

Tuesday, June 22, 2021
Medway Planning and Economic Development Board
REGULAR MEETING
155 Village Street
Medway, MA 02053

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

PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PUBLIC COMMENTS:

- There were no public comments.

PUBLIC HEARING CONTINUATION -WINGATE FARM SUBDIVISION
MODIFICATION:

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

- Public hearing continuation notice dated 5-26-21.
- Compilation of PEDB meeting minutes of previous Wingate Farm discussions
- Notes from 6-15-21 site visit, prepared by Rich Di Iulio
- Mullins Rule certification for Bob Tucker for the 5-25-21 hearing
- Tetra Tech plan review letter dated 3-23-2018
- Timber Crest Information regarding 40B decision and required work on Holliston Street
- Wingate Farm As-built Plan dated 2-22-21 by O’Driscoll Land Surveying
- Email dated 6-18-21 from Jess Chabot
- Email dated 6-22-21 from Steve Bouley

The Chairman opened the continued hearing for Wingate Farm Subdivision.

Consultant Bouley was called to participate in the meeting.

Applicant Karyl Spiller-Walsh and land surveyor Dan O’Driscoll were present for the hearing.

The Board is in receipt of a letter from Member Chabot who was not able to be at the meeting. The Chairman read this letter into the record.

The Board was informed that there was a site walk on June 15, 2021 with some of the members (Rodenhiser, Hayes and Di Iulio). Members were able to see the area where the water line was installed. There was also a fire hydrant on site. The detention basin was installed. There were no swales seen on the site.

The Board communicated that they would like the applicant to comply with the current stormwater regulations. There was an Order of Conditions on this property. The applicant will need to go the Conservation Commission again to comply with its current regulations. The Board does not think that the stormwater area would meet the current standards. There is a concern of the Board that if this project is endorsed when it does not meet the current MS4 standards, there could be potential impacts on surrounding properties. The Board wanted to know if there was a traffic study done. The applicant communicated that there was a traffic study completed by Green International back in 2005 which addressed the access drive. However, the report cannot be located. There is concern about the sight lines (north on Holliston). The left hand turn (southbound) out of Wingate Farm Road onto Holliston Street is dangerous.

Consultant Bouley communicated that field measurements and CAD work needs to be completed for this site. The applicant should also get a traffic engineer to study the access drive. The project does not meet the current standards for stormwater.

The applicant noted that their plan is to install the stormwater swales according to the old subdivision plan.

The Board recommends to not approve the requested extension of deadline for completion or waive compliance with the current subdivision standards.

The Board asked Susy Affleck-Childs to draft a decision to be voted on at the next meeting. It was explained that the applicant could withdraw their application without prejudice. A withdrawal does allow the applicant to come back.

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted unanimously to continue the public hearing to July 13, 2021.

PUBLIC HEARING CONTINUATION - 23 JAYAR ROAD - GOOD FEELS MARIJUANA SPECIAL PERMIT MODIFICATION:

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

- Notice dated 6-10-21 to continue the public hearing to 6-22-21
- Email communication dated 6-15-21 from applicant Jason Raposa
- Noise review email dated 6-16-21 from Chris Menge of HMMH, the Board's noise consultant
- Draft decision dated 6-17-21
- Good Feels Inc. Plan for Construction dated 5-13-21 by Joe the Architect
- Email dated 6-19-21 from Jeff Komrower of Noise Control Engineering, the applicant's noise consultant
- Email dated 6-22-21 from Chris Menge commenting on the 6-21-21 Komrower email

The Chairman opened the continued public hearing.

Applicant Jason Raposa was present for the meeting.

The Town's Noise Consultant Chris Menge was called to participate in the meeting.

The applicant, Jason Raposa provided an overview from the last meeting. He explained that the previously submitted noise numbers for the proposed generator were inaccurate. There were no active band levels on the equipment from the HVAC vendor; Generac does not have this data information. It was communicated that the generator produces 61 dBas at 7m instead of 73dBA. The predicted generator noise level would be 39 dBas at the north property line. This model is the quietest model.

The Town's noise consultant Chris Menge communicated that the nighttime limits are in compliance with the nighttime limit standards based on what was presented and is a solid analysis.

The draft decision dated June 17, 2021 was reviewed by the Board.

Recommendations for revisions to the decision:

- Generac model – G-07172-0 10W
- Consider language regarding the generator testing. The testing should be during the daytime hours. It was also recommended that they do a load test as well.
- Enclosure around the chiller and sound barrier - sound absorbing material to be installed on the wall behind.
- Add the recently received emails to the list of documents submitted as part of the record

Findings:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the Findings as written.

Decision:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the decision as written.

Close Hearing:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to close the public hearing.

CONSTRUCTION REPORTS:

The Board is in receipt of the following Tetra Tech construction reports: (See Attached)

- Choate Trail #11 - 6-3-21
- Choate Trail #12 – 6-4-21
- Evergreen Village #5 – 6-7-21
- Marzilli/21 Trotter Drive - 6-7-21
- William Wallace Village #11 – 6-3-21
- William Wallace Village #12 – 6-9-21
- William Wallace Village #13 – 6-11-21
- Harmony Village #2 - 6-7-21

Harmony Village:

The foundations are being put in for units 3 and 4. The irrigation is also being installed.

42 Highland/Choate Trail Subdivision:

The subsurface stormwater work will be installed next week. There will also be grading done on site.

Evergreen Village:

The drainage chambers for Units 4-6 will be delivered to the site next week.

William Wallace:

The utilities will be finalized, and the surveyor will be on site.

21 Trotter Drive/Marzilli:

The Board was informed that there is a new engineer for this project who will be providing new revised plans for the needed plan modification.

PEDB MEETING MINUTES:

June 7 & 8, 2021:

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to approve the PEDB meeting minutes of the June 7 and 8 meetings, 2021 as written.

OTHER BUSINESS:

- The Chairman spoke with resident Tracy Stewart about her concern that the Consultant for BESS be someone independent of any special interests and that their clients are primarily battery storage.
- The Chairman attended the recent Select Board meeting about the importance in allowing zoom meetings.

PUBLIC HEARING CONTINUATION MEDWAY PLACE SHOPPING PLAZA SITE PLAN 98,108, AND 114 MAIN STREET:

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

- Notice dated 5-12-21 to continue the public hearing to 6-22-21
- Request dated 6-8-21 from Attorney Gareth Orsmond to continue the public hearing to July 27, 2021
- Email dated 6-8-21 from Attorney Gareth Orsmond to extend the action deadline to September 30, 2021

The applicant has requested a continuance to the July 27, 2021 meeting.

It was noted that the Board would like the applicant to look at the DRC design standards and guidelines along with providing the applicant with what was noted in the Master Plan relating to

the plaza.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to continue the public hearing to July 27, 2021 at 7:00 pm.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to extend the action deadline to September 30, 2021 at 7:00 pm.

PUBLIC HEARING PHYTOPIA – 6 INDUSTRIAL PARK ROAD:

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

- Public Hearing Continuation notice dated 6-10-21
- Odor Mitigation Plan
- Noise plan review letter dated 6-16-21 by Straughan Forensic, LLC, the Board's odor consultant
- Request for waivers of the *Site Plan Rules and Regulations*
- Host Community Agreement dated 9-8-20 between the applicant and the Medway Board of Selectmen
- Email dated 6-21-21 from Leigh Knowlton of 14 Green Valley Road with attachments

The Chairman opened the continued public hearing.

The applicant's representative, Attorney Ted Cannon was present along with architect Brian Anderson. Eric Gath of BLW Engineers was also present to discuss their odor mitigation plan. Chairman Rodenhiser communicated that it be disclosed that he has contracted with BLW in the past but is has no current business with them.

The focus topics for the hearing were odor and the requested waivers from the Site Plan Rules and Regulations.

There was screen share provided by Mr. Gath which explained the odor mitigation for this project. (See attached slides.) The applicant will be using a four-step approach for odor management. This allows the bringing in of fresh air into the building and this will be treated before it exits the building. Step 1 was reviewed which explained that the air comes in and flows toward negative pressure areas. All of the flower (grow) rooms will be sealed properly. The Step 2 is to secure the filtration in the flower rooms. This is for circulated air and filtered air and it reduces odor in the flower rooms. A diagram was shown of how this works. There is on main discharge point which is treated with carbon filters and this reduces the odor.

Examples of where this system will be used was shown. There is some maintenance involved with this system which includes changing the filter. The client should do a contract for maintenance to make sure there is routine changing out of the filters and this could be a condition for the permit. The ideal time to change out the filters would be three months. The applicant is confident in this technology. The applicant has provided a narrative to explain the process. This information has been added to the Board's website for the project. The fans are on the outside of the building.

The applicant communicated that they can provide information on the noise levels of the fans.

The meeting was opened to the public.

Resident, Maria Walzer: 11 Green Valley Road, is concerned about the children waiting for the bus who could smell this odor. She asked about the organic chemicals in the groundwater pollution.

The Chairman communicated there is a report with the chemicals which were found when the 21 E evaluation was conducted.

Town Consultant, Bruce Straughan, Straughan Forensic, LLC provided comments on the proposed odor control system. He summarized the review comments included in his June 16, 2021 communication.

- Floor plan included with odor submittal. None of names of rooms are legible.
- Is there any oil extraction occurring? The applicant responded that ethanol is being extracted from the plants.
- Since there is oil extraction, this requires solvents on site. This is considered a hazardous material on site and this needs to comply with fire code.
- There needs to be description of the strategy to contain the odor.
- There is a 4-tiered approach. Is it the intent of secure air systems to mitigate almost all odor with a small amount of air passing through? This air will be recirculated without leaving the room so this will be a high air flow.
- What are the sizing criteria for each equipment type?
- Will CO₂ enrichment will be used and what is in place if this too high?
- The end of the harvesting cycle generates odor and cleaning of rooms. Those are typically purged. Is there an extra amount of odor generated at that time and are there special operating strategies applied to this or is it the same as the rest of the operation?
- Final design needs to be stamped by engineer.

The Chairman wanted to know how the spilling of the solvent will effect the ground water Permit which the applicant has applied for. The applicant will provide this information at another meeting.

This is typically a closed system, and an analysis of the system will be completed. NFPA requires all of electrical devices are spark proof so if a spill it is not open containers of ethanol. There is 100 % air being pumped into this room and exhausting out. There will be clarification of plants and what happens in each room. The applicant can provide this information. There are 30 air changes per hour. There will be leakage through the door. There is less than 5% of clean air coming in. The applicant is using Co₂ enrichment and there are triggers in place to flash the alarm if those levels get to high. The Fire Department will then be used. There will be audio visual alarms in the design. There are OSHA standards which need to be met. There are standards operations when purging after harvesting. The BOH will require a data list of chemicals along with the Fire Department.

Resident Leigh Knowlton, 14 Green Valley: Will there be active monitoring to detect odors being emitted from exhaust? Consultant did not say this can be detected only by noise. Are there lessons learned from other facility? The Board indicated that each case they learn what to do better each time.

NOTE - The Board is looking to update the environmental standards.

Resident, John Lally., Coffee Street: Is it the intention that the design and construction would not generate odor beyond facility property lines? The applicant indicated yes.

The facility will be commissioned to follow the entire process when built. There will be conditioning agents. The applicant does not want to be responsible for pre-existing odor from another facility.

The requests for waivers were discussed. There were three noted which included:

- No issue not using landscape architect to inventory the existing landscaping and prepare a landscaping plan. The applicant was advised to look at the rules and regulations regarding the diameter of trees. Measure trees and locate on a plan. 24 inches and over.
- Traffic – No traffic study will be needed.
- Development Impact Statement – The Board does not want to waive the requirement for a development impact statement.

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing to July 13, 2021 at 8:15 pm.

Member Tucker left the meeting at 9:30 pm.

EDC APPOINTMENTS:

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

- Memo from Susy Affleck-Childs regarding appointments to the Medway Economic Development Committee

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted unanimously to recommend the reappointment of Zach Knowlton, Mark Shultz, Cassandra McKenzie, and Khalid Abdi for another two-year term on the EDC through June 30, 2023.

CORRESPONDENCE:

- KP Law – Extension of Pandemic Related Relief Relative to Municipal Operations June 17, 2021

Report on Master Plan:

The Board was informed that there was a successful Master Plan meeting. This was a community forum by zoom. There were over 100 people. The Committee has committed to an

aggressive schedule for the summer outreach including community events. There will be a survey going out to the community.

The majority of the information gathered to date showed that the community wants to see Medway Plaza have more of a downtown feel. Community members were most proud of the parks, open space areas, and trails. A series of “meetings in a box” gatherings are being planned. These meetings will be more personal conversations about the master plan, to be hosted by members of the Master Plan Committee. Those who want to run a “box” meeting will get instructions. The next Master Plan Committee meeting will be held on June 28, 2021 to review the Phase I Existing Conditions Report. That will be a joint meeting with the PEDB. There will be a debriefing from the May community forum. There will also be discussion about the upcoming activities. There will be another community forum on October 3, 2021.

PUBLIC HEARING CONTINUATION - MEDWAY MILL SITE PLAN:

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

- Public Hearing Continuation Notice dated 6-10-21
- Email dated 6-15-21 from Amanda Cavaliere of Guerriere and Halnon re: tree removal during construction
- Revised draft decision dated 6-16-21

Applicant John Greene, project engineer Amanda Cavaliere of Guerriere and Halnon, and attorney Danielle Justo were present.

The Board reviewed the revised draft decision, and the following changes were recommended:

- There needs to be some corrections on the tree replacement numbers for the maple trees and parking area in the discussion on a waiver from Section 207-19 Landscaping. The applicant has recently indicated they will preserve a 36” maple tree near the drive aisle in the middle of the parking lot, so that can be removed from the list of trees to be removed. As a result, the number of square inches of trees to be removed is lowered from 2,630 to 1,613 square inches. For the proposed tree replacement plan, eight 2.5” caliper red maples equate to 56 square inches, not 42 square inches as indicated in the draft. So when corrected, that makes for a total of 332 square inches of proposed tree replacement to be planted in the parking lot area. With the 442 square inches of trees to be planted in the wetlands remediation area, it comes to a total of total 774 square inches of replacement trees and shrubs to be planted. So, there is a shortfall of 541 sq. inches. There should be spots located on site where the applicant can propose more trees. However, the Board is pretty comfortable with the tree planting plan even if it falls short.
- Add language in Conditions regarding tree protection of the 36” maple and if this cannot be done add language about what mitigation will take place including a payment in lieu of option. Consultant Bouley communicated there are not a lot of places for some of the suggested landscaping as trees cannot be planted near the stormwater basin, but some could be planted along the fence and parking area. Another option is the north part of site. The alternative is a payment into the tree fund. The bylaw is clear that trees over 24 inches need to be replaced. The Board is in favor of a payment in lieu of tree planting. The Board wants to be consistent with each applicant and asked how it was handled with

other projects. Attorney Justo noted that the Energy and Sustainability Committee had discussion about a Town tree bylaw that was in draft form and this should be aligned with the PEDB.

- Janine Clifford of 42 Lincoln Street asked if there are 12-inch trees which could be saved. There are trees which are pushing the roots and rocks out. Those trees are on the Mill property, not Ms. Clifford's.
- Remove language about offsite landscaping on Lincoln Street and but add it as a required plan revision.
- Item C2 under conditions re: bridge drawings. Susy Affleck-Childs noted that Barbara Saint Andre had noted that the DRC does not have approving authority but it can review and provide recommendation to the Planning Board for approval.
- Page 12 remove Condition Item E Tree Replacement and replace it with Tree Protection language.

Findings:

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted unanimously to approve the findings as written with the inclusion of language including the 36 inches Maple to be saved.

Waivers:

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted unanimously to approve the waivers as revised and written.

Decision:

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted unanimously to approve the decision, waivers and conditions as revised and written.

Member Di Iulio wanted it noted that he would still like to see the parking moved further away from the western boundary line and have the drainage underneath, but he will not vote negative on this application.

Close Hearing:

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted unanimously to close the public hearing.

BATTERY ENERGY STORAGE SYSTEM (BESS):

The Board debriefed on the 6-16-21 BESS Training session. The following information was forwarded to the Board.

- The representatives from PNNL provided some additional resources
- BESS Siting and Best Practices by Exeter Associates.
- Email from Jeremy Twitchell of PNNL with links to various NYS Resources.
- Battery Energy Storage System Model Bylaw- New York State
- Updated draft Scope of Consultant Services based on 6-16-21 training.

The PEDB is in receipt of the draft scope of services with the recommended revisions. There is a concern that some of the examples provided do not reference New England towns but instead

Metro Areas. The Board would like to have included in the scope training for the Fire Departments. There was also a recommendation to have language which allow the ability to have experts from many areas.

FUTURE MEETING:

- July 13. 2021

ADJOURN:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted to adjourn the meeting.

The meeting was adjourned at 10:20 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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



June 22, 2021

**Medway Planning & Economic Development Board
Meeting**

Public Hearing Continuation

Wingate Farm Subdivision Modification

UPDATED

- Public hearing continuation notice dated 5-26-21
- Compilation of PEDB meeting minutes of previous Wingate Farm discussions
- Notes from 6-15-21 site visit, prepared by Rich Di Iulio
- Mullins Rule certification for Bob Tucker for the 5-25-21 hearing
- Tetra Tech plan review letter dated 3-23-2018 regarding compliance of Wingate Farm plan with the current *Subdivision Rules and Regs*
- Timber Crest information – excerpt from Timber Crest 40B decision regarding required construction to flatten the hill on Holliston Street plus 3-15-17 letter from Green International to the ZBA about the Holliston Street work
- Wingate Farm as-built plan dated 2-22-21 by O'Driscoll Land Surveying
- **Email dated 6-18-21 from Jess Chabot**
- **Email dated 6-22-21 from Steve Bouley**

Board Members

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



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

MEMORANDUM

May 25, 2021

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 Wingate Farm Subdivision Modification
168 Holliston Street and Wingate Farm Road
Continuation Date – Tuesday, June 22, 2021 at 7:00 p.m.***

At its May 25, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Karyl and Eugene Walsh of Medway, MA for approval of a modification to the previously issued subdivision decision and plan for Wingate Farm to Tuesday, June 22, 2021 at 7 p.m. The Wingate Farm plan was approved in 2005; it divided the property into 4 lots with a permanent private roadway known as Wingate Farm Road.

Considerable work has been undertaken to install the subdivision's infrastructure. However, the specified completion deadline and various extensions have expired. The primary purpose of the current application is to establish a new deadline for project completion and to consider waivers from certain provisions of the Board's *Subdivision Rules and Regulations* which are now in effect.

The application and associated documents are on file at the offices of the Town Clerk and the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The site plan and application materials have also been posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/wingate-farm-subdivision-plan>

If you have any comments or concerns about the proposal, please email those to me by June 15th. Thanks.

COMPILATION OF PEDB Meeting Minutes – 2017 & 2018 of Wingate Farm Discussions

December 12, 2017 Meeting

Wingate Farm Subdivision – Status Report

The Board is in receipt of the following:

- Updated Tetra Tech inspection report dated 12/7/17.
- Updated bond estimate by Tetra Tech dated 12/7/17.
- Subdivision Modification Decision dated 4/28/2005.
- Endorsed modified subdivision plan dated 11/8/2005.
- Notes of the chronology of the Wingate Farm Subdivision
- Confidential email from Town Counsel dated 10/2/2017.
- Email from Steve Bouley dated 12/7/17 re: minimum required items needed for lot releases/bonding.

The Board called engineering consultant Steve Bouley of Tetra Tech and he participated remotely. Consultant Bouley indicated that he visited the site last week. He indicated that the sight distances relating to the left turn movement out of the site onto Holliston Street are not sufficient. This was captured in a video. The Timbercrest evaluation of their proposed site roadway off of Holliston Street specified 335' of sight distance after their proposed roadway mitigation. Wingate is located closer to the existing crest and a larger distance would be required since no mitigation is proposed as part of their project. Consultant Bouley indicated that he would not sign off on this.

