards and provide challenges to interpretation and enforcement of the applicable provisions of the *Zoning Bylaw*. The Board was willing to allow a conversion to more modern standards, but only as long as the conversion was more, not less restrictive.

Noise Control Engineering converted the *Zoning Bylaw*’s frequency band noise levels to octave bands for noise measurement purposes. The method used was based on the frequency span of the octave bands and is consistent with the conversion documented in the 1980 EPA document *905-R-80-117 Noise Legislation Trends and Implications*. The table below shows the conversion of the *Bylaw*’s frequency band noise standards to the modern octave band noise standards with the nighttime and daytime adjustments.

Octave Band Center Frequency (Hz)	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Nighttime	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Daytime
63	67	72
125	55	60
250	48	53
500	42	47
1000	38	43
2000	35	40
4000	32	37
8000	28	33

- C. The Applicant’s preliminary noise mitigation plan was submitted to the Board on August 6, 2019 with the special permit application. The Board retained Noise Control Engineering (NCE) of Billerica, MA to review that preliminary noise mitigation plan. NCE provided an email communication dated August 21, 2019 with comments and recommendations of additional information needed.
- D. The Applicant prepared an updated noise mitigation plan which was submitted to the Board on September 27, 2019. The Applicant also retained sound consultant Acentech, Inc. of Cambridge, MA to evaluate the anticipated levels of noise

producing equipment to be installed at the 4 Marc Road facility and provide recommendations for suitable noise control measures. Acentech developed a computer model of the facility's sound using CadnaA, an acoustic modeling software. The noise producing equipment includes a 300 kw generator, transformer, air handling units (AHU), a variety of condensing units, and rooftop exhaust fans. Acentech determined that the proposed noise generating equipment, absent any noise mitigation measures, will not comply with the noise regulations included in Section 7.3.C.2. of the *Zoning Bylaw* at all property lines of 4 Marc Road. To mitigate the excessive noise from certain of the noise producing sources, Acentech recommended placing sound barriers around the condensing and air handling units and to select a generator and enclosure that would meet the *Zoning Bylaw's* sound requirements.

Acentech then calculated the expected noise levels, with the planned noise control measures applied, at 14 receptor locations at the property lines of 4 Marc Road and at 7 receptor residential locations at second story building heights. Acentech found that the estimated sound levels created by the noise generating equipment, with the added noise mitigation measures recommended by Acentech, would be below the Town's noise standards (converted from frequency band to octave band) as described in Item B.

- E. The Board retained Noise Control Engineering, LLC (NCE) to evaluate the Applicant's proposed noise mitigation plan for the 4 Marc Road property. NCE provided an email communication dated October 3, 2019 and personal testimony by NCE personnel was provided during the November 12, 2019 hearing.
- F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 4 Marc Road expressing serious concerns and objections to the excessive noise emanating from the existing marijuana facility operating at 2 Marc Road. Concern was expressed that similar issues would occur with the 4 Marc Road facility.
- G. The Applicant has represented that the 4 Marc Road facility, as part of its permitting with the Massachusetts Cannabis Control Commission, is required to comply with the MA DEP Noise Policy and associated Noise Regulations (310 CMR 7.10). These regulations state that a source of sound violates the regulation if the source:
 - 1. Increases the broadband sound level by more than 10dB above ambient, or
 - 2. Produces a "pure tone" condition which occurs when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

The MA DEPT Noise Policy and Regulations state that these criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time (the L₉₀ metric) measured during equipment operating hours.

(2) **ODOR ISSUES**

- A. Pursuant to Section 7.3.D. of the *Zoning Bylaw*, “In all districts, no emissions of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted.”
- B. The Applicant’s preliminary odor mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Straughan Forensic, LLC of Arvada, CO, to review that preliminary odor mitigation plan. Straughan Forensic provided review letters dated August 21, 2019 with comments and recommendations of additional information needed.
- C. The Applicant retained Impact Engineering Inc. of Castle Rock, CO to prepare an updated odor mitigation plan which was submitted to the Board on September 19, 2019. At the Board’s request, Straughan Forensic, LLC evaluated the Applicant’s updated odor mitigation plan for the 4 Marc Road property and provided a review letter dated October 2, 2019.

- (3) **HOURS OF OPERATION** – The applicant has informed the Board that as a marijuana growing facility, the establishment will operate 24 hours a day/7 days a week. The Applicant anticipates that the facility will be occupied by a maximum of twenty-five employees. Occupancy will be generally limited to the hours of 7 am to 7 pm, Sunday – Saturday.

RECREATIONAL MARIJUANA ESTABLISHMENT SPECIAL PERMIT FINDINGS
(Sub-section 8.10 of the Zoning Bylaw)

- (1) The recreational marijuana cultivation and processing establishment will operate inside the existing building at 4 Marc Road, a permanent, stand-alone building which does not include residential units or doctors’ offices. The site includes driveways, parking areas, utility systems, and stormwater management facilities.
- (2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* (public or private school serving students in grades K-12) are located within 500 feet of the site of the proposed facility.
- (3) As conditioned herein and as required by the *Zoning Bylaw*, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed.
- (4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.
- (5) As conditioned herein, any signage for the facility shall comply with Section 8.10.F and Section 7.2 of the *Zoning Bylaw*.

- (6) As conditioned herein, the Applicant shall provide the contact information for management staff and key holders of the facility to Town officials.
- (7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise and odor consultants. The Applicant has prepared a noise mitigation plan which has been reviewed by the Town's noise consultant. It will be implemented in accordance with Specific Condition D herein. The Applicant has also provided an odor control plan which will be implemented in accordance with Special Condition E herein.

The Board is requiring on-going noise and odor monitoring to ensure compliance with the Town's requirements. See Special Conditions D and E. The Building Commissioner, in consultation with the Health Agent, and the Town's noise and odor consultant(s), will confirm compliance with the noise and odor requirements of the *Zoning Bylaw* after the required noise and odor mitigation measures are installed. As conditioned herein, any non-compliance will be addressed through zoning enforcement.

- (8) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance to the facility, is fully visible from the site's frontage. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed pursuant to the *Zoning Bylaw*.
- (9) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products, and the transport and delivery of such to other recreational marijuana establishments. Retail sales and marijuana social establishments are not allowed pursuant to the *Zoning Bylaw*.
- (10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (11) Applicant, NEK, LLC is the record owner of the property as shown on the Medway Assessor's records and the seller on a purchase and sale agreement with Pangea Realty LLC dated February 8, 2019. On March 1, 2019, Pangea Realty LLC assigned its interest in the purchase and sales agreement to 4 Marc Road, LLC which will own the 4 Marc Road property.

The Applicant, Neo Organics, LLC will be a tenant in the subject property and building pursuant to a lease dated May 3, 2019 with 4 Marc Road, LLC. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

- (12) Prior to plan endorsement, the Applicant shall provide a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.

- (13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the Special Permit and Site Plan applications to the required parties.
- (14) A site plan was submitted and has been revised pursuant to comments from the Board's consultants and the Conservation Commission. A detailed floor plan of the premises showing the functional areas of the facility has also been provided. The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police Chief during the permitting process.
- (15) A copy of the policies and procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments was provided as part of the special permit application.
- (16) A comprehensive noise mitigation plan prepared by the applicant's noise consultant, Acentech, Inc. was submitted and reviewed by Noise Control Engineering, the Board's noise consultant. The plan was revised, re-submitted, and re-reviewed. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the *Zoning Bylaw*. As conditioned herein, any non-compliance will be addressed through zoning enforcement.
- (17) A comprehensive odor mitigation plan prepared by the applicant's odor consultant, Impact Engineering, Inc, was submitted to the Board and reviewed by Straughan Forensic, LLC, the Board's odor consultant. The odor mitigation plan was revised, re-submitted and re-reviewed. As conditioned herein, any non-compliance will be addressed by the Building Commissioner through zoning enforcement.
- (18) The required public hearing and review process for this special permit application has been followed.
- (19) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than the described site improvements and possible additional measures to address potential noise and odor impacts if such occur in the future.
- (20) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (21) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

SITE PLAN RULES AND REGULATIONS FINDINGS – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

- (1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?

The site is within an industrial park which is accessed directly from Route 109 so there is no access through minor streets serving residential areas. There is no backing up onto a public way.

- (2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?

The existing building and site are of an industrial style, with the scale and materials similar to other buildings within the industrial park. No exterior building façade renovations are planned.

- (3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

The site is heavily wooded at its access driveway from Marc Road. The parking areas are along the driveway and behind the building. There is no outside storage of materials. An outdoor dumpster is included but it will be located at the back of the site and will have an enclosure around it. As the site is already developed, considerable landscaping is already provided. The building is set back approximately 110' from the western boundary line of the subject property.

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

The site plan has been revised pursuant to feedback from the Medway Fire Department to now include construction of a fire lane on the west side of the building. Fire Chief Jeff Lynch, in an email dated December 12, 2019, approved the revised site plan as suitable access to the building will be provided.

- (5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

- a) the volume of cut and fill; *Since this is an existing developed site, the volume of cut and fill is minimal to adapt the site for a new use. The project scope is limited primarily to cleaning out and upgrading an existing drainage system and the installation of a new equipment pad and sound barrier on the west side of the building.*
- b) the number of trees to be removed with particular care taken with mature trees and root systems; *This is an existing developed site so tree removal is minimal to accommodate the construction of an equipment pad and a fire access road.*
- c) the visual prominence of man-made elements not necessary for safety; *The only added man-made visual element to the site is the equipment pad and associated sound barrier. While necessary to project abutters from excessive*

noise, it is not visible from Marc Road and it is screened from the westerly abutter by a slope with existing trees on it.

- d) *the removal of existing stone walls; No existing stone walls are being removed.*
 - e) *the visibility of building sites from existing streets; The current building is located off Marc Road, up a hill and the site includes trees between the road and building such that only the entrance driveway and sign are visible from Marc Road. This is not being changed for the new use.*
 - f) *the impacts on waterways and environmental resource areas; A small portion of the site is within the 100-foot wetlands buffer zone and in the Town's Groundwater Protection District. The only work proposed within this area consists of improvements to the stormwater management system which is upgraded throughout the site to comply with current standards so the impacts on waterways and environmental resource areas is positive. The project has also been reviewed by the Conservation Commission and an Order of Conditions has been issued.*
 - g) *soil pollution and erosion; The submitted plans include an Erosion and Sediment Control Plan, which has been reviewed and approved by the Town's Consulting Engineer. The Conservation Commission has also issued an Order of Conditions.*
 - h) *noise. The possibility of noise impacts on abutters has been the issue of most concern and has generated the most discussion at the public hearings. A comprehensive noise control plan was required and submitted to the Board. The Board's noise engineering consultant reviewed the initial plan and considered supplemental information submitted by abutters. Changes to the initial noise mitigation plan were made, including the addition of significant noise barriers with noise baffling features to contain the noise generated by the exterior mechanical equipment. The plan as approved will have minimal noise impacts and those impacts will be monitored once the building attains its full operating status and any needed adjustments will be required accordingly.*
- (6) Is pedestrian and vehicular safety both on the site and egressing from it maximized?
- There is no significant pedestrian use anticipated since no public access to the building is allowed. Pedestrian safety within the parking lot is standard and is adequate due to minimal vehicular traffic. Sidewalk improvements are planned to modify the existing concrete walkway to provide for handicap accessibility. The existing sight lines at the driveway for exiting traffic will be increased through the clearing of some trees (9" diameter and less) to the east of the driveway and some regarding.*
- (7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

There are no historic features on site.

- (8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

A photometric plan has been submitted that demonstrates that there is no light trespass or glare off site.

- (9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

The limit of work is reasonable. It makes use of an already developed site and provides a comprehensive stormwater management system to address the existing facility and proposed site improvements.

GENERAL SPECIAL PERMIT FINDINGS (Sub-section 3.4 of the Zoning Bylaw)

- (1) The proposed site is an appropriate location for the proposed use.

Section 8.10 of the Zoning Bylaw (Recreational Marijuana) and Table 1 – Schedule of Uses specifies that non-retail recreational marijuana establishments are allowed by special permit in the East and West Industrial zoning districts. The subject site at 4 Marc Road is located within the East Industrial zoning district and is therefore an eligible location for the proposed use. Further, the site is not located within 500 feet of any of the uses from which marijuana establishments are prohibited (existing public or private school serving students in grades K-12). The site includes an existing industrial building constructed in 1984; the property has been used for industrial purposes for 35 years.

- (2) Adequate and appropriate facilities will be provided for the operation of the proposed use.

The recreational marijuana cultivation and processing uses will occur within the existing industrial building at 4 Marc Road. Suitable parking is available with access from Marc Road. As documented in the findings under Site Plan Rules and Regulations above, adequate and appropriate facilities have been provided for the operation of the facility. The site's internal driveways and stormwater management system have been reviewed by the Board's Consulting Engineer and found to be adequate.

- (3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.

The existing site contains suitable driveways, parking areas and stormwater management systems. Pedestrians are not expected to access the site as no retail marijuana operation is permitted. As conditioned herein, the Applicant is required to meet the Town's noise and odor standards as specified in Section 7.3 of the Zoning Bylaw and provide additional noise and odor mitigation measures if needed in the future.

- (4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area.

The proposed facility is expected to have 25 employees. The available on-site parking exceeds the number of parking spaces required. As the facility will not have a retail operation, non-employee traffic to the site will be minimal. The Industrial Park Road system is adequate to handle the routine employee traffic. Marc Road was recently reconstructed as part of the approval of an adjacent business facility at 2 Marc Road, so the adjacent roadway quality leading to the property is excellent. Furthermore, the site's access is via Marc Road from Industrial Park Road from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.

- (5) The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.

Site plan review has addressed each of these potential impacts on adjoining properties. A photometric plan for the lighting has been submitted; it documents that lighting will not spill over onto adjoining properties. The stormwater management plan has been reviewed and approved; stormwater will not result in flooding on adjoining properties. An odor control plan, specific to the property's use as a marijuana cultivation facility, has been submitted by the Applicant and reviewed by a firm specializing in odor mitigation. Any dust generated from the operation of the business shall be contained within the building. Noise has especially been carefully evaluated with the assistance of a noise consultant, and the final noise control plan has been accepted. Also, noise generation will be monitored following full operation of the facility. No vibration is expected to be generated by the operation of the business. Refuse materials will be contained within a locked dumpster area for security purposes. Any other undesirable visual, site or operational attributes of the facility shall either be the same as existing conditions or improved from the previous business operation on the premises.

- (6) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.

The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District in which the subject property is located. This application proposes to produce marijuana for adult recreational use within the existing building. The proposed use will not significantly alter the character of the East Industrial zoning district.

The Board heard testimony from residential abutters and neighbors about their concerns regarding adverse noise and odor conditions which may emanate from the proposed facility. These concerns result from their experience of noise and odor issues related to the existing marijuana cultivation and manufacturing operation at the adjacent 2 Marc Road marijuana facility. The Applicant made repeated verbal commitments during the public hearing that they will address neighbor concerns through reasonable noise and odor mitigation measures. Furthermore, as noted

above, the Board paid particular attention to the noise and odor concerns and contracted with outside consultants specializing in noise and odor control to review and provide guidance as to how to minimize such concerns. The final plans include maximum measures to ensure that the impacts are minimal at best. The Applicant will be held to the environmental standards included in Section 7.3 of the Zoning Bylaw. The Cannabis Control Commission requires the Applicant to also meet the MA DEP noise standards. Measures to address other types of potential impacts (lighting, flooding, dust, vibration, refuse materials, etc.) have also been provided. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.

- (7) The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.

The Recreational Marijuana section of the Zoning Bylaw (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the establishment of non-retail recreational marijuana establishments at limited locations in Medway. The stated purpose of Section 8.10 is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in appropriate places and under strict conditions. As the proposed facility is located within one of the designated zoning districts, it meets the purpose of the Zoning Bylaw.

- (8) The proposed use is consistent with the goals of the Medway Master Plan.

The existing facility and the expanded use of the facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives section of the Medway Master Plan as follows:

- *Goal 1: Maximize the area's economic resources*
- *Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.*

- (9) The proposed use will not be detrimental to the public good.

As a facility in compliance with state and local law, consistent with the goals of the Medway Master Plan, and as thoroughly conditioned herein, the proposed use will not be detrimental to the public good.

GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT FINDINGS (Sub-Section 7.3 of the Zoning Bylaw) – A portion of the 4 Marc Road site is located within the Town's Groundwater Protection District, therefore a groundwater protection special permit is required.

- (1) Maintenance, repair and enlargement of any existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (2) As conditioned herein, storage of hazardous materials, as defined in Massachusetts General Laws, c. 21E, is prohibited unless enclosed in a free standing container

within a building. Any accidental spillage will also be contained within the building and any that may enter the municipal sewer system will be treated prior to being discharged to the municipal sewer system.

- (3) As conditioned herein, any commercial fertilizers, as defined in Massachusetts General Law, c. 128, §64, used for the growing of marijuana plants will be stored within containers and kept inside the 4 Marc Road building.
- (4) The facility will handle toxic and hazardous materials. All use of hazardous materials will be contained within the building and as the risk of spillage during deliveries is low, the facility qualifies for a special permit. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
- (5) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.
- (6) The facility and associated site improvements will render more than 71,000 square feet of the site impervious. The Town's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality.
- (7) As required by Section 5.6.F. 1. of the *Zoning Bylaw*, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and consultation to evaluate whether the proposed project will adversely impact the quality or quantity of water available within the Groundwater Protection District, and to determine that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized.

VII. WAIVERS – At its January 28, 2020 meeting, the Board, on a motion made by Bob Tucker and seconded by Richard Di Iulio, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of five in favor and none opposed.

SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS

Section 204-3 A. 7. - Development Impact Statement. A written Development Impact Statement shall be provided to describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the *Development Impact Statement*. The *Development Impact Statement* shall consist of the following four elements: traffic, environmental, community and parking.

The Applicant has requested a waiver from this requirement. The site is already developed and has been used for industrial purposes since 1984. The proposed site improvement work is minimal. Traffic is not expected to increase beyond previous occupants. The preparation of traffic,

environmental, community and parking impact assessments is not expected to reveal any useful information related to the site or the project's impacts. The recreational marijuana facility use is highly regulated by the Massachusetts Cannabis Control Commission and is subject to a special use zoning permit from the Board. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Section 204-4 B - Site Context Sheet. A Site Context Sheet including the following items shall be submitted.

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand (2,000) feet of the perimeter of the site. The plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. Scenic roads shall be noted.
- 2) Abutters' names and addresses with assessor's reference.
- 3) Lot lines with dimensions and easement areas.
- 4) Existing topography at two (2) foot intervals from USGS survey maps or actual land survey.
- 5) All easements (*utility, conservation and other*) and rights-of-way.
- 6) Zoning district boundaries including groundwater protection district, wetlands, and flood plain zones.

The Applicant has requested a waiver from this requirement. A separate Site Context Sheet has not been provided as part of the plan set. However, the information specified to be included on a Site Context Sheet is included on other sheets included in the plan set. For the foregoing reason, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

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

The Applicant has requested a waiver from this requirement. The site is large (6.68 acres) and is mostly wooded in nature. The existing building will be reused. Site improvements are minimal and will not result in a large land disturbance area. A 32” pine tree located in the southeast corner of the property is specifically identified to remain and be protected during construction. Locating the all trees with a diameter of one foot or greater at four feet above grade throughout the site would be an unnecessary additional expense and provide no added value to the site design or development. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Section 204-5 D. 7. Proposed Landscape Design – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter

of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a “lesser” intensity graphic used to represent potential canopy at maturity.

The applicant has requested a waiver from this requirement as no new landscaping is proposed for this already developed site. Any marijuana facility is subject to a permit from the Massachusetts Cannabis Control Commission which has strict requirements that prohibit shrubs and trees from being planted in proximity to marijuana establishments in order to promote safety in and around the facility. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Section 204-5 D. 12 – Signage Plan - A *Signage Plan* shall be submitted which includes the design, location, materials, dimensions and lighting for:

- (a) the proposed development and all building identification signage, both freestanding and attached; and
- (b) standards for tenant signs.

The applicant has requested a waiver from this requirement. The applicant intends to reuse the existing monument sign from the prior occupant to display only the property address. No other signage is planned for the building. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

VIII. CONDITIONS The *Special and General Conditions* included in this Decision shall assure that the Board’s approval of this special permit is consistent with the *Zoning Bylaw* and that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

SPECIFIC CONDITIONS OF APPROVAL

- A. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:
 - 1. Upon approval and prior to commencing operations on the property to cultivate and process marijuana for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.
 - 2. The Applicant shall provide an annual report of Neo Organics, LLC’s operations to the Board and other Town officials no later than January 31st of each year, including a copy of all current state licenses and demonstrating continued

compliance with the conditions of this special permit. Any change in ownership of Neo Organics, LLC or change in management staff and key holders shall also be reported.

3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Neo Organics, LLC, as the operator of an adult recreational marijuana establishment on the premises.
 4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the *Permit Site Plan for 4 Marc Road, Neo Cultivation and Manufacturing*, dated August 6, 2019, last revised December 13, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Other Documentation** - Prior to plan endorsement, the Applicant shall provide a sworn statement the Applicant shall provide a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.
- D. **Noise Management**
1. The Applicant shall install and maintain at all times effective noise reduction equipment for the property to comply with Section 7.3 of the *Zoning Bylaw* as well as the Massachusetts Department of Environmental Protection (MA DEP) noise requirements as established in 310 CMR 7.10. The Applicant will achieve compliance through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness and ongoing compliance.
 2. Prior to the issuance of an occupancy permit for the 2 Marc Road facility, the Applicant shall provide the Building Commissioner, Health Agent, and Board with a noise study measuring ambient sound levels without the external mechanical equipment in operation, the sound at each of the 4 Marc Road property boundaries during full operating conditions, and the sound at the locations of existing residential receptors and expected future residential receptors. The purpose is to determine if the facility complies with Section 7.3 of the *Zoning Bylaw* as well as the MA DEP noise requirements as established in 310 CMR 7.10. The Board, Building Commissioner or Health Agent may forward the noise study to the Town's noise consultant for peer review and comment, at the Applicant's expense.

- a. Establishment of Ambient Noise Levels – Ambient background levels shall be established without the influence of any noise emanating from the CommCan facility at 2 Marc Road. If background noise levels at 2 Marc Road have been previously established prior to operation of the CommCan facility and are acceptable to the Board, they may be used. If not, new measurements to establish background noise levels will be performed by the Applicant. Any noise sources from 2 Marc Road that may contribute to background noise levels should be turned off during the attended measurements to establish the background noise levels. If unattended monitoring is used, the noise contribution from 2 Marc Road can be established by shutting down the noise sources during a specified time period and calculating the difference in L_{90} levels during on and off times. If it is absolutely not possible to take ambient measurements with the 2 Marc Road facility shutdown, ambient measurements should be taken in an area with similar ambient conditions (i.e. similar distance from major roads or other noise sources) which is far enough from the 2 Marc Road facility so that the 2 Marc Road facility does not significantly influence the measures. If an alternative method for establishing the background levels is proposed, a test plan shall be submitted to the Board for acceptance of the alternative method. The Board may seek guidance from its noise consultant.

Separate background noise levels shall be established for daytime hours (7 am to 10 pm) and nighttime hours (10 pm to 7 am).

Background noise levels can be established either by attended measurements (with the sample time at each measurement location to be not less than 10 minutes) or by unattended measurements for a period of at least 3 days. It will be sufficient to establish the background noise levels at representative locations at the property line.

- b. Measurement of Operational Noise Levels – The operational sounds measurements will consist of attended daytime and nighttime noise measurements at the facility property line and the residential receptors for a period of at least ten minutes. If the equipment is expected to produce higher noise levels at operating conditions other than the full load, those conditions shall be measured as well.

The measurements shall be taken at the same locations as evaluated in the September 27, 2019 Acentech study. These include:

- 14 receptor locations the property lines of 4 Marc Road and
 - 7 residential receptor locations at second story building window heights.
- c. All sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices.