He also noted that the existing gravel roadway requires replacement. It is recommended that the removal of approximately 2" of existing material will be necessary to remove all organic material and groundcover root system. The existing overflow weir meets the approved plan. The applicant planted three trees on the overflow weir but it does not appear they will adversely affect the performance of the basin.

Property owner Karyl Spiller-Walsh indicated that this was not in compliance when the plan was approved in 2006. She did communicate that there is less visibility when looking at this with Timbercrest. She noted that there has not been one accident in 42 years near her entrance. She asked if the Board rescinds the subdivision, would the lot lines disappear. Their intent is to hold onto their house and lot 2 and sell the rest with the hopes that a developer would buy it hopefully over the winter.

The options for the subdivision include the following:

- Rescind the subdivision approval due to lack of performance.
- Modify the subdivision decision dated 4-28-2005 to extend the time for completion along with having them complete the minimum required items for lot releases/bonding and provide the specified performance security. This would allow the residents to sell off one or two of the house lots.
- Require a new filing with an updated plan to reflect the actual as-built conditions of the infrastructure work done to date with a new public hearing, plan review, waivers, findings, decision, etc.

If this ends up as a new submittal, the language from the Board's April 26, 2005 *Subdivision Rules and Regulations* would need to be used along with the AASHTO standards.

The Board is in agreement that the intent is to maintain the roadway layout. The applicant has invested a lot of time and money into the plan. It was recommended that the drainage will need to be reviewed to make sure it is consistent with the requirements. The adequacy of the roadway turnaround for equipment will also need to be reviewed. The Board would like a better understanding of what has changed from the 2005 plan and compare it to what was actually constructed in the field. The Board's engineering consultant would be needed to address this. The Consultant would need to prepare a cost estimate to do this. The Board would like this by the January meeting date.

January 9, 2018 Meeting

Wingate Farm Subdivision:

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

- Tetra Tech Consulting Services Estimate (12-14-17).

At its December 12, 2017 meeting, the Board determined that they wanted Tetra Tech to undertake a thorough review of how the constructed infrastructure does and does not comply with the modified Wingate Farm subdivision plan from 2005 and the current Subdivision Rules and Regulations. Tetra Tech's price quote is \$1,470.00.

The applicant indicated that financially at this time, they cannot do this amount.

Susy Affleck-Childs reported that there was \$2,191 remaining in the construction account. The Board discussed that those funds could be used.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to use the existing funds in the Wingate Farm construction account for Tetra Tech to review the project, not to exceed a cost of \$1,470.00.

January 30, 2018 Meeting

Wingate Farm:

The Board was reminded that at the January 9, 2018 meeting the Board discussed the cost associated with having Tetra Tech review the work completed on site against the modified Wingate Farm Plan endorsed by the Board in 2005 and current Subdivision Rules and Regulations. The estimate for those services from Tetra Tech was \$1,470.00. In January, there was \$2,191.75 remaining in the account so the \$1470 was workable. However, Tetra Tech has informed us that there is only \$1,350 remaining in the Wingate construction account according to their records. The reduced amount is as a result of services provided in December for the December 7, 2018 site inspection, punch list and bond estimate.

The Board contacted Consultant Steve Bouley by speakerphone and he indicated that there will need to more funds placed onto the account. He was advised by the Board to not speak with any representatives from Wingate until the account is replenished.

Susy reported that she met with the Conservation Agent and Board of Health Agent. There will need to be new filings with both of those respective Boards.

Susy will have a conversation with the applicant informing them that they will need to put more money into the consultant account if they want to proceed. The applicant will also be billed for the difference between the account balance and the funds needed for Tetra Tech to undertake the desired work.

March 27, 2018 Meeting

Wingate Farm Subdivision:

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

- 3/23/18 review letter, punch list and updated bond estimate prepared by engineering consultant Steve Bouley of Tetra Tech.

NOTE – Property owners Gene Walsh and Karyl Spiller-Walsh were present.

Consultant Bouley reviewed the punch list which compared at how the Wingate Farm development, as constructed so far, complies or not with the current Subdivision Rules and Regulations. Consultant Bouley noted that the big issue is in regards to the stormwater and making sure it meets the current standards. The two swales will need to be modified. There will need to be a long term operation and maintenance plan to meet the current standards. A Stormceptor unit has not been included in the plan. Sight line distance is also a concern. There are no sight distance calculations at the roadway's intersection with Holliston Street. The applicant has constructed an eighteen foot traveled way. More recently, the current Medway Fire Chief has required twenty-foot width roadways for proper access to all lots for emergency vehicles.

Ms. Spiller-Walsh communicated that the stormwater system was overbuilt because it was designed to accommodate a stable/riding facility which will not be built. She also indicated that the subdivision was approved by the safety officer back when the plan was first approved; sight distances were not an issue at that time. The site also has adequate buffer and snow storage. The site drains well. The site was designed that way so that it can keep the agricultural areas and also have the riding arena.

The Board needs to decide if this should be a new filing or be considered a major modification. The consensus of the Board was that this should be considered a major modification to the previously approved but expired definitive subdivision plan.

The applicant will follow up with Susy Affleck-Childs about the next steps in the process.

The site walk/visit for Wingate Farms was yesterday, Tuesday, June 15 approximately 5:05pm. In attendance was Karyl Spiller-Walsh, Dan O'Driscoll, Andy Rondenhiser, Matt Hayes and Rich Di Iulio.

The site walk started by looking at plans of the site. The original plans that were approved and current plans provided by Mr. O'Driscoll. Then we started down the street. Pointed out the swale, which did not appear to well. Mr. Hayes and Mr. Driscoll discussed the location of catch basins along the street. We followed the street around to lot #3 and the retention pond. Mr. Di Iulio noticed a hydrant and asked Ms. Walsh if that had been flushed? Her response was no. It was mentioned that lot #3's grade was 18 inches lower, as there was suppose to be a indoor riding arena. That is no longer on the plans and a house is planned. There was a discussion of tying all the catch basins in a line to the retention pond. In that it may reduce the need for a swale between the street and a neighbor's driveway.

Rich Di Iulio noticed an issue with site lines upon leaving the site. Turned right going in a northerly direction out of the site and turned around at the first left handed street to head in southerly direction.

The site walk/visit ended approximately at 5:40pm.



Town of Medway, Massachusetts

**CERTIFICATION
PURSUANT TO G.L. c. 39, Section 23D
OF PARTICIPTION IN A SESSION OF AN
ADJUDICATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION**

Note: This form can only be used for missing a single public hearing session.
This cannot be used for missing more than one hearing session.

I, Robert K. Tucker (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of Planning & Economic Development Board
2. I missed a public hearing session on the matter(s) of: Wingate Farm Subdivision Modification
which was held on May 25, 2021
3. I have reviewed all the evidence introduced at the hearing session that I have missed which included a review of (initial which one(s) is/are applicable):
 - a. ☐ audio recording of the missed hearing session; or
 - b. ☒ video recording of the missed hearing session; or
 - c. ☐ a written transcript of the missed hearing session.

This certification shall become part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 16 day of JUNE, 2021.

[Signature]
(Signature of Board Member)

Received as part of the record of the above matter:

Date: June 16, 2021

By: Susan E. Offbeck - Clerk

Position: Planning & Econ Dev Coordinator

RECEIVED TOWN CLERK
JUN 17 '21 AM 10:00



March 23, 2018

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

**Re: Wingate Farm
Private Way Definitive Subdivision Review
168 Holliston Street
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (Board). The proposed Project is a four-lot private subdivision on approximately 5.5 acres in Medway, MA. Proposed Project includes maintaining existing house (168 Holliston Street), constructing additional houses on lots generated by the subdivision as well as appurtenant private roadway, utilities, and drain infrastructure.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Subdivision Modification Plan, Wingate Farm, A Private Way Definitive Subdivision Plan", dated August 20, 2004, revised September 16, 2005, prepared by Consolidated Design Group, Inc. (CDG).
- A stormwater management report (Stormwater Report) titled "Drainage Summary, Wingate Farms, 168 Holliston Street, Medway, Massachusetts" dated October 6, 2004, revised February 8, 2005, prepared by CDG.
- A Certificate of Action titled "Wingate Farm Definitive Subdivision Plan – Modification" dated April 28, 2005.
- Daily Construction Reports, various dates, prepared by VHB.

The Plans, Stormwater Report and accompanying materials were reviewed for conformance with Chapter 100 of the Town of Medway PEDB Rules and Regulations (Regulations), MA DEP Stormwater Management Standards (Stormwater Standards), additional applicable town standards and good engineering practice. Review of the project for zoning and wetland related issues was not completed as these reviews are conducted by separate consultants/town agencies.

The following items were found to be inconsistent with current Town of Medway PEDB Definitive Subdivision Review Regulations (Chapter 100). Reference to applicable regulation requirement is given in parentheses following each comment.

- 1) Existing and proposed watershed maps have not been provided in the Stormwater Report. (Ch. 100 §5.5.9.b)
- 2) A map of proposed drainage areas tributary to catch basins has not been included in the Stormwater Report. (Ch. 100 §5.5.9.c)
- 3) A summary of soil types at the site has not been provided. (Ch. 100 §5.5.9.f)
- 4) The applicant has not provided proposed catch basin grate calculations. (Ch. 100 §5.5.9.i)

- 5) Calculations for all culverts proposed have not been provided. Culvert analysis of the rip-rap sump and 8" ductile iron pipe culvert has not been included in the drainage analysis. (Ch. 100 §5.5.9.j)
- 6) The Long-Term Operation and Maintenance (O&M) Plan does not appear to meet current Stormwater Standards. Furthermore, Stormceptor unit has not been included in the plan. (Ch. 100 §5.5.10)
- 7) The applicant has not provided test pit information. However, exfiltration is not considered in the design of the "wetland pond" and therefore test pitting will only be required to confirm soil types for proposed roof drain infiltration. (Ch. 100 §5.5.10.1)
- 8) The applicant has not provided sight distance calculations for proposed intersection with Holliston Street. (Ch. 100 §5.5.13)
- 9) An ANRAD determination from Medway Conservation Commission has not be supplied by the applicant, wetlands exist on site. (Ch. 100 §5.5.14)
- 10) The existing conditions plan does not contain locations of free-standing trees with a diameter of one-foot (1') or greater at twenty-four inches (24") above grade. (Ch. 100 §5.7.6)
- 11) Vertical datum has not been noted on the Plans. The applicant requested a waiver from similar regulation (Ch. 100 §3.3.2.16) and based on the waiver request it can be assumed vertical elevations are in NGVD 29 datum, not the required NAVD 88 datum. (Ch. 100 §5.6.3)
- 12) Wetland buffer zones per the Massachusetts Wetlands Protection Act have not been shown on the Plans. (Ch. 100 §5.7.7)
- 13) Lot shape factor lines have not been included for each lot. (Ch. 100 §5.7.14)
- 14) List of waivers should include items related to the submission of a definitive subdivision plan (Ch. 100 §5.7.16)
- 15) Sewage disposal system has not been shown for Lot 2. (Ch. 100 §5.7.19)
- 16) The applicant has not supplied test pit data. (Ch. 100 §5.7.22)
- 17) Applicant has included O&M Plan on the Plans. However, inspection and maintenance requirements do not meet current Stormwater Standards. (Ch. 100 §5.7.23.e)
- 18) Street lights have not been proposed. (Ch. 100 §5.7.28)
- 19) The applicant has not supplied a Stormwater Pollution Prevention Plan (SWPPP). (Ch. 100 §5.7.33)
- 20) The Plans show house footprints at forty feet (40') by sixty feet (60'). Proposed houses should be shown with a footprint of forty feet (40') by eighty feet (80'). (Ch. 100 §5.7.36)
- 21) The applicant shall provide statement on plans that proposed septic facilities will be approved by Medway Board of Health prior to house construction, see regulation for wording. (Ch. 100 §7.6.2.e)
- 22) The applicant has not stated spare conduit on the "Typical Driveway Section" detail. (Ch. 100 §7.6.2.h)
- 23) The applicant has proposed an eighteen-foot (18') traveled way. In past projects the Medway Fire Chief has required a twenty-foot (20') way for proper access to all lots with emergency vehicles. (Ch. 100 §7.9)

- 24) The applicant has proposed minimum horizontal centerline radii of less than the required one-hundred fifty feet (150'). (Ch. 100 §7.9.2.b)
- 25) The applicant has proposed property line radius at intersection of Holliston street right-of-way of less than the required twenty-eight-foot (28') minimum. Proposed edge of pavement radius is also less than the required forty-foot (40') minimum. (Ch. 100 §7.9.2.d)
- 26) Sight distances have not been shown on the Plans. (Ch. 100 §7.9.3)
- 27) The applicant has proposed a private way that is less than the required fifty feet (50'). (Ch. 100 §7.9.4.a)
- 28) The applicant has proposed portions of the proposed private way at less than minimum 2% grade. (Ch. 100 §7.9.5.a)
- 29) We recommend the applicant consult with Medway Fire Chief to determine if proposed turnaround is sufficient for emergency vehicles. (Ch. 100 §7.9.6.d)
- 30) The applicant has proposed a gravel roadway, Regulations require hot mix asphalt paving. (Ch. 100 §7.9.7.h)
- 31) The applicant has not proposed vertical granite curbing at intersection with Holliston Street. (Ch. 100 §7.10.1)
- 32) The applicant has not proposed curbing along the entire length of the subdivision roadway. (Ch. 100 §7.10.2)
- 33) Street trees have not been proposed. However, the applicant proposes to retain as many mature trees as possible as part of the Project. (Ch. 100 §7.19.2)
- 34) The applicant has not proposed street lighting. This regulation has been waived in the past and driveway lights required at each driveway opening. (Ch. 100 §7.21)
- 35) Areas of snow removal should be shown on the Plans. Snow should not be placed in stormwater BMP's. (Ch. 100 §7.27.2)

The following items were found to not be in conformance with MA DEP Stormwater Management Standards and/or Town Stormwater Regulations.

MA DEP Stormwater Management Standards

- 36) Peak rate for the one-hundred (100) year event is greater in the post-development condition. (Standard 2)
- 37) The applicant has not submitted a construction term erosion control plan or SWPPP. (Standard 8)
- 38) The O&M Plan provided does not meet minimum criteria as stated in the Stormwater Standards. (Standard 9)
- 39) The applicant has not submitted necessary documentation for prohibition of illicit discharges at the site. (Standard 10)

PEDB Stormwater Regulations (Ch. 100 §7.7)

- 40) We recommend the applicant provide narrative and checklist of how the Project meets each of the ten (10) Stormwater Standards. (Ch. 100 §7.7.2.a)

- 41) Post-development runoff and volume is greater than pre-development for the twenty-five (25) and one-hundred (100) year storm events. (Ch. 100 §7.7.2.d)
- 42) Detention basins should be located on their own parcels, not on individual house lots. Proposed detention basin is located within Lot 4, maintenance and access easement has been provided. (Ch. 100 §7.7.2.p)
- 43) The applicant is proposing using eight-inch (8") ductile iron pipe for driveway culverts, potentially due to cover issues. Regulations require reinforced concrete pipe. (Ch. 100 §7.7.4.b)

Town Stormwater Bylaw (Article XXVI)

- 44) We recommend the applicant provide a narrative documenting compliance with "*Article XXVI Stormwater Management and Land Disturbance*" of the Town of Medway General Bylaws.

General Stormwater Comments

- 45) The applicant has not supplied drainage figures. Figures are essential to cross-referencing proposed HydroCAD analysis with areas on the site.
- 46) Discharge points from the site have not been shown. These points are essential to understanding and comparing pre- vs. post-development runoff analyses.

These comments are offered as guides for use during the Town's review and additional comments are likely to be generated during the course of review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Steven M. Bouley, P.E.
Senior Project Engineer

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\DOCS\WINGATEFARM-PEDBREV(2018-03-23).DOCX



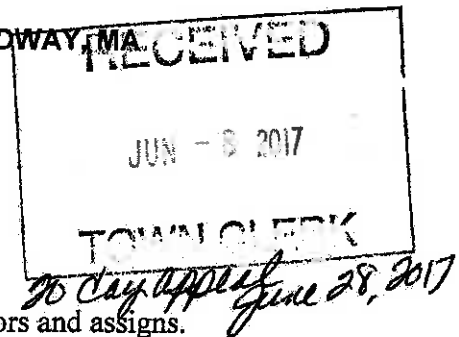
Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway, MA 02053

David J. Cole, Chairman
Carol Gould, Clerk
Eric Arbeene, Member
William Kennedy, Member
Brian White, Member
Rori Stumpf, Associate Member

DECISION
TIMBER CREST ESTATES DEVELOPMENT, MEDWAY, MA

Date Application Filed: March 23, 2016

Applicant: Timber Crest LLC (the "Applicant")
c/o Mounir Tayara
135 Main Street, Suite 5
Medway, MA 02053
The Applicant shall include its successors and assigns.



Location of Property: The Project is located on multiple parcels of land in Medway with proposed access to the property via frontage on Winthrop Street, Fairway Lane, Holliston Street and Fern Path. The property is comprised of 170.36 +/- acres and consists of 143 Holliston Street (Assessor Parcel No. 15-019), 153R Holliston Street (Assessor Parcel No. 15-001), 165 Holliston Street (Assessor Parcel No. 09-051), 177A Holliston Street (Assessor Parcel No. 09-006), 21R Fairway Lane (Assessor Parcel No. 08-016), 13 Ohlson Circle (Assessor Parcel No. 14-020), 102 Winthrop Street (Assessor Parcel No. 08-020), 11 Woodland Road (Assessor Parcel No. 09-058), and OR Woodland Road (Assessor Parcel Nos. 08-019 and 14-005) in Medway, MA (the "Property" or "Project Site"). The Property is located in Agricultural Residential I and II Zoning Districts.

Approval Requested: Comprehensive Permit, G.L. c. 40B, §§ 20-23

Members Participating: David J. Cole (Chairman), Carol Gould (Clerk), Eric Arbeene, William Kennedy, Brian White, and Associate Member Rori Stumpf

Members Voting: Carol Gould (Clerk), Eric Arbeene, William Kennedy, Brian White, and Associate Member Rori Stumpf

Hearing Opened: May 4, 2016

Hearing Closed: May 3, 2017

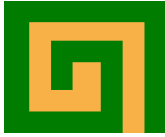
Date of Decision: May 31, 2017

34. No building permit shall be issued for any Phase of the construction until such Phase's stormwater collection system is functional, all utilities serving such Phase, including fire hydrants, are installed and available for service and the binder course of bituminous concrete is completed. The Applicant shall be eligible to receive occupancy permits upon substantial completion of infrastructure (i.e. roadway pavement base course, wetlands crossing, etc.) and utilities in each Phase of the Project sufficient to adequately service the needs of the homes in such Phase for which an application for certificate of occupancy has been made, subject to standard inspections in the ordinary course. Final roadway and infrastructure as-built plans shall be certified by the Applicant's engineer and submitted to the Building Inspector prior to issuance of the final occupancy permit for each Phase.

★ 35. The Applicant has agreed to regrade Holliston Street between Fairway Lane and the Proposed Site Entrance to satisfy Stopping Sight Distances ("SSD") and minimum Intersection Sight Distances ("ISD") criteria at the Proposed Site Entrance looking to/from the north for the observed 85th percentile travel speed of 41mph. These improvements are expected to also enhance sight lines at the Holliston Street/Fairway Lane intersection looking to/from the south. Prior to the issuance of any building permit for Phase 2E on the eastern portion of the Project site, the Applicant shall complete the proposed re-grading of Holliston Street, as depicted in plans prepared by Green International Affiliates, Inc. ("GIA") submitted as part of the final plans, so as to achieve the stopping sight distance and intersection sight distance shown on the GIA plans. Prior to the issuance of any building permit for Phase 2E on the eastern side, the Applicant and the Board's construction monitor, shall meet at the Project site to confirm appropriate site lines at the intersection of Holliston Street and the Project entrance, consistent with the requirements of the approved plans. The Applicant shall work with the Town to clear any vegetation within the layout of Holliston Street necessary to maintain adequate sight lines as depicted on the approved plans, but shall preserve any major trees (i.e. greater than 3" diameter) to the extent practicable.