- d. Measurement instrumentation shall comply with Class 1 in accordance with IEC 61678, and should be capable of measuring A-weighted and octave-band sound levels. The acoustic descriptor for reporting shall be the L_{90} sound level for background noise levels. If operational data is steady state, the L_{90} metric can also be used for operational data. Otherwise the L_{eq} or higher metric should be used. Sound level meters shall be provided with windscreens and their calibration shall be field-checked before and after the measurements.
 - e. The Board, Building Commissioner or Health Agent may require the Applicant to implement additional noise mitigation measures if the noise study indicates that the facility is non-compliant with Section 7.3 of the *Zoning Bylaw* or the MA DEP Noise Policy.
3. Approximately six months after beginning operations under this Special Permit, the Applicant shall provide a supplemental noise study. These measurements shall be carried out to the same standards and methods as the initial study. The scope and methods of the study shall be the same as in the initial study described above.

The Applicant shall submit that study to the Building Commissioner, Health Agent and Board so as to determine continued compliance with the *Zoning Bylaw* and any conditions set forth herein as to noise. The Building Commissioner, Health Agent or Board may forward the plan to the Town's noise consultant for review and comment, at the Applicant's expense. The Applicant shall be required to implement additional noise mitigation measures if the facility is non-compliant with the *Zoning Bylaw* and the MA DEP Noise Policy.

4. The Applicant shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
5. The Building Commissioner, in enforcing the conditions contained herein, may require the Applicant to provide additional noise studies by a qualified noise consultant and/or implement additional mitigation measures should legitimate concerns or complaints develop in the future about noise generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

E. Odor Management

1. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply with Section 7.3 of the *Zoning Bylaw*. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall maintain all odor migration equipment to ensure maximum efficiency and effectiveness and ongoing compliance.

2. The presented Odor Mitigation Plan dated September 12, 2019 does not include mechanical drawings for the odor management system. At such time as the mechanical drawings are available, they shall be submitted to the Board for review by the Board's odor consultant, at the applicant's expense, to determine if they comply with the Odor Mitigation Plan.
 3. The October 2, 2019 review letter of Straughan Forensic, LLC, the Board's odor consultant, identifies a number of issues and information missing from the Odor Mitigation Plan. The Straughan Forensic letter dated October 2, 2019 is attached and made a part of this decision. These items shall be fully addressed and included in the odor plans submitted to the Massachusetts Cannabis Control Commission for approval. The submittal to the Cannabis Control Commission shall indicate that the odor control system must comply with Section 7.3 of the *Zoning Bylaw*.
 4. The Applicant shall provide the odor plan approved by the Massachusetts Cannabis Control Commission to the Board.
 5. Prior to the issuance of an occupancy permit by the Medway Building Department, the Applicant shall review the approved odor control system as installed with the Building Commissioner and demonstrate that the measures specified in the approved odor control, abatement and mitigation plan including the secondary safeguard system have been implemented. The Applicant shall provide a certification made by a licensed engineer that the odor mitigation measures included in the approved plan have been installed. Additional odor mitigation measures may be required if determined to be necessary by the Building Commissioner.
 6. For each of the two successive years following occupancy, the Applicant shall annually submit a certification by a registered professional engineer that there have been no changes in the mechanical equipment that has been installed to control the odor emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
 7. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigations and/or odor mitigation measures should legitimate concerns and complaints develop in the future about odor generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.
- F. Conditions Pertaining to Groundwater Protection District Special Permit**
1. Storage of hazardous materials and other hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.

2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to minimize adverse impacts on groundwater.
3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
4. There shall be no outdoor storage of pesticides, herbicides, fungicides or insecticides anywhere on the site. Any such products shall be stored inside.
5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin.
7. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
8. There shall be no earth removal within six feet of the historical high groundwater level.
9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

G. *Stormwater Management - Post Construction*

1. The Applicant shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Board.
2. The stormwater drainage system, water and sewer systems shall be maintained by the Applicant, its successors and assigns, and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the *Post Construction and Long-Term Maintenance Plan* included in the *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 24, 2019, last revised December 13, 2019 prepared by DGT Associates Surveying and Engineering.

4. The applicant shall submit annual reports of inspections and maintenance of all stormwater management structures included in the site plan to the Board and the Medway Department of Public Works Compliance Officer starting one year after the Certificate of Site Plan Completion is issued.
 5. In the event that the Applicant, its successors and assigns, or its agent fail to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
- H. **Utilities** – All electric, telephone, cable TV and other utilities shall be located underground. No overhead utilities are permitted.
- I. **Water Use and Conservation**
1. The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
 - a. private well water for landscape irrigation
 - b. rain-gauge controlled irrigation systems
 - c. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
 2. The Permittee shall not use Town water for irrigation of the site's lawn and landscaping.
- J. **Signage** – Any changes to the existing sign or proposed new signs shall comply with Section 7.2 of the *Zoning Bylaw*.
- K. The permit holder shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificates or registration with the Massachusetts Cannabis Control Commission.
- L. There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of the marijuana establishment.
- M. **Limitations** - This special permit is limited to the operation of a recreational marijuana cultivation and processing establishment at 4 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products, or the operation of a marijuana social establishment, or the operation of a marijuana testing facility on the premises.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to filing the special permit and site plan decision with the Town Clerk, the Applicant shall pay:
1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning, noise, odor or other consultants;
 2. an advance on fees for the continued review services to be provided by outside noise and odor consultants as approved by the Planning and Economic Development Board;
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. **Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, and comply with all other required Town permits.
- C. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
 2. *Neighborhood Relations* – The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
 3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
 4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible

for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.

5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with the Construction Period Stormwater Operation and Maintenance Plan included in *Stormwater Management Design and Runoff Calculations Report for 4 Marc Road*, dated July 24, 2019, last revised December 13, 2019 prepared by DGT Associates Surveying and Engineering.

D. Construction Oversight

1. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent (if applicable), the contractors and Applicant's project engineer for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed.
2. Construction Account
 - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-

built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.

- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
 - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
3. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this *Decision*.
 4. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 5. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

E. On-Site Field Changes

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this *Decision* and the *Zoning Bylaw* nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or

emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

F. Modification of Plan and/or Decision

1. Proposed modifications, not included on-site field changes, to the *Decision* or endorsed plan shall be subject to review by the Board.
2. This site plan and special permit approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from the approved site plan or this *Decision* shall be a violation of the *Zoning Bylaw*, unless the Permittee requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Board.
4. The request for a modification to a previously approved site plan shall be subject to the same application and review process including a public hearing. Whenever additional reviews by the Board, its staff or consultants are necessary due to proposed site plan modifications, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Board may reduce the scope of the required review and waive part of the filing and review fees.
5. The Board shall issue a modification decision, file such with the Town Clerk, and provide copies to the Building Commissioner and other Town officials and the Permittee. Any modification approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

G. Compliance with Plan and Decision

1. The Permittee shall construct all improvements in compliance with the approved and endorsed site plan and this *Decision* any modifications thereto.
2. The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the *Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

H. Performance Security

1. No occupancy permit shall be granted until the Board has provided a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.
2. The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
 - a) the date by which the Permittee shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Board
 - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.
5. Final release of performance security is contingent on project completion.

I. Project Completion

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is

filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to issuance of a final occupancy permit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
 - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
 - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.
- J. ***Right to Enter Property*** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter the property at any time to ensure continued compliance with the terms and conditions of this special permit and the endorsed site plan.
- K. ***Recording*** - Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision and Plan have been duly recorded, or supply another alternative verification that such recording has occurred.
- L. ***Conflicts*** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

IX. APPEAL – The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the

office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

###

APPROVED by the Medway Planning & Economic Development Board: _____

AYE:

NAY:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

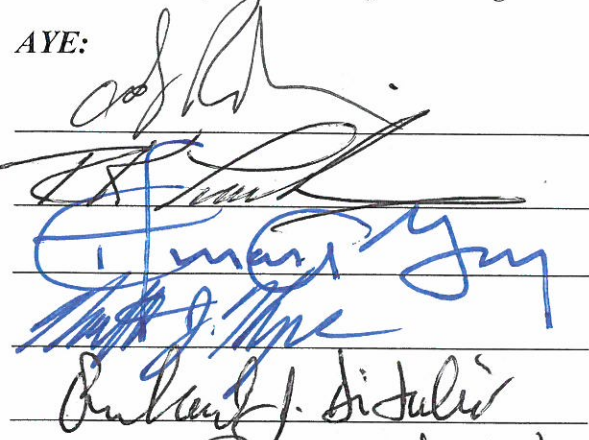
Date

COPIES TO: Michael Boynton, Town Administrator
Stephanie Carlisle, DPW Compliance Officer
Dave D’Amico, DPW Director
Michael Fasolino, Deputy Fire Chief
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Alan Tingley, Police Chief
Jeff Watson, Police Department
Chad Blair, Neo Organics and 4 Marc Road Realty, LLC
Jaime Lewis, Neo Organics
Jordan Naydeuov, NEK, LLC
Bert Corey, DGT Associates
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

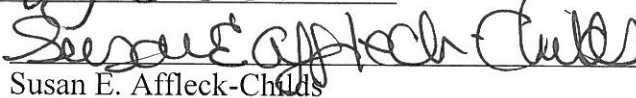
APPROVED by the Medway Planning & Economic Development Board: January 28, 2020

AYE:

NAY:



ATTEST:


Susan E. Affleck-Chellis

Planning & Economic Development Coordinator

January 28, 2020
Date

COPIES TO: Michael Boynton, Town Administrator
Dave D'Amico, DPW Director
Stephanie Carlisle, DPW Compliance Officer
Michael Fasolino, Deputy Fire Chief
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
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Jaime Lewis, Neo Organics
Jordan Naydeuov, NEK, LLC
Bert Corey, DGT Associates
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

October 2, 2019

Susan Affleck - Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
Email: sachilds@townofmedway.org

Re: NEO Organics – 4 Marc Road Cultivation Facility, Follow-up Review of Odor Mitigation Plan

Dear Ms. Affleck - Childs:

This letter documents the findings from my follow-up review of the resubmitted Odor Mitigation Plan for the cannabis cultivation and processing facility at 4 Marc Road in Medway, Massachusetts. The following documents were reviewed:

- Architectural Floor Plan by Anderson Porter Design, A1.1, 9-09-2019, 1 page
- Permit Site Plan by DGT Associates, C-1 thru C-7, 9-09-2019, 7 pages
- Mech. Systems Ventilation and Odor Mitigation Plan by Impact Engineering, 9-12-2019, 17 pages

I offer the following comments from my review of the documents:

General Comment:

1. The Plan contains narrative descriptions of systems, but no mechanical drawings are available at this time. When the completed mechanical drawings eventually get submitted for permitting, they should be reviewed at that time for compliance with the Odor Mitigation Plan.

Odor Mitigation System design:

2. General: It is stated that "Other than ventilation air, all of the HVAC equipment will recirculate 100% of the supply being distributed to the various applications areas throughout the facility." Since no room air will be exhausted from grow rooms under normal operation, the rooms will not be under negative pressure, and therefore will likely exfiltrate odorous grow room air into the corridors when the doors are opened and possibly through cracks in exterior walls and into the outside air. No information has been provided to indicate that the rooms will be sealed to prevent exfiltration through the room envelope.
3. There is no mention of a control strategy or equipment to mitigate odor that will escape from cultivation and processing rooms when the doors are opened in order for staff to enter or exit the rooms. Will exhaust fans in the Janitor Rooms or other rooms be used to maintain negative pressure in the corridors? If so, these fans will need to run 24/7 and transfer air grilles will need to be installed in the doors or walls to these rooms.
4. In the descriptions for the Drying Room, Post Production/Manufacturing Rooms, and Packaging Rooms, there is no mention of carbon filters like there is for all the other rooms described in this

section or in the Operational Processes section. This seems to imply that no carbon filtering is planned for these three areas, even though the Maintenance Plan section describes carbon filtering for these three areas. This apparent contradiction should be clarified along with a description of how the bi-polar ionization units will be configured, i.e. which air stream will they be placed in, will the exhaust air stream be protected with odor mitigation systems?

Building Exhaust Systems:

5. The list of exhaust systems does not appear to be complete. No exhaust fans are mentioned for the Post Production, Manufacturing, Dishwashing, or Pot Washing Rooms. Will the exhaust air streams from these rooms be protected with odor mitigation systems?

Operational processes:

6. Design criteria for Bi-polar ionization units is not stated. Are these units sized based on a certain number of air changes per hour?

Maintenance plan:

7. In the description for the Flower Rooms and each room that follows after it, the design criteria for the carbon filters is stated to be 15 air-changes per hour, and this is appropriate for flower rooms and each room downstream of it the process. However, this criteria is contradicted in both the Odor Mitigation System Design section and the Operational Processes section, which both state the criteria for these rooms to be 6 air-changes per hour.

If you have any questions or comments, please feel free to contact me.


Sincerely,

A handwritten signature in black ink that reads "Bruce Straughan". The signature is written in a cursive, flowing style.

Bruce Straughan, PE
Straughan Forensic, LLC

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

Cc: Bridget Graziano – Medway Conservation Agent
Patrick Thornton – Project Manager

From: Steven M. Bouley, P.E. 

Date: March 4, 2022

Subject: Neo Alternatives (4 Marc Road) Bond List

On March 2, 2022 at the request of the Medway PEDB, Tetra Tech (TT) conducted a punch list inspection of the Neo Alternatives Project located at 4 Marc Road in Medway, MA. A Bond List and Estimate were generated of outstanding items which have not yet been completed, are deficient in quality or outstanding administrative items to be submitted.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Permit Site Plan, 4 Marc Road, Medway Massachusetts 02053 for Neo Organics LLC", dated August 6, 2019, revised December 13, 2019, prepared by DGT Associates (DGT).
- A Site Plan Decision (Decision) titled "Adult Recreational Marijuana Special Permit, Groundwater Protection Special Permit, and Site Plan Decision, NeoOrganics, LLC – 4 Marc Road" dated January 28, 2020.

Items Inconsistent with Approved Plans

1. The dumpster screen fence has been installed as chain link with black privacy slats which is inconsistent with the stockade type fence shown on the approved Plans.
2. The accessible route into the building was installed at the northwest corner of the building rather than utilizing the existing concrete walkway located on the eastern side of the building as proposed. The ramp system was constructed with pressure treated wood with metal railings. The Applicant stated the ramp relocation was approved by the Building Department.
3. A small room (approx. 6' x 10') was built on the southern side of the building to house electrical equipment as required by the electric utility. The Applicant stated the addition was approved by the Building Department.

Items to be Completed

4. Complete the clearing and earthwork at site entrance for sight distance. Also, overflow cars from the abutting 2 Marc Road site are parking within the sight distance triangle and along both sides of the roadway and cul-de-sac.
5. Repair settled pavement around Contech Water Quality Unit along entrance driveway.
6. Final stabilization and seeding of disturbed areas on-site. The Applicant stated this would occur during final site restoration this Spring.

Administrative

7. Provide documentation from the engineer of record that the subsurface infiltration basin has been constructed according to the endorsed Plans and whether it is functioning as expected.
8. Provide as-built plans of the Project.

Regulatory Administrative (Other Boards/Commissions)

9. Complete conservation mitigation area to the satisfaction of the Medway Conservation Commission and remove erosion controls as directed.

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\143-21583-19016 (4 MARC RD)\CONSTRUCTION\PUNCH LIST\BOND LIST_01_4 MARC ROAD_2022-03-04.DOC

**TETRA TECH**

Bond Estimate
4 Marc Road
Medway, Massachusetts
March 4, 2022

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
001	Mobilization (3% of Const. Cost)	1	LS	\$1,000.00	\$1,000
002	Sight Distance Mitigation	1	LS	\$8,000.00	\$8,000
003	Settled Pavement at Contech	1	LS	\$1,500.00	\$1,500
004	Site Restoration	1	LS	\$12,000.00	\$12,000
005	Wetland Restoration	1	LS	\$10,000.00	\$10,000
006	Remove Erosion Controls	1	LS	\$1,500.00	\$1,500
007	Legal/Engineering Services	1	LS	\$6,000.00	\$6,000
008	As-Builts	1	LS	\$3,000.00	\$3,000
Subtotal					\$43,000
25% Contingency					\$10,750
Total					\$53,750

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website when applicable. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 3/2021 - 3/2022.



March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

**21 High Street – Multi-Family
Development Options
Informal Pre-Application Discussion**

- Information provided by owner Michael Larkin including a project narrative and 3 design options.

PROJECT NARRATIVE

Property Address: 21 High Street, Medway

PROJECT DESCRIPTION – The Applicant proposes to develop the 3.77-acre property at 21 High Street (Assessors Map 57, Parcel 62). The property consists of a single-family home built in the 1880 with an attached garage. There is also a large secondary garage on the Property. The intention for the project is to keep the existing single-family home but demolish the attached garage and secondary garage.

The property owner is presenting three separate proposals for the Board to review and comment on so that the applicant can submit a full application to the Board for approval.

The three proposals use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway Zoning Bylaw (the “Bylaw”), site plan review and approval pursuant to Section 3.5 of the Bylaw and the Board’s Site Plan Rules and Regulations. The property does include wetland resources and the proposed disturbance area shall be greater than 20,000 square feet. Accordingly, the site falls within the jurisdiction of the Medway Conservation Commission pursuant to Medway General Bylaws, Article XXVI.

Each proposal consists of a similar horseshoe entrance off High Street which mirrors the actual conditions. This allows each proposal to have a large open space area in front of each building with the ability for additional open space at the rear of the buildings.

Proposal 1 – consists of a townhouse style development made up of twenty-one (21) housing units. This proposal is made up on four (4) 5-unit dwelling with the existing house to be rehabbed as unit number 21. The units would consist of three bedroom and a minimum of 1 ½ bathrooms. The total parking spaces for the project shall be 44 spaces with 20 garage spaces and 22 surface parking spaces.

Proposal 2 - consists of three apartment style buildings with 11 units in each building totaling 34 housing units. These buildings have the added feature of having parking underneath. The units would consist of a mix of one and 2 bedrooms. The density with this style development is triggered by the cost of installation of elevators in each building. This allows greater accessibility for persons with disabilities and the elderly. The total parking spaces for the project shall be 54 spaces with 36 garage spaces and 18 surface parking spaces.

Proposal 3 – similar to proposal 2 consists of two apartment style buildings with 12 units in each building totaling 25 housing units. These buildings eliminate the parking under the building which allows for greater flexibility with density. These units would consist of 3 bedrooms so as not to compete with the large project on Main Street currently under construction. The total parking spaces for the project shall be 50 surface spaces.

Each proposal will include extensive landscaping & dark sky lighting in accordance with the bylaw. Adequate snow storage will be provided on the Property. Household refuse will be disposed of by individual waste containers for each household and by a central waste container for the apartment style dwelling units. Connections will be made to the existing Town sewer and water services in High Street. The applicant has met with the DPW to mark existing trees that would be subject to the Medway Scenic Roads bylaw. Each proposal shall meet the

requirements outlined in the bylaws to incorporate affordable units in each proposal. Private electric and gas utilities will be provided. The project completed an ORAD in 2019 and will update for the current submission as necessary.

Applicability

- 1) Location - The site is within the Multi-Family Housing Overlay District (Section 5.6.4) and thus is eligible for the multi-family housing proposal.
- 2) Traffic capacity – High Street is a local street connecting Main Street (Rt. 109) and Village Street and has sufficient capacity to handle the traffic from the new units that are proposed. The applicant shall complete a traffic study for the full submittal to the Board.
- 3) Parcel size & frontage – The site consists of 3.77 (164,221 sq. ft.) which exceeds the minimum area requirement of 22,500 sq. ft. for the underlying Village Residential zoning district. The site has a total of 290.88 ft of frontage, so it meets the minimum 150-foot frontage requirement of the Bylaw.

Dimensional Requirements

- 4) Dimensional Adjustments – The dimensional requirements of the underlying Village Residential zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. Each proposal meets the required front, rear and side yard setback requirement. Each proposal shall comply with the maximum building coverage requirements (30% maximum allowed). Each proposal shall also comply with maximum impervious coverage requirements (40% maximum allowed)
- 5) Building Height - The height of the new buildings will comply with the zoning bylaw and shall be less than the maximum 40 feet allowed.

Density

- 6) Density – Pursuant to the Zoning Bylaw in effect at the time of applications, the maximum possible density for multi-family projects is 8 units per whole acre for townhouse style units and 12 units per whole acre for apartment style units. With 3.77 acres, the Property could potentially include a maximum possible twenty four (24) townhome style units and thirty six (36) apartment style dwelling units. As presented the proposals either meets this criteria or is less than the maximum allowed density.

Special Regulations

- 7) Affordable housing – As this Multi-Family Development results in a net increase of new Dwelling Units, the Affordable Housing Bylaw shall apply pursuant to Section 8.6 of the Bylaw.
- 8) Open Space - Minimum Open Space shall be met as per the Medway Bylaws.
- 9) Parking spaces – Each proposal shall meet the parking requirements under the zoning Bylaw including Electric Vehicle Parking: The townhome style development shall equip each new housing unit will be equipped with a 200 Amp electric panel, which will be sufficient to provide

for electric vehicle charging if the new owners choose to install that upgrade. EV parking for the other proposals shall meet the bylaw requirements.

10) Town water and sewer service - The project will be served by Town water and sewer service presently located in High Street.

11) Number of units - The number of total new and existing units proposed for each proposal is less than the maximum potential number of units allowed under the Bylaw for a property of this size.

12) Historic Properties – The existing dwelling at the Property was built in 1880. The proposal before the Board will keep the existing home unchanged as part of this Project. The applicant has received approved from the Historical Commission to demolish the attached garage while preserving the existing single-family unit.

Decision Criteria

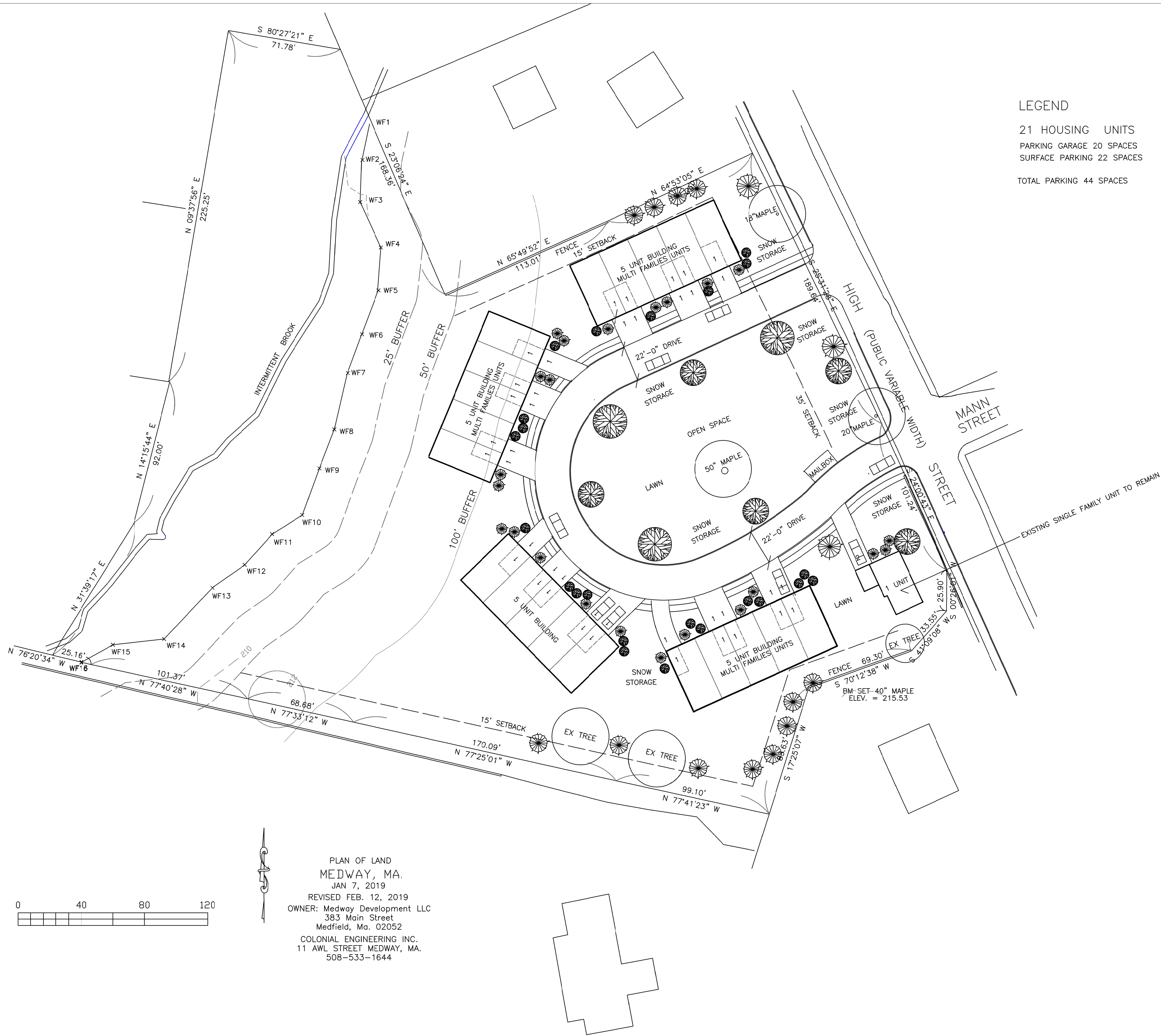
13) Meets purposes of Multi-Family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations - The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) provide a diversity of housing types in the form of townhouse style conditions; (2) promote pedestrian oriented development as the subject property is located within an older, walkable neighborhood. It also meets the purpose of the Site Plan Rules and Regulations.