36. Prior to the issuance of any building permit for Phase 1W on the western portion of the Project site, the Applicant shall complete the proposed mitigation, as depicted in plans prepared by Green International Affiliates, Inc. ("GIA") submitted as part of the Preliminary Plans, so as to achieve the stopping sight distance and intersection sight distance shown on the GIA plans. Prior to the issuance of any building permit for Phase 1W on the western side, the Applicant and the Board's construction monitor, shall meet at the Project Site to confirm appropriate sight lines at the intersection of Winthrop Street and the Project entrance, consistent with the requirements of the Final Plans. The Applicant shall work with the Town to clear any vegetation within the layout of Winthrop Street necessary to maintain adequate sight lines as depicted on the approved plans, but shall preserve any major trees (i.e. greater than 3" diameter) to the extent practicable.

37. The Applicant has proposed to construct the Project roadway as shown on the Final Plans, such that the subdivision roadways for the project will be eligible for adoption by the Town of Medway as a public road. If the Applicant chooses to petition the Town of Medway for acceptance of the project roadway, the Applicant shall be solely responsible to apply for the subdivision roadway to be dedicated and accepted by the Town of Medway as a public way for all purposes.



GREEN INTERNATIONAL AFFILIATES, INC.
239 LITTLETON ROAD, SUITE 3, WESTFORD, MA 01886
TEL (978) 923-0400 FAX (978) 923-0404

March 15, 2017

Mr. David Cole, Chairman
Medway Zoning Board of Appeals
155 Village Streets
Medway, MA 02053

Attn: Stephanie Mercandetti

Re: Proposed 40B Residential Development, Timber Crest Estates, Medway, MA
Supplemental Sight Distance Analysis – Holliston Street Site Drive

Dear Mr. Cole:

We along with our team members have been working diligently in addressing comments made by the peer review consultant (Tetra Tech). Our response dated February 21, 2017 adequately addressed most of them. We met with Tetra Tech and town staff on March 1, 2017 to further discuss the outstanding item. Tetra Tech requested some additional evaluation and clarification pertaining to meeting sight distances in relation to the proposed site drive on Holliston Street. This evaluation examined the sight distance requirements of 41 mph to and from the north in relation to proposed site drive. The 41 mph speed was the actual measured 85th percentile speed on Holliston Street in the southbound direction approaching the proposed site drive. The applicant was requested to review the proposed plan at the time and modify if necessary to demonstrate what needs to be done to Holliston Street in order to meet the 41 mph requirements.

The major proposed improvement to Holliston Street to address the sight distance concern is to reduce the roadway's profile by lowering the crest vertical curve north of the site drive and slightly flattening the curve at or immediately south of the proposed site drive. In addition, there would be 4 feet of roadside along the west side of road between the proposed site drive and Fairway Lane to be cleared and re-graded.

This extensive design evaluation has been completed and attached are the final proposed profile plan sheets for Holliston Street that also indicate the available/required sight distances. The calculation of required sight distances and a table that summarizes the analysis of sight distance relative to the proposed site drive in relation to and from the north are also attached.

As shown in the information, sight distance requirements to and from the north relative to the proposed site drive on Holliston Street are satisfied for 41 mph, the 85th percentile speed as well as the posted speed of 35 mph that had been demonstrated in the February 21, 2017 response.

In addition to meeting sight distances requirements in relation to the site drive, this proposed road improvement will also have the benefit of significantly improving visibility relative to Fairway Lane looking to and approaching from the south.

While the profile related construction on Holliston Street described above is the major action under the proposed Holliston Street mitigation plan, there are a number of additional actions proposed for Holliston Street as part of the project's mitigation plan that are designed to enhance safety along the roadway including the following:

- Install two (2) speed display feedback signs (one southbound approaching Fairway Lane; one northbound prior to proposed site drive),
- Install advance INTERSECTION AHEAD warning signs in relation to the Holliston Street intersections with Fairway Lane, with the new site drive and with Lovering Street (with LED border lamps at Lovering).

CIVIL AND STRUCTURAL ENGINEERS

Mr. David Cole, Chairman
Re: Proposed Timber Crest
March 15, 2017
Page 2

- Install advance CURVE AHEAD warning signs, some with LED border lamps, approaching and within the horizontal curves south of the site drive,
- Install either recessed centerline reflectors or centerline rumble strip within the curve section south of the site drive (preference selected by town),

All of these items were discussed in the February 21, 2017 response and discussed with town staff including the Sgt. Watson as well as with the peer review consultant.

If the Board or staff have any further questions, please feel free to contact me at (978) 923-0400.

Very truly yours,
GREEN INTERNATIONAL AFFILIATES, INC.

William J Scully

William J. Scully, P.E.
Director of Transportation Planning

Attachments

Cc M. Tayara
C. Agostino
P. Cusson
J. Pavlik
S. Reardon

Summary of Sight Distance Analysis – With Mitigation
Holliston Street at Proposed Site Drive Based on 41 mph

LOCATION	SIGHT DISTANCE		
	AVAILABLE (FT)	MINIMUM REQUIRED (FT)	MET?
STOPPING SIGHT DISTANCE			
Holliston Street Southbound Approach Site Drive	335	335 ^a	Yes
INTERSECTION SIGHT DISTANCE			
Vehicles exiting the Site Drive, looking north	355	335 ^a	Yes

Notes: a – Calculated assuming a downslope of 3.8 percent and rounded



GREEN INTERNATIONAL AFFILIATES, INC.
Civil and Structural Engineers
 239 Littleton Road, Suite 3
 WESTFORD, MA 01886

JOB	15048.015 Medway Timber Crest Estates		
SHEET NO.	1	OF	1
CALCULATED BY	SM	DATE	3/13/2017
CHECKED BY	WJS	DATE	3/13/2017
DESCRIPTION	Sight Distance Calculations		

Sight Distance Calculations - Site Drive 3 at #165 Holliston Street with Roadway Profile Regrading - Crest and Sag Curve

formulas:

$$\text{SSD} = (1.47 * V * t) + (1.075 * V^2 / a)$$

$$\text{ISD} = 1.47 * V * t_g$$

where

V = speed of major roadway (mph)

t = brake reaction time (sec)

a = deceleration rate (ft/s²)

t_g = time gap for minor road vehicle to enter the major road

Sight Distance Requirements on Flat grades

Speed	t	a	SSD	Left Turns		Right Turns	
				t _g	ISD	t _g	ISD
10	2.5	11.2	46	7.5	110	6.5	96
15	2.5	11.2	77	7.5	165	6.5	143
20	2.5	11.2	112	7.5	221	6.5	191
25	2.5	11.2	152	7.5	276	6.5	239
30	2.5	11.2	197	7.5	331	6.5	287
35	2.5	11.2	246	7.5	386	6.5	334
40	2.5	11.2	301	7.5	441	6.5	382
45	2.5	11.2	360	7.5	496	6.5	430
50	2.5	11.2	424	7.5	551	6.5	478
55	2.5	11.2	492	7.5	606	6.5	526
60	2.5	11.2	566	7.5	662	6.5	573

Stopping Sight Distance Requirements on slopes

$$\text{SSD adjusted} = (1.47 * V * t) + (V^2 / (30 * ((a / 32.2) + G)))$$

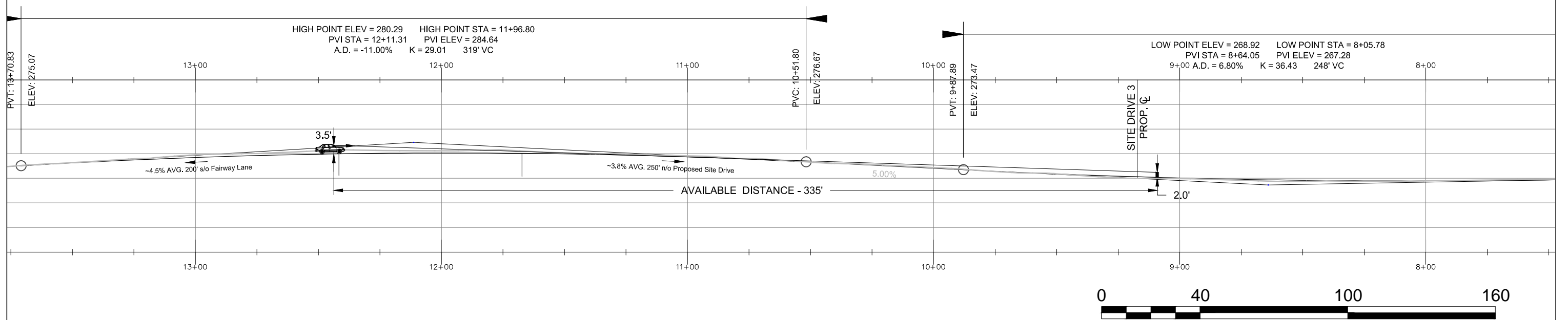
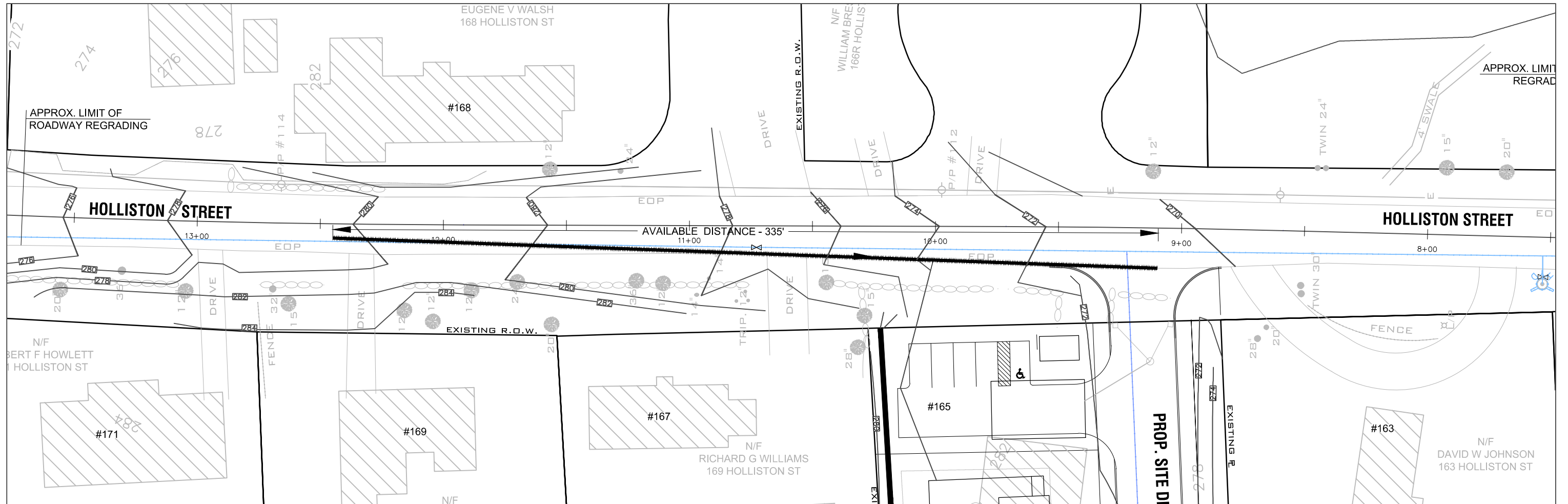
	Speed	t	a	Grade	SSD adj	Roundup
Holliston St NB	35	2.5	11.2	1.1%	242	245
Holliston St NB	41	2.5	11.2	1.1%	307	310
Holliston St SB	35	2.5	11.2	-3.8%	260	265
Holliston St SB	41	2.5	11.2	-3.8%	332	335

Intersection Sight Distance Requirements on slopes

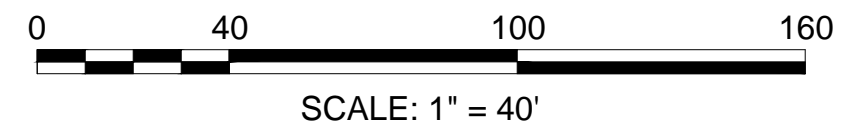
$$\text{ISD adjusted} = \text{ISD} * \text{adjustment factor}$$

	Speed	t _g	Grade	Factor	ISD adj	Roundup
Looking South from Site Drive	35	7.5	-2.0%	1.0	386	390
Looking South from Site Drive	41	7.5	-2.0%	1.0	452	455
Looking North from Site Drive	35	6.5	-2.0%	1.0	334	335
Looking North from Site Drive	41	6.5	-2.0%	1.0	392	395

Refer to page 658 of AASHTO for ISD adjustment factors



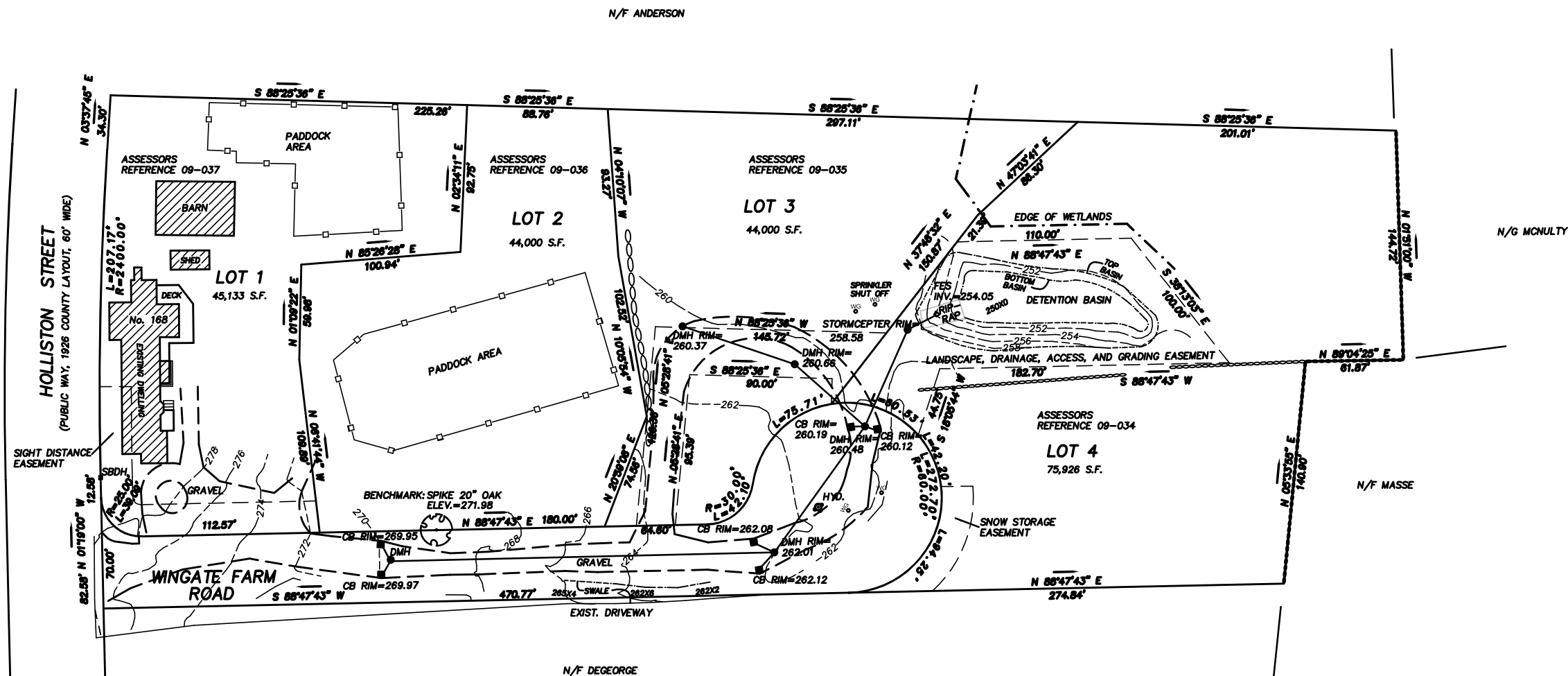
REQUIRED:
 Minimum SSD Based on 35 mph Posted Speed: 265'
 Minimum SSD Based on 41 mph Travel Speed: 335'





LEGEND

- WG WATERGATE
- CB CATCHBASIN
- DMH DRAIN MANHOLE
- SBDH STONE BOUND DRILL HOLE
- FES FLARED END SECTION
- EXIST. EXISTING
- HYD. HYDRANT
- 100X0 EXISTING SPOT GRADE



PREPARED FOR EUGENE & KARYL WALSH
DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 35797 PAGE 582
PLAN REFERENCE: PLAN No. 79 OF 2007
ZONING DISTRICT: AR-1
ASSESSORS REFERENCE: 09-037,09-036,09-035,09-034

PROPERTY LINE INFORMATION AND ELEVATIONS REFER TO A PLAN
ENTITLED "MODIFICATION TO WINGATE FARM A PRIVATE WAY
DEFINITIVE SUBDIVISION PLAN" DATED AUGUST 20, 2004 AND
RECORDED AS PLAN No. 64 OF 2007 IN PLAN BOOK 574

I CERTIFY THAT THIS PLAN REFLECTS THE
RESULTS OF AN ON THE GROUND SURVEY
PERFORMED BETWEEN JULY 9, 2020 AND SEPT.
24, 2020.

Daniel A. O'Driscoll FEB. 22, 2021
PROFESSIONAL LAND SURVEYOR DATE



AS-BUILT PLAN WINGATE FARM ROAD IN MEDWAY, MASSACHUSETTS

SCALE: 1"=40' DATE: JANUARY 14, 2021
REVISED: FEBRUARY 22, 2021

O'DRISCOLL
LAND SURVEYING, Inc.

LAND SURVEYING GPS MAPPING LAND CONSULTING
48 COTTAGE MEDWAY, MASSACHUSETTS 02053 508-533-3314
FILE No. 2118



Susan Affleck-Childs

From: Jessica Chabot <jesswchabot@gmail.com>
Sent: Friday, June 18, 2021 8:49 AM
To: Susan Affleck-Childs; Andy Rodenhiser
Subject: Wingate Subdivision

Andy and Susy,

As you know, I will be unable to attend the June 22nd planning board of economic development meeting. On the agenda that evening is a public hearing for the Wingate Farm Subdivision. The history of this project is public information, so I won't go through every detail of this long standing application. This application is almost 20 years old and the applicant has come back to the town numerous times for an extension to complete the work, which have all been granted, but the work has not yet been completed to the satisfaction of the town engineer and the original permit. In addition it appears the applicant no longer wants to use the subdivision as it was originally intended, there are serious safety concerns with site lines at the entrance which haven't been addressed, and issues with the stormwater design and execution.

Based on these items and more, I am not in favor of extending or establishing a new date of completion. The applicant should submit a new proposed plan based on our current rules and regulations and file a new application with the town. This is the best course of action for the town.

Respectfully submitted,
Jessica Chabot

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Tuesday, June 22, 2021 10:41 AM
To: Susan Affleck-Childs; Rachel Walsh
Cc: Karyl Walsh; Andy Rodenhiser; Picard, Brad
Subject: RE: Excerpt from Timbercrest decision re: Holliston Street work

All,

We looked into this matter and it is not as simple as looking into a reference and choosing the sight distances. A study should be conducted or an opinion developed from a registered engineer regarding sight distances from the proposed driveway. We can use the report from Timber Crest to make some assumptions but it would by no means be a definitive answer on sight distance per AASHTO for this particular site. Each driveway will have its own set of potential obstructions which may limit sight distance which should be studied.