14) Consistent with the Medway Housing Production Plan - The development meets the HPP's implementation strategy of encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for multi-family housing.

15) Impact on abutting properties and adjacent neighborhoods - The impact on abutting properties and adjacent neighborhoods will be addressed through vegetative screening, fencing and the positive aesthetics of the buildings to be constructed.

16) Variety of housing stock - The development increases the variety of housing stock in the community by providing a either townhome style condominiums or apartment style dwellings to the town's predominantly single-family detached housing supply.

17) Designed to be reflective of or compatible with the character of the surrounding neighborhood - The surrounding neighborhood includes a mix of housing types including single family, two-family and multi-family residences. Therefore, the proposed development is compatible with the surrounding neighborhood.



LEGEND

- 21 HOUSING UNITS
- PARKING GARAGE 20 SPACES
- SURFACE PARKING 22 SPACES
- TOTAL PARKING 44 SPACES

Project

MEDWAY
DEVELOPMENT
LLC

383 Main Street
MEDFIELD, MA
02052

KATTMAN
CORPORATION

Landscape Architects

Landscape Architecture
Planning

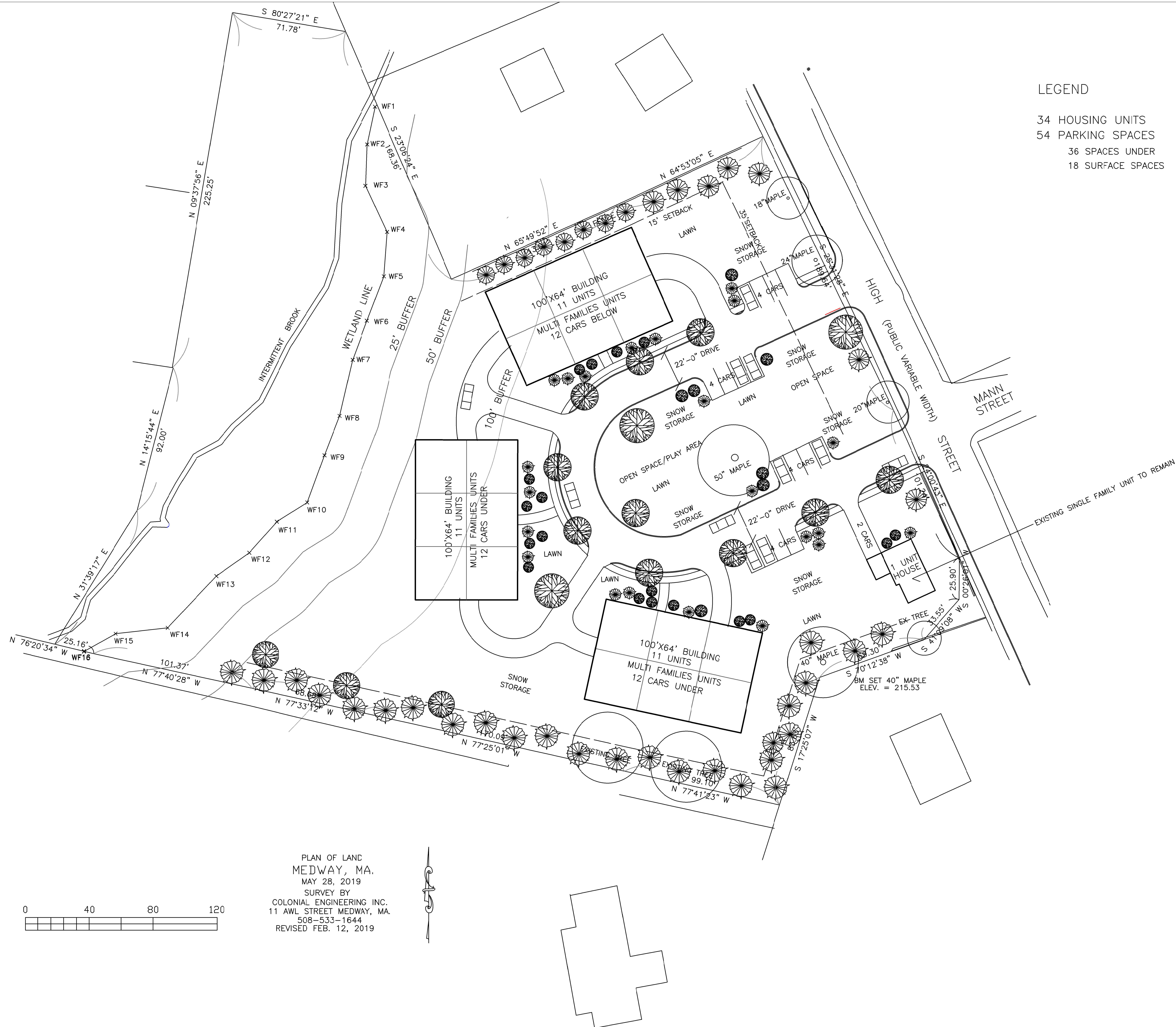
RICHARD KATTMAN
Mass. License # 606
24 WATER STREET
HOLLISTON, MASS. 01746
508-893-6232
richard.kattman@gmail.com
www.richardkattman.com

Sheet Title

SITE PLAN
4 Multi Families
BUILDINGS

Scale: 1"=30'-0"
Date: FEB 23, 2022
Revisions:

Sheet Number
L3



Project

MEDWAY
DEVELOPMENT
LLC

383 Main Street
MEDFIELD, MA
02052

KATTMAN
CORPORATION

Landscape Architects

Landscape Architecture
Planning

RICHARD KATTMAN
Mass. License # 606
24 WATER STREET
HOLLISTON, MASS. 01746
508-893-6232
richard.kattman@gmail.com
www.richardkattman.com

Sheet Title

SITE PLAN
3 MULTI FAMILIES
BUILDINGS

Scale: 1"=30'-0"
Date: Feb 25, 2022

Revisions:
22'-0" DRIVEWAY

Sheet Number
L2



Project

MEDWAY
DEVELOPMENT
LLC

383 Main Street
MEDFIELD, MA
02052

KATTMAN
CORPORATION

Landscape Architects

Landscape Architecture
Planning

RICHARD KATTMAN
Mass. License # 606
24 WATER STREET
HOLLISTON, MASS. 01746
508-893-6232
richard.kattman@gmail.com
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Sheet Title

SITE PLAN
2 MULTI FAMILIES
BUILDINGS

Scale: 1"=30'-0"
Date: Feb 25, 2022

Revisions:
22'-0" DRIVEWAY

Sheet Number
L1



STREET PERSPECTIVE VIEW



REAR PERSPECTIVE VIEW



21 HIGH STREET

57 Perkins Row, Topsfield, MA

BUILDING RENDERING

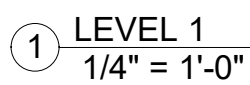
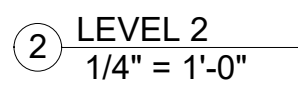
prepared for: LARION REAL ESTATE
Location: 19 Hospital Road, Medway
Title:

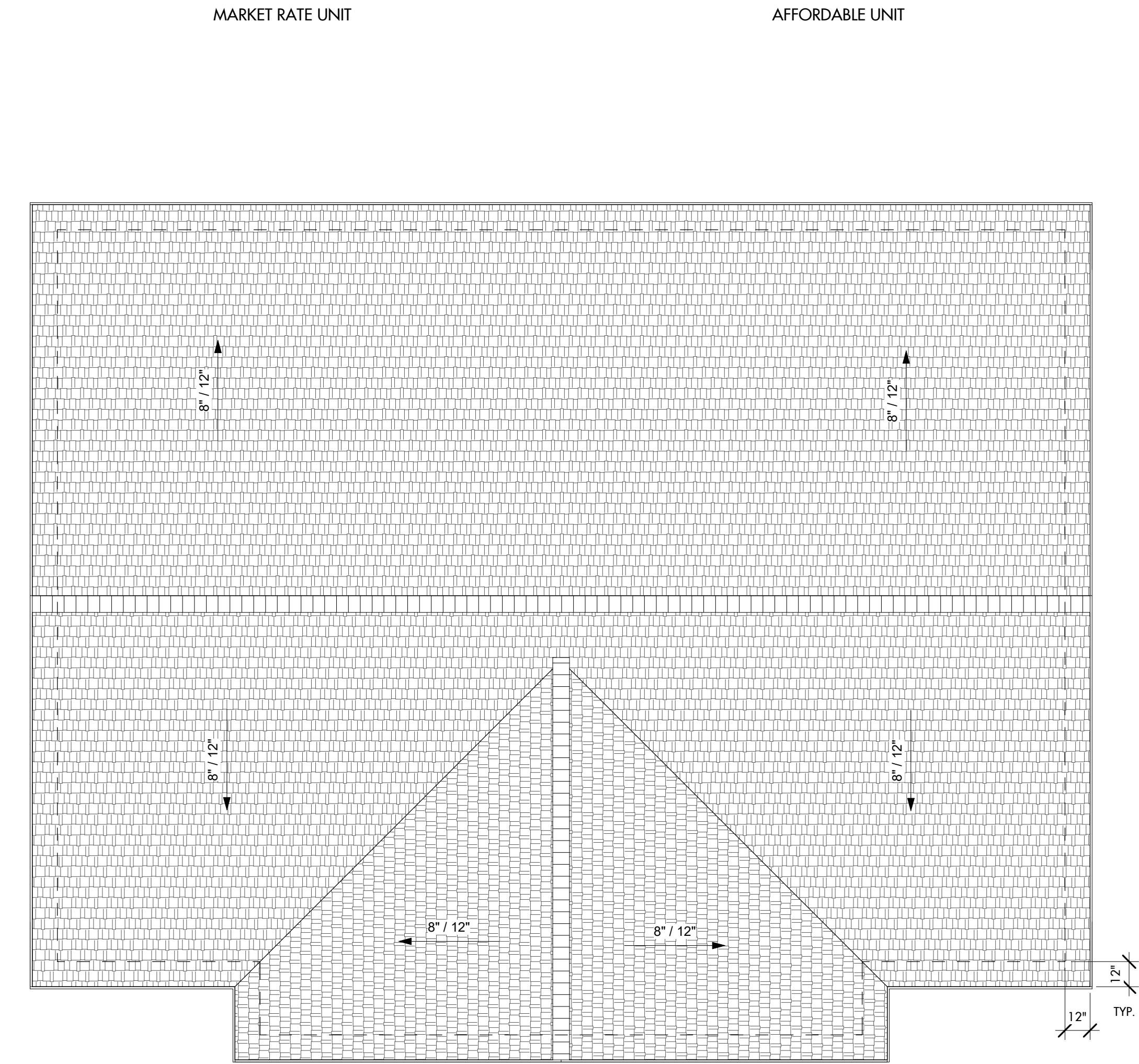
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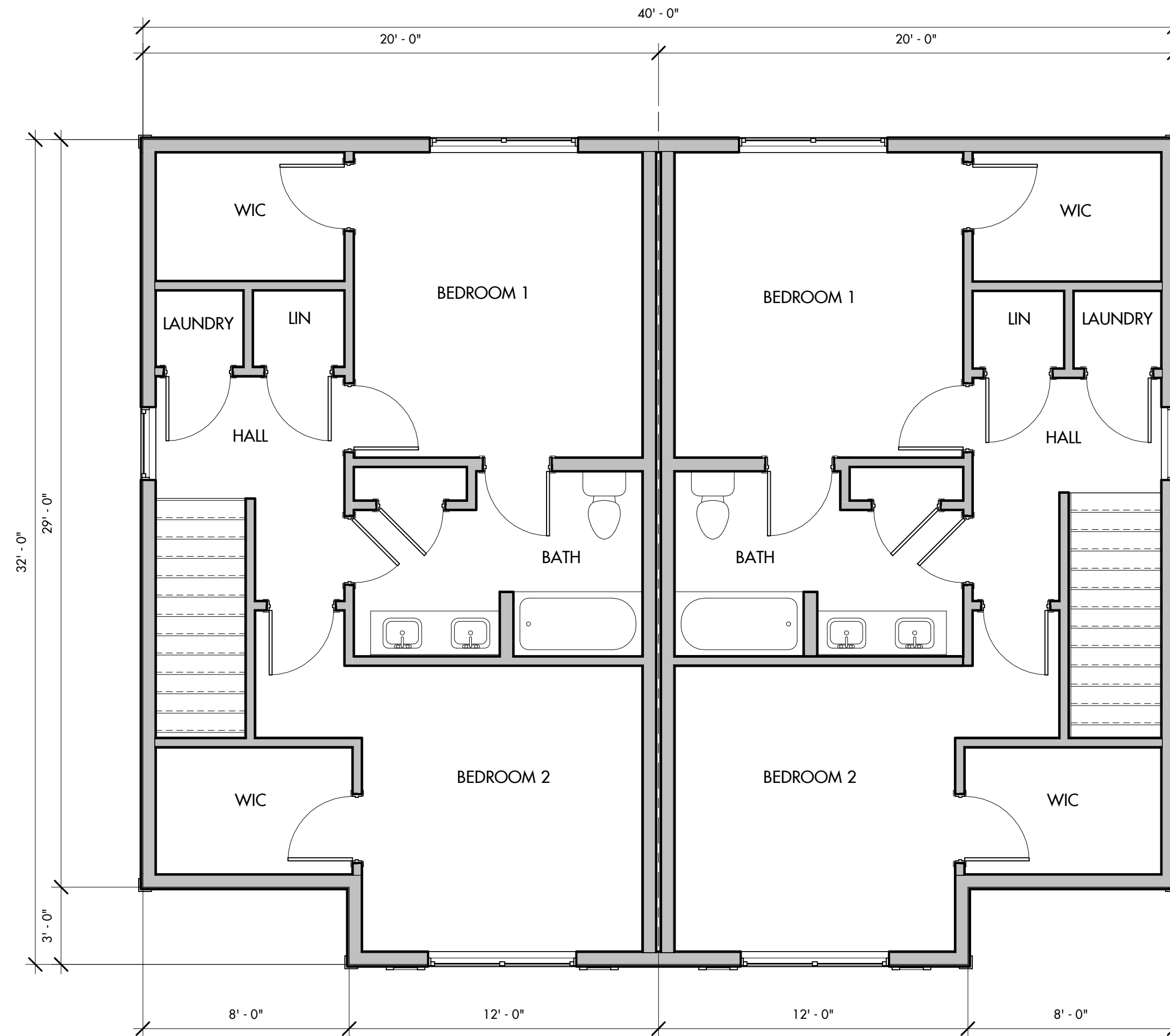
Mark	Date
Revisions	
Date	2021-03-08
Scale	
Job No.	200901
Sheet No.	

A000





④ ROOF PLAN
1/4" = 1'-0"



③ LEVEL 3
1/4" = 1'-0"

FLOOR PLAN LEGEND

	EXISTING WALLS		SOFFIT / CEILING CHANGE OR CABINETS ABOVE
	DEMO WALLS		SPOT ELEVATION
	NEW WALLS	Room name 101	ROOM NAME AND NUMBER
	DOOR & DOOR TAG DOOR HEIGHT (INCHES) DOOR WIDTH (INCHES)		REVISION
	WINDOW & WINDOW TAG		WALL SECTION NUMBER AND SHEET
	SIM		BUILDING SECTION NUMBER AND SHEET

ROOF PLAN NOTES

1. ROOFING SHALL BE 25 YEAR ARCHITECTURAL SHINGLES. COORDINATE STYLE AND COLOR W/ OWNER.
2. 36" WIDE ICE & WATER SHIELD @ EAVE, VALLEY, @ RIDGE.
3. INSTALL 1.5" FELT BELOW SHINGLES.
4. INSTALL CONTINUOUS ROOF/WALL FLASHING FROM EAVE TO RIDGE AT CHEEK WALLS. SIDING SHALL START 1" ABOVE ROOF DECK.
5. PROVIDE & INSTALL ALUMINUM DRIP EDGE EAVE AND GABLE.
6. PROVIDE & INSTALL FLASHING BOOTS FOR ALL ROOF PENETRATIONS.
7. PROVIDE & INSTALL CONTINUOUS RIDGE VENT & CONTINUOUS SOFFIT VENTS & CAVITY BAFFLES FOR AIR FLOW.
8. COORDINATE GUTTERS AND RAIN LEADERS W/ OWNER AND FIELD CONDITIONS.



21 HIGH STREET

FLOOR PLAN LEVEL 3 & ROOF
PLAN

prepared for: LARION REAL ESTATE
Location: 19 Hospital Road Medway
Title:

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Mark	Date
Revisions	
Date	2021-03-08
Scale	1/4" = 1'-0"
Job No.	200901
Sheet No.	

A102



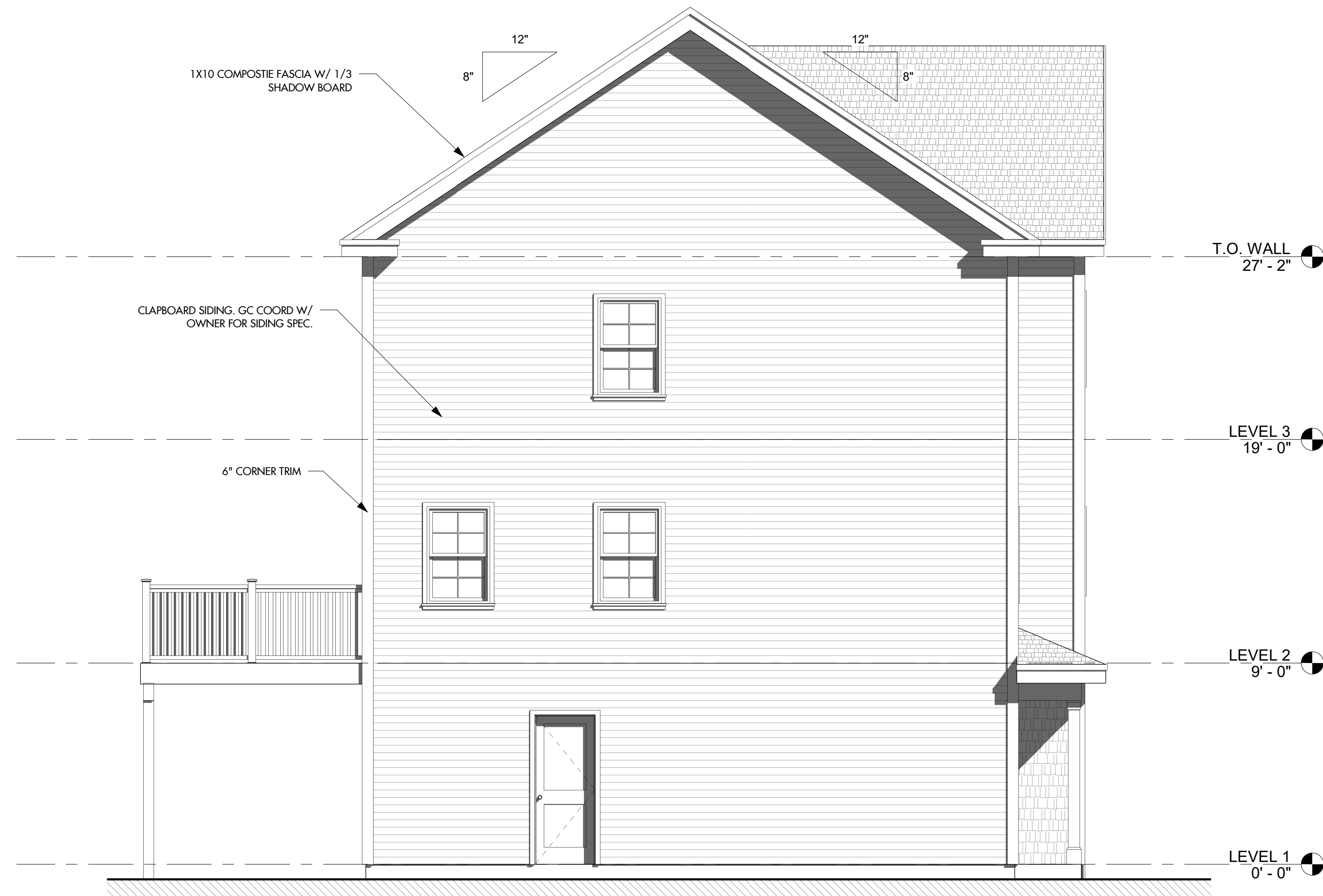
④ REAR ELEVATION-()
 1/4" = 1'-0"



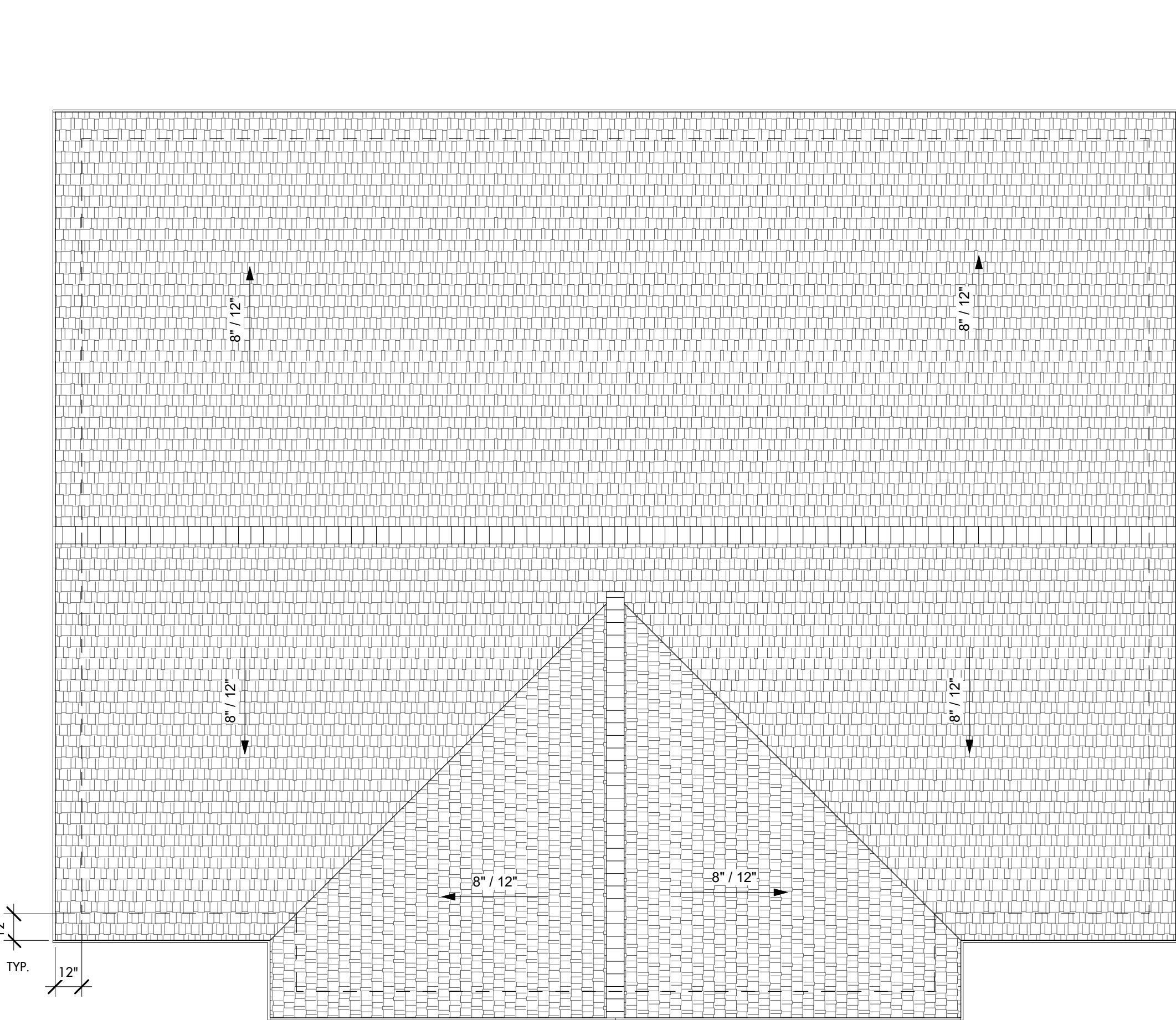
③ RIGHT SIDE ELEVATION-()
 1/4" = 1'-0"