With that, we suggest the PEDB request the applicant seek a registered engineer (preferably a traffic engineer) for study of sight distance from the proposed driveway and whether the project meets the required AASHTO standard in its current condition. It would also be beneficial to understand how the Project meets the standard after the proposed lowering of Holliston Street by the developers of the Timber Crest project.

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

Steve

Steven M. Bouley, P.E. | Project Manager | Tetra Tech
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | steven.bouley@tetrattech.com

While we are operating remotely in response to COVID-19, Tetra Tech teams remain fully connected and hard at work servicing our clients and ongoing projects. We would also like to wish health and wellness to you and your family.

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

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, June 17, 2021 4:13 PM
To: Rachel Walsh <bostonbootstress@gmail.com>
Cc: Karyl Walsh <wingatefarm@hotmail.com>; Andy Rodenhiser <andy@rodenhiser.com>; Bouley, Steven <Steven.Bouley@tetrattech.com>; Picard, Brad <Brad.Picard@tetrattech.com>
Subject: RE: Excerpt from Timbercrest decision re: Holliston Street work

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

Hi,

I shared this with you because I had understood you all believed the Holliston Street flattening work to be undertaken by the Timber Crest developer would be beneficial to improving (extending) the sight distance on Holliston Street from Wingate Farm Road. I believe Karyl had also argued that the "Street Entering Left" sign shown on the Wingate plan was not needed because of the required Timber Crest work. I wanted to put the Timber Crest information about the required road work on the record. Perhaps my understanding of the Walsh family perspective on this is not accurate.

The absence of sight distance information onto Holliston Street from Wingate Farm Road was noted by Steve Bouley of Tetra Tech in his March 2018 memo in which he reviewed the 2005 Wingate Farm plan in the context of the Subdivision Rules and Regulations which are now in effect. He noted that the 2005 plan does not show sight distance calculations which are now required under the current subdivision rules and regulations. Furthermore, the regs require that sight distances for turning movements to and from the subdivision and within the subdivision shall meet the current minimum AASHTO standards (American Association of State Highway and Transportation Officials).

I am including Steve Bouley on this email along with his colleague Brad Picard with a request that they research and be ready to provide information to the Board at Tuesday's hearing regarding the AASHTO sight distance standards that would be applicable for an intersection like Wingate Farm Road and Holliston Street.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

From: Rachel Walsh [<mailto:bostonbootstress@gmail.com>]
Sent: Thursday, June 17, 2021 3:01 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Karyl Spiller-Walsh <wingatefarm@hotmail.com>; Andy Rodenhiser <andy@rodenhiser.com>
Subject: Re: Excerpt from Timbercrest decision re: Holliston Street work

Hi thanks for sending. I was wondering why this would be included with the wingate farm application? It is a different development in a different location on Holliston Street. The site distance is completely different. As well as being on the other side of the street it is much lower than where this entrance is. The Wingate farm entrance was approved with its own study where it enters Holliston street including the existing hill. So why is this relevant? The agreed mitigation for this development was to include a street entering left sign on Holliston Street. Thank you -Rachel Walsh

On Thu, Jun 17, 2021, 12:59 PM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

FYI.

I will include this in the Board packet for next week's hearing.

Susy



June 22, 2021

**Medway Planning & Economic Development Board
Meeting**

Public Hearing Continuation
Good Feels Marijuana Special Permit
Modification – 23 Jayar Road

UPDATED

- Notice dated 6-10-21 to continue the public hearing to 6-22-21
- Email communications dated 6-15-21 from applicant Jason Reposa
- Noise review email dated 6-16-21 from Chris Menge (Board's noise consultant) re: generator noise
- Draft decision dated 6-17-21
- Good Feels Inc. Plan for Construction dated 5-13-21
(This is the same plan you reviewed at the 6-8 hearing.)
- **Email dated 6-19-21 from Jeff Komrower of Noise Control Engineering (for the applicant) explaining the updated proposal for a Generac 10KW Generator**
- **Email dated 6-22-21 from Chris Menge of HMMH (for the PEDB) commenting on the 6-21-21 Komrower email**

Board Members

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



Medway Town Hall
155 Village Street
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Email: planningboard@townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK
JUN 10 '21 PM 1:08

MEMORANDUM

June 10, 2021

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 Good Feels Marijuana Establishment Special Permit Modification – 23 Jayar Road*
Continuation Date – Tuesday, June 22, 2021 at 7:30 p.m.

At its June 8, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Good Feels Inc. of Medway, MA to modify the previously issued marijuana establishment special permit for 23 Jayar Road to Tuesday, June 22, 2021 at 7:30 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

In January 2021, the PEDB granted a marijuana special permit decision to use 1,896 sq. ft. of the existing commercial/industrial building at 23 Jayar Road for the production and packaging of marijuana infused products for adult recreational use. The proposed change is to modify the previously issued decision in order to allow for the outdoor installation of an enclosed back-up emergency generator and chiller with sound insulation along the back (northern) wall of the building. The plan modification is shown on *Good Feels Inc. Permit Plan*, dated 5/13/2021 prepared by Joe the Architect, LLC of Somerville, MA.

The application and supporting documentation were filed with the Town on May 17, 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/good-feels-inc-23-jayar-road-marijuana-special-permit-and>

At the 6-22-21 hearing, the Board will review a draft decision and will likely vote. Please let me know if you have any comments or questions. Thanks.

Susan Affleck-Childs

From: Jason Reposa <jason@getgoodfeels.com>
Sent: Tuesday, June 15, 2021 9:59 AM
To: Susan Affleck-Childs
Subject: Re: Good Feels modification - public hearing continuation notice

Hi Susy,

I figured I should summarize this.

Due to the fact that every generator company we spoke to does not supply the octave band level data for residential units and the majority of commercial units, we'd like to move forward with voting on a decision/determination at the next PEDB meeting.

Since everyone seemed to indicate that the emergency use provides for allowance in octave band limits, can you write up a determination that is based on a sampling of these facts:

1. An emergency generator isn't considered a continuous use.
2. We are mandated by the CCC to have a 24-hour power backup for our security system.
3. Octave band level data is not available to make an apples-to-apples comparison, so overall dB should be considered instead.
4. We have been approved for a portable generator, the amendment is for a quieter permanently installed one.
5. The closest residence is 1,500 feet away on the other side of a densely wooded lot.
6. The chosen generator is 12dB lower in overall sound output than the 130kw one that nearly got approved.

Restrictions:

- a. For non-emergency: Once a month, a test may be run during business days and daytime hours, for approximately 5 minutes.
- b. For emergency: When power has been restored, the generator must be switched off.

In your words, of course. I don't know how to write this in a way that makes the most sense for the PEDB. These are just the facts of the situation.

Thanks,
Jason

On Mon, Jun 14, 2021 at 7:41 AM Jason Reposa <jason@getgoodfeels.com> wrote:
Hi Susy,

It appears that through all our resources, from the electrician, builder, noise engineer, our internal team of myself, and my operations manager, we were not able to secure this data for ANY residential-sized generator. Despite all the calls to customer service and technical sales, it seems that no company publishes this data for residential units. We've called Generac, Kohler, Honeywell, Briggs & Stratton, and probably a few more that I can't recall off the top of my head.

Do we have a path forward? What do you suggest we do?

Our other concern is that most generators aren't "in-stock" right now, so we're having to scramble to find any approximately 10wk sized generator. We're actively working on finding a backup to the Generac in case it's not available to purchase.

Thoughts?
Jason

On Thu, Jun 10, 2021 at 4:20 PM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Oh my. How frustrating for you. Thanks for the update.

I will be away tomorrow so please take the weekend to put together your report.

Hang in there.

From: Jason Reposa [mailto:jason@getgoodfeels.com]
Sent: Thursday, June 10, 2021 3:35 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Re: Good Feels modification - public hearing continuation notice

Despite many calls to Generac, they don't publish this data for their residential units. I believe we may have come to a complete halt with Generac. We are currently finding another generator that publishes octave band level data.

I still plan on sending you a report by tomorrow, but it's becoming a battle with vendors.

Thank you for your patience.

Jason

On Thu, Jun 10, 2021 at 3:15 PM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Jason,

Here is the notice we filed this morning with the Town Clerk.

What is your timetable on getting us the revised noise information?

Best regards,

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator



Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

sachilds@townofmedway.org

Susan Affleck-Childs

From: Christopher Menge <cmenge@hmmh.com>
Sent: Tuesday, June 15, 2021 10:39 AM
To: Susan Affleck-Childs
Subject: RE: Generator sound levels. - 23 jayar road - good feels

Hello Susan,

I have reviewed the updated information on the noise level emissions from the proposed Good Feels emergency generator. This generator produces 61 dBA at 7m instead of 73 dBA, which had been assumed before. This reduction of 12 dBA is sufficient, along with the proposed 8-foot-high noise barrier, for the generator to be in compliance with Medway's nighttime noise limit of 42 dBA, since the predicted generator noise level would be 39 dBA at the north property line. No octave band data were available for this generator, but I expect that Medway's nighttime octave band limits likely would not be exceeded either.

Please let me know if you have further questions.

Chris

Christopher Menge
Sr. Vice President/Principal Consultant



www.hmmh.com

○ 781.852.3153 | M 781.223.8944

cmenge@hmmh.com

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, June 15, 2021 9:39 AM
To: Christopher Menge <cmenge@hmmh.com>
Subject: FW: Generator sound levels. - 23 jayar road - good feels

[EXTERNAL]

Hi Chris,

An additional email from applicant Jason Raposa in response to my question to him.

Thanks.

Susy

From: Jason Reposa [<mailto:jason@reposa.net>]
Sent: Tuesday, June 15, 2021 9:35 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Re: Generator sound levels.

Great question.

I've been working directly with Dominique since last week. They've scoured their database and their team can't find any information regarding octave band levels for this unit. In addition, they searched within their

commercial units, and still couldn't find any. The only ones we could find were for the largest of the generators. Specifically their 8.0L and 9.0L ones, such as the 130kw behemoth.

This email communicates the fact that they searched in their system and nothing exists that would allow us to present an apples-to-apples comparison to the octave band levels. I'm not proposing anything different, just that the board understands the situation. We took their guidance and sought out this data, but it doesn't exist.

Knowing the generator we have chosen is 12dB LOWER than the one we presented (by mistake), should give the PEDB enough comfort that we are conforming. I would hope Chris Menge would also concur.

Jason

On Tue, Jun 15, 2021 at 9:18 AM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Thanks Jason,

What is your understanding of what Dominique's email communicates?

I have forwarded it to Chris Menge at HMMH to review and get back to us.

Best regards,

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator



Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

sachilds@townofmedway.org

From: Jason Reposa [mailto:jason@reposa.net]
Sent: Tuesday, June 15, 2021 9:09 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Fwd: Generator sound levels.

For reference at the next PEDB meeting. Note she misspelled "Octave" as "Optic."

----- Forwarded message -----

From: Dominique Ward <Dominique.Ward@generac.com>
Date: Tue, Jun 15, 2021 at 9:07 AM
Subject: Generator sound levels.
To: Jason@reposa.net <Jason@reposa.net>

Hello Jason,

Spec sheet attached, snips below, there are NO other responses to these sound questions on HSB's. The sound level is air pressure created by the device emitting it. Any changes in the testing parameters or environment will result in a different sound level, either higher or lower. Variables include ambient temperature, humidity, avg current noise levels (wind, animals, people talking/breathing/moving, airplanes, distant commercial operations, traffic and more), adjacent structures/ landscaping creating reverberation. All of these will modify the sound being recorded.

We do not have the information for Optic band levels.

****Sound levels are taken from the front of the generator. Sound levels taken from other sides of the generator may be higher supplying emergency power for the duration of the utility power outage. No overload capability is available for this rating. (All ratings and current are subject to and limited by such factors as fuel BTU (Megajoule) content, ambient temperature, altitude, engine 1,000 ft (304.8 m) above sea level; and also will decrease approximately 1% for each 6 °C (10 °F) above 16 °C (60 °F).**

Generator

Model

G007

Rated maximum continuous power capacity (LP)

Rated maximum continuous power capacity (NG)

Rated voltage

Rated maximum continuous load current – 240 volts (LP/NG)

Total Harmonic Distortion

Main line circuit breaker

Phase

Number of rotor poles

Rated AC frequency

Power factor

Battery requirement (not included)

Unit weight (lb/kg)

Dimensions (L x W x H) in / cm

Sound output in dB(A) at 23 ft (7 m) with generator operating at normal load**

Sound output in dB(A) at 23 ft (7 m) with generator in Quiet-Test™ low-speed exercise mode**

Exercise duration



Dominique Ward

Generac Power Systems

Customer Experience Specialist

Dominique.ward@generac.com

(888)436-3722

(she/her/hers)

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Board Members

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



Medway Town Hall
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Email: planningboard@townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS PLANNING AND ECONOMIC DEVELOPMENT BOARD

June 17, 2021

SPECIAL PERMIT MODIFICATION

Good Feels, Inc. Recreational Marijuana Establishment Special Permit
23 Jayar Road

Name/Address/Permittee: Jason Reposa
Good Feels, Inc.
1 Shady Lane
Medway, MA

Project Location: 23 Jayar Road

Assessor's Reference: Map 24, Parcel 014

Zoning District: East Industrial

Purpose: Amend the previously issued special permit which included a condition which cannot be met

Date of Special Permit Decision: January 12, 2021

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") on the applicant's request to modify the previously issued recreational marijuana special permit.

I. BACKGROUND – The ARCPUD special permit decision approved by the Board on January 12, 2021 authorized the use of 1,896 sq. ft. of the existing commercial/industrial building at 23 Jayar Road on the north side of Jayar Road in the East Industrial zoning district to operate a registered marijuana establishment (Good Feels, Inc.) to manufacture, process and package marijuana infused products for adult recreational use. The permit did not address cultivation or retail sale on the premises. The special permit was recorded at the Norfolk County Registry of deeds on April 13, 2021 in Book 39267, page 295.

II. DESCRIPTION OF PROPOSED MODIFICATION – The proposed change is to modify the previously issued decision in order to allow for the outdoor installation of an enclosed back-up emergency generator and chiller with sound insulation along the back wall of the building. The modification is needed because Specific Condition E. of the January 12, 2021 special permit decision prescribes that *"The Permittee is not authorized to construct a permanent installation for a back-up generator outside the building."* A back-up generator with 24-hour capacity to handle security cameras and access doors is required by the MA Cannabis Control Commission. The permittee states that their original plan to contract with an outside vendor for an on-demand

back-up generator was not able to be achieved. Accordingly, they now wish to install a Generac G9.0I SG/MG 130 generator with Level 1 sound insulation. Outside of a monthly test cycle that would last approximately 5 minutes, the proposed back-up generator would only be used for emergency situations.

The Permittee also plans to install an outside chiller to cool down water for their products. It had been anticipated that they would install an inside chiller for that purpose, but upon further research, it was determined that an inside chiller would compete with the HVAC system, causing unnecessary energy usage.

To accommodate the generator and chiller as permanent outside installations, the Permittee also proposes to build an enclosure around the equipment, install bollards around the enclosure to provide protection from accidental damage, and install sound absorption panels to reduce noise and echo emanating from the equipment in order to meet the sound thresholds specified in the original special permit.

The locations of the proposed equipment, enclosure and bollards are shown on *Good Feels Inc. Permit Plan*, dated 5/13/2021 prepared by Joe the Architect, LLC of Somerville, MA.

III. DECISION OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, at a duly posted meeting held on June 22, 2021, on a motion made by _____ and seconded by _____, voted to _____ with Conditions the requested modification to the previously issued marijuana establishment special permit.

All other conditions of approval of the ARCPUD special permit dated January 12, 2021 remain in force. All documents associated with the previous decision are hereby acknowledged and made a part of the record for this modification.

Planning and Economic Development Board Member

VOTE

Andy Rodenhiser
Richard Di Iulio
Jessica Chabot
Matthew Hayes
Robert Tucker

IV. PROCEDURAL HISTORY

- A. May 17, 2021 – Special permit modification application filed with the Board and Town Clerk.
- B. May 19, 2021 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. May 19, 2021 - Public hearing notice mailed to parties in interest by certified sent mail.
- D. May 20, 2021 – Information distributed to Town staff, boards and committees with a request for review and comment.

- E. May 24, 2021 and June 1, 2021 - Public hearing notice advertised in *Milford Daily News*.
- F. June 8, 2021 - Public hearing commenced. The public hearing was continued to June 22, 2021 when a decision was rendered and the hearing was closed.

V. INDEX OF DOCUMENTS

- A. The special permit modification application materials that were provided to the Board included the following:
 - Special Permit Modification application dated May 10, 2021
 - Explanation of Modifications to Special Permit prepared by Permittee Jason Reposa
 - *Good Feels Inc. Permit Plan*, dated 5/13/2021 prepared by Joe the Architect, LLC of Somerville, MA.
 - Noise Predictions for Chiller and Backup Generator (with specifications) prepared by Jeffrey Komrower, Noise Control Engineering of Billerica, MA, dated May 26, 2021
- B. During the course of the review, a variety of other materials were submitted to the Board by the permittee, Town staff and the Town's Consultants
 - Email dated June 2, 2021 from Christopher Menge, HMMH, noise consultant for the Board
 - Email dated June 15, 2021 from Dominique Ward of Generac re: generator sound levels
 - Multiple emails dated June 15, 2021 from Jason Reposa
 - Email dated June 15, 2021 from Christopher Menge, HMMH, noise consultant for the Board
- C. Abutter Comments
 - Email dated June 7, 2021 from John Lally, 35 Coffee Street
 - Email dated June 8, 2021 from John Lally, 35 Coffee Street

VI. TESTIMONY – the Board heard and received testimony from:

- Noise Control Engineering consultant Jeffrey Komrower
- HMMH noise consultant Christopher Menge
- Abutter John Lally, 35 Coffee Street

VII. FINDINGS - The Planning and Economic Development Board, at its meeting on June 22, 2021, on a motion made by _____ and seconded by _____, voted to _____ the **FINDINGS** regarding the application to modify the previously issued special permit Good Feels, Inc. for an adult recreational marijuana establishment for at Jayar Road. The motion was _____ by a vote of ____ in favor and ____ opposed.

- A. The Cannabis Control Commission requires a marijuana establishment to have a 24-hour power back-up for its security system.
- B. An emergency generator does not emit a continuous noise.
- C. Octave band data are not available for the selected Generac generator

- D. Medway's noise consultant has determined that the proposed chiller (Whaley SA5-3-2P30T) with the planned Level 1 sound enclosure will be significantly below the nighttime noise limits and will therefore be fully compliant with the noise requirements specified in the original special permit.
- E. The Permittee has proposed an alternative Generac generator (model # ____)
- F. The Town's noise consultant has determined that the selected Generac generator (model # ____) with the proposed 8' high noise barrier will comply with Medway's nighttime noise limit of 42dBa.

VIII. CONDITIONS - The *Conditions* included in this Decision shall assure that the Board's approval of this special permit is consistent with the *Zoning Bylaw* and that concerns of abutters which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

- A. Excluding emergency situations, operation of the back-up generator is limited to once monthly testing to occur only Monday – Friday between 9 am and 4 pm, excluding holidays, for a period to not exceed 5 minutes.
- B. Enclosure for equipment and sound barrier – are you OK with 8' high white vinyl fencing?
- C.

IX. APPEAL - The Board and the Applicant have complied with all statutory requirements for the issuance of this special permit modification on the terms set forth. 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 Massachusetts General Laws chapter 40A, section 15.

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

In accordance with General Laws chapter 40A, section 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 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. 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.