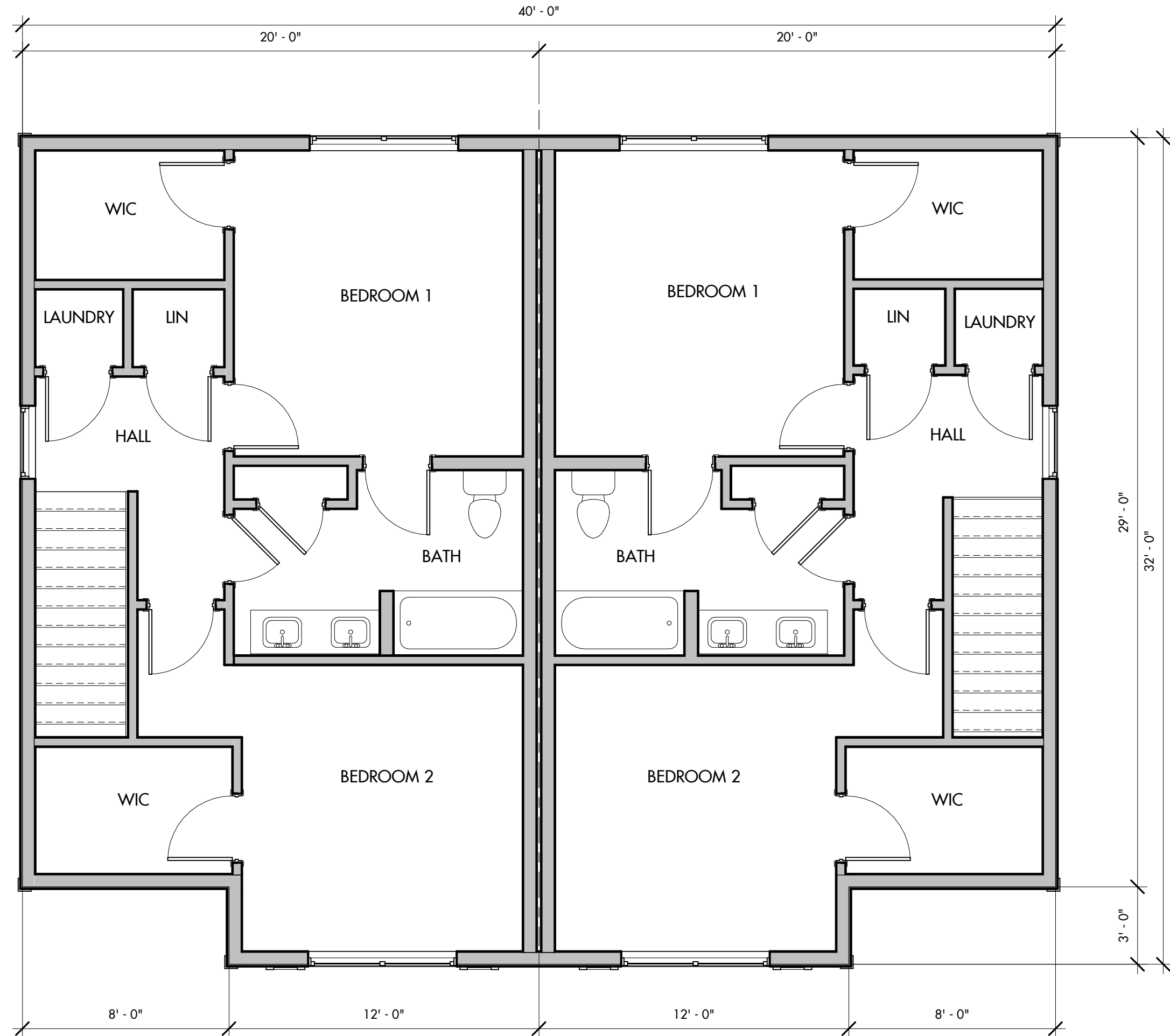
① FRONT ELEVATION-()
 1/4" = 1'-0"



② LEFT SIDE ELEVATION-()
 1/4" = 1'-0"



④ ROOF PLAN
1/4" = 1'-0"



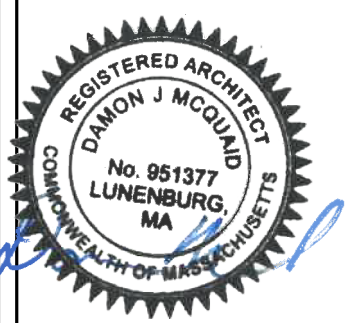
③ LEVEL 3
1/4" = 1'-0"

FLOOR PLAN LEGEND

	EXISTING WALLS		SOFFIT / CEILING CHANGE OR CABINETS ABOVE
	DEMO WALLS		SPOT ELEVATION
	NEW WALLS	Room name 101	ROOM NAME AND NUMBER
	DOOR & DOOR TAG DOOR HEIGHT (INCHES) DOOR WIDTH (INCHES)		REVISION
	WINDOW & WINDOW TAG		WALL SECTION NUMBER AND SHEET
	SIM		BUILDING SECTION NUMBER AND SHEET

ROOF PLAN NOTES

1. ROOFING SHALL BE 25 YEAR ARCHITECTURAL SHINGLES. COORDINATE STYLE AND COLOR W/ OWNER.
2. 36" WIDE ICE & WATER SHIELD @ EAVE, VALLEY, @ RIDGE.
3. INSTALL 15# FELT BELOW SHINGLES.
4. INSTALL CONTINUOUS ROOF/WALL FLASHING FROM EAVE TO RIDGE AT CHEEK WALLS. SIDING SHALL START 1" ABOVE ROOF DECK.
5. PROVIDE & INSTALL ALUMINUM DRIP EDGE EAVE AND GABLE.
6. PROVIDE & INSTALL FLASHING BOOTS FOR ALL ROOF PENETRATIONS.
7. PROVIDE & INSTALL CONTINUOUS RIDGE VENT & CONTINUOUS SOFFIT VENTS & CAVITY BAFFLES FOR AIR FLOW.
8. COORDINATE GUTTERS AND RAIN LEADERS W/ OWNER AND FIELD CONDITIONS.



PERKINS LANDING

57 Perkins Row Topsfield, MA

FLOOR PLAN LEVEL 3 & ROOF MIRROR PLAN

prepared for: LARSON REAL ESTATE
Location: 19 Hospital Road Medway
Title:

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Mark	Date
Revisions	
Date	2021-03-08
Scale	1/4" = 1'-0"
Job No.	200901
Sheet No.	

A102M



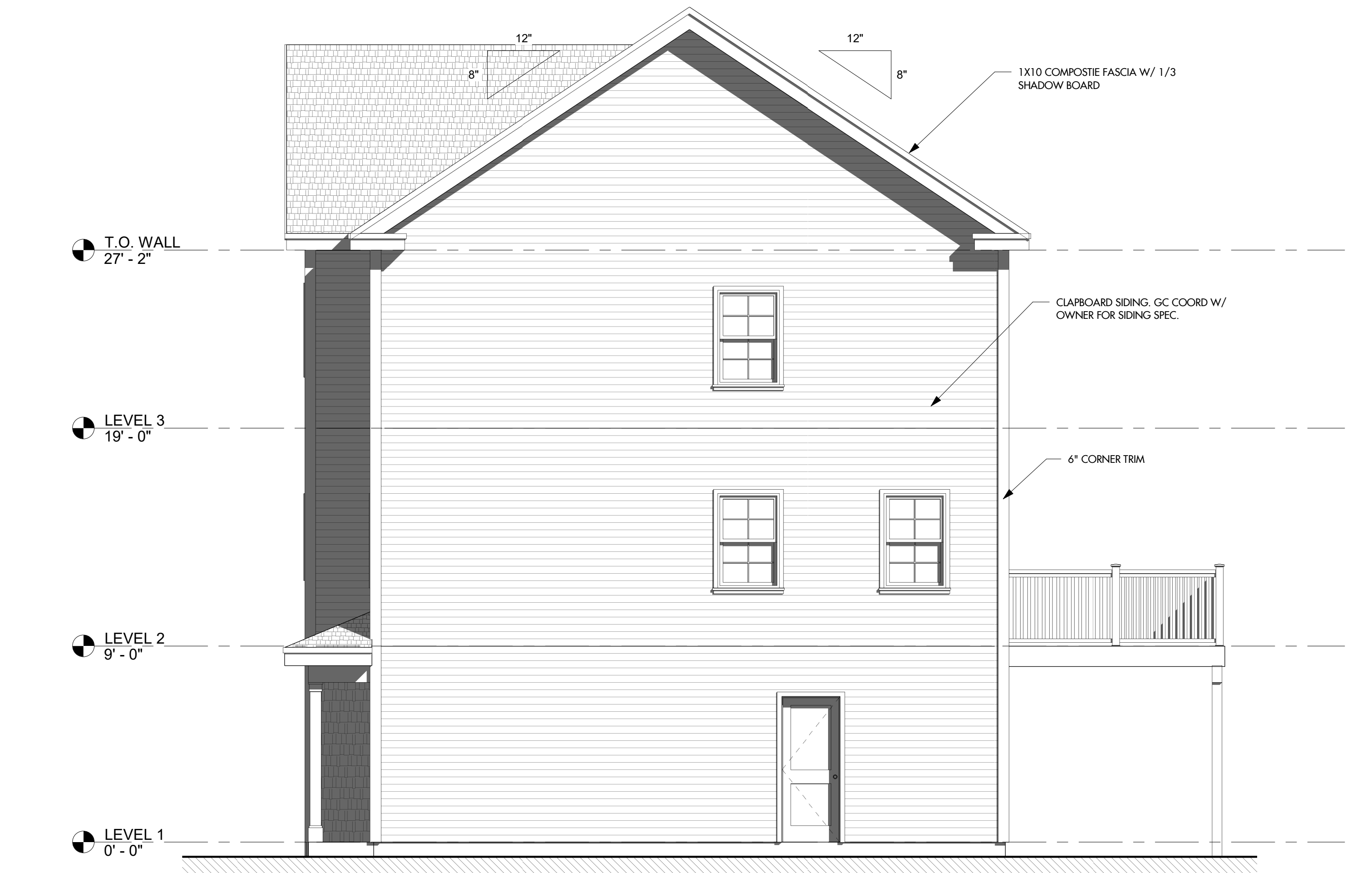
④ REAR ELEVATION(-)
1/4" = 1'-0"



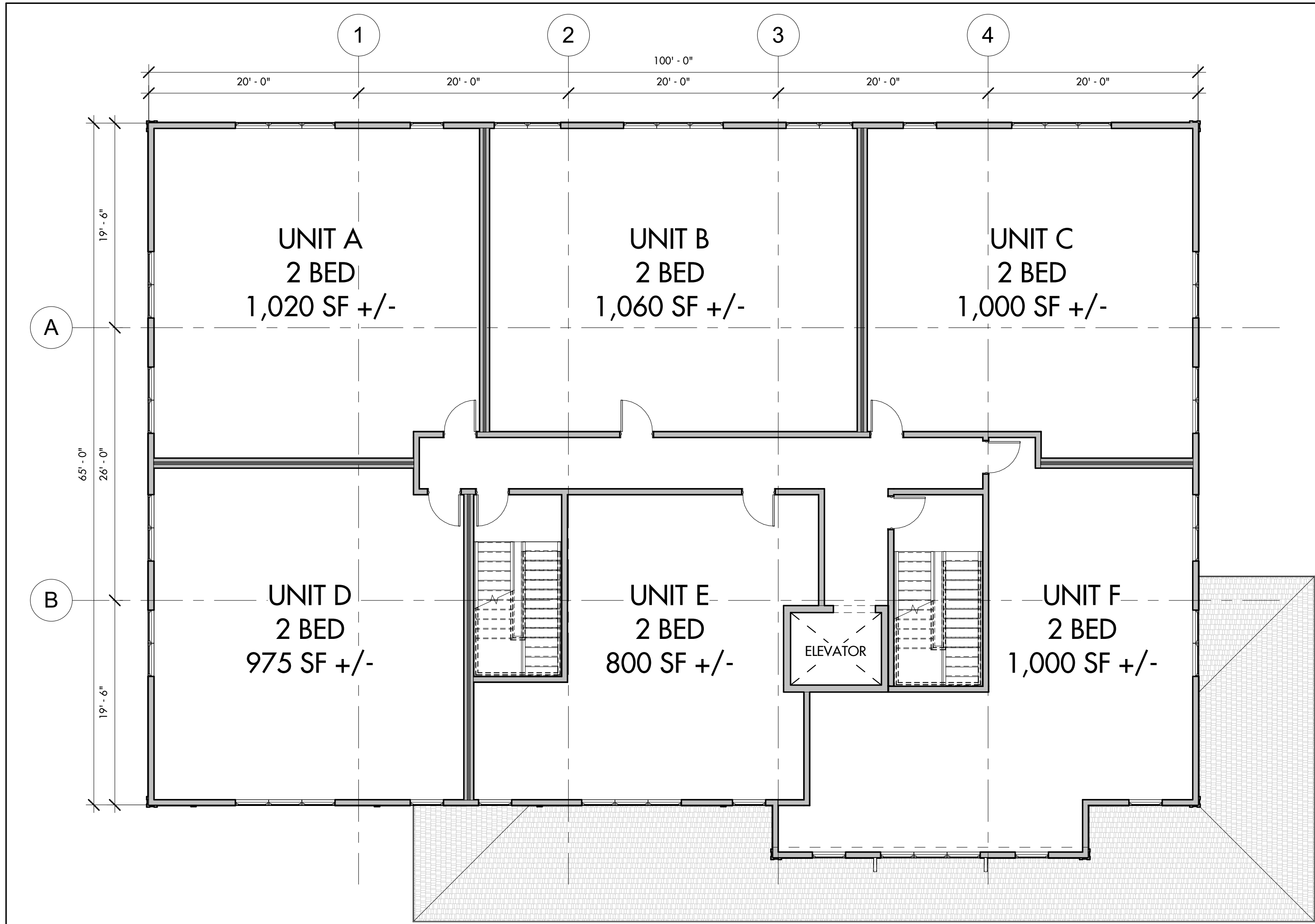
① FRONT ELEVATION(-)
1/4" = 1'-0"



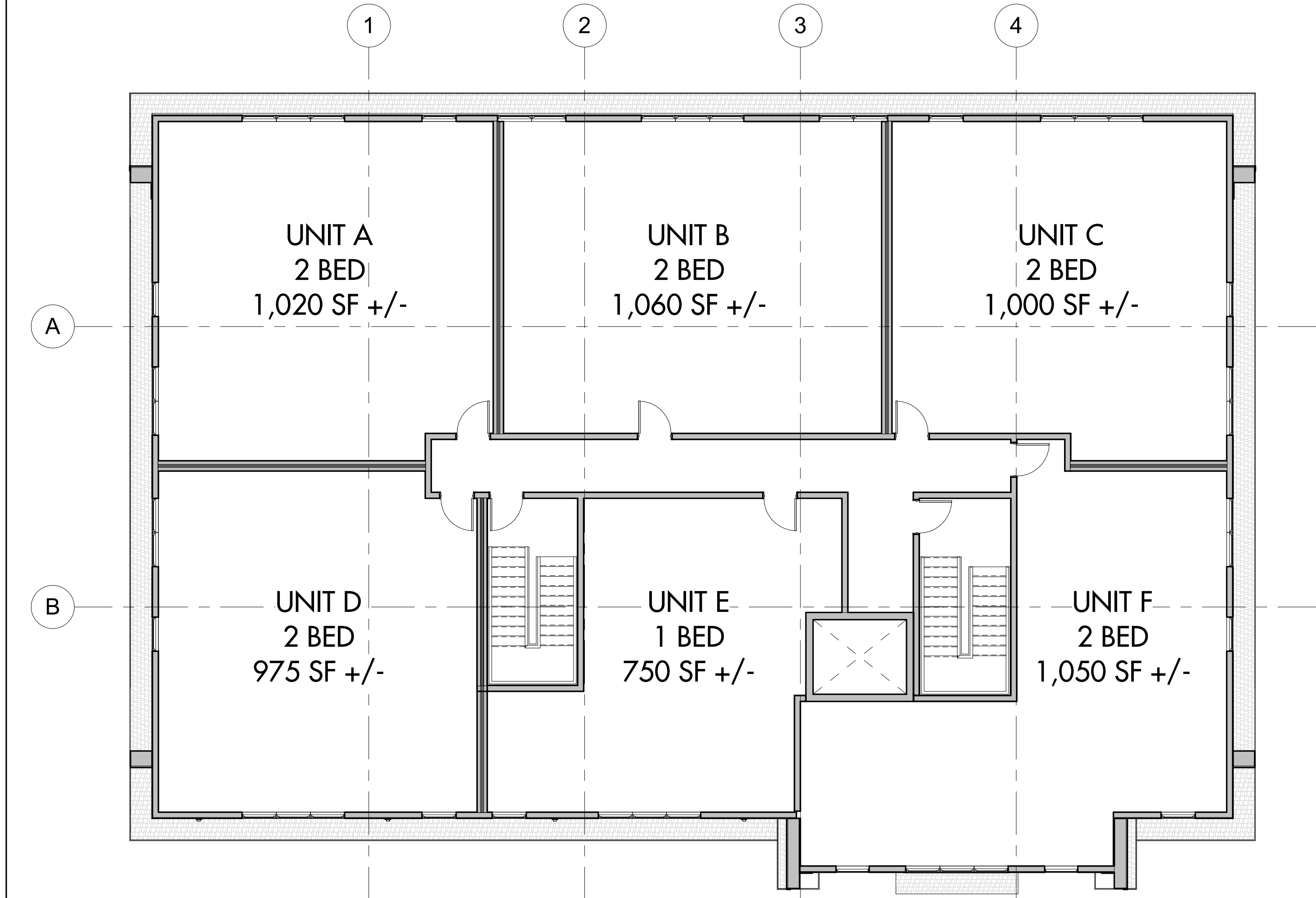
③ RIGHT SIDE ELEVATION(-)
1/4" = 1'-0"



② LEFT SIDE ELEVATION(-)
1/4" = 1'-0"



1 LEVEL 1
1/8" = 1'-0"



3 LEVEL 2
1/8" = 1'-0"

FLOOR PLAN LEGEND

EXISTING WALLS

DEMO WALLS

NEW WALLS

101

DOOR & DOOR TAG

A

WINDOW & WINDOW TAG

1

A101

SIM

WALL SECTION
NUMBER AND SHEET

SOFFIT / CEILING CHANGE
OR CABINETS ABOVE

SPOT ELEVATION

EW-6A

REFER TO SHEET A500 FOR
ASSEMBLY TYPE

Room name

101

ROOM NAME AND
NUMBER

1

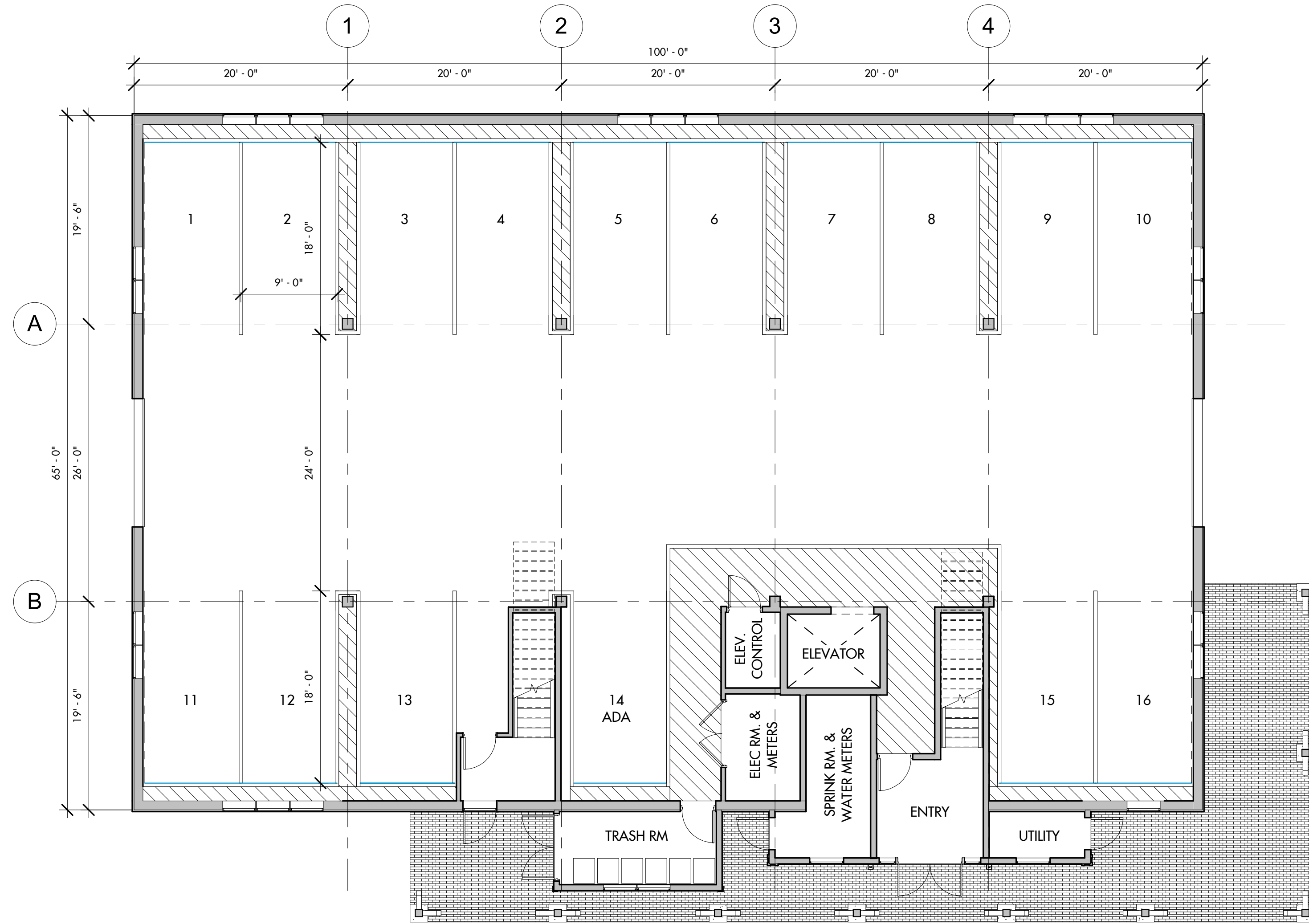
REVISION

1

A101

SIM

BUILDING SECTION
NUMBER AND SHEET



2 GARAGE LEVEL-FLOOR PLAN
1/8" = 1'-0"

Damon McQuaid
Architect

Architecture - Interiors - Land Planning
49 Brookview Terr. Lunenburg, MA 01462
dm@dmcquidarchitect.com
978-340-5922

21 HIGH STREET
MEDWAY

21 HIGH STREET MEDWAY, MA

prepared for: LARION REAL ESTATE GROUP INC.
Location: 29 HOSPITAL RD MEDFIED, MA 02052
Title:

FLOOR PLANS

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Mark

Date

Revisions

Date

2019-09-09

Scale

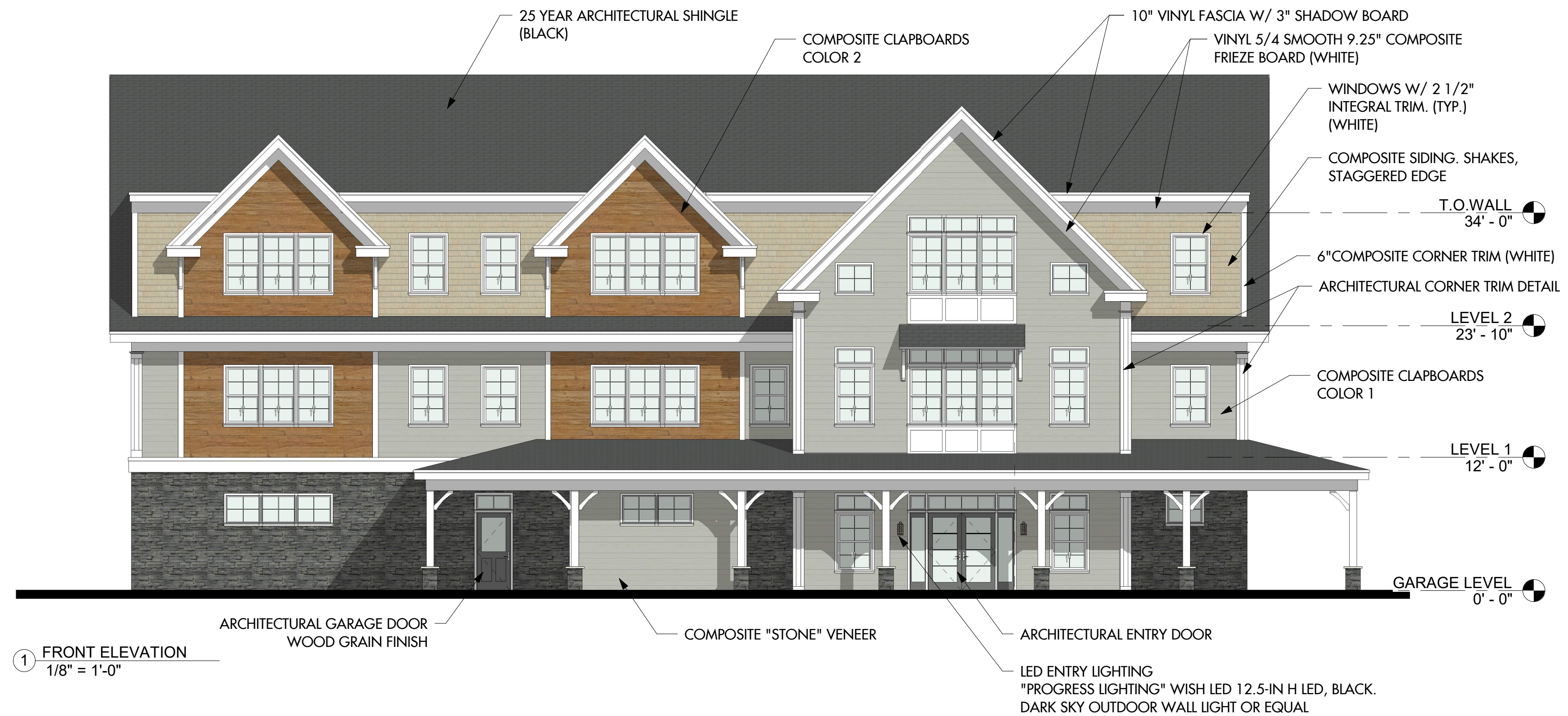
As indicated

Job No.

190703

Sheet No.

A1a





**21 HIGH STREET
MEDWAY**

21 HIGH STREET MEDWAY MA

Prepared for: LARKIN REAL ESTATE GROUP INC

Prepared for: LARKIN REAL ESTATE GROUP INC

SITE RENDERING FROM STREET

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Mark	Date
Revisions	
Date	2019-09-09
Scale	
Job No.	190703
Sheet No.	

A3.0



Damon McQuaid
Architect
Architecture - Interiors - Land Planning
49 Brookview Terr. Lunenburg, MA 01462
dm@dmcquidarchitect.com
978-340-5922

**21 HIGH STREET
MEDWAY**

21 HIGH STREET MEDWAY, MA

prepared for: LARKIN REAL ESTATE GROUP INC.

Approver

location	title
----------	-------

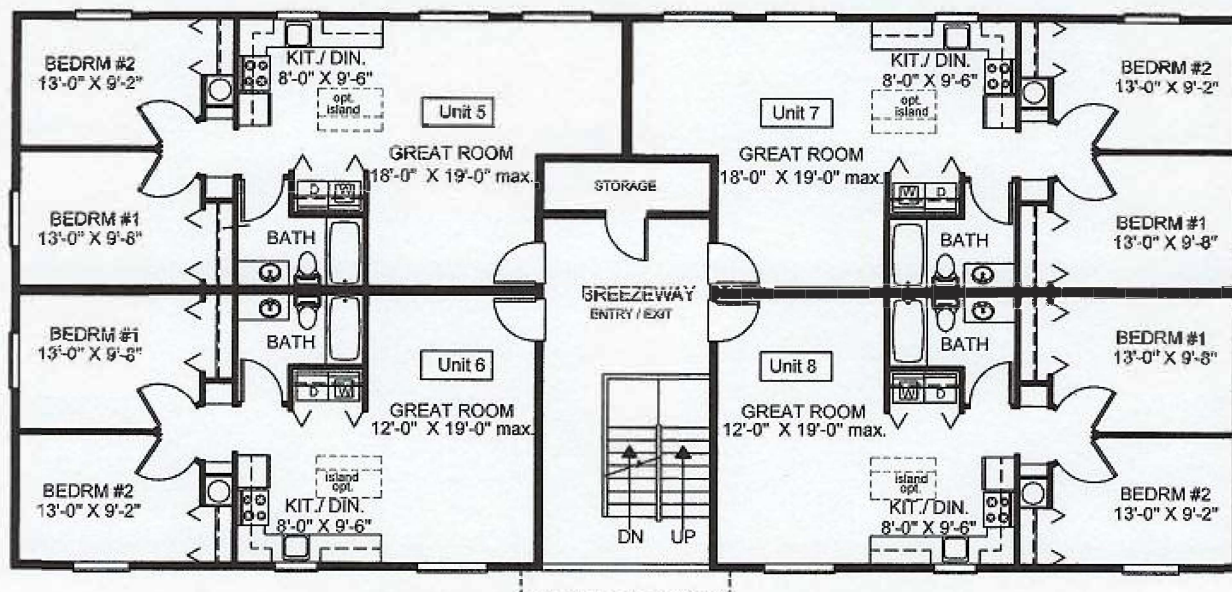
SITE RENDERING FROM SOUTH

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Mark	Date
	Revisions
Date	2019-09-09
Scale	
Job No.	190703
Sheet No.	

A3.1



TYPICAL FLOOR PLAN

2ND FLOOR SHOWN
 OTHER FLOORS TO BE SIMILAR

804.00 SF / UNIT AT 2ND & 3RD FLOOR
 700.00 SF / UNIT AT 1ST FLOOR

Bldg. Width = 88'-0"
 Depth = 42'-0"
 (Includes Porches)
 Total sq. ft. = 760-824 / Unit
 (12 Units Shown)

Building Designs By Stockton
 residential multi-family marketing
 Toll Free 1-800-669-0091
 E-Mail: info@stocktondesign.com
 Web Site: www.stocktondesign.com

12-2902-3A

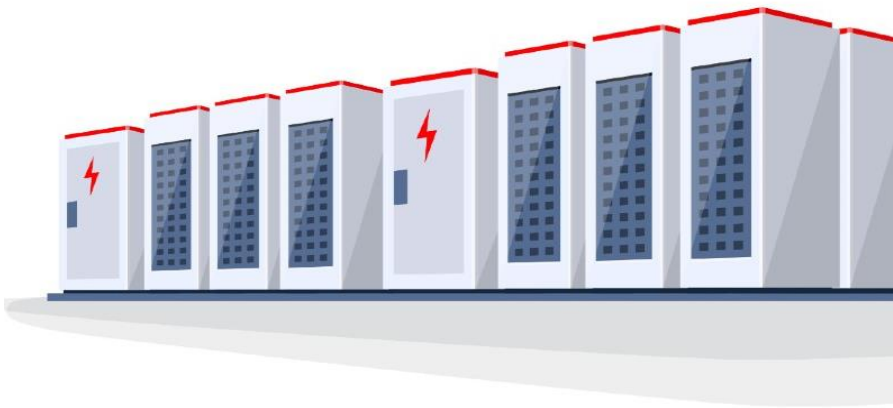


March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

Battery Energy Storage Systems (BESS)

- Flyer for the upcoming 3-17-22 BESS presentation by Arup on technical language to include in zoning regulations
- Preliminary draft of an outline of recommended technical language to include in zoning regulations, dated 3-4-22, prepared by Arup.



Battery Energy Storage Systems (BESS) Zoning Regulations

The Town of Medway has contracted with Arup, a multi-disciplinary firm of engineers, designers, planners, consultants and technical specialists, to assist the Town and the community to learn about battery energy storage systems (BESS).

Arup will make a presentation about recommended technical language to include in possible zoning bylaw provisions regarding BESS facilities. Arup's report will be available in advance of the meeting and may be viewed or downloaded after March 11th at: <https://www.townofmedway.org/planning-economic-development-board>

There will be an opportunity for questions and answers.

NOTE – The purpose of this session is to present information pertaining to recommended technical provisions to include in possible BESS zoning regulations. The presentation will not address any particular site, project proposal, or rezoning.

Zoning Regulations for Battery Energy Storage Systems

Thursday,
March 17, 2022
@ 7 p.m. via ZOOM

Presentation by
Arup, the Town's
BESS consultant.

Zoom Access

<https://us02web.zoom.us/j/87401837922?pwd=aE1oa2hBeINOd2pVVGJHN1VjU0dXUT09>

Meeting ID:
845 3553 8141

Passcode: 213705

Medway Planning and Economic Development Board

155 Village Street
Medway, MA 02053

508-533-3291

planningboard@townofmedway.org

Town of Medway

BESS Technical Zoning Outline

March 4, 2022

DRAFT PRELIMINARY

Overview

Proposed BESS Zoning Section	Arup BESS Technical Input
Authority	None
Purpose	None
Application	BESS Code Thresholds
Definitions	Definitions
General Requirements	Building Code
	Electrical Code
	Fire Code
	Required Documentation
Siting Standards	Permissible Location Thresholds
	Required Setbacks
	Emergency Access
	Code Required Commissioning
Design Standards	Signage
	Utility Connections

Proposed BESS Zoning Section	Arup BESS Technical Input
Design Standards, cont.	Disconnection Means
	UL Listing requirements
Safety and Environmental Standards	Perimeter Barrier
	Vegetation / Combustible Setback
	Emergency Response Plan
	Technology-Specific Safety Systems
Monitor and Maintenance	Code Required Maintenance
Abandonment or Decommissioning	Decommissioning
Procedures	None
Terms of Special Permit	None
Permit Time Frame and Abandonment	None
Enforcement	None
Severability	None

DRAFT PRELIMINARY

Approach

Each section of recommended zoning bylaw content is provided with two options.

- **Option A:** NFPA 855, Standard for the Installation of Stationary Energy Storage Systems

If implemented, Option A would require full compliance with the most recent available edition of NFPA 855 for all BESS projects within Medway. NFPA 855, though not currently formally adopted by the State of Massachusetts, is the latest available standard on BESS safety. It is our recommendation that the Town of Medway consider voluntary adoption of NFPA 855 to capture the latest industry research and knowledge in BESS safety.

- **Option B:** 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code

Option B represents the minimum requirements applicable to all jurisdictions within Massachusetts.

DRAFT PRELIMINARY

Authority

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
-	1.	None

Purpose

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
A.	2.	None

Application

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
B.	4.	BESS Code Thresholds

Technical Code/Regulation Reference Section

This section applies to energy storage systems exceeding the thresholds contained in NFPA 855

Code/Regulation Plain Language (reference only)

Applicable to energy storage systems exceeding the following capacities:

- *Lead-acid > 70 kWh*
- *Nickel > 70 kWh*
- *Li-ion > 20 kWh*
- *Sodium nickel chloride > 20 kWh*
- *Flow > 20 kWh*
- *Other battery technologies > 10 kWh*
- *BESS in one- and two-family dwellings > 1 kWh*

Code Reference

NFPA 855 Table 1.3

DRAFT PRELIMINARY

Application

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
B.	4.	BESS Code Thresholds

Technical Code/Regulation Reference Section	Code/Regulation Plain Language (reference only)	Code Reference
<p>This section applies to energy storage systems exceeding the thresholds contained in 527 CMR 1.00</p>	<p><i>Indoor stationary Lead-Acid and Nickel-Cadmium batteries with electrolyte capacities > 100gal in sprinklered buildings or > 50gal in unsprinklered buildings where used as facility standby power, emergency power, or UPS</i></p> <p>Indoor and outdoor Li-ion, sodium, flow, and other battery technologies exceeding the following capacities:</p> <ul style="list-style-type: none"> - Li-ion > 20 kWh - Sodium > 20 kWh - Sodium ion > 70 kWh - Flow > 20 kWh - Other battery technologies > 10 kWh <p>Note that 527 CMR does not currently contain prescriptive requirements applicable to BESS below the thresholds identified above (i.e. < 20 kWh). The MA State Fire Marshall's Office has issued a Joint Memorandum providing guidance for AHJs seeking to regulate ESS within one- and two-family homes. This gap is addressed if Option A is pursued.</p>	<p>527 CMR 1.00 §52.2.1</p> <p>527 CMR 1.00 §52.3.1</p>

DRAFT PRELIMINARY

Definitions

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
C.	3.	Definitions

Technical Code/Regulation Reference Section Terminology contained in this section is as defined by NFPA 855, in addition to the definitions in this section. Reference to NFPA 855 should be assumed as reference to the latest edition of the code. 780 CMR, Massachusetts State Building Code. The state building code for Massachusetts. 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code. The state fire code for Massachusetts. 527 CMR 12.00, Massachusetts Electrical Code. The state electrical code for Massachusetts. Where a term is not defined, they shall be defined using their ordinary accepted meanings within the context in which they are used

Code/Regulation Plain Language (reference only) <i>BESS-specific terminology is defined in Chapter 3 of NFPA 855</i>
--

Code Reference NFPA 855 Chapter 3

Definitions

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
C.	3.	Definitions
Technical Code/Regulation Reference Section Terminology contained in this section is as defined by 527 CMR 1.00, in addition to the definitions in this section. Reference to NFPA 855 should be assumed as reference to the latest edition of the code. 780 CMR, Massachusetts State Building Code. The state building code for Massachusetts. 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code. The state fire code for Massachusetts. 527 CMR 12.00, Massachusetts Electrical Code. The state electrical code for Massachusetts.	Code/Regulation Plain Language (reference only) <i>BESS-specific terminology is defined in Chapter 3 of 527 CMR 1.00</i>	Code Reference 527 CMR 1.00 Chapter 3

DRAFT PRELIMINARY

General Requirements – Building Code

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Building Code
Technical Code/Regulation Reference Section <p>All energy storage systems shall be designed, constructed, and operated in accordance with the applicable requirements of 780 CMR.</p> <p>Permits shall comply with 780 CMR</p>	Code/Regulation Plain Language (reference only) <p><i>Building permits will be applied for and obtained through the typical building permit process in Medway</i></p>	Code Reference <p>780 CMR §105</p>

DRAFT PRELIMINARY

General Requirements – Building Code

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Building Code
Technical Code/Regulation Reference Section Same as Option A	Code/Regulation Plain Language (reference only) Same as Option A	Code Reference Same as Option A

DRAFT PRELIMINARY

General Requirements – Electrical Code

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Electrical Code
Technical Code/Regulation Reference Section All energy storage systems shall be designed, constructed, and operated in accordance with the applicable requirements of 527 CMR 12.00 Permits shall comply with 527 CMR 12.00 and M.G.L.c. 	Code/Regulation Plain Language (reference only) <i>BESS requirements pertaining to electrical design and installation are contained within Article 480 of 527 CMR 12.00 (NEC)</i> <i>Electrical permits will be applied for and obtained through the typical electrical permit process in Medway</i> 	Code Reference 527 CMR 12.00 Rule 8 and M.G.L.c. 143 §3L

DRAFT PRELIMINARY

General Requirements – Electrical Code

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Electrical Code

Technical Code/Regulation Reference Section
Same as Option A

Code/Regulation Plain Language (reference only)
Same as Option A

Code Reference
Same as Option A

DRAFT PRELIMINARY

General Requirements – Fire Code

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Fire Code
Technical Code/Regulation Reference Section <p>All energy storage systems shall be designed, constructed, and operated in accordance with the applicable requirements of NFPA 855, Standard for the Installation of Stationary Energy Storage Systems and 527 CMR 1.00</p> <p>Permits shall comply with 527 CMR 1.00</p>	Code/Regulation Plain Language (reference only) <p><i>ESS requirements for safety, operation, and installation are contained within Chapter 52 of 527 CMR 1.00</i></p> <p><i>A permit through the local fire department is required for BESS exceeding the code thresholds for capacity identified above. Fire permits will be applied for and reviewed through the typical fire permit process in Medway</i></p>	Code Reference <p>527 CMR 1.00 §1.12 and §1.12.8.32</p>

DRAFT PRELIMINARY

General Requirements – Fire Code

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Fire Code
Technical Code/Regulation Reference Section <p>All energy storage systems shall be designed, constructed, and operated in accordance with the applicable requirements of NFPA 855, Standard for the Installation of Stationary Energy Storage Systems and 527 CMR 1.00</p> <p>Permits shall comply with 527 CMR 1.00</p>	Code/Regulation Plain Language (reference only) <p><i>Option A would require full compliance with the newest edition of NFPA 855</i></p> <p><i>A permit through the local fire department is required for BESS exceeding the code thresholds for capacity identified above. Fire permits will be applied for and reviewed through the typical fire permit process in Medway</i></p>	Code Reference <p>527 CMR 1.00 §1.12 and §1.12.8.32</p>

DRAFT PRELIMINARY

General Requirements – Required Documentation

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Required Documentation
Technical Code/Regulation Reference Section <p>Required documentation for the construction of new ESS systems per NFPA 855 will be provided to the AHJ for approval</p>	Code/Regulation Plain Language (reference only) <p><i>Required documentation to be provided to the AHJ during the design and permitting process and the building owner / owner's authorized agent includes:</i></p> <ol style="list-style-type: none"> <i>1. Construction plans and specifications to be provided to the AHJ</i> <i>2. Plans and specifications associated with energy storage systems owned and operated by utilities as a component of the electric grid that are considered critical infrastructure documents</i> <i>3. Test data, evaluation information, and calculations where required elsewhere by NFPA 855</i> <i>4. Where modeling data is provided, validation of modeling results is required</i> <i>5. Commissioning plan containing information complying with NFPA 855 Chapter 6</i> <i>6. Emergency operations plan</i> 	Code Reference <p>NFPA 855 §4.1.2 and §4.1.3</p>

DRAFT PRELIMINARY

General Requirements – Required Documentation

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
D.	5.	Required Documentation
Technical Code/Regulation Reference Section Required documentation for the construction of new ESS systems per 527 CMR 1.00 will be provided to the AHJ for approval	Code/Regulation Plain Language (reference only) <i>Prior to installation, plans must be submitted and approved by the AHJ</i>	Code Reference 527 CMR 1.00 §52.1.2

DRAFT PRELIMINARY

Siting Requirements – Permissible Location Thresholds

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Permissible Location Thresholds
<p>Technical Code/Regulation Reference Section</p> <p>Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855</p> <p>Where energy storage systems exceed the thresholds identified above, the AHJ is permitted to approve installations on the basis of large-scale fire test data and/or hazard mitigation analysis as permitted by NFPA 855</p>	<p>Code/Regulation Plain Language (reference only)</p> <p><i>The BESS applicant can install systems up to the thresholds listed below. For BESS with larger capacities than the thresholds, large-scale fire test data and hazard analysis are required to support the installation.</i></p> <p><i>ESS threshold for overall capacity applies to ESS located:</i></p> <ul style="list-style-type: none"> - Indoor ESS located in non-dedicated-use buildings - Outdoor ESS located nearby (within 100ft) of the following exposures: buildings, lot lines that can be built upon, public ways (roads), stored combustible materials, hazardous materials, high-piled storage, and other exposure hazards not associated with electrical grid infrastructure - ESS in open parking garages and on rooftops of buildings <p><i>ESS overall capacity thresholds are:</i></p> <ul style="list-style-type: none"> - Lead-acid, Unlimited; - Nickel, Unlimited; - Li-ion ≤ 600 kWh; - Sodium nickel chloride ≤ 600 kWh; - Flow ≤ 600 kWh; - Other battery technologies ≤ 200 kWh 	<p>Code Reference</p> <p>NFPA 855 §4.6 and §4.8</p> <p>NFPA 855 §4.1.4 and §4.1.5</p>

DRAFT PRELIMINARY

Siting Requirements – Permissible Location Thresholds

Option A: NFPA 855, Continued

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Permissible Location Thresholds
Technical Code/Regulation Reference Section	Code/Regulation Plain Language (reference only)	Code Reference
	<p><i>ESS threshold for array capacity is 50 kWh separated by 3 feet applies to ESS located:</i></p> <ul style="list-style-type: none"> <i>- Indoor ESS located in non-dedicated-use buildings</i> <i>- Outdoor ESS located nearby (within 100ft) of the following exposures: buildings, lot lines that can be built upon, public ways (roads), stored combustible materials, hazardous materials, high-piled storage, and other exposure hazards not associated with electrical grid infrastructure</i> <p><i>For the ESS locations above exceeding the thresholds, large-scale fire testing and hazard mitigation analysis is required.</i></p> <p><i>Large-scale fire test data per UL 9540A is required for BESS > 50 kWh as a requirement of the UL 9540 BESS listing</i></p>	

DRAFT PRELIMINARY

Siting Requirements – Permissible Location Thresholds

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Permissible Location Thresholds
Technical Code/Regulation Reference Section Energy storage system capacities are limited to the thresholds contained in 527 CMR 1.00 Energy storage system arrays are limited to the capacity and spacing thresholds contained in 527 CMR 1.00 Where energy storage systems exceed the thresholds identified above, the AHJ is permitted to approve installations on the basis of large-scale fire test data and/or hazard mitigation analysis as permitted by 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>The BESS applicant can install systems up to the thresholds listed below. For BESS with larger capacities than the thresholds, large-scale fire test data and hazard analysis are required to support the installation.</i> <i>Energy storage systems are limited to the following maximum capacities:</i> - Li-ion ≤ 600 kWh; - Sodium ≤ 600 kWh; - Flow ≤ 600 kWh; - Other battery technologies ≤ 200 kWh; - Prepackaged and pre-engineered systems ≤ 250 kWh <i>Arrays within energy storage systems are limited to a maximum of 50 kWh spaced a minimum of 3ft apart and 3ft from combustible BESS container walls</i> <i>The AHJ may approve ESS with larger overall capacities where a hazard mitigation analysis (FMEA or other equivalent type) is provided.</i> <i>Large-scale fire test data per UL 9540A is required for BESS > 50 kWh as a requirement of the UL 9540 BESS listing</i>	Code Reference 527 CMR 1.00 §52.3.2.2 527 CMR 1.00 §52.3.2.3 527 CMR 1.00 §52.3.2.4 and §52.3.2.5

DRAFT PRELIMINARY

Siting Requirements – Required Setbacks

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Required Setbacks
Technical Code/Regulation Reference Section Setbacks for outdoor ESS shall be in accordance with NFPA 855	Code/Regulation Plain Language (reference only) <i>A minimum of 10ft must be maintained between ESS and the following:</i> <ul style="list-style-type: none"> - Lot lines - Public ways - Buildings - Stored combustible materials - Hazardous materials - High-piled storage - Personnel means of egress - Other exposure hazards not associated with electrical grid infrastructure <i>This setback distance may be reduced by implementing one of the alternative measures contained within NFPA 855 §4.4.3.3 for outdoor installations and NFPA 855 §4.4.4.2 for rooftop or open parking garage ESS</i>	Code Reference NFPA 855 §4.4.3.3, NFPA 855 §4.4.3.4 or NFPA 855 §4.4.4.2 as applicable

DRAFT PRELIMINARY

Siting Requirements – Required Setbacks

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Required Setbacks
Technical Code/Regulation Reference Section Setbacks for outdoor ESS shall be in accordance with 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>A minimum of 5ft must be maintained between ESS and the following:</i> <ul style="list-style-type: none"> - Lot lines - Public ways - Buildings - Stored combustible materials - Hazardous materials - High-piled storage - Personnel means of egress - Other exposure hazards not associated with electrical grid infrastructure 	Code Reference 527 CMR 1.00 §52.3.2.1.4.3; 527 CMR 1.00 §52.3.2.1.4.5