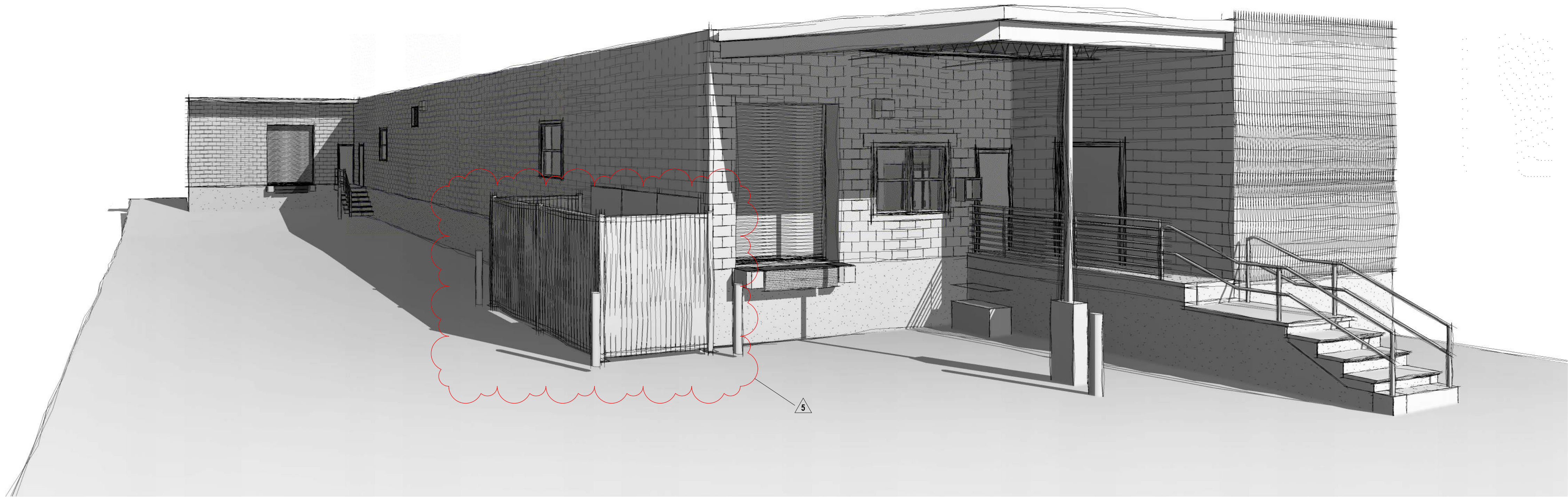
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Medway Planning and Economic Development Board
Adult Recreational Marijuana SPECIAL PERMIT MODIFICATION DECISION
Good Feels, Inc. – 23 Jayar Road

APPROVED by the Medway Planning & Economic Development Board: June 22, 2021

AYE:

COPIES TO: Michael Boynton, Town Administrator
Dave D'Amico, DPS Director
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
Allen Tingley, Police Chief
Jeff Watson, Police Department
Jason Reposa, Good Feels, Inc.
David Moniz, Reardon Properties



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project number 302 drawing number A000 revision 5 05/12/2021

Index of Drawings

SHEET LIST	
Sheet Number	Sheet Name
A000	COVER SHEET
A001	SITE CONTEXT AND CODE ANALYSIS
A010	MEANS OF EGRESS PLAN
A030	EXISTING FLOOR PLAN & REFLECTED CEILING
A031	EXISTING ELEVATIONS
A040	DEMOLITION PLAN
A110	FLOOR PLAN & FINISH PLAN
A111	EQUIPMENT PLAN
A120	REFLECTED CEILING & SWITCHING PLAN
A200	EXTERIOR ELEVATIONS
A600	INTERNAL ELEVATIONS
A601	INTERNAL ELEVATIONS
S0000	COVER SHEET SECURITY
S0001	SECURITY PLAN DRAWING

PROJECT ROSTER

CLIENT Jason Reposa CEO Good Feels Inc. 1 Shady Lane Medway, MA 02053 (617) 201-6025 jason@getgoodfeels.com	ARCHITECTURE Alex Siekierski Project Manager Joe The Architect, LLC 343 Medford Street, 4C Somerville, MA 02145 Phone: 617-764-3593 alex@joethearchitect.com	CONTRACTOR Brady Bankston Principal Popularis Construction Inc. 6A Main Street Medway, MA 02053 Phone: 508-243-2435 brady@popularisconstruction.com	BUILDING OWNER Reardon Properties 89 Main Street Suite 105 PO Box 98 Medway, MA 02053 reardonproperties89@gmail.com
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For Construction

PROJECT NAME:
Good Feels Inc. Medway Suite 6

PROJECT ADDRESS:
23 Jayar Road, Medway, MA 02053

PROJECT NO: 302
5/13/2021 10:51:47 AM

ISSUE DATE: 05/12/2021

J t A

JOE THE ARCHITECT
343 Medford Street, Suite 4C,
Somerville, MA 02145
t: +1(617) 764-3593
e: info@joethearchitect.com
www.joethearchitect.com

CLIENT NAME:
Good Feels Inc.

CLIENT ADDRESS:
23 Jayar Road, Medway, MA 02053

good feels™



EXISTING NORTH-WEST CORNER



EXISTING NORTH-WEST CORNER



EXISTING SOUTH-WEST CORNER



EXISTING TENANT SPACE (TOWARD EAST)



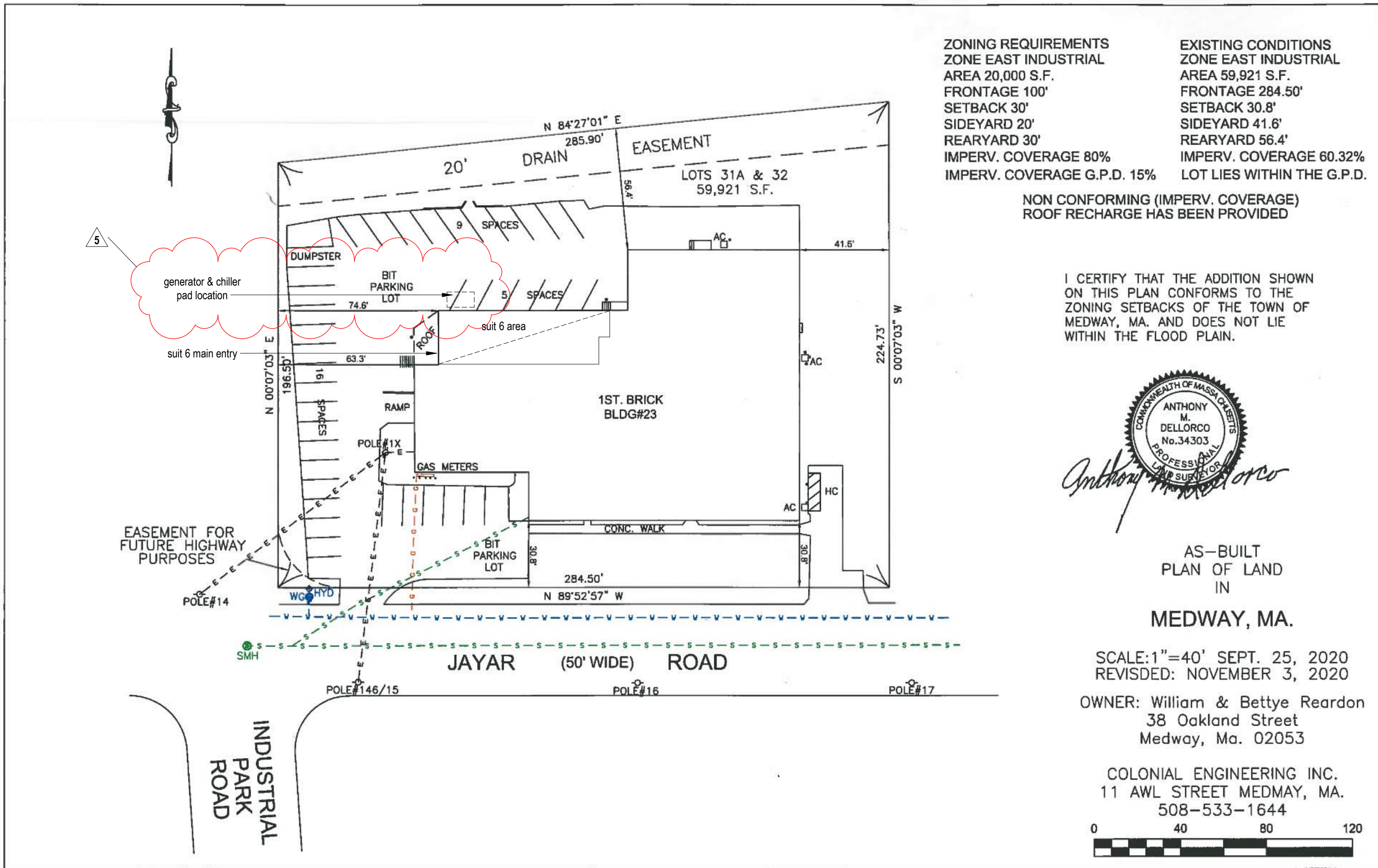
EXISTING TENANT SPACE (TOWARD WEST)

PRIMARY ENTRANCE
LOADING DOCK DOOR

SECOND MEANS OF EGRESS

TENANT AREA AROUND CORNER

LOADING DOCK DOOR
PRIMARY ENTRANCE



LOCUS MAP



23 JAYAR ROAD, MEDWAY, MA

USE & TYPE OF CONSTRUCTION (780 CMR CH 3 & 6)

Per Massachusetts state building code 780 CMR 9th edition/ international building code			
		Existing	Proposed
Use Group (780 CMR Section 304)	F-2 Factory Industrial	F-2 Factory Industrial	
Type of construction (780 CMR Section 602)	IIB	IIB	
Number of stories	1	1	
Fire Protection	NS - Not Sprinklered		
Building Element (780 CMR Section 601)		Fire Resistance Rating	
primary structural frame		0	
bearing walls		0	
exterior walls		0	
interior walls		0	
non bearing walls and interior		0	
floor construction and secondary members		0	
roof construction and secondary members		0	

OCCUPANT LOAD ANALYSIS (780 CMR CH 10)

Area Analysis		Gross Areas		Net (Usable) Areas	
First Floor	18185	GSF	Tenant Suite 6	1695	Net
Total Building Area	18185	GSF	Total Building Area	18185	Net
Floor	Function of Space (Use) Table 1004.1.2	Occupant Load Factor		Area (SF)	Occupancy
1	F-2 Low-hazard Factory Industrial	100	Gross	1695	16 allowable
Total Occupant Load				16	

PROJECT ZONING INFORMATION (LOCAL REGULATIONS)

Property Class	EI - East Industrial			
Map/Lot	24-014			
Neighborhood	East Industrial			
Zoning Ordinance	Medway Zoning & Bylaw Map including amendments November 18, 2019			
Use & Lot	Zoning Data		Required	
	Use	Industrial	Existing	Proposed
	Lot Area	20000	sf	59920 units
	Impervious Coverage	80	%	60.32 %
	Gross Floor Area Footprints			18185 gsf
	Front Yard Setback	30	ft	30.8 ft
	Rear Yard Setback	30	ft	56.4 ft
Building Setbacks	Side Yard Setback (left)	20	ft	63.3 ft
	Side Yard Setback (right)	20	ft	41.6 ft
	Street Frontage	100	ft	284.50 ft
Parking Analysis	# of Parking Spaces		37	37
	# of Loading Spaces		3	3

APPLICABLE CODES & REGULATIONS (9th EDITION 780 CMR)

Code Type	Applicable Code
MA Building	780 CMR: Massachusetts State Building Code - 9th Edition As a reminder, the new, ninth edition code is based on modified versions of the following 2015 codes as published by the International Code Council (ICC).
Residential	International Residential Code 2015 (IRC 2015)
Existing Buildings	International Existing Building Code (IEBC)
Plumbing	248 CMR 10.00: Uniform State Plumbing Code
Energy	International Energy Conservation Code (IECC)
Accessibility	521 CMR: Massachusetts Architectural Access Board Regulations

PROJECT GENERAL INFORMATION (PROJECT DATA SHEET)

Project Number	302
Project Title	Good Feels Inc. Medway Suite 6
Project Address	23 Jayar Road, Medway, MA 02053
Client Name	Good Feels Inc.
Client Address	23 Jayar Road, Medway, MA 02053

PROJECT DESCRIPTION

Client if building out roughly 1896sf for the processing and bottling of liquid based THC. The existing egress hallway and life safety devices will remain in place. The scope of work includes a secured storage space, processing area, open office, secure reception/greeting area, shipping and receiving, open storage and utility closet. All processing odors and noise will be contained within the building envelope.

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consultant / contractor information:

stamp



revision

1 PERMIT DOCUMENT SET
4 PERMIT REV 3
5 FOR CONSTRUCTION

date

01/16/2021
03/10/2021
05/12/2021

project title

Good Feels Inc. Medway Suite 6
23 Jayar Road, Medway, MA 02053

client

Good Feels Inc. good feels™
23 Jayar Road, Medway, MA 02053

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For Construction

drawing title
**SITE CONTEXT AND
CODE ANALYSIS**

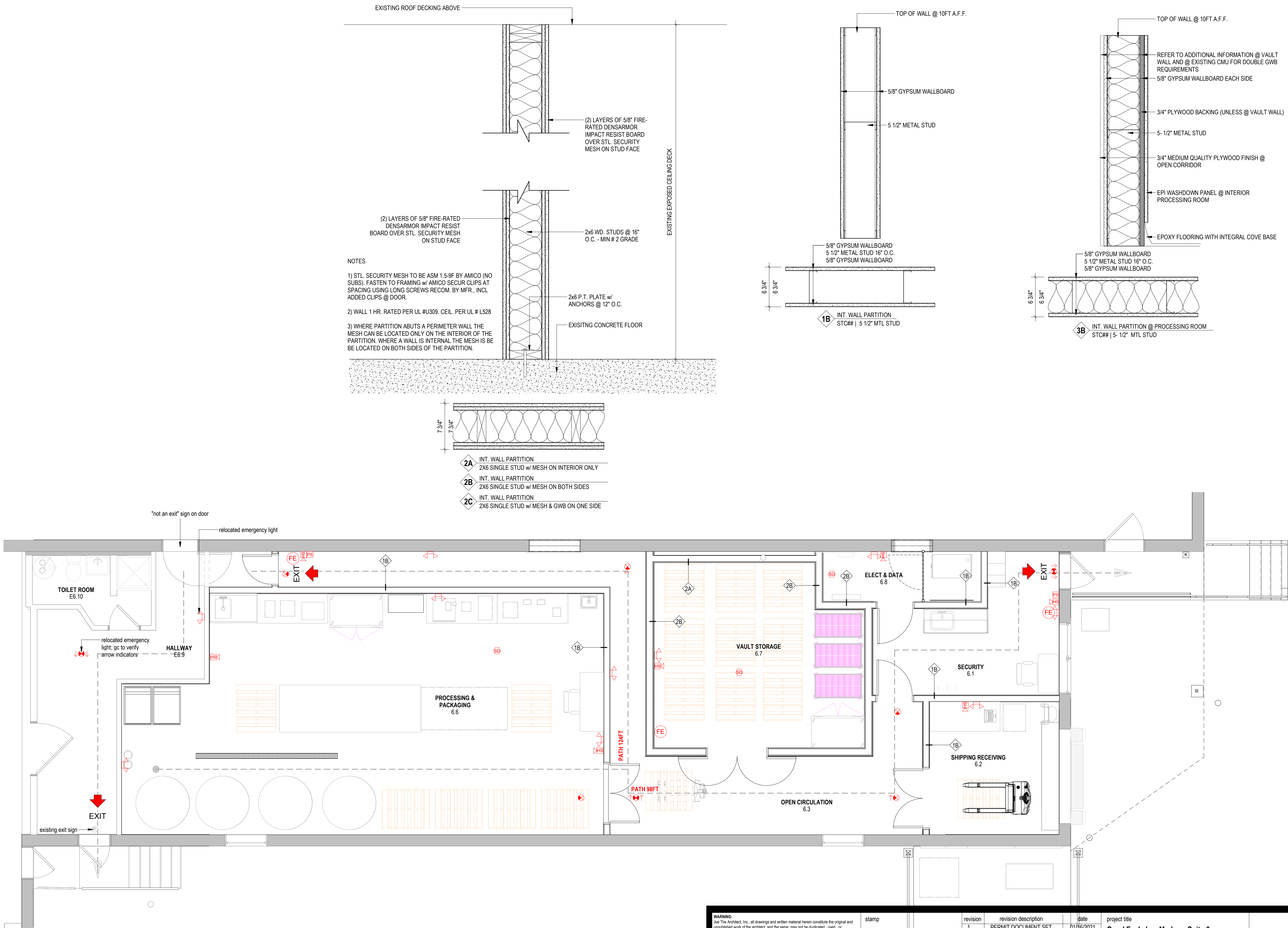
project number
302

drawing scale
As indicated

approver
Approver

revision
5

drawing number
A001



GENERAL NOTES AND LEGENDS LIFE SAFETY

- c • u sprinkler | standard; concealed; upright
- FS fire alarm pull station
- FACP fire alarm control panel
- RFAP fire alarm remote panel
- FEC fire extinguisher cabinet
- FE fire extinguisher wall hung
- FSH fire alarm horn & strobe
- SD photoelectric smoke detector
- CM carbon monoxide detector
- SC smoke / carbon monoxide detector
- EL emergency lighting; battery pack
- EXIT exit signage with direction indicator
- building exit arrow indicator
- egress path of travel indicator
- egress exit triangle indicator
- egress exit triangle indicator; horizontal exit
- egress exit triangle indicator; exit discharge
- door mark indicator number

GENERAL NOTES AND LEGENDS EGRESS NOTES

- the floor plan background for new and existing construction is shown in gray half-tone. designations for fire rated partitions, smoke partitions and other code compliance related information are shown in full black tone. refer to contract drawings to determine which components are new and which are existing.
- the fire and smoke designations for existing construction are shown for reference only and are based on information provided by the owner/client. this information has not been independently verified by Joe The Architect, LLC.
- refer to electrical drawings if applicable for locations of exit lights, emergency lights, and fire alarm system.
- refer to fire protection drawings if applicable for locations of sprinklers and fire pump.
- refer to plumbing drawings if applicable for all plumbing fixture counts.
- refer to structural drawings if applicable for all structural loads.