DRAFT PRELIMINARY

Siting Requirements – Emergency Access

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Emergency Access
Technical Code/Regulation Reference Section Fire department access must be provided in accordance with 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>Fire department access roads, knox boxes, and other access features must be provided as is required by the State fire code</i>	Code Reference 527 CMR 1.00 §18.2

DRAFT PRELIMINARY

Siting Requirements – Emergency Access

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Emergency Access

Technical Code/Regulation Reference Section
Same as Option A

Code/Regulation Plain Language (reference only)
Same as Option A

Code Reference
Same as Option A

DRAFT PRELIMINARY

Siting Requirements – Code Required Commissioning

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Code Required Commissioning

Technical Code/Regulation Reference Section
Commissioning of ESS systems shall be in accordance with NFPA 855

Code/Regulation Plain Language (reference only)
<p><i>The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning.</i></p> <p><i>A report documenting the commissioning process and results shall be prepared and a copy provided to the AHJ prior to final inspection and approval and included in the ESS facility manual</i></p>

Code Reference
NFPA 855 Chapter 6

DRAFT PRELIMINARY

Siting Requirements – Code Required Commissioning

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
E.	7.H.	Code Required Commissioning
Technical Code/Regulation Reference Section 	Code/Regulation Plain Language (reference only) <p><i>527 CMR 1.00 does not contain commissioning requirements specific to ESS beyond standard commissioning practices for mechanical, electrical, plumbing and fire protection systems.</i></p> <p><i>527 CMR 1.00 requires pre-packages and pre-engineered BESS to be installed in accordance with their listing. This code section is referenced under UL Listing Requirements section of this recommended BESS zoning packet.</i></p>	Code Reference <p>527 CMR 1.00 §52.3.2.5.1</p>

DRAFT PRELIMINARY

Design Standards – Signage

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	Signage
Technical Code/Regulation Reference Section Provide signage in accordance with NFPA 855	Code/Regulation Plain Language (reference only) <i>Signage should be provided on doors to rooms, entrances to ESS facilities, and on ESS outdoor containers. Signage shall be in accordance with ANSI Z535. The following signage is required:</i> <ul style="list-style-type: none"> - "Energy Storage Systems" with symbol of lightning bolt in a triangle - Identification of the type(s) of batteries present - Special hazards associated as identified in NFPA 855 Chapter 9-15 - Type of suppression system installed in the ESS area - Emergency contact information <i>A permanent plaque is required noting the location of electrical disconnects</i>	Code Reference NFPA 855 §4.3.5

DRAFT PRELIMINARY

Design Standards – Signage

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	Signage
Technical Code/Regulation Reference Section Provide signage in accordance with 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>Signage should be provided on doors or in approved locations near entrances to ESS rooms or facilities. The following signage is required:</i> <ul style="list-style-type: none"> - Hazard identification markings per NFPA 704 [NFPA hazard diamond] - "This room contains energized battery systems," or equivalent - Identification of the type(s) of batteries present - AUTHORIZED PERSONNEL ONLY - Technology-specific markings, if required by 527 CMR 1.00 §52.3.2.11 	Code Reference 527 CMR 1.00 §52.3.2.6.5

DRAFT PRELIMINARY

Design Standards – Utility Connections

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	Utility Connections

Technical Code/Regulation Reference Section

System interconnections into utility grids shall be in accordance with NFPA 855

Code/Regulation Plain Language (reference only)

Depending on the location of the ESS in relation to and its interaction with the electrical grid, interconnection will be completed per 527 CMR 12.00 (NEC) or IEEE C2

Code Reference

NFPA 855 Chapter 5

DRAFT PRELIMINARY

Design Standards – Utility Connections

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	Utility Connections

Technical Code/Regulation Reference Section

Utility connections shall be in accordance with 527 CMR 12.00 or per the applicable electrical for the electrical grid system

Code/Regulation Plain Language (reference only)

Depending on the location of the ESS in relation to and its interaction with the electrical grid, interconnection will be completed per 527 CMR 12.00 (NEC) or IEEE C2

Code Reference

527 CMR 12.00

DRAFT PRELIMINARY

Design Standards – Disconnection Means

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	Disconnection Means

Technical Code/Regulation Reference Section

Provide means for disconnecting the ESS per NFPA 855 and 527 CMR 12.00

Code/Regulation Plain Language (reference only)

The means for disconnecting should be readily accessible and within site of the ESS. The disconnect should be designed per 527 CMR 12.00 (NEC)

Code Reference

NFPA 855 §5.2
527 CMR 12.00 Article 480

DRAFT PRELIMINARY

Design Standards – Disconnection Means

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	Disconnection Means

Technical Code/Regulation Reference Section
Provide means for disconnecting the ESS per 527 CMR 12.00

Code/Regulation Plain Language (reference only)
<i>The disconnect should be designed per 527 CMR 12.00 (NEC)</i>

Code Reference
527 CMR 12.00 Article 480

DRAFT PRELIMINARY

Design Standards – UL Listing Requirements

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	UL Listing Requirements
Technical Code/Regulation Reference Section <p>ESS systems, including required equipment listings, must be in accordance with NFPA 855</p> <p>For any of the following, UL 9540A fire test data must be made available to the AHJ for review:</p> <ul style="list-style-type: none"> - BESS systems > 50kWh in capacity - BESS systems with spacing between arrays of < 3 ft 	Code/Regulation Plain Language (reference only) <p><i>ESS systems are required to be listed per UL 9540, Energy Storage Systems and Equipment</i></p> <p><i>For BESS > 50kWh in capacity listed per the 2nd edition of UL 9540, UL 9540A testing is required and should be available for AHJ review</i></p>	Code Reference <p>NFPA 855 §4.2</p>

DRAFT PRELIMINARY

Design Standards – UL Listing Requirements

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
F.	7.B., 7.C., 7.D., 7.E., 7.F., 8	UL Listing Requirements
Technical Code/Regulation Reference Section <p>ESS systems must be listed in accordance with 527 CMR 1.00</p> <p>For any of the following, UL 9540A fire test data must be made available to the AHJ for review:</p> <ul style="list-style-type: none"> - BESS systems > 50kWh in capacity - BESS systems with spacing between arrays of < 3 ft 	Code/Regulation Plain Language (reference only) <p><i>Prepackaged or pre-engineered ESS systems are required to be listed per UL 9540, Energy Storage Systems and Equipment, and UL 1973, Standard for Batteries for Use in Light Electric Rail (LER) Applications and Stationary Applications.</i></p> <p><i>For BESS > 50kWh in capacity listed per the 2nd edition of UL 9540, UL 9540A testing is required and should be available for AHJ review</i></p>	Code Reference <p>527 CMR 1.00 §52.3.2.5</p>

DRAFT PRELIMINARY

Safety and Environmental Standards – Perimeter Barriers

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Perimeter Barriers
Technical Code/Regulation Reference Section ESS sites should be protected from unauthorized access per NFPA 855 and 527 CMR 12.00	Code/Regulation Plain Language (reference only) <i>Security barriers, fences, landscaping, and other enclosures must not inhibit required air flow to or exhaust from the ESS and components</i> <i>Electrical equipment greater than 1,000V require a means to restrict access</i>	Code Reference NFPA 855 §4.3.8 527 CMR 12.00 Article 110.30

DRAFT PRELIMINARY

Safety and Environmental Standards – Perimeter Barriers

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Perimeter Barriers
Technical Code/Regulation Reference Section ESS sites should be protected from unauthorized access per 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>Requires the BESS to be secured in a way subject to approval by the AHJ.</i>	Code Reference 527 CMR 1.00 §52.3.2.1.4.6

DRAFT PRELIMINARY

Safety and Environmental Standards – Vegetation Setback

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Vegetation / Combustibles Setback
Technical Code/Regulation Reference Section Vegetation around the ESS site must be maintained in accordance with NFPA 855	Code/Regulation Plain Language (reference only) <i>Areas within 10ft of outdoor ESS containers must be cleared of combustible vegetation. Single specimens of trees or manicured ground cover such as green grass may be permitted if it does not constitute as a source to readily transmit fire</i>	Code Reference NFPA 855 §4.4.3.6

DRAFT PRELIMINARY

Safety and Environmental Standards – Vegetation Control

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Vegetation / Combustibles Setback

Technical Code/Regulation Reference Section

Code/Regulation Plain Language (reference only)
<i>Vegetation control in 527 CMR 1.00 is covered under required setback distances for BESS, referenced under the Required Setbacks section of this BESS Zoning Considerations package.</i>

Code Reference

DRAFT PRELIMINARY

Safety and Environmental Standards – Emergency Response Plan

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Emergency Response Plan
Technical Code/Regulation Reference Section An emergency operations plan shall be created for the ESS system in accordance with NFPA 855 and be provided to the AHJ for review	Code/Regulation Plain Language (reference only) <i>Emergency operations plans are required to be provided to the AHJ and must include the following at a minimum:</i> <ul style="list-style-type: none"> - Procedures for safe shut-down, de-energizing, or isolation of equipment and for safe start-up following shut-down - Procedures for inspection and testing of alarms, interlocks, and controls - Procedures to be followed in response to battery management system conditions, including agreed-upon notification to fire department personnel and off-normal potentially hazardous conditions - Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other hazardous conditions - Response considerations to address response safety concerns and extinguishment when an SDS (material Safety Data Sheet) is not required - Procedures for dealing with ESS equipment damaged in a fire including safe removal - Other procedures as determined necessary by the AHJ to provide for safety of occupants and emergency responders - Procedures and schedules for conducting drills of these procedures 	Code Reference NFPA 855 §4.1.3.2.1

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Safety and Environmental Standards – Emergency Response Plan

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Emergency Response Plan
Technical Code/Regulation Reference Section An emergency operations plan shall be created for the ESS system in accordance with 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>Emergency response plans may be provided as part of a hazard mitigation analysis completed for the ESS system but are not explicitly required by 527 CMR 1.00. They are not required by 527 CMR 1.00 to be provided to the AHJ.</i> <i>As additional guidance for emergency response plans, 527 CMR 1.00 requires emergency planning for generic facilities utilizing hazardous materials.</i> <i>It is recommended that local fire departments work together with the ESS site stakeholders to create a pre-incident plan, part of the facility's Emergency Operations Plan. It is recommended that the pre-incident plan include the following, as described in NFPA 855 Annex C.</i>	Code Reference 527 CMR 1.00 §52.3.2.4, Hazard Mitigation Analysis 527 CMR 1.00 §60.1.5

DRAFT PRELIMINARY

Safety and Environmental Standards – Technology-Specific Systems

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Technology-Specific Safety Systems
Technical Code/Regulation Reference Section Provide specialty safety systems in accordance with NFPA 855 as applicable for the battery chemistry and installed location	Code/Regulation Plain Language (reference only) <i>NFPA 855 requires specialty safety systems to be provided based on the ESS chemistry and installed location. Specialty safety systems include:</i> <ul style="list-style-type: none"> - Exhaust ventilation - Spill control - Neutralization [of spills] - Safety caps - Thermal runaway - Explosion control - Size and separation [of BESS systems and arrays] - Fire suppression and control - Smoke and fire detection 	Code Reference NFPA 855 Table 9.2 and Chapters 4 and 9

DRAFT PRELIMINARY

Safety and Environmental Standards – Technology-Specific Systems

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
G.	7.H.	Technology-Specific Safety Systems
Technical Code/Regulation Reference Section Provide technology-specific safety systems in accordance with 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>527 CMR 1.00 Chapter 52 requires specialty safety systems to be provided based on the ESS chemistry and installed location. Specialty safety systems include:</i> <ul style="list-style-type: none"> - Exhaust ventilation - Spill control - Neutralization [of spills] - Safety caps - Thermal runaway - Explosion control - Size and separation [of BESS systems and arrays] - Fire suppression and control - Smoke and fire detection 	Code Reference 527 CMR 1.00 Table 52.2.1 and 527 CMR 1.00 Chapter 52

DRAFT PRELIMINARY

Monitor and Maintenance

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
H.	-	Code Required Maintenance

Technical Code/Regulation Reference Section

Maintenance shall be in accordance with NFPA 855 and documented in Operations and Maintenance documentation per NFPA 855

Code/Regulation Plain Language (reference only)

Maintenance provisions will be driven by manufacturer requirements for the specific listed system. Maintenance plans will be documented in the Operations and Maintenance manual, required by NFPA 855

Code Reference

NFPA 855 §7.2

NFPA 855 §6.3

DRAFT PRELIMINARY

Monitor and Maintenance

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
H.	-	Code Required Maintenance

Technical Code/Regulation Reference Section
Maintenance shall be in accordance with 527 CMR 1.00 and the manufacturer's listing and instructions

Code/Regulation Plain Language (reference only)
<i>Maintenance provisions will be driven by manufacturer requirements for the specific listed system.</i>

Code Reference
527 CMR 1.00 §52.3.2.12

DRAFT PRELIMINARY

Abandonment or Decommissioning

Option A: NFPA 855

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
I.	7.G.	Decommissioning
Technical Code/Regulation Reference Section Decommissioning of ESS systems shall be in accordance with NFPA 855	Code/Regulation Plain Language (reference only) <i>Decommissioning shall be documented in a Decommissioning Plan. The AHJ shall be notified prior to decommissioning of an ESS system and shall be provided with a Decommissioning Report following decommissioning process and results</i>	Code Reference NFPA 855 Chapter 8

DRAFT PRELIMINARY

Abandonment or Decommissioning

Option B: 527 CMR 1.00

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
I.	7.G.	Decommissioning
Technical Code/Regulation Reference Section Decommissioning of ESS systems shall be in accordance with 527 CMR 1.00	Code/Regulation Plain Language (reference only) <i>Decommissioning plans for BESS facilities may be provided as part of a hazard mitigation analysis completed for the ESS system but are not explicitly required by 527 CMR 1.00. They are not required by 527 CMR 1.00 to be provided to the AHJ.</i> <i>As additional guidance for decommissioning of facilities, 527 CMR 1.00 provides requirements related to facility closure for generic facilities utilizing hazardous materials.</i> <i>AHJs are required to be notified of facility closure a minimum of 30 days prior and have the ability to require owners to submit facility closure plans.</i>	Code Reference 527 CMR 1.00 §60.1.4

DRAFT PRELIMINARY

Procedures

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
J.	-	None

DRAFT PRELIMINARY

Terms of Special Permit

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
K.	7.I	None

DRAFT PRELIMINARY

Permit Time Frame and Abandonment

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
-	9.	None

DRAFT PRELIMINARY

Enforcement

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
-	10.	None

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Severability

Medway Zoning Bylaw (11/15/21) 8.8 Small Wind Generation	NYSDERDA BESS Guidebook (Dec 2020) 2. Model Law	Arup BESS Technical Input
-	11.	None

DRAFT PRELIMINARY



March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

**20 Broad Street Multi-Family Special
Permit and Site Plan
Determination of Substantial Use Date**

Decision issued – February 20, 2020.

- “Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause.” This is standard language. (Original Substantial Use date was February 20, 2022)

Plan endorsed – April 13, 2021

- Approved site plan shall be completed within three years of the date of plan endorsement. The Board may grant an extension for good cause. (Original Completion date was April 13, 2024.)

COVID State of Emergency went into effect – March 10, 2020

April 3, 2020 - Legislation (Chapter 53 of the Acts of 2020) provided extensions for permits (and associated

conditions) issued by conservation commissions, zoning boards of appeals, and planning boards which were in effect as of March 10, 2020 for the period of the state of emergency. This resulted in the addition of 462 days to decisions issued prior to March 10, 2020.

Accordingly, the date from which to count the two-year period for “substantial use” for 20 Broad Street changed from February 20, 2020 to May 27, 2021. AND . . . the 2-year deadline for “substantial use” changed from February 20, 2022 to May 27, 2023.



March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

**Phytopia (6 Industrial Park Road) Site
Plan, Reduced Parking Special Permit
and Groundwater Protection Special
Permit Public Hearing**

- Notice dated 2-9-22 to continue the Phytopia public hearing to March 8, 2022
- Email dated 3-1-22 from attorney Ted Cannon requesting a continuation of the hearing for one month. That would be April 12th.

Board Members

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



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

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK
FEB 9 '22 PM 12:55

MEMORANDUM

February 9, 2022

TO: Stefany Ohannesian, Town Clerk
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: **Public Hearing Continuation for Phytopia, Inc**
Major Site Plan, Groundwater Protection Special Permit, and Reduced Parking
Special Permit
Continuation Date – Tuesday, March 8, 2022 at 7:30 p.m.



At its February 8, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Phytopia, Inc. of Peabody, MA for approval of a major site plan, a groundwater protection district special permit, and a reduced parking special permit for its proposed development at 6 Industrial Park Road to the Board's meeting on Tuesday, March 8, 2022 at 7:30 p.m. at Medway Town Hall, 155 Village Street.

On November 30, 2021, the Board approved special permits to use the existing 53,128 sq. ft. industrial manufacturing building at 6 Industrial Park Road and construct a 66,238 sq. ft., 2-story addition to the existing building for the cultivation, manufacturing, processing, and packaging of marijuana for medical use and adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities.

The planned scope of work for site plan approval and for the groundwater protection and reduced parking special permits includes interior renovations to the existing building, construction of the addition, improvements to the access/egress driveways, installation of curbing, parking area improvements, landscaping, lighting, and installation of and improvements to stormwater drainage facilities. The planned work is shown on a plan titled *Industrial Park Road*, dated April 1, 2021, last revised October 12, 2021 prepared by Williams & Sparages Engineers, Planners and Surveyors of Middleton, MA. The architectural drawings dated April 6, 2021, last revised June 2, 2021 were prepared by Anderson Porter Design of Cambridge, MA. Noise and odor mitigation plans have also been provided. The project is also before the Conservation Commission for an order of conditions and a land disturbance permit.

The application, site plan and supporting documentation were filed with the Town on May 12, 2021 and are on file with the Medway Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA. Project

information including the revised site plan has been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/phytopia-inc-6-industrial-park-road-marijuana-facility>.

NOTE – We expect the applicant will submit a revised site plan shortly. Upon receipt, it will be posted to the Board's web page and we welcome your review and comments on it by March 2, 2022.

Please do not hesitate to contact me if you have any questions.

Susan Affleck-Childs

From: Edward V. Cannon <evc@ddcrwlaw.com>
Sent: Tuesday, March 1, 2022 2:33 PM
To: Susan Affleck-Childs
Subject: FW: Phytopia public hearing continuation - March 8th
Attachments: 6 Industrial Park Rd-PEDBRev(2021-10-27).pdf

Hi Susy,

Phytopia respectfully requests to further continue the March 8th meeting for one month. It's not clear that we'll be ready to move forward in a month, but we would like to continue to that date in case we'll be ready.

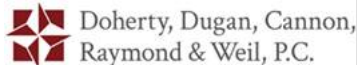
Below is a further explanation from Chris Sparages concerning the status of the design and the proceedings with Con Comm.

Please let me know if you need anything further from me for this request and please let me know what the new date will be. If Phyto needs to further extend any of the PEDB deadlines for decisions, please let me know.

Thanks.

Ted

Edward V. Cannon, Jr., Esq.



124 Grove Street, Suite 220
Franklin, MA 02038

WEB: www.ddcrwlaw.com
TEL: 508-541-3000 x218
FAX: 508-541-3008
MOB: 508-735-8852
EVC@ddcrwlaw.com

STATEMENT OF CONFIDENTIALITY

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information exempt from disclosure under applicable law. If you are not the intended recipient, please notify Doherty, Dugan, Cannon, Raymond & Weil, P.C. immediately at 508-541-3000 or select reply on your email program and destroy all copies of this message and any attachments.

United States Treasury Regulations require us to disclose the following in connection with this message: Any tax advice included in this message and its attachments, if any, are not intended or written to be used, and cannot be used by the taxpayer, for the purpose of avoiding lawful taxes and penalties that may be imposed on the taxpayer.

From: Chris Sparages <csparages@wsengineers.com>
Sent: Monday, February 28, 2022 2:00 PM
To: Edward V. Cannon <evc@ddcrwlaw.com>;
Subject: RE: Phytopia public hearing continuation - March 8th

Dear Ted,

Yes, we will need to request a continuance for the Planning Board meeting scheduled for March 8, 2022. At the last Conservation Commission meeting on February 10, 2022, we received an updated comment memo

from Tetra Tech for the new stormwater design on the east side of the building. I had a conference call with Rick Cote and Rebecca Balke on February 14th and then again on February 18th to go through the Tetra Tech comments to see how we could address questions related to 21E.

In order for Rick Cote's team to satisfy Tetra Tech and be able to say that the current proposed design approximates the existing groundwater regime (in other words...that we have approximately the same amount of stormwater entering the ground with the new design as compared to today) we will need to allow some groundwater to be infiltrated on the east side of the building...as close to Jayar Road as we can. We discussed a couple of different ways to accomplish this and we have a game plan to revise the stormwater design.

It will take us a couple days to figure out which option will work best. Once we have something that works in the model, we will run it by Rick Cote and his team and then finalize the plan and submit to the Conservation Commission along with a written response to comments. This will only leave some minor "site plan" related comments from Tetra Tech dating back to their 10/27/21 memo (see attached). There were a few minor items (as described by Steven Bouley) Tetra Tech wanted addressed. My plan was to address these Planning Board related comments as part of the revision that we will be sending back to the Conservation Commission. This will also include a written response to the "Planning Board" Tetra Tech letter dated 10/27/21.

That is the latest.

Thank you.

Chris Sparages, P.E.



189 North Main Street, Suite 101
Middleton, MA 01949
(978) 539-8088 Office
(617) 981-5452 Mobile
www.wsengineers.com

We invite you to follow us on Facebook www.facebook.com/wsengineers

From: Edward V. Cannon [<mailto:evc@ddcrwlaw.com>]

Sent: Monday, February 28, 2022 1:14 PM

To: Chris Sparages <csparages@wsengineers.com>; Angelo <afrangoulidis@yahoo.com>; Dale Buckman <DrDale@GreenNurse.com>; Alex Athanas <alexathanas@gmail.com>

Subject: FW: Phytopia public hearing continuation - March 8th

Hi Chris

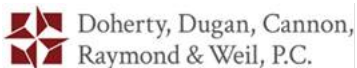
Should we seek to continue the March 8 PEDB meeting?

I need to give the town an update on where we are

Thanks.

Ted

Edward V. Cannon, Jr., Esq.



124 Grove Street, Suite 220
Franklin, MA 02038

WEB: www.ddcrwlaw.com
TEL: 508-541-3000 x218
FAX: 508-541-3008
MOB: 508-735-8852
EVC@ddcrwlaw.com

STATEMENT OF CONFIDENTIALITY

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United States Treasury Regulations require us to disclose the following in connection with this message: Any tax advice included in this message and its attachments, if any, are not intended or written to be used, and cannot be used by the taxpayer, for the purpose of avoiding lawful taxes and penalties that may be imposed on the taxpayer.

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Monday, February 28, 2022 1:11 PM
To: Edward V. Cannon <evc@ddcrwlaw.com>
Subject: Phytopia public hearing continuation - March 8th

Hi Ted,

I have Phytopia on the agenda for a hearing at the next PEDB mtg on March 8th, but we haven't received anything new to review.

What is the status?

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





March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

**149 Main Street – Adaptive Use Overlay
District Special Permit and Plan
Modification – Plan Review Fee**

- Tetra Tech plan review fee dated 3-2-22. This is for proposed site modifications to an AUOD project approved in 2006. There is a different owner now, John Early, who wants to improve parking layout and landscaping. The public hearing on this will begin March 22, 2022.



March 2, 2022

Ms. Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

**Re: Peer Review Proposal
The Maids AUOD Modification
149 Main Street
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (the Client) for professional engineering services associated with the above-referenced Project (the Project). The objective of our services is to provide technical review and general assistance to the Board during its review of the above-referenced Project for compliance with the following Regulations and Standards:

- Town of Medway Planning & Economic Development Board Rules and Regulations, Chapter 200 – Site Plans, Rules & Regulations for Submission, Review and Approval of Site Plans (last Amended October 8, 2019)

The Plans and supporting documentation will also be reviewed for general site planning design and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to Town of Medway Zoning Bylaws and stormwater mitigation.

SCOPE OF SERVICES

The following specifically describes the Scope of Services to be completed:

Task 1 Site Visit

- A. Perform one (1) site visit to review the site and its surroundings.
- Budget Assumption: 1 Visit
3 hours @ \$167/hr = \$501
Total = \$501

Task 2 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.C below.
- Budget Assumption: 1 hour @ \$167/hr = \$167
1 hour @ \$120/hr = \$120
Total = \$287
- B. Review one (1) set of proposed Plans against the above-mentioned Regulations and Bylaws and sound engineering practice and incorporate comments into review letter in Item 2.C below.
- Budget Assumption: 2 hours @ \$167/hr = \$334
2 hours @ \$120/hr = \$240
Total = \$574

- C. Prepare one (1) letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: $2 \text{ hours @ } \$167/\text{hr} = \334
 $2 \text{ hours @ } \$120/\text{hr} = \240
Total = \$574
- D. Coordinate with Applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Project documentation will require additional budget.
- Budget Assumption: $4 \text{ hours @ } \$167/\text{hr} = \668
Total = \$668

Task 3 Meetings

- A. Participate in three (3) hearings/meetings with the Town of Medway PEDB by video conference, including preparation time for each meeting.
- Budget Assumption: $6 \text{ hours @ } \$167/\text{hr} = \$1,002$
Total = \$1,002

BUDGET

The fee for the work outlined in this proposal will be billed on a Time and Expenses basis according to Tetra Tech's and Medway's then current contract rates. Reimbursable expenses budget for execution of the tasks included in this scope of work are limited to mileage, field equipment, internal-use printing costs and hard-copy production of deliverables for submission and are billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget as summarized below, which will not be exceeded without your approval.

Please be advised that this estimate is for initial review of submitted materials, is based on our current understanding of the Project needs and is for budget purposes only. The total actual cost of our services will largely depend on the number and complexity of revisions and resubmittals, quality and completeness of the information submitted by the applicant and the depth to which specific issues are explored. Cost for each task is based on a comparison with other similarly sized projects we have reviewed. Please be advised, additional funding will be required if additional or revised materials are submitted, if additional subject areas require review or additional coordination is required beyond what is specifically described above.

The breakdown of this fee by task is as follows:

Task	Task Description	Budget
Task 1	Site Visit	\$501
Task 2	Design Review	\$2,103
Task 3	Meetings	\$1,002
	Labor Subtotal	\$3,606
	Expenses (5%)	\$181
	Total	\$3,787

SCHEDULE AND CONDITIONS

We recognize that timely performance of these services is an important element of this proposal and will put forth our best effort, consistent with accepted professional practices to complete the work described within the Client's schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway (CLIENT). The Agreement is subject to the existing

contract Terms and Conditions between the Engineer and Client. The price is valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please contact us if you have any questions or require additional information.

Very truly yours,



Steven M. Bouley, P.E.
Project Manager



Sean P. Reardon, P.E.
Vice President

Certified by:

Authorized Representative
Town of Medway

Date

M:\SITE\BOULEY\MEDWAY_PEDB_149 MAIN ST REVIEW_2022-03-02.DOCX



March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

Correction to Cutler Place Decision

- 2-4-22 email from abutter Chris Meo identifying a mistake in the Cutler Place decision (the date of a plan reference).
- Proposed correction to page 15 of the Cutler Place decision.

NOTE – I am advised that a correction to a decision can be handled as an action of the Board as a meeting agenda item without a public hearing. The correction is then filed with the Town Clerk.

Susan Affleck-Childs

From: Christopher Meo <CMEO@msn.com>
Sent: Friday, February 4, 2022 7:10 AM
To: Susan Affleck-Childs
Subject: Filed Cutler Decision

Susan,

I was taking a quick look at the decision this morning and wanted to point out what I think is a typo. On page 15 under Cover Sheet you have November 12, 2020 as the date. I assume it's supposed to be November 17, 2021 (the date plan) and not a year before when the Town actually owned the property.

Figured I should point that out to see if it should/can be corrected now. I think Barabra stated something about having 14 days to make typo changes? Maybe I misheard.

Thanks,

Chris Meo
16 Cottage Street

further divided.

- B. **Plan Endorsement** - Within one-hundred and twenty days after the Board has filed its *Decision* with the Town Clerk, the site plan set for Cutler Place including building elevations, floor plans and renderings, landscaping plan, and lighting plan shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan of Record*). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the ~~November 12, 2020~~ December 27, 2021 Plan shall be revised as follows:
1. Include the list of APPROVED Waivers from the *Site Plan Rules and Regulations*
 2. Add reference to the Stormwater Operations and Maintenance plan (sheet to be added to the plan set) to the Plan Index
 3. Add the plan revision date
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions and/or notes shall be made to the December 27, 2021 plan:
1. A sheet shall be added to the Plan set to display the property's *Stormwater Operations and Maintenance Plan*.
 2. The earth removal calculations provided in the 12-27-21 response letter from Ron Tiberi, P.E., shall be included on the Erosion Control Plan (Sheet S-4)
 3. Replacement of existing sanitary sewer line from Cutler Street to the building
 4. Granite curbing at driveway access/egress roundings with Cutler Street shall be shown.
 5. The dimensions of the handicap parking space and adjacent loading area shall be shown on the plan.
 6. Adjust grading of first 20 feet +/- of the driveway to ensure stormwater runoff from the driveway is treated on-site and does not flow down and out to Cutler Street.
 7. Revise elevations for the bottom of the rain garden and the rip-rap weir to match the HydroCAD analysis.
 8. Add the following to the endorsement area on each plan sheet:
PLAN ENDORSEMENT DATE: _____
 9. Revise "Approved by Planning Board" to read: "Approved by Medway Planning and Economic Development Board" in the endorsement area on each plan sheet.
 10. Revise detail on dumpster to indicate the enclosure shall be fabricated of non-glossy, wood-grain appearing material of a natural wood color. Add a bollard detail for the bollards associated with the dumpster enclosure.
 11. Add note and detail to indicate that the parking area will be wired to accommodate future electric vehicle charging devices.
 12. The use of modified Cape Cod berm shall be called out on the plan and a detail shall be added to the plan set.
- E. **Other Documentation** - Prior to plan endorsement, the Permittee shall provide a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall reference the recorded Multi-Family Housing



March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

**Release of Performance Security for
Charles River Village**

- Email dated 2-9-22 from attorney Glenn Murphy requesting the Board issue a release of a recorded performance security agreement
- Recorded Charles River Village performance security agreement dated 10-8-2013, recorded 10-10-2013
- Release document for your approval and signature
- Minutes of 12-13-18 PEDB meeting with vote to release the Charles River Village bond funds

Susan Affleck-Childs

From: Contact form at Town of Medway MA <cmsmailer@civicplus.com>
Sent: Wednesday, February 9, 2022 9:25 AM
To: Susan Affleck-Childs
Subject: [Town of Medway MA] 6 Charles View Lane (Sent by Glenn Murphy, glennmurphy@verizon.net)

Hello sachilds,

Glenn Murphy (glennmurphy@verizon.net) has sent you a message via your contact form (<https://www.townofmedway.org/user/201/contact>) at Town of Medway MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofmedway.org/user/201/edit>.

Message:

Hello Susy,

I received the below email from the buyer atty. I have a copy of the recorded performance bond which cannot be uploaded here.

I represent the Seller. What do we need to do to obtain a release? Cash deal scheduled to close February 17.
Thank you.

Glenn

Hi Glenn.

Our title is back, and there is an old performance bond with the Medway Planning and Economic Development Board in Book 31815, Page 546 to insure the construction of the roads. A Release from the Board will be needed for recording prior to or at closing, thanks

Regards,

John J. Roche, Esq.
Law Offices of Roche and Roche, P.C.
38 Pond Street, Suite 308
Franklin, MA 02038
Tel 508-528-8300 x115
Fax 508 528 8889
john@rocheandrochepc.com
www.Roche-Murphy.com

LAND SUBDIVISION
N O T N O T
A N A N

Performance Secured by Lender's Agreement
Planning & Economic Development Board - Town of Medway, MA

CERTIFY
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

This agreement is entered into this 8th day of October, 2013, between the Town of Medway, acting through its Planning & Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as "the Board"), and Charles River Village, LLC ("Applicant"), and Needham Bank, of 1063 Great Plain Avenue, Needham, Massachusetts 02492 ("Lender") to secure the construction of ways and installation of municipal services in the subdivision of land shown on an approved subdivision plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on May 14, 2013, after a duly noticed public hearing, the Board approved a definitive subdivision plan showing **11 dwelling units**, which is entitled 'Definitive Plans "Charles River Village" Open Space Residential Development (OSRD) in Medway, Massachusetts' dated November 20, 2012, last revised May 30, 2013, drawn by Faist Engineering Inc. of Southbridge, MA and O'Driscoll Land Surveying Co. of Medway, MA, prepared by Faist Engineering Inc. of Southbridge, MA and O'Driscoll Land Surveying Co. of Medway, MA, dated November 20, 2012, last revised May 30, 2013 and recorded at the Norfolk County Registry of Deeds in Plan Book 624, Pages 4-20 (hereinafter referred to as "the Subdivision Plan"); and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at 6 Neelon Lane and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 31487, Page 392; and

WHEREAS, the Applicant has recorded a first mortgage with the Lender dated June 27, 2013 and recorded in the Norfolk County Registry of Deeds, Book 31487, Page 396 covering the land shown on the Subdivision Plan as security for the payment of a note in the principal sum of \$2,160,000.00; and

WHEREAS, the Board is required by G.L. c. 41 §81U to secure the construction of ways and installation of municipal services in the subdivision.

NOW, THEREFORE, the parties agree as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of **\$132,417.00**, and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Board's

Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this subdivision; the application submitted for approval of this subdivision; the Board's Certificate of Action and all conditions of approval of this subdivision as set forth in the Certificate of Approval; the recommendations of the Board of Health; the approved Subdivision Plan; all conditions subsequent to approval of this subdivision due to any amendment, modification or revision of the Subdivision Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents:

N/A (hereinafter the "Approval Documents").

2. The Applicant shall complete the construction of ways and the installation of municipal services no later than 3 years from the date of the endorsement of the Subdivision Plan. The Subdivision Plan was endorsed on June 11, 2013, and therefore the required completion date is June 11, 2016.
3. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the interest in such Retained Funds by the Lender shall be released, and the Lender may disburse such Retained Funds to the Applicant. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Lender shall make available to the Board any undisbursed Retained Funds in accordance with applicable laws, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the Retained Funds together with accrued interest, will be released by the Board and may be disbursed by the Lender upon completion of the work by the Town of Medway.
4. The Lender hereby agrees that none of the Retained Funds retained as security as specified herein shall be disbursed to the Applicant without the prior written release of said funds by the Board.
5. The Board may rescind approval of the Subdivision Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W.
6. The Board shall notify the Lender of any authorized reduction or release of the retained funds that secure this agreement in full or in part. Upon receipt of a written notice of reduction or release, the Lender may disburse the Retained Funds, or portion thereof, to the Applicant.
7. The Applicant agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six months prior to said release. This agreement does not expire until released in full by the Board.

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

C O P Y O F F I C I A L C O P Y

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 8th day of October, 2013.

PLANNING & ECONOMIC DEVELOPMENT BOARD – TOWN OF MEDWAY

[Handwritten signatures of board members]

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 8th day of October, 2013, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board

Andy Rodonhiser
Karyl Spiller-Walsh, Thomas A. Gay,
Matthew J. Hayes

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



[Handwritten signature of Notary Public]
Notary Public
My commission expires: July 11, 2014

APPLICANT

N O T
A N

N O T
A N

Charles River Village, LLC
O F F I C I A L
C O P Y

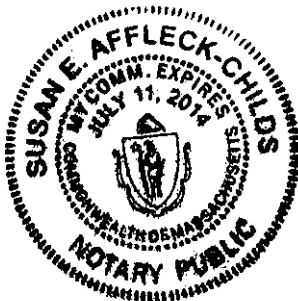
O F F I C I A L
C O P Y

By: John F. Claffey - Manager
John F. Claffey, Manager

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 8th day of October, 2013, before me, the undersigned notary public, personally appeared the above-named John F. Claffey, 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 Charles River Village, LLC.



Susan E. Affleck-Childs
Notary Public
My commission expires: July 11, 2014

NOT AN OFFICIAL COPY
LENDER
Needham Bank
NOT AN OFFICIAL COPY

By:


John W. McGeorge
Its: Chief Executive Officer

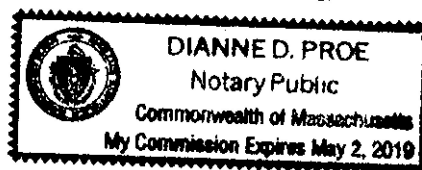
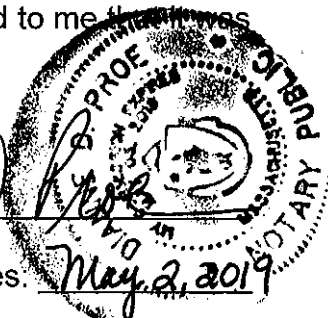
COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 8th day of October, 2013, before me, the undersigned notary public, personally appeared the above-named John W. McGeorge, Chief Executive Officer, 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 he signed voluntarily for its stated purpose.


Notary Public

My commission expires: May 2, 2019



**Release of Performance Secured by
Lender's Agreement
Planning & Economic Development Board
Town of Medway, MA**

We, the undersigned members, being a majority of the Planning and Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that residential dwelling units with the following addresses - 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 Charles View Lane constructed in the Charles River Village Condominium, created by Master Deed dated April 16, 2014, as may be amended, and recorded with the Norfolk County Registry of Deeds in Book 32184, Page 572, and being a portion of Development Parcel A as shown on a plan entitled, 'Definitive Plans "Charles River Village" Open Space Residential Development (OSRD) in Medway, Massachusetts' dated November 20, 2012, last revised May 30, 2013, drawn by Faist Engineering Inc. of Southbridge, MA and O'Driscoll Land Surveying Co. of Medway, MA which was recorded at the Norfolk County Registry of Deeds on July 18, 2013 in Plan Book 624, Pages 4-20, to which reference may be made for a more particular description, are hereby released from all covenants, conditions, agreements, terms and provisions as set forth in the Land Subdivision Performance Secured by Lender's Agreement between the Medway Planning and Economic Development Board and Charles River Village LLC and Needham Bank dated October 8, 2013 and recorded with the Norfolk County Registry of Deeds in Book 31815, Page 546.

Executed under seal this _____ day of _____, 2022.

Signatures of a majority of the members of the Planning and Economic Development Board of the Town of Medway.

COMMONWEALTH OF MASSACHUSETTS

Norfolk County

On this ____ day of March, 2022, before me, the undersigned notary public, personally
appeared _____

_____,

proved to me through satisfactory evidence of identification, which was personal knowledge, to be
the persons whose names are signed on the preceding or attached document, and acknowledged to
me that they signed it voluntarily for its stated purpose.

Notary Public:

My commission expires:

**February 13, 2018
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	X	X	Absent with Notice

ALSO PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Gino Carlucci, PGC Associates
- Amy Sutherland, Recording Secretary

Member Di Iulio will file a Mullin's ruling for the February 13, 2018 meeting.

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Lawrence Waste Site Plan Modification, 49 Alder Street – Deadline Extension

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

- 1-29-18 email from Keith Lawrence
- Site Plan modification decision from 6-24-14
- Deadline extension approval decision dated 7-6-16

The applicant is seeking a three year extension for the second building on the premises.

On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted unanimously to extend the deadline for completing the Lawrence Waste Site Plan Modification to 7-22-18.

Medway Green Multifamily Housing Special Permit 176-178 Main Street – Deadline Extensions

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

- Letter dated from developer John Kelly requesting extensions to initiate and complete project.
- Multifamily Housing Special Permit decision dated 3-22-17

**On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted to approve The extension deadline for 176-178 Main Street until December 21, 2019.
(Member Rodenhiser voted no) Vote passes 3 to 1.**

Chairman Rodenhiser explained that there is storage of Route 109 equipment on this site. He doesn't feel this is allowed in this zoning district. He also inquiring about if there are construction easements. This area needs to be cleaned up.

It was suggested that a list of construction easements be gathered and provided to the Board. IT was also suggested that a meeting be set up with the Town Administrator to share the Board's concerns.

Public Hearing - Milway Auto Site Plan, 50 Alder Street:

The public hearing was opened.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice.

It was announced that the applicant had requested a continuation of the public hearing.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to continue the public hearing to February 27, 2018 at 7:15 pm.

Charles River Village OSRD Bond Release:

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

- Letter from Dave Faist, McClure Engineering dated 2-12-18 certifying Charles River Village has been completed in compliance with the approved CRV plan.
- Revised CRV As-Built Plans dated 1-5-18 by McClure Engineering
- Tetra Tech email/memo sign off dated 1-9-18 on as-built plans.
- Tetra Tech bond estimate (10-5-13) for \$132,417
- Tetra Tech bond reduction estimate (11-5-15) for \$16,755.

The developer, John Claffey, acting through his representatives Paul Yorkis and Attorney Bill Sack, has requested the bond release from the remaining CRV bond. The current balance is \$40,000. This is a Tri-Party agreement with Needham Bank.

There are some concerns from abutters that the trails are not designated or marked. There are also ongoing challenges with the use of the emergency access by delivery trucks. It was meant to be used by emergency vehicles. The Open Space Committee is interested in working to provide several parking spaces to the west of the open space parcel to provide additional access.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to release the remaining bond as long as all outstanding bills are paid.

PEDB Meeting Minutes:

January 30, 2018:

On a motion made by Matthew Hayes and seconded by Tom Gay, the Board voted unanimously to approve the minutes from the January 30, 2018 meeting as presented.

Other Business Boards/Committees:

Member Hayes provided the following updates:

- The Open Space and Recreation Plan Update Task Force had a meeting on 2/12/18 and discussed mapping and farm land and how to go forward in ranking open space land.
- There is an OSRP Community Forum meeting on Monday, March 12, 2018 at the Thayer House. Town Counsel will be present at a Task Force meeting on February 26th to discuss the idea of a bike trail on the railroad right of way.
- There will be a land management workshop for the OSRP Task Force on Saturday, May 5, 2018 at the Amphitheater to look at land management and how to create a plan.
- At the last Community Preservation Committee meeting, there was discussion about the State's requirement that land purchased with CPA funds be protected with deed restrictions. A group is starting to research the idea of establishing a Medway Land Trust and/or working with existing land trusts in the area.

Correspondence:

Note - Chairman Rodenhiser excused himself from table.

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

- Email dated 2-8-18 from John Shea at Needham Bank: regarding the Applegate Subdivision.

Construction Reports: (See Attached)

- Exelon Expansion - Monthly Construction Report 1-31-18.

Public Hearing - Town Line Estate Definitive Plan

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

- Public Hearing Notice
- Subdivision Application
- Development Impact Report
- Requests for Waivers of Subdivision Rules and Regulations
- Town Line Estates Definitive Plan by L.A.L Engineering and Continental Land Survey dated 12-12-17.
- Tetra Tech review letter dated 2-8-18
- PGC review letter dated 2-6-18
- Review comments from Conservation Agent Bridget Graziano dated 1-24-18.
- Review Comments from Fire Chief Jeff Lynch dated 6-19-17

The Chairman opened the hearing for Town Line Estates Definitive Plan.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice.

Engineer Jeff Kane explained that this application is from Robert and Lisa Lapinsky. This was prepared by L.A.L Engineering Group. The plan shows the division of the property into two residential lots, one with frontage on Populatic Street with the existing house and the construction of a 240' long, 18' wide permanent private roadway to create legal frontage for the back lot. The property is located in the groundwater protection district. This proposal is for a "by right" use in this zoning district. The plan calls for a one inch strip of land between the new right of way and existing lot to the north at #18 Populatic Street. The applicant is seeking 10 waivers. There is also a no cut buffer area at the rear of Walker Street. There are no sidewalks proposed for the site.

Consultant Steve Bouley from Tetra Tech was present on the telephone. The Board reviewed the Tetra Tech letter. Steve indicated that a reserve strip was proposed, but those are not allowed under the regulations. However, this is needed so that a building on the adjacent property does not lose its non-conforming status. The project proposes to clear less than one acre of land so it does not require a NPDES Construction General Permit and associated SWPPP to be submitted. Consultant Bouley indicated that a Town sewer line exists in Populatic Street and should be connected to if possible instead of installing a septic system.

The applicant indicated that they will do a septic and will have to meet the Board of Health requirements for Title Five. There will be no sewer tie in.

Consultant Carlucci reviewed the application and provided a letter. He indicated that the proposed lots meet the area, frontage and lot shape factor which complies with the zoning bylaw. Does not think landscaping is necessary, there are already trees and landscaping there. It would be more burdensome to disturb something that is already there.

The hearing was open to abutters.

Resident, Steve Freddo, 15 Walker:

Mr. Freddo presented to the Board a letter dated February 13, 2018. **(See Attached)** This had attached signatures of some of the abutters. Mr. Freddo read the letter out loud to the Board.

The following are a list of concerns:

- Interference of rights to privacy
- Potential damage to property value, noise, crime, fire, storm water issues,
- Streets designates scenic roads, the wildlife habitats will be effected.
- Protection of scenic roads (does applicant need to comply for permit)
- Confirm trees greater than 30 inches in diameter
- Approved waivers must be in the public interest

The abutter asked if the proposed subdivision provides the minimum required frontage for both lots required and whether the Board considers the private way as street frontage. The Chairman did indicate that the private way is considered street frontage.

The abutter asked that the abutter mailing be checked to make sure all were notified.

The Board did indicate that there can be a selective cut zone. The Consultant indicated that this project is allowed based on zoning.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to continue the hearing for Town Line Estates to March 13, 2018 at 7:15 pm.

ANR Plan – 15 Trotter Drive:

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

- ANR Application
- ANR Plan by Colonial Engineering dated 12-27-17
- PGC Review dated 2-7-18

The ANR plan is to split off another acre of the Mele property at the northern end on the east side of Trotter Drive. PGC Associates provided a review letter noting several minor deficiencies. The plan has since been revised (2-7-18) and reviewed and is acceptable for endorsement.

On a motion made by Matt Hayes, and seconded by Bob Tucker, the Board voted unanimously to endorse the ANR Plan for 15 Trotter Drive with a revision date 2/7/18.

Public Hearing - Proposed Zoning Amendments for March 19, 2018 Town Meeting

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

- Public hearing Notice
- Proposed Articles
- Confidential email dated 2-5-18 from Town Counsel
- Confidential email dated 11-20-17 from town counsel.

The Chairman opened the public hearing for proposed Zoning Bylaw Amendments.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice.

Susy Affleck-Childs recommended that the Board keep this public hearing open until after the community's Recreational Marijuana Ballot Vote on March 6, 2018. If the ballot vote is not approved, the PEDB will need to devise an alternative recommendation to provide at the March 19, 2018 at Town Meeting.

Article A:

Article A is in regards to recreational marijuana with proposed definitions for marijuana retailer and marijuana establishment and amendments to the Table of Uses to indicate where such uses would be allowed/prohibited.

Article B:

This article pertains to registered Marijuana Dispensaries (medical marijuana). This is to amend Section 8.9 of the Zoning Bylaw with the modification of item 5.i. in Paragraph E. General

Requirements. This proposal revises language so that no Registered Marijuana Dispensary shall be located on a lot within 500 linear feet of any lot with a registered marijuana dispensary that sells, dispenses or administers marijuana, products containing marijuana or relates supplies to qualifying patients or personal caregivers.

The members wanted to ask Town Counsel if the recreational marijuana bylaw allows a social/private club to make the premises available for the smoking of recreational marijuana. This was recently done in Worcester.

No one was in attendance for the public hearing.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to continue the hearing to Tuesday, March 13, 2018 at 7:45 pm.

Discussion of Articles for May 2018 Town Meeting:

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

- Draft of revised Section 8.9 of the Zoning Bylaw converting the title of Registered Marijuana Dispensary (medical) to Registered Medical Marijuana Facilities and Marijuana Establishments.

The Board was advised that Consultant Carlucci worked on a draft of a substantial revision whereby the Town's current zoning regulations for registered (medical) marijuana dispensaries are blended into a new section addressing both medical and recreational marijuana. After reviewing the draft blended section, the Board agreed that it was confusing and asked that Susy and Consultant Carlucci create separate sections, one for medical marijuana and one for recreational marijuana.