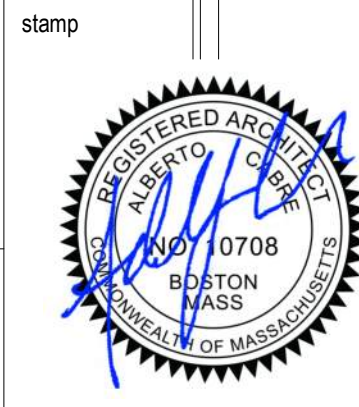
ROOM SCHEDULE

Number	Room Name	Level	Area
6.1	SECURITY	Main floor	146 SF
6.2	SHIPPING RECEIVING	Main floor	124 SF
6.3	OPEN CIRCULATION	Main floor	335 SF
6.6	PROCESSING & PACKAGING	Main floor	779 SF
6.7	VAULT STORAGE	Main floor	264 SF
6.8	ELECT & DATA	Main floor	56 SF
6			1704 SF

1
A010
PROPOSED EGRESS PLAN
1/4" = 1'-0"

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revision
1
4
revision description
PERMIT DOCUMENT SET
PERMIT REV. 3
date
01/16/2021
03/10/2021

project title
Good Feels Inc. Medway Suite 6
23 Jayar Road, Medway, MA 02053

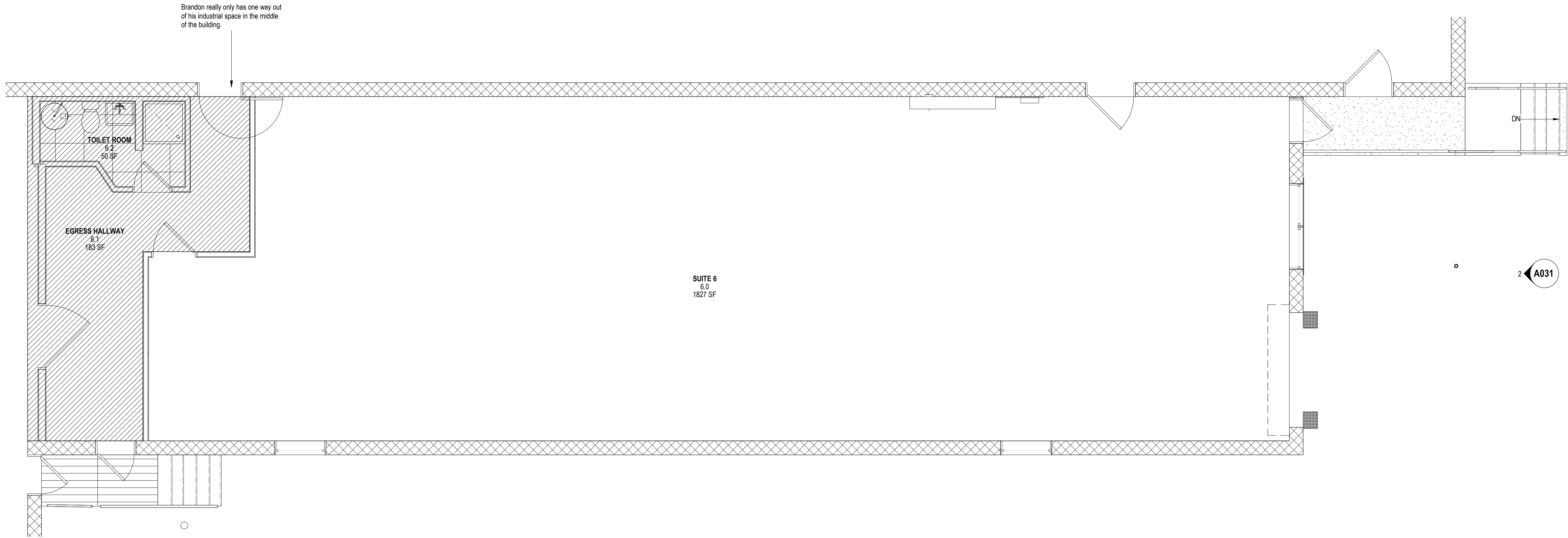
client
Good Feels Inc. good feels™
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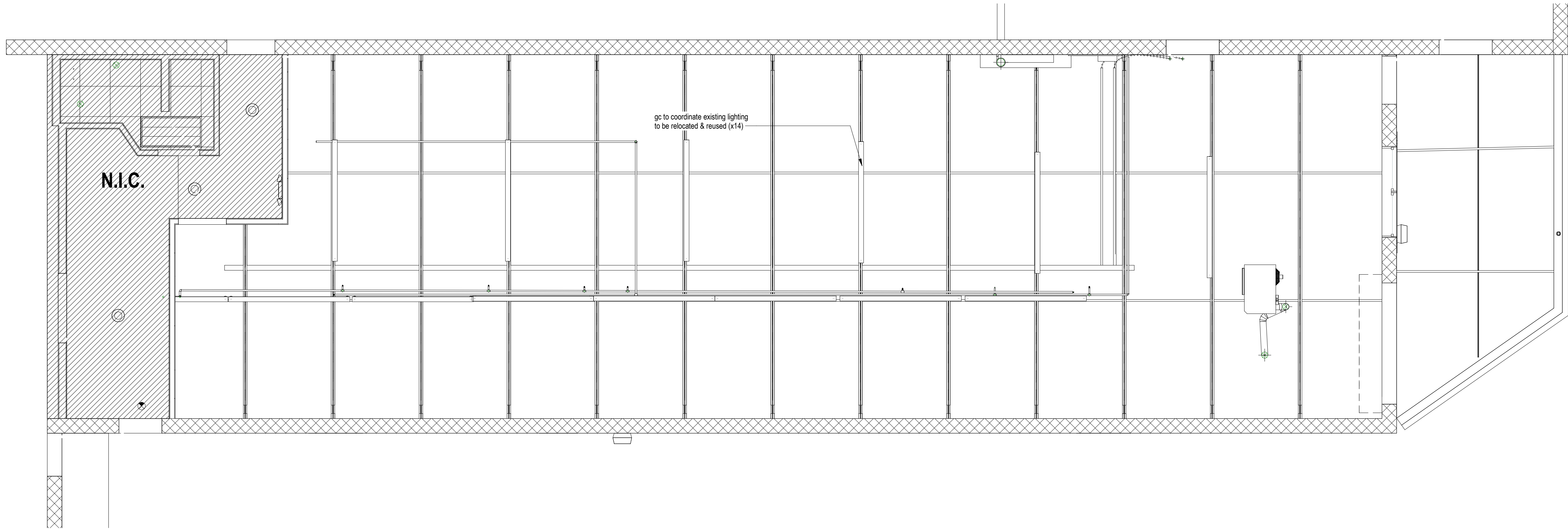
For Construction

drawing title
MEANS OF EGRESS
PLAN

project number 302	drawing scale As indicated	approver Approver
drawing number A010		revision 4

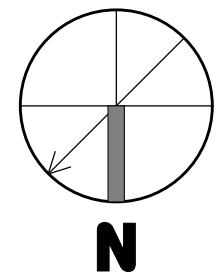


2 EXISTING FLOOR PLAN
1/4" = 1'-0"



1 EXISTING REFLECTED CEILING
1/4" = 1'-0"

CONSTRUCTION LEGEND	
existing full height solid, glazed or part glazed partition to remain.	
existing full height solid, glazed or part glazed partition to be demolished	
new full height solid, glazed or part glazed partition to be demolished	
existing door to be demolished	
existing wall finish to be removed, to be read in conjunction with proposed works	
existing door to remain	
new door	
demolition hatch	
partial area demolition	
NIC - Not In Construct Hatch	



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revision

1

4

revision description

PERMIT DOCUMENT SET

PERMIT REV. 3

date

01/16/2021

03/10/2021

project title

Good Feels Inc. Medway Suite 6

23 Jayar Road, Medway, MA 02053

client

Good Feels Inc.

23 Jayar Road, Medway, MA 02053

good feels™

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For Construction

drawing title
EXISTING FLOOR PLAN
& REFLECTED CEILING

project number

302

drawing scale

As indicated

approver

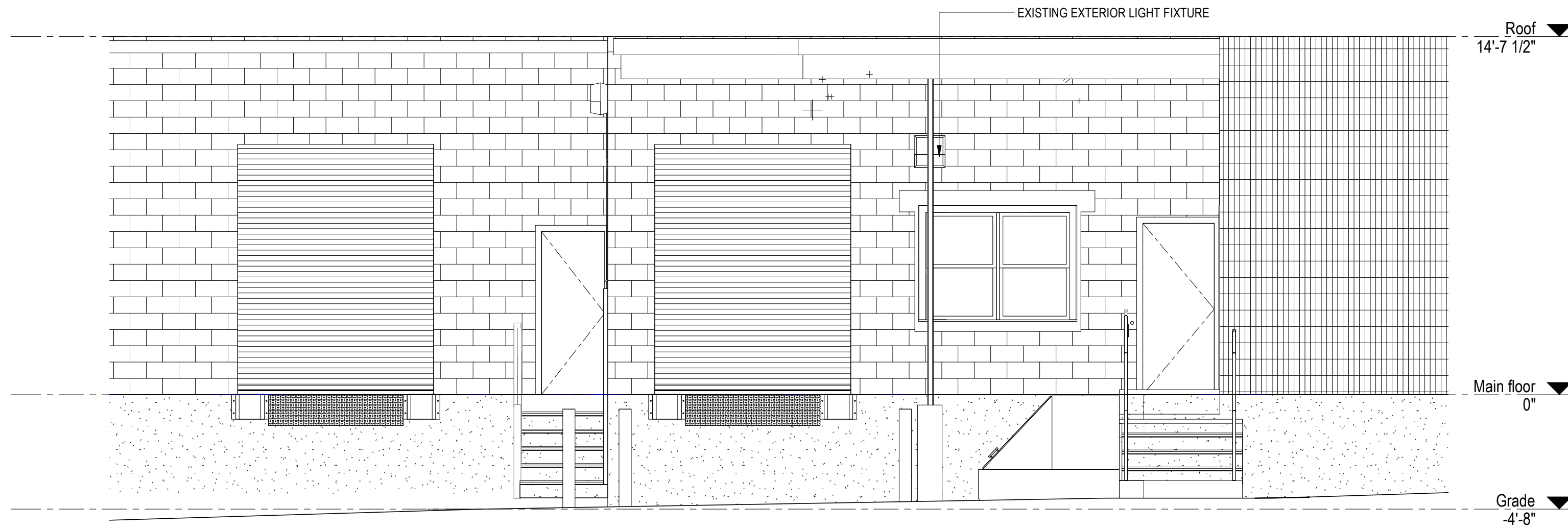
Approver

revision number

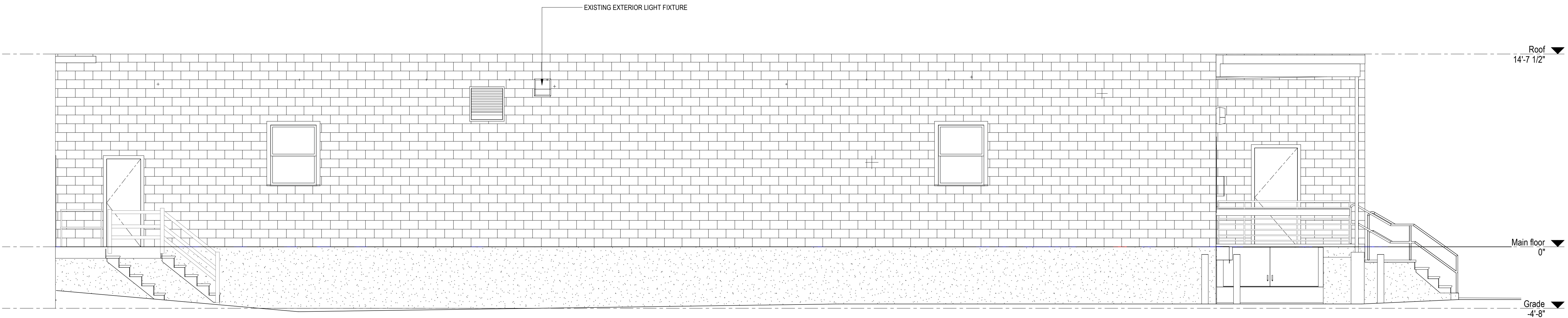
A030

revision

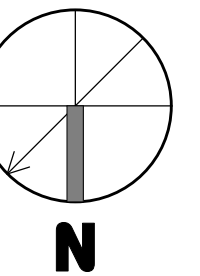
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2 EXISTING WEST ELEVATION
A031 1/4" = 1'-0"



1 EXISTING NORTH ELEVATION
A031 1/4" = 1'-0"



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<div>consultant / contractor information:</div>					<div>client Good Feels Inc. good feels™ 23 Jayar Road, Medway, MA 02053</div>		<div>JOE THE ARCHITECT 343 Medford Street, Suite 40C Somerville, MA 02145 t: +1(617) 764-3593 e: askjoe@joethearchitect.com www.joethearchitect.com</div>						
					<div>project number 302</div>		<div>drawing scale 1/4" = 1'-0"</div>		<div>approver Approver</div>				
					<div>drawing number A031</div>		<div>revision 4</div>						

CONSTRUCTION LEGEND

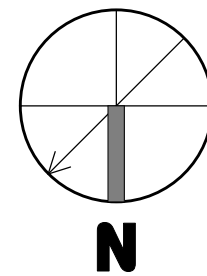
- existing full height solid, glazed or part glazed partition to remain.
- existing full height solid, glazed or part glazed partition to be demolished
- new full height solid, glazed or part glazed partition to be demolished
- existing door to be demolished
- existing wall finish to be removed, to be read in conjunction with proposed works
- existing door to remain
- new door
- demolition hatch
- partial area demolition
- NIC - Not In Construct Hatch

N.I.C.

1
A040
DEMOLITION PLAN SUITE 6
1/4" = 1'-0"

N.I.C.

2
A040
1 First Floor RCP D
1/4" = 1'-0"



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revision	revision description	date
1	PERMIT DOCUMENT SET	01/16/2021
4	PERMIT REV 3	03/10/2021
5	FOR CONSTRUCTION	09/12/2021

project title
Good Feels Inc. Medway Suite 6
23 Jayar Road, Medway, MA 02053

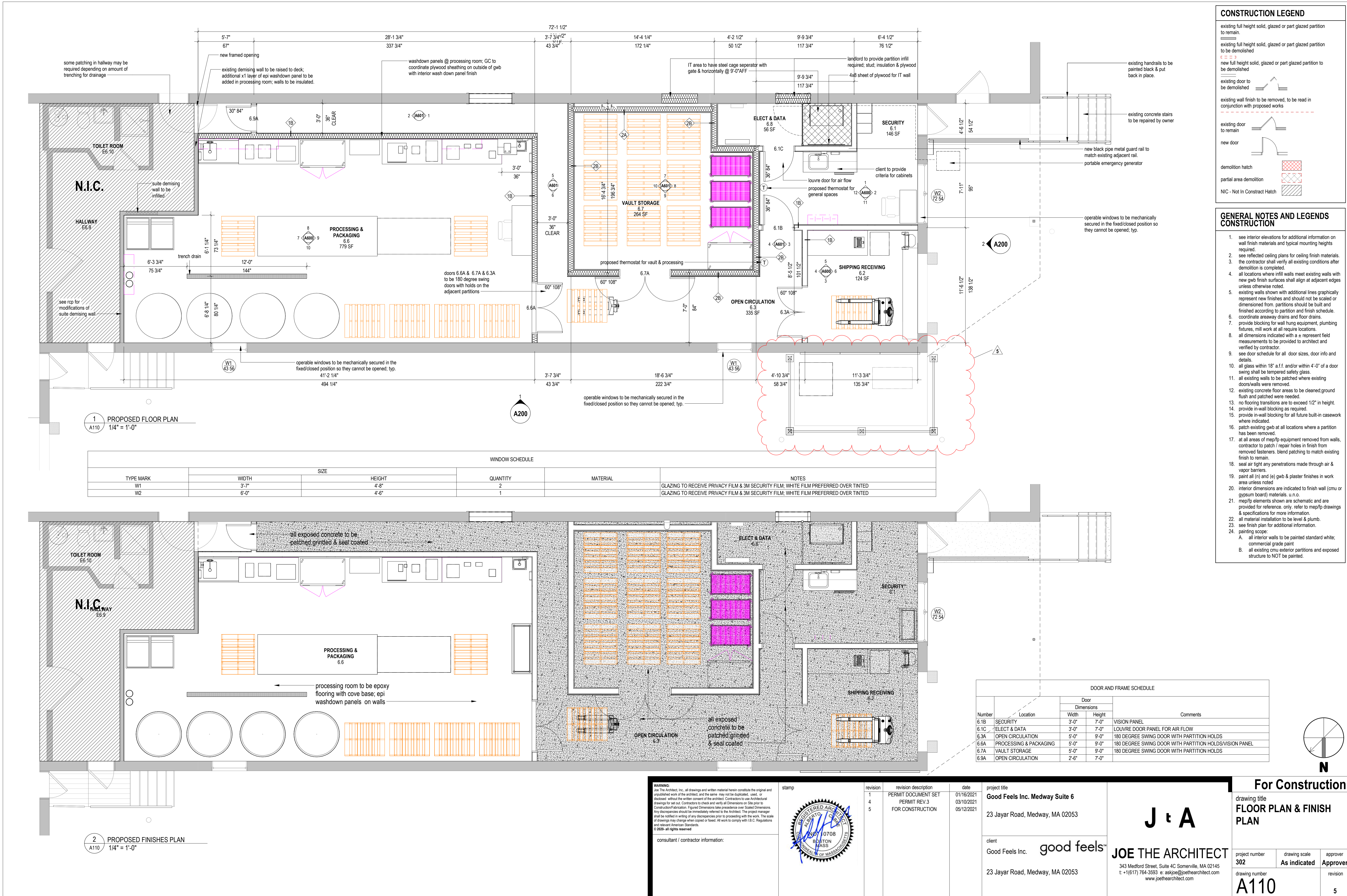
client
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For Construction

drawing title
DEMOLITION PLAN

project number 302	drawing scale As indicated	approver Approver
drawing number A040		revision 5



EQUIPMENT SCHEDULE		
Type Mark	Description	Count
EE2	POWERWALL BATTERY STORAGE	1
EE3	PORTABLE GENERATOR	2
EE5	DATA SERVER CABINET	1
EP1	COMMERCIAL HANDSINK	1
EP2	COMMERCIAL DISHWASHER	1
EP3	OVERMOUNT SINK	1
EP4	30x48 SS WORK TABLE & SINK	1
EP7	METAL TRENCH DRAIN	1
EQ1	STAINLESS STEEL WORKTABLE (VERIFY BACKSPLASH)	1
EQ3	NTEP CERTIFIED SCALE	1
EQ4	MAGNETIC STIRRER	2
EQ5	TABLE TOP LABELER	1
EQ6	PERISTALTIC PUMP	1
EQ8	STAINLESS STEEL SHELF; WALL MOUNTED	4
EQ9	DISHWASHER	1
EQ10	PROCESS LIQUID VESSEL	1
EQ11	PIEZOELECTRIC TRANSDUCER	1
EQ12	ULTRASONIC GENERATOR	1
EQ14	TABLE TOP BOTTLE FILLER	1
EQ15	COMMERCIAL REACH-IN REFRIGERATOR	2
EQ16	CHEMICAL STORAGE CABINET	1
EQ17	MICRO BOTTLING MACHINE	1
EQ18	STAINLESS STEEL WORKTABLE (NO SHELF BELOW)	2
EQ19	LARGE WASTE/RECYCLING BINS; SECURED/LOCKED	2
EQ20	STAINLESS STEEL SHELF W/ HOOKS; WALL MOUNTED	1
EQ21	20LB CO2 TANK	2
EQ24	WATER RO SYSTEM	1
EQ25	16 BBL BRITTE TANK	4
EQ26	ENOS T3 LABELER	1
EQ29	EXTERIOR CHILLER	1
EQ30	GAS GENERATOR	1
ES2	EYE WASH STATION; WALL MOUNTED	1
ES5	EMPLOYEE/GUEST LOCKER; METAL	3
ES6	STANDARD SIZE WOOD PALLET	17
ES7	METAL DOUBLE DOOR STORAGE CABINET	1
ES8	HAND TRUCK/DOLLIE	1
ES9	PALLET JACK	1
ES10	SOAP DISPENSER; WALL MOUNTED	3
ES11	PAPER TOWEL DISPENSER; WALL MOUNTED	3
ES14	LOUNGE UNDERCOUNTER REFRIGERATOR	1
ES15	Mobile Shelving Unit, Polymer/Wire, 5-Tier	3
Grand total: 77		

GENERAL NOTES AND LEGENDS CONSTRUCTION

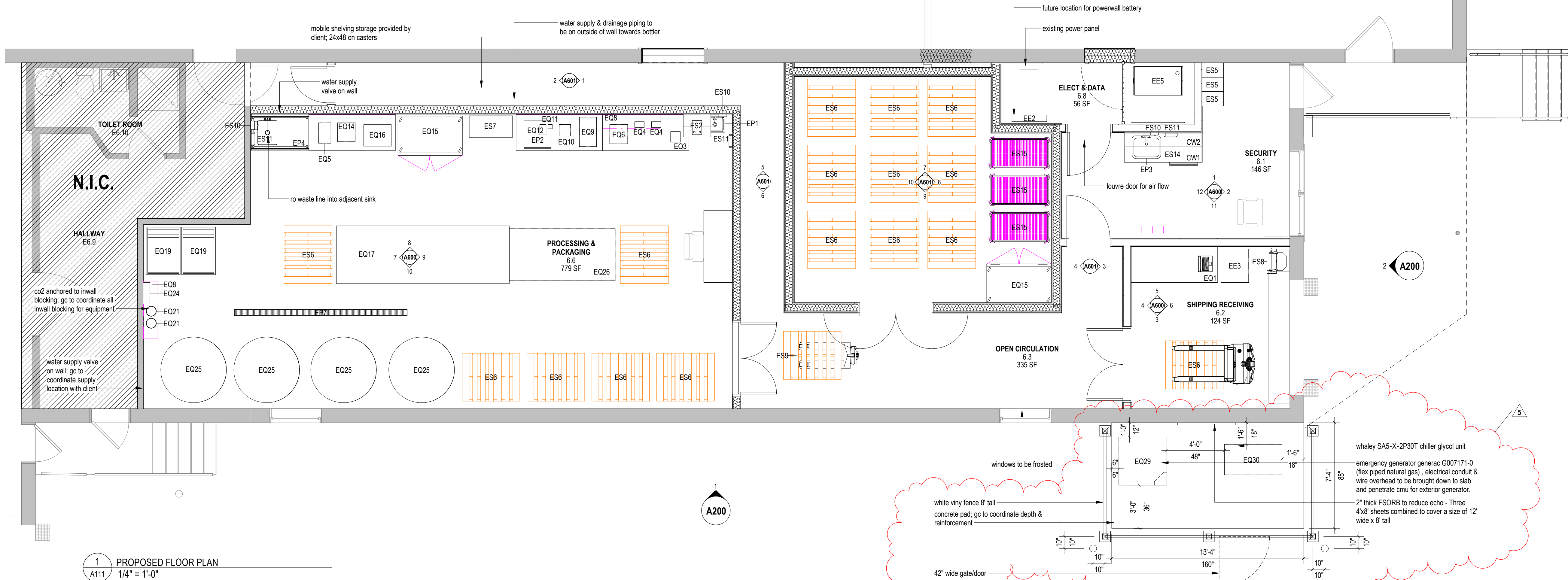
- see interior elevations for additional information on wall finish materials and typical mounting heights required.
- see reflected ceiling plans for ceiling finish materials. the contractor shall verify all existing conditions after demolition is completed.
- all locations where infill walls meet existing walls with new gwb finish surfaces shall align at adjacent edges unless otherwise noted.
- existing walls shown with additional lines graphically represent new finishes and should not be scaled or dimensioned from. partitions should be built and finished according to partition and finish schedule.
- coordinate areaway drains and floor drains.
- provide blocking for wall hung equipment, plumbing fixtures, mill work at all require locations.
- all dimensions indicated with a ± represent field measurements to be provided to architect and verified by contractor.
- see door schedule for all door sizes, door info and details.
- all glass within 18" a.f.f. and/or within 4'-0" of a door swing shall be tempered safety glass.
- all existing walls to be patched where existing doors/walls were removed.
- existing concrete floor areas to be cleaned; ground flush and patched were needed.
- no flooring transitions are to exceed 1/2" in height.
- provide in-wall blocking as required.
- provide in-wall blocking for all future built-in casework where indicated.
- patch existing gwb at all locations where a partition has been removed.
- at all areas of mep/fp equipment removed from walls, contractor to patch / repair holes in finish from removed fasteners. blend patching to match existing finish to remain.
- seal air tight any penetrations made through air & vapor barriers.
- paint all (n) and (e) gwb & plaster finishes in work area unless noted.
- interior dimensions are indicated to finish wall (cmu or gypsum board) materials. u.n.o.
- mep/fp elements shown are schematic and are provided for reference. only refer to mep/fp drawings & specifications for more information.
- all material installation to be level & plumb.
- see finish plan for additional information.
- painting scope:
 - all interior walls to be painted standard white; commercial grade paint
 - all existing cmu exterior partitions and exposed structure to NOT be painted.

CONSTRUCTION LEGEND

- existing full height solid, glazed or part glazed partition to remain.
- existing full height solid, glazed or part glazed partition to be demolished
- new full height solid, glazed or part glazed partition to be demolished
- existing door to be demolished
- existing wall finish to be removed, to be read in conjunction with proposed works
- existing door to remain
- new door
- demolition hatch
- partial area demolition
- NIC - Not In Construct Hatch

EQUIPMENT DESIGNATIONS

- EE - EQUIPMENT ELECTRICAL
EP - EQUIPMENT PLUMBING
ES - EQUIPMENT SPECIALTIES
EQ - GENERAL/LAB EQUIPMENT
CW - CASEWORK



1 PROPOSED FLOOR PLAN
A111 1/4" = 1'-0"

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consultant / contractor information:

stamp



revision

revision description

date

project title

Good Feels Inc. Medway Suite 6

23 Jayar Road, Medway, MA 02053

client

Good Feels Inc. good feels™

23 Jayar Road, Medway, MA 02053

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For Construction

drawing title
EQUIPMENT PLAN

project number

302

drawing number

A111

drawing scale

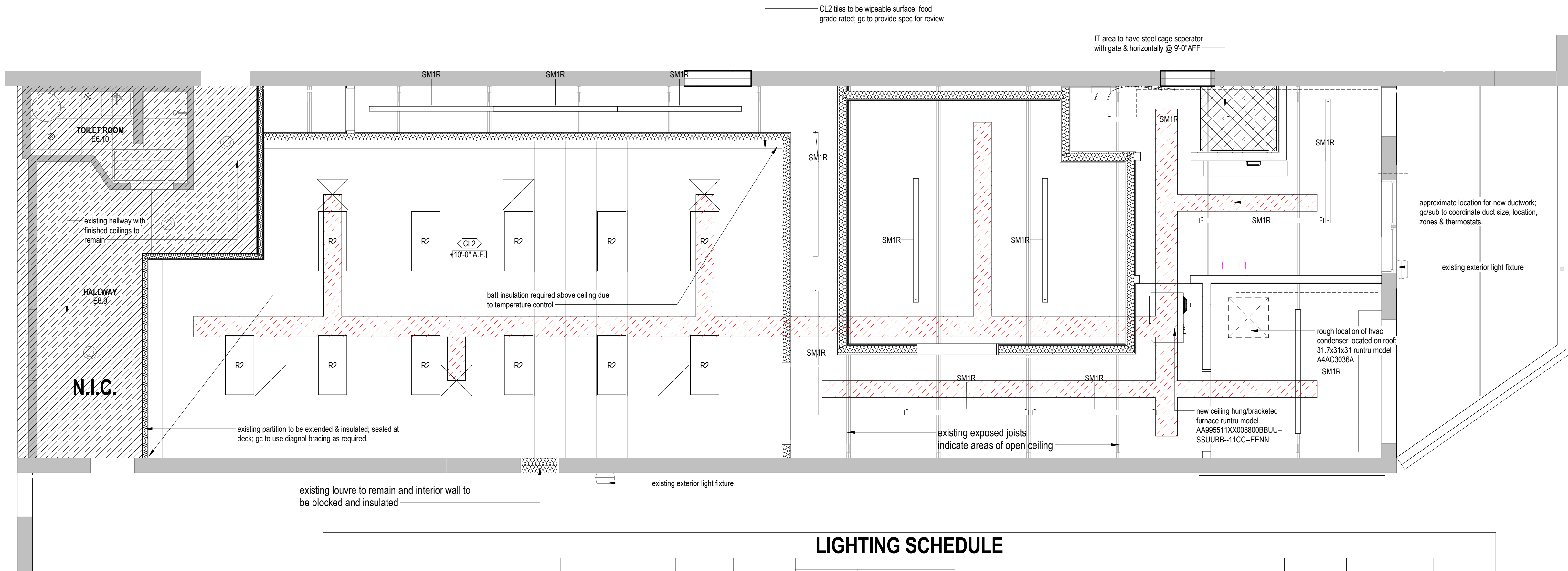
As indicated

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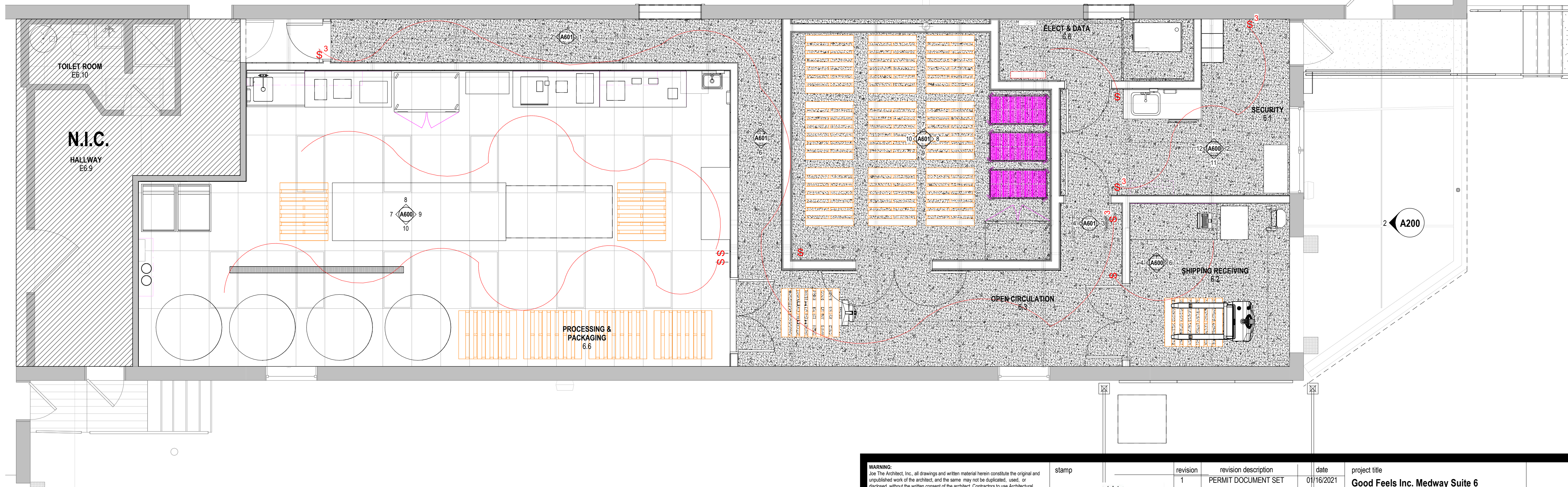
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1 PROPOSED CEILING PLAN
1/4" = 1'-0"

LIGHTING SCHEDULE

Type Mark	Count	Description	Manufacturer	Model	Dimensions	Lamp	Watts	Control	Cost	Remarks	Location	Mounting	Control
R2	11		TBD									RECESSED	
SM1R	14	RELOCATED FIXTURES										SURFACE MOUNTED	



2 1 First Floor Electrical
1/4" = 1'-0"

REFLECTED CEILING SYMBOLS

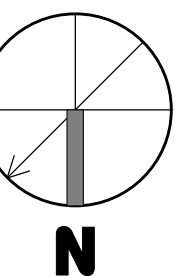
- return register, size varies
- supply register, size varies
- occupancy, motion sensor
- sprinkler | standard, concealed, upright
- emergency lighting, battery pack
- exit signage with direction indicator
- ceiling mounted recessed fixture, see schedule for size, lens style, light direction
- round recessed/surface mounted downlight and wall washer
- linear surface mounted light fixture
- not in contract hatch
- ACT1 - acoustic ceiling tile, washable
- GWB - gypsum ceiling

GENERAL NOTES AND LEGENDS POWER NOTES

- refer to general demolition notes for additional requirements.
- receptacles, switches and devices shall be installed at mounting heights and locations as indicated per code. contractor shall refer to the architectural drawings for additional information.
- exact circuit numbers shall be determined in field and shall be noted on the contractors as-built drawings.
- coordinate exact location of all mechanical equipment with hvac, plumbing and fire protection shop drawings.
- conduits and light fixture chains will be mask off and protect from being painted over.
- gc to protect all cat 5e and any other power device wires close to ceiling prior to painting.
- contractor to coordinate with electrical subcontractor all additional power requirements based on client provided equipment specifications and security consultant specifications.
- all lighting to be on dimmable switches.

REFLECTED CEILING NOTES

- see general construction notes on sheet a000.
- field verify all existing ceiling conditions including dimensions, structure, utility lines, etc. discrepancies with the drawings shall be reported to the architect.
- dimensions:
- dimensions noted as "crl." mean clear dimension to face of finish.
- all horizontal dims. are shown on plans and vertical dims.
- all ceiling elevations noted on the rcp are from finish floor elevation unless noted.
- the contractor shall protect all ceiling materials and equipment's noted to remain
- see mechanical, electrical, and fire protection drawings for all light fixture types, exit signs, sprinkler head locations, and air registers. see architectural drawings for final location of all light fixture and ceiling equipments.
- all sprinkler heads to align with lighting, door openings, windows, and should be centered on ceiling tiles. contractor shall be responsible for sprinkler coordination.
- all exposed duct work, pipes, conduit, etc. to be primed and painted.
- underside of existing and new concrete deck, & all existing exposed concrete encased steel beams to be primed, and painted.
- all ceiling tiles to be 2' x 2' uno and all ceiling tile grids to be centered in room, uno
- where no ceiling material is indicated, finish is to be underside of exposed slab and beams, cleaned, primed, and painted.
- center a.c.t. in room in both directions u.o.n. no a.c.t. shall be no less than half a tile.
- cut a.c.t. as req'd to center hvac registers/diffusers when smaller than a.c.t.
- where (e) plaster or gypboard cigs are to be infilled or patched, patch such that the joint is smooth, flush and invisible when completed.
- align ceiling devices including smoke detectors, sprinkler heads, etc. with ceiling mounted lighting fixtures and center between elements or within grid in both directions as shown, u.o.n.
- paint all (n) + (e) gwb & plaster finishes in the ceiling area.
- align fire alarm, and all other electric devices, w/lighting as shown.
- see sheet axxx for partition types.



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consultant / contractor information:

stamp



revision

revision description

date

project title

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23 Jayar Road, Medway, MA 02053

client

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For Construction

drawing title
REFLECTED CEILING &
SWITCHING PLAN

project number

302

drawing number

A120

drawing scale

As indicated

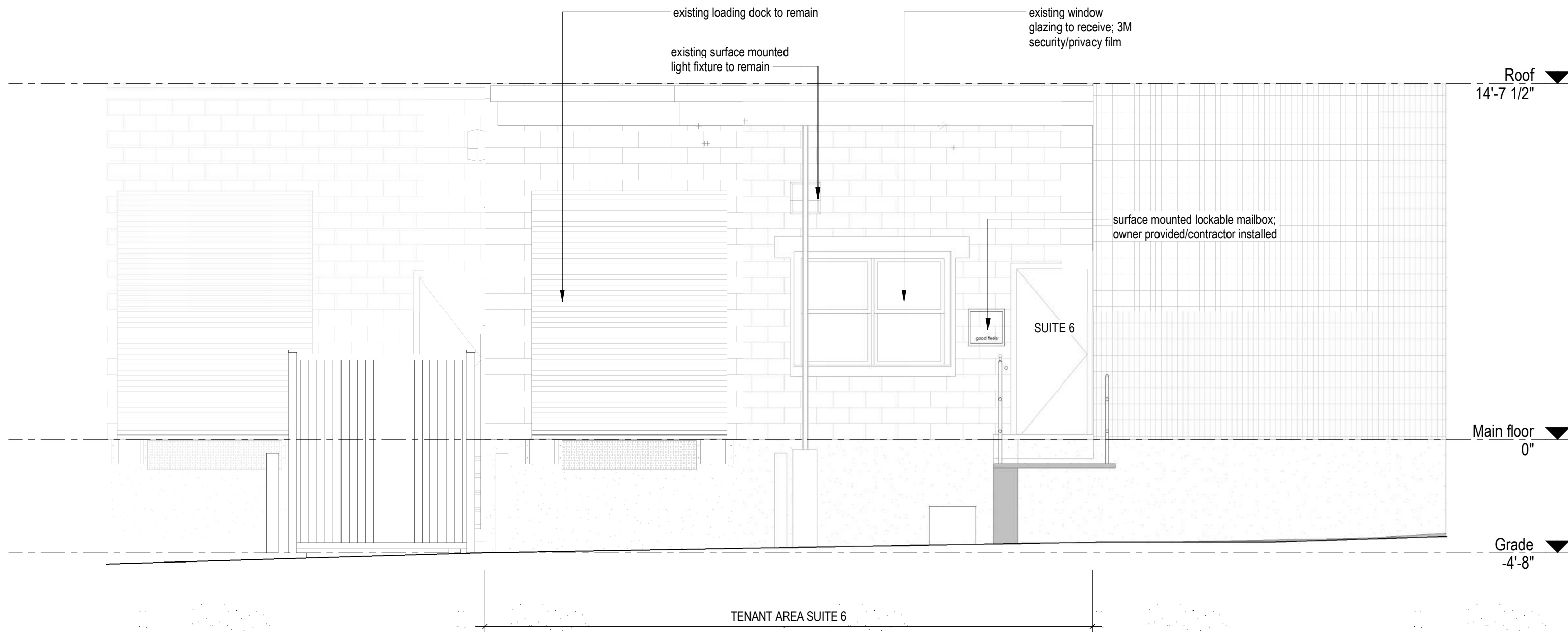
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Approver

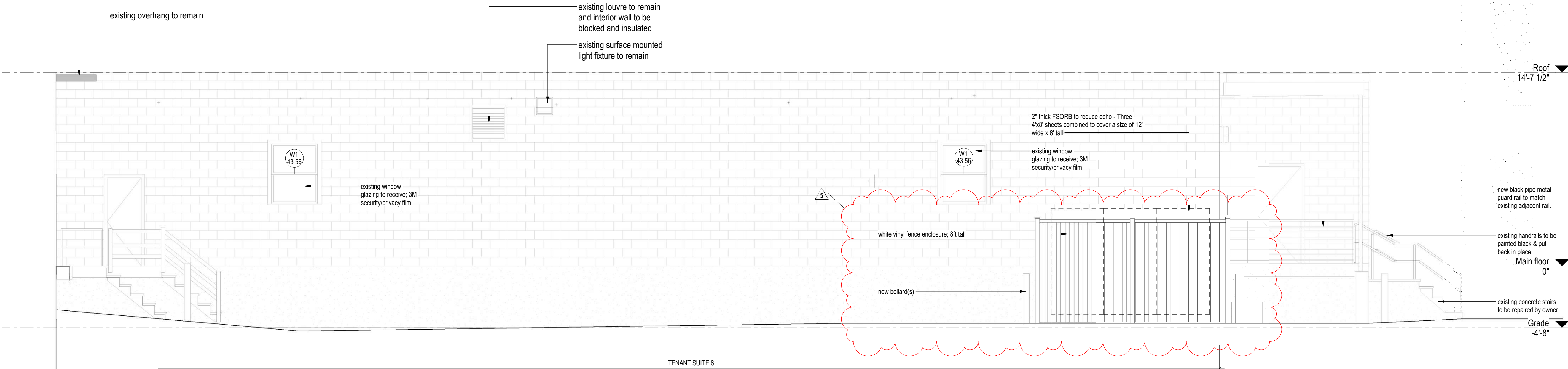
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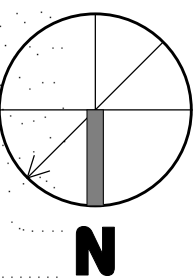
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2 PROPOSED WEST ELEVATION
1/4" = 1'-0"



1 PROPOSED NORTH ELEVATION
1/4" = 1'-0"



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consultant / contractor information:

stamp

revision
1
4
5

revision description
PERMIT DOCUMENT SET
PERMIT REV. 3
FOR CONSTRUCTION

date
01/16/2021
03/10/2021
09/12/2021

project title
Good Feels Inc. Medway Suite 6
23 Jayar Road, Medway, MA 02053

client
Good Feels Inc. **good feels™**
23 Jayar Road, Medway, MA 02053

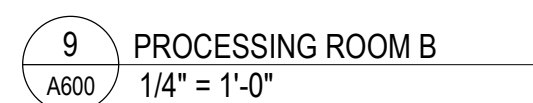
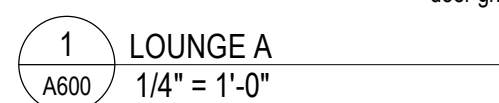
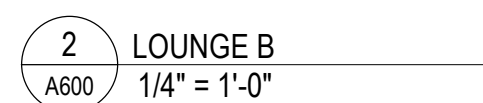
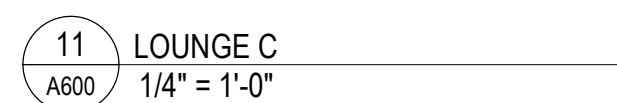
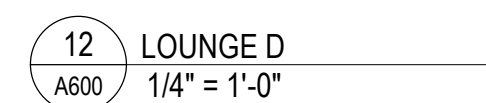
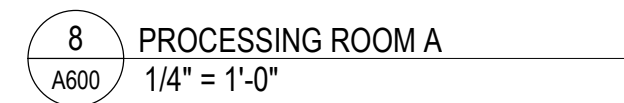
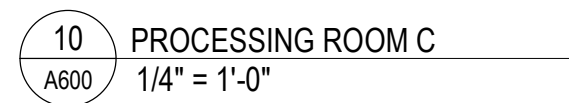
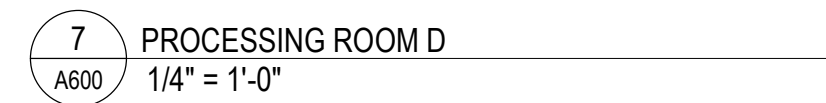
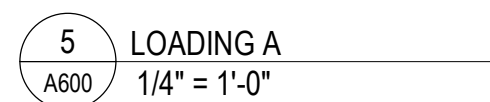
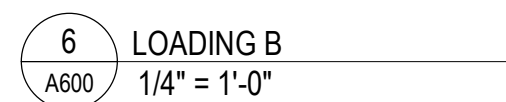
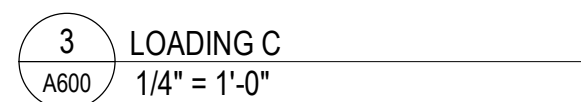
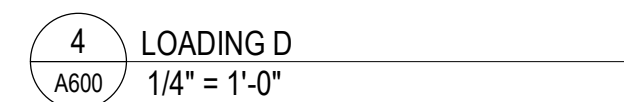
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For Information

drawing title
EXTERIOR ELEVATIONS

project number 302	drawing scale 1/4" = 1'-0"	approver Approver
drawing number A200	revision 5	

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5/13/2021 10:52:10 AM



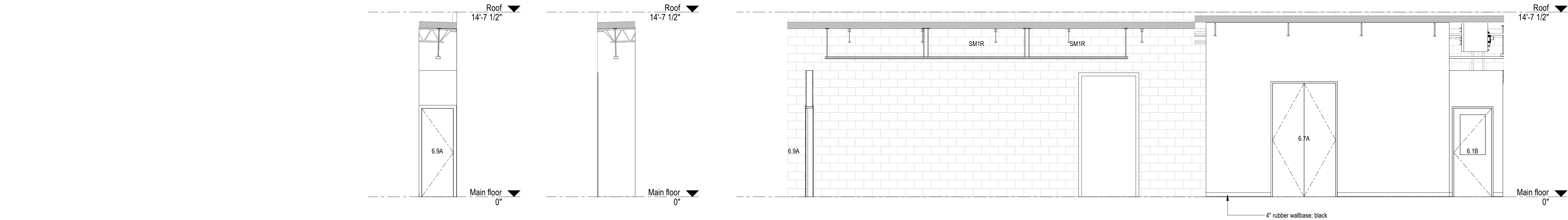
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project title	
Good Feels Inc. Medway Suite 6	
23 Jayar Road, Medway, MA 02053	
client	
Good Feels Inc.	good feels
23 Jayar Road, Medway, MA 02053	

JOE THE ARCHITECT

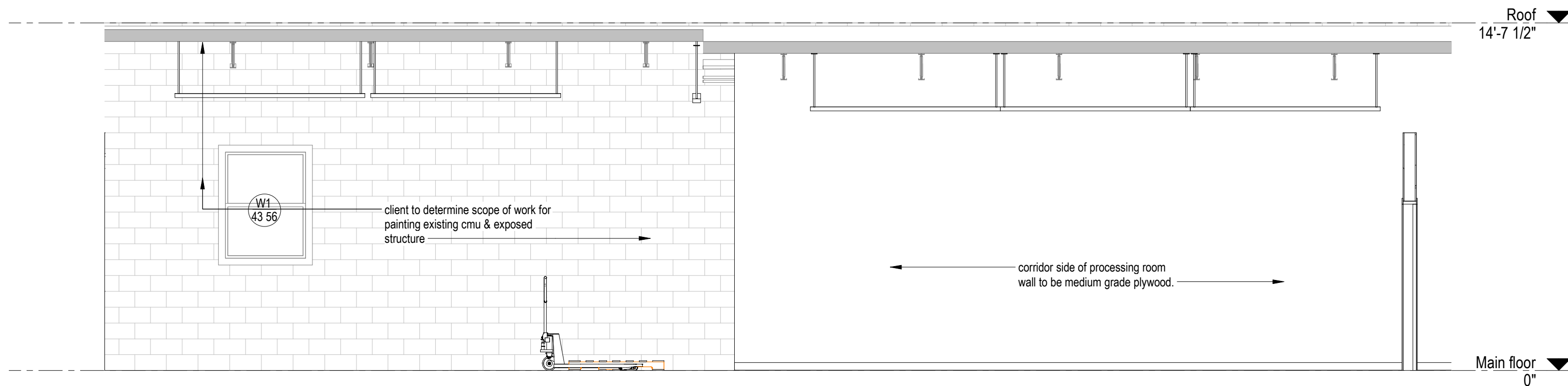
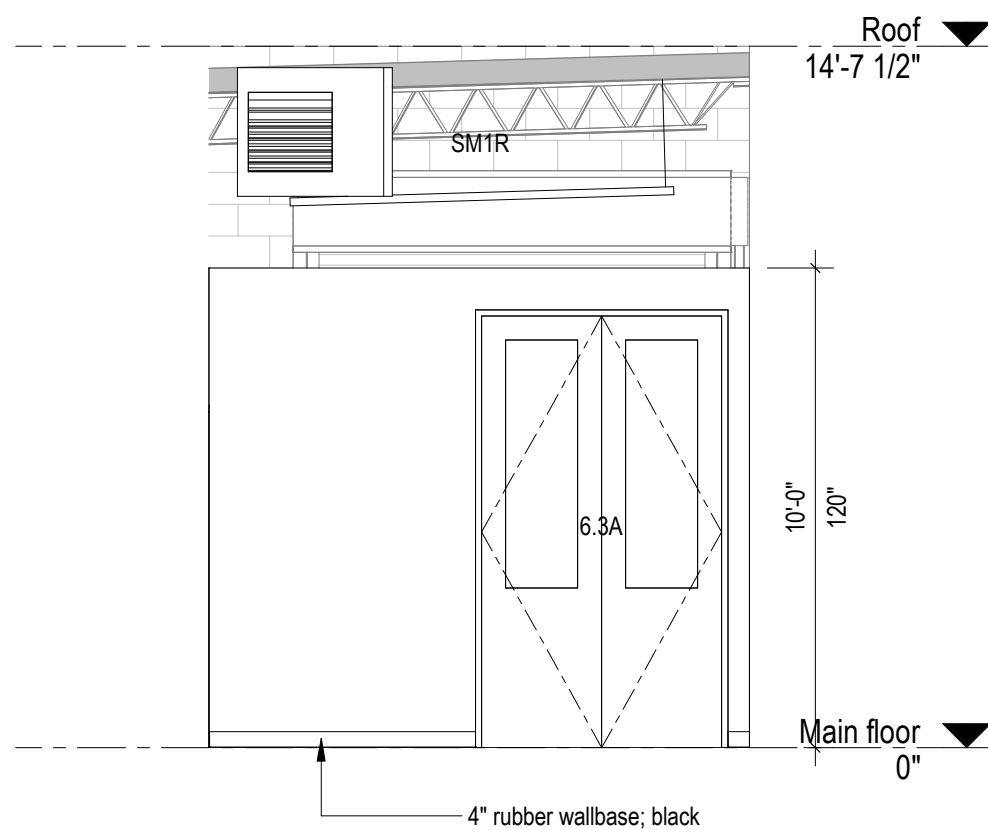
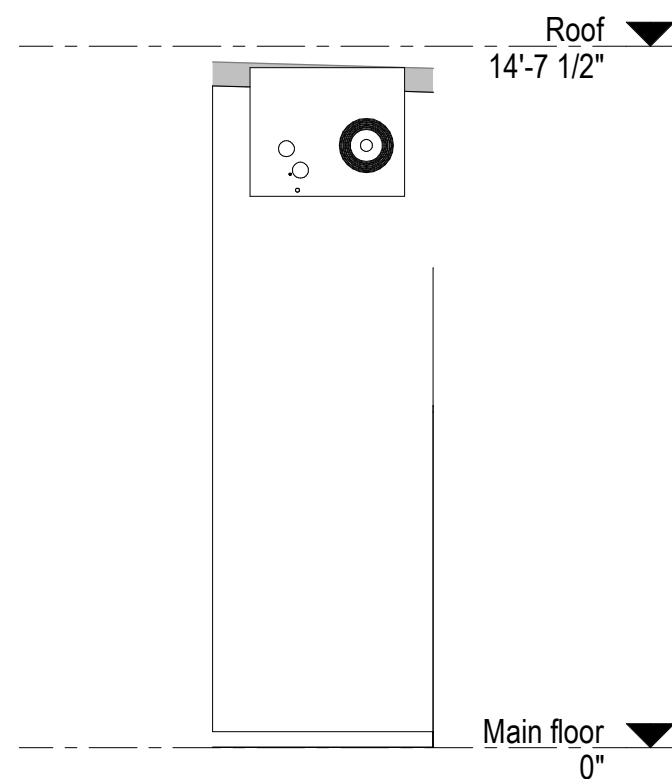
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drawing number A600		revision 4



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1 OPEN OFFICE B
A601 1/4" = 1'-0"

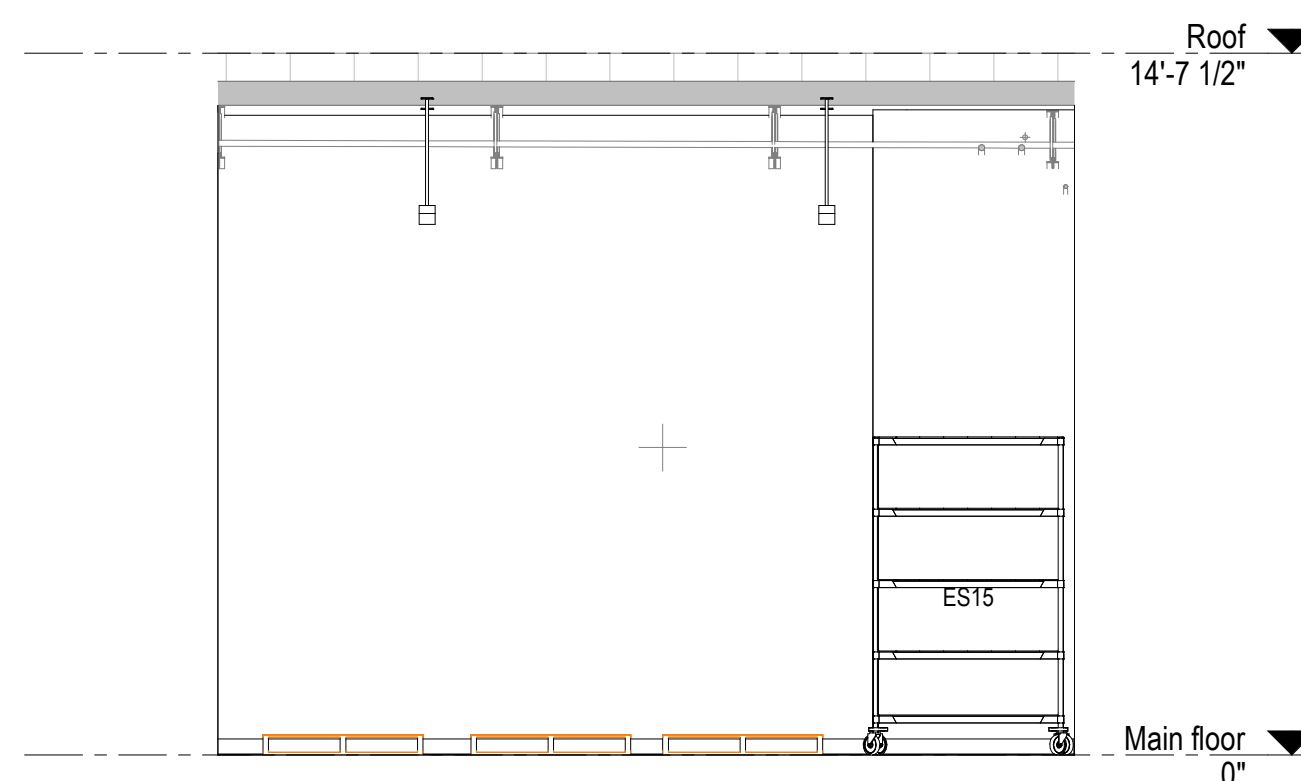
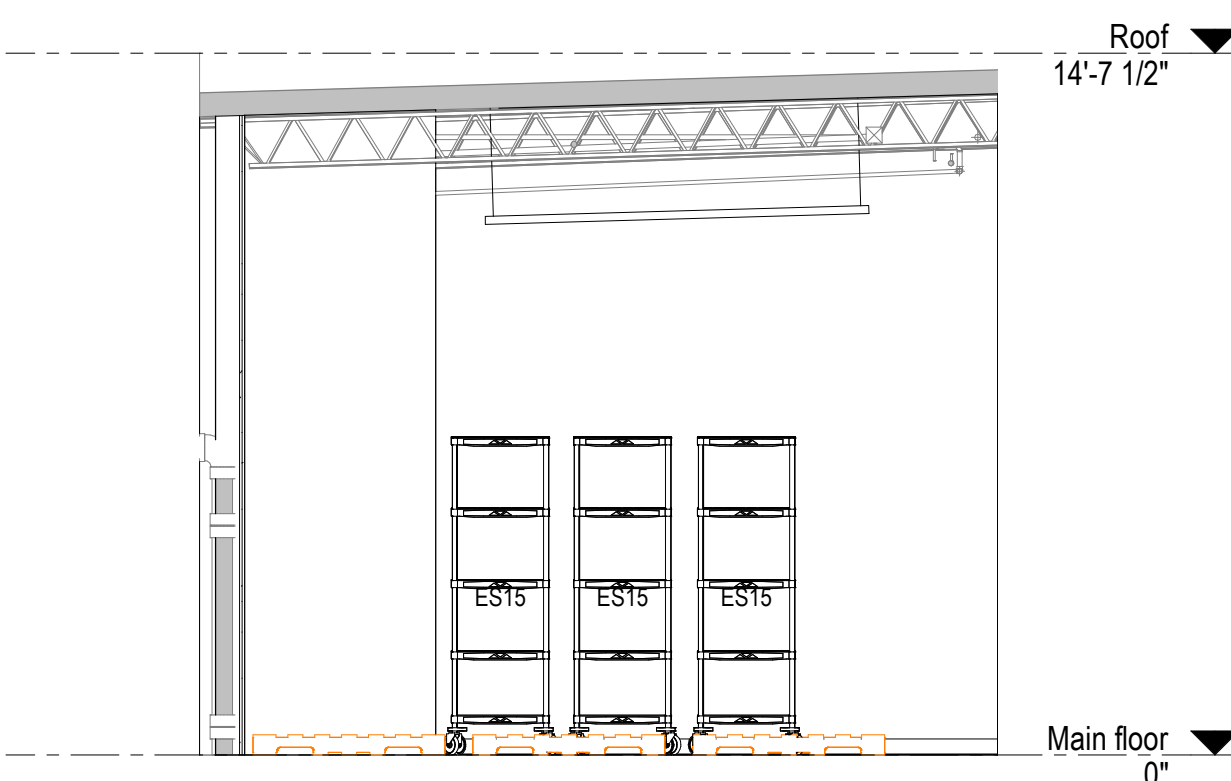
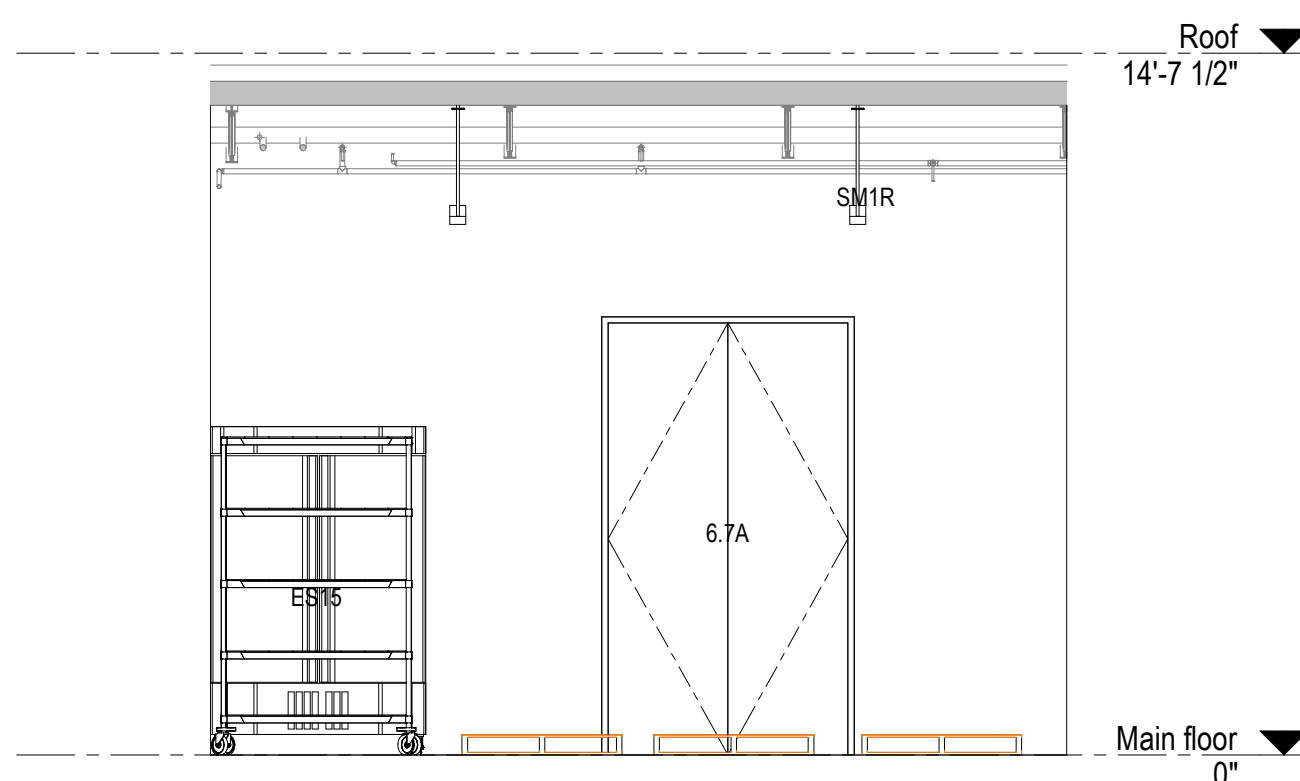