Site Plan Rules and Regulations:

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

- Site Plan Review section of the Zoning Bylaw

At the last meeting the members were provided with a draft of proposed revised Site Plan Rules and Regulations. They were asked to review and provide comments and suggestions back to Susy. Tom provided his comments. Rich Di Iulio had previously provided his comments to Susy. It had been suggested it would also be helpful to review the various levels of site plan review and what criteria triggers each level.

The following suggestions were made

- Clarify what triggers site plan.
- Address the impervious areas more specifically relating to new parking spaces or reducing some of the impervious areas.
- Include more specific language about curb cuts.
- Clarify what triggers site plan review for outside storage.
- Include the DPW when looking at triggers for the onsite drainage. (Include language about % on increase over existing)

- Make sure the language is specific about the ability to go from a violation which is brought to administrative review which may then need to be bumped to either a minor or major site plan.
- Include possible language about % of coverage.
- Have the application specify the % of square footage of impervious

The Board would like Susy to continue to work on a draft of possible changes to the site plan section of the zoning bylaw.

FUTURE MEETING:

- Tuesday, February 27, 2018.

ADJOURN:

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 10:25 pm.

Prepared by,



Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

Housing Production Plan
Approval Vote

- 2-14-22 version of the updated Housing Production Plan

NOTE – At its 2-22-22 meeting, the Select Board voted to approve the updated Housing Production Plan.

Recommended Motion - I move that the Board approve the Housing Production Plan as presented.

NOTE – Upon approval, the next step is to submit the plan to the MA Department of Housing and Community Development.



March 8, 2022

**Medway Planning & Economic Development Board
Meeting**

Newton Lane Street Acceptance Update

I have submitted a street acceptance article for Newton Lane to include on the warrant for the 5-9-22 Town Meeting. An as-built/street acceptance plan has been prepared by engineer David Faist (CMG) and land surveyor Dan O'Driscoll.

- Street Acceptance and As-Built Plan for Hartney Acres II Subdivision (Newton Lane) dated 1-29-22. This has been reviewed by Tetra Tech and comments provided. The plan is being revised and will be re-submitted.
- 9-22-21 Hartney Acres punch list prepared by Tetra Tech
- SAC email dated 3-2-22 to Paul Yorkis requesting a status report and providing an April 13th completion date.
- Email memo dated 3-4-22 from Paul Yorkis with a status on punch list completion.

Next steps:

1. Select Board will vote 3-7-22 to begin the roadway layout process and ask the PEDB to provide its recommendation on "laying out" Newton Lane. We can schedule that for the 3-22-22 PEDB meeting.
2. Select Board holds a public hearing on the roadway layout, at either its 4-4 or 4-19 meeting.
3. PEDB reviews status of project completion at its 4-26-22 meeting and votes whether to recommend street acceptance.

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

NEWTON LANE
MEDWAY, MA 02053

OWNER

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

PREPARED FOR

PAUL YORKIS
159 MAIN STREET
MEDWAY MA 02053

TOWN OF MEDWAY PLANNING
& ECONOMIC DEVELOPMENT BOARD

DATE - AS-BUILT
PLAN APPROVAL

DATE - ROAD LAYOUT
ACCEPTANCE APPROVAL

TOWN OF MEDWAY SELECTMAN

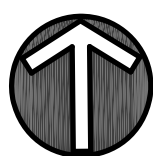
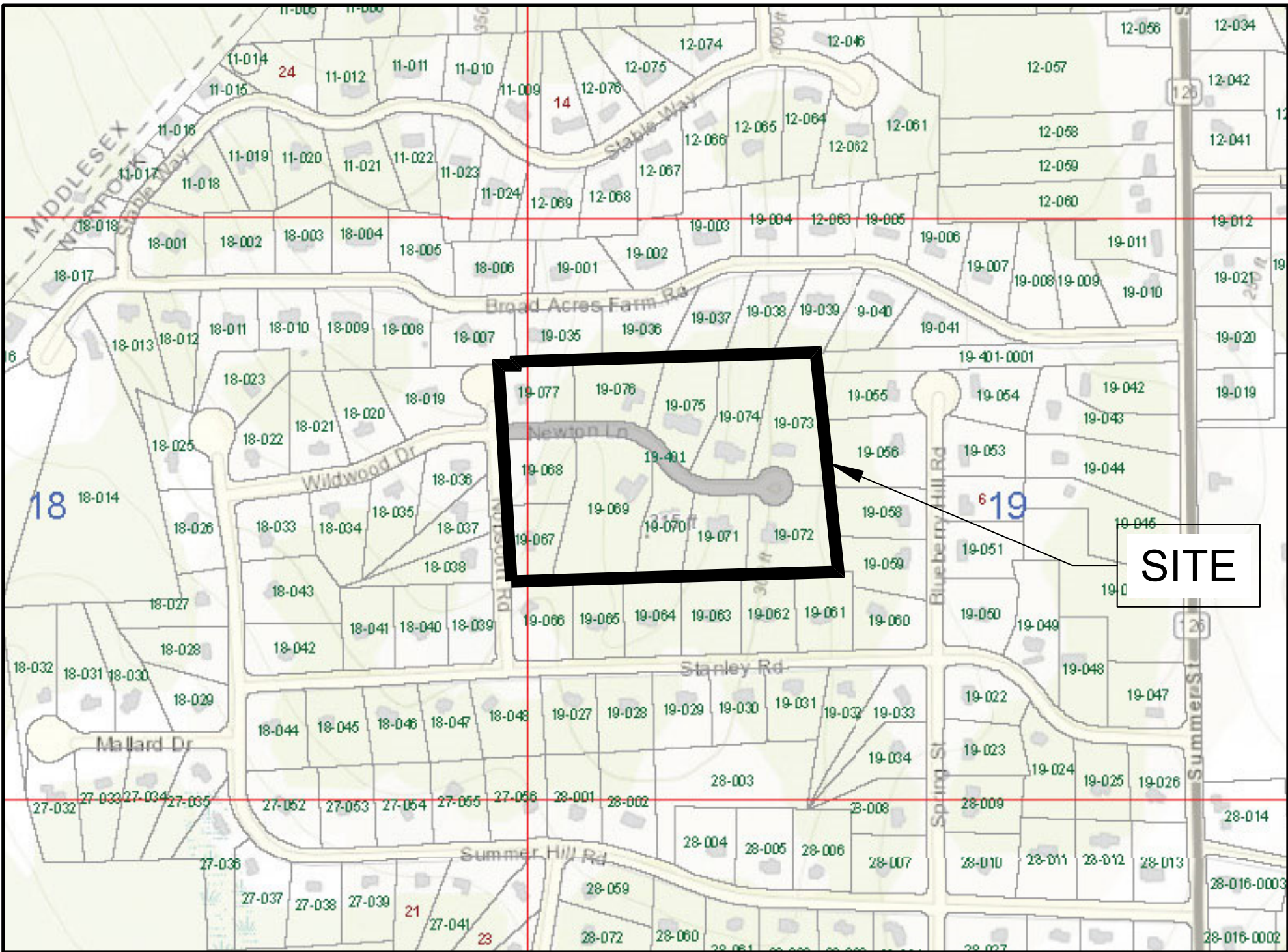
DATE - ROAD LAYOUT
ACCEPTANCE APPROVED

- 1.) "I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS-BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE ROADWAYS, DRAINAGE FACILITIES AND UTILITIES, BASED UPON A FIELD SURVEY PERFORMED BETWEEN JUNE 14, 2011 & NOVEMBER 30, 2011."
- 2.) "THE STREET (OR WAY THEREOF) AS LAID OUT AND THE BOUNDS HAVE BEEN SET AS SHOWN ON THE PLAN."
- 3.) "I CERTIFY THAT THIS PLAN IS PREPARED IN CONFORMANCE WITH THE "RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

DANIEL A. O'DRISCOLL, PLS

DATE

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



LOCUS MAP

APPROXIMATE SCALE: 1" = 400'

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

PRELIMINARY PLAN
NOT FOR CONSTRUCTION PURPOSES
1/19/2022

NOTES:

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

OWNER:
HARTNEY REALTY TRUST

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD

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

PREPARED FOR:
PAUL YORKIS
159 MAIN STREET
MEDWAY, MA 02053

ENGINEERING SERVICES
ENVIRONMENTAL SERVICES
67 Hall Road
Sturbridge, MA 01560
Phone: 774-241-0901
fax: 774-241-0906

CMG
Est. 2002

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

ISSUE DATE: 11/24/2021

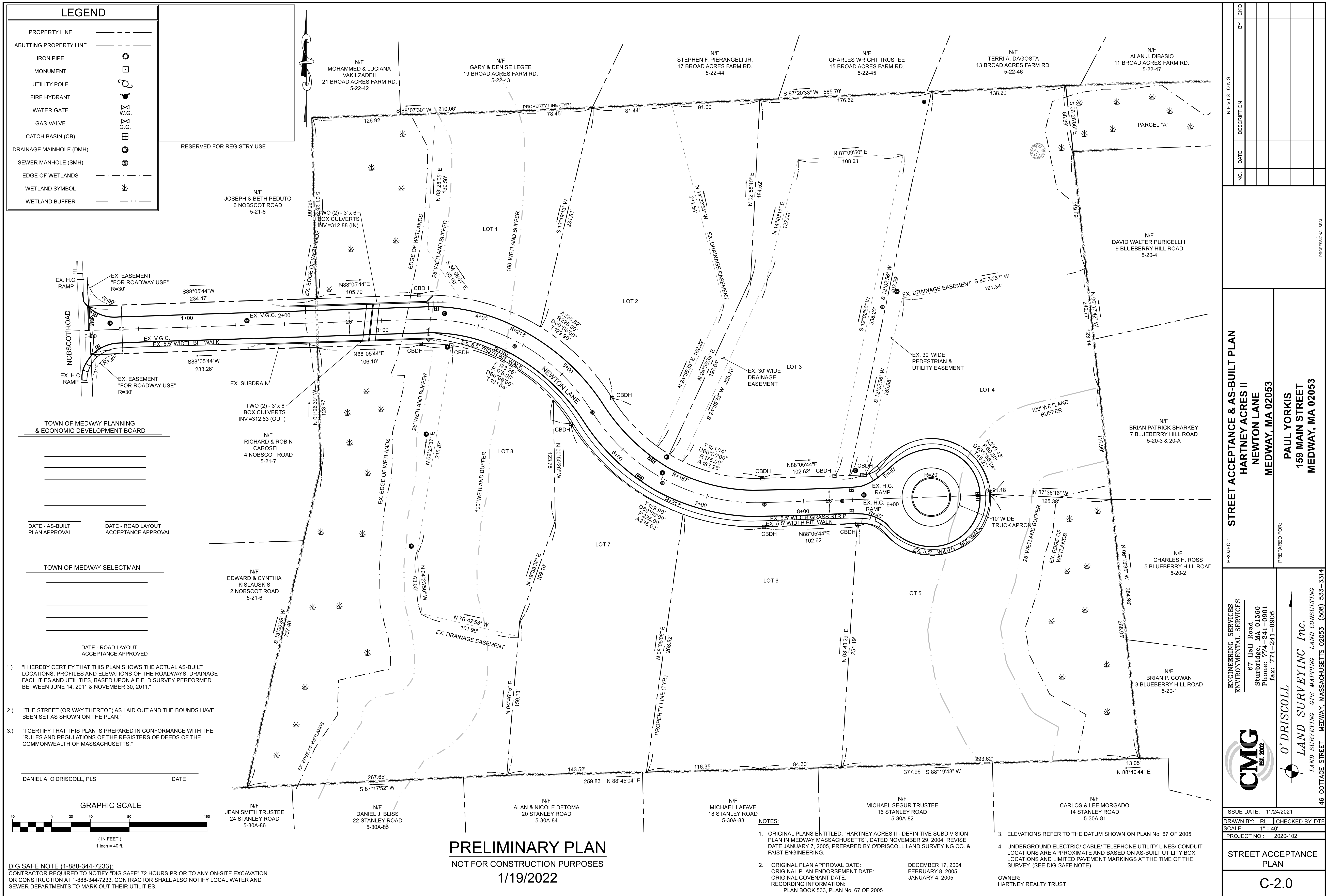
DRAWN BY: RL CHECKED BY: DTF

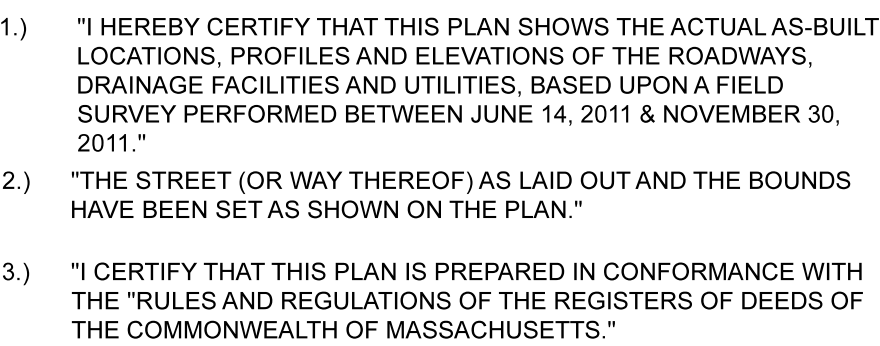
SCALE: 1" = 40'

PROJECT NO.: 2020-102


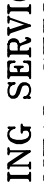
TITLE SHEET

C-1.0






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

 <p>ENGINEERING SERVICES ENVIRONMENTAL SERVICES</p> <hr/> <p>67 Hall Road Sturbridge, MA 01560 Phone: 774-241-0801 Fax: 774-241-0906</p>	PROJECT: STREET ACCEPTANCE & AS-BUILT PLAN HARTNEY ACRES II NEWTON LANE MEDWAY, MA 02053		<div style="text-align: right;">PROFESSIONAL SEAL</div>
	PREPARED FOR: PAUL YORKIS 159 MAIN STREET MEDWAY, MA 02053		
	 <i>O' DRISCOLL</i> LAND SURVEYING Inc. <small>LAND SURVEYING GPS MAPPING LAND CONSULTING</small> 46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314		
	ISSUE DATE: 11/24/2021		
	DRAWN BY: RL CHECKED BY: DTF		
	SCALE: 1" = 40' PROJECT NO: 2020-102		
NEWTON LANE AS-BUILT PLAN			
C-3.0			

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

Cc: Peter Pelletier – Medway DPW Director
Paul Yorkis – Applicant Representation

From: Steven M. Bouley, PE – Tetra Tech 

Date: June 17, 2016
(revised September 22, 2021)

Subject: Hartney Acres Punch List

On April 11, 2016 at the request of the Medway Planning and Economic Development Board (PEDB), Steven Bouley of Tetra Tech Inc. (TT), Dave Faist of McClure Engineering, Inc (MEI) and Dan O'Driscoll of O'Driscoll Land Surveying Co. (OLS) met at the Hartney Acres Subdivision location, Newton Lane, and performed a punch list inspection of the development. The inspection was conducted against the plans set (Plans) titled "Hartney Acres II, Definitive Subdivision Plan in Medway, Massachusetts" dated November 29, 2004 and revised May 3, 2005 Sheets 4, 6 and 7.

On September 21, 2021 at the request of the Medway Planning and Economic Development Board (PEDB), Steven M. Bouley, PE of Tetra Tech Inc. (TT), Paul Yorkis of Patriot Real Estate, Inc. (PRE), Sean Harrington, Jack Tucker and Nolan Lynch of Medway DPW met at the Hartney Acres Subdivision location, Newton Lane, and performed a punch list inspection of the development. The inspection was conducted against the plans set (Plans) titled "Hartney Acres II, Definitive Subdivision Plan in Medway, Massachusetts" dated November 29, 2004 and revised May 3, 2005 Sheets 4, 6 and 7.

The following is a list of items and issues that should be repaired or resolved:

Administrative

1. As-Built/Street Acceptance Plans of the development should be submitted for review.

Roadway

2. It is recommended the applicant crack seal areas of damaged asphalt along Newton Lane. (See Photo #1)
3. Cement concrete bounds were not located during the site walk. Bounds should be set as shown on the Plans.
4. Damaged granite curb/curb inlet was observed adjacent to the intersection of Newton Lane and Nobscott Road. It is recommended damaged sections of curb be replaced. (See Photo #2)

Drainage

5. It is recommended the applicant clean the drainage system. Cleaning includes removing sediment and debris from catch basin structures, pipe and detention facilities.
6. Detention Ponds should be maintained to remove saplings and shrubs from the limits of the basin. Settled area adjacent to Detention Pond #2 should be repaired and reseeded. (See Photo #3 - #4)
7. Hoods should be installed in catch basins.

8. It appears two non-approved pipes are discharging to Detention Pond #3 presumably from the home located on Lot 3. One discharge appears to be originating from a nearby pool filter. The other appears to be a sub-drain or alike with flexible corrugated pipe. The discharge pipes must be disconnected and removed from the limit of the pond, pond repaired and reseeded and property owner notified regarding intended use of the detention ponds and illicit discharges. (See Photo #5 - #6)

Additional Items

The following is a list of additional items resulting from the site inspection conducted on September 21, 2021.

9. The asphalt around many of the manhole structures throughout the limit of the roadway is showing signs of damage. The areas of damage shall be cleanly sawcut, removed and asphalt replaced full depth around the structures. All structures were marked in the field during the site visit.
10. Several areas of pavement repair are required within the limits of the roadway. Two areas of wide cracks have surfaced since the previous inspection, one at the intersection of Newton Lane and Nobscott Road and one at the western side of the cul-de-sac. A minimum 24-inch full-depth repair is required at each crack to ensure subbase can be properly compacted prior to patching. Additionally, a section of asphalt on the western side of the cul-de-sac is beginning to show signs of failure. The area shall be cleanly sawcut and asphalt removed, subbase repaired and properly compacted, and asphalt replaced. These areas were marked in the field during the site visit.
11. Several of the catch basins adjacent to the cul-de-sac require brick repair under the castings. Area around the catch basins shall be cleanly sawcut and asphalt, castings and brick removed and reinstalled. The structures were marked in the field during the site visit.
12. In addition to cleaning the structures mentioned in Item 5, Stormceptor water quality units shall also be cleaned.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-21015 (PEDB HARTNEY ACRES)\CONSTRUCTION\PUNCH LIST\MEMO_HARTNEY ACRES PUNCH LIST_2021-09-22.DOC

Photograph 1

Newton Lane Crack Sealing



Photograph 2

Damaged Granite Curb



Photograph 3

Overgrown Detention Pond



Photograph 4

Overgrown Detention Pond



Photograph 5

Unapproved Pipes
Discharging to Pond #3



Photograph 6

Unapproved Pipes
Discharging to Pond #3



Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Wednesday, March 2, 2022 9:21 AM
To: Paul Yorkis
Cc: Barbara Saint Andre; Steve Bouley ; Peter Pelletier; Bridget Graziano
Subject: Hartney Acres - Newton Lane street acceptance

Hi,

We are starting the roadway layout process for Newton Lane with the Select Board so to prepare for the May 9th town meeting.

We need from you a status report on completing the various items from the Tetra Tech and Town punch lists and any other required completion items specified in the Board's Hartney Acres decision. All items need to be completed by April 13th. Also, please advise as to the status of your Certificate of Compliance from the Conservation Commission; I understand there are some outstanding matters there as well.

Please advise at your earliest convenience. Thanks.

Best regards,

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



Susan Affleck-Childs

From: Paul Yorkis <pgyorkis@gmail.com>
Sent: Friday, March 4, 2022 11:51 AM
To: Susan Affleck-Childs
Subject: Hartney Acres

Hello.

1. A contractor has been hired to clean the detention ponds per the guidance from the consultant engineer.
2. A contractor has been hired to do the paving work per guidance from the consultant engineer.
3. A contractor has been hired to clean the catch basins, etc.
4. You have been in communication with David Faist regarding the plans and the adjustments to the plans.
5. The work associated with the wetlands replication area has been completed according to wetlands consultant. Individual emails have been forward to you.
5. Please provide me with a sample deed that needs to be provided for the parcel acceptance.

Please let me know if you there is a need for any additional information.

Paul G. Yorkis, C2EX, SRES, CRS
Patriot Real Estate, Inc.
Cell 508-509-7860

[Pgyorkis@gmail.com](mailto:pgyorkis@gmail.com)

2022 National Association of REALTORS Housing Opportunity Committee Chair
2022 Member National Association of REALTORS Board of Directors
2021 Massachusetts Association of REALTORS Private Property Awardee
2020 REALTORS Commercial Alliance of Massachusetts President
2020 REALTORS Commercial Alliance of Massachusetts REALTOR of the Year
2017 Massachusetts Association of REALTORS President
2011 Massachusetts Association of REALTORS, REALTOR of the Year
Member HUD Housing Counseling Federal Advisory Committee
Trustee, Massachusetts Association of REALTORS Charitable Foundation



March 8, 2022

Ms. Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

**Re: Peer Review Proposal
CommCan Site Plan Modification
2 Marc Road
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (the Client) for professional engineering services associated with the above-referenced Project (the Project). The objective of our services is to provide technical review and general assistance to the Board during its review of the above-referenced Project for compliance with the following Regulations and Standards:

- Town of Medway Planning & Economic Development Board Rules and Regulations, Chapter 200 – Site Plans, Rules & Regulations for Submission, Review and Approval of Site Plans (last Amended October 8, 2019)

The Plans and supporting documentation will also be reviewed for general site planning design and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to Town of Medway Zoning Bylaws. Stormwater will be reviewed by the Medway Conservation Commission.

SCOPE OF SERVICES

The following specifically describes the Scope of Services to be completed:

Task 1 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 1.C below.

- Budget Assumption: 1 hour @ \$167/hr = \$167
1 hour @ \$120/hr = \$120
Total = \$287

- B. Review one (1) set of proposed Plans against the above-mentioned Regulations and Bylaws and sound engineering practice and incorporate comments into review letter in Item 1.C below.

- Budget Assumption: 2 hours @ \$167/hr = \$334
4 hours @ \$120/hr = \$480
Total = \$814

- C. Prepare one (1) letter summarizing findings for presentation to the Town of Medway PEDB.

- Budget Assumption: 2 hours @ \$167/hr = \$334
4 hours @ \$120/hr = \$480
Total = \$814

- D. Coordinate with Applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans and/or Stormwater Report will require additional funds.

- Budget Assumption: 2 hours @ \$167/hr = \$334
4 hours @ \$120/hr = \$480
Total = \$814

Task 2 Meetings

- A. Participate in three (3) hearings/meetings with the Town of Medway PEDB by video conference, including preparation time for each meeting.
- Budget Assumption: $6 \text{ hours @ } \$167/\text{hr} = \$1,002$
Total = \$1,002

BUDGET

The fee for the work outlined in this proposal will be billed on a Time and Expenses basis according to Tetra Tech's and Medway's then current contract rates. Reimbursable expenses budget for execution of the tasks included in this scope of work are limited to mileage, field equipment, internal-use printing costs and hard-copy production of deliverables for submission and are billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget as summarized below, which will not be exceeded without your approval.

Please be advised that this estimate is for initial review of submitted materials, is based on our current understanding of the Project needs and is for budget purposes only. The total actual cost of our services will largely depend on the number and complexity of revisions and resubmittals, quality and completeness of the information submitted by the applicant and the depth to which specific issues are explored. Cost for each task is based on a comparison with other similarly sized projects we have reviewed. Please be advised, additional funding will be required if additional or revised materials are submitted, if additional subject areas require review or additional coordination is required beyond what is specifically described above.

The breakdown of this fee by task is as follows:

Task	Task Description	Budget
Task 1	Design Review	\$2,729
Task 2	Meetings	\$1,002
	Labor Subtotal	\$3,731
	Expenses (5%)	\$187
	Total	\$3,918

SCHEDULE AND CONDITIONS

We recognize that timely performance of these services is an important element of this proposal and will put forth our best effort, consistent with accepted professional practices to complete the work described within the Client's schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway (CLIENT). The Agreement is subject to the existing contract Terms and Conditions between the Engineer and Client. The price is valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please contact us if you have any questions or require additional information.

Very truly yours,



Steven M. Bouley, P.E.
Project Manager



Sean P. Reardon, P.E.
Vice President

Certified by:

Authorized Representative
Town of Medway

Date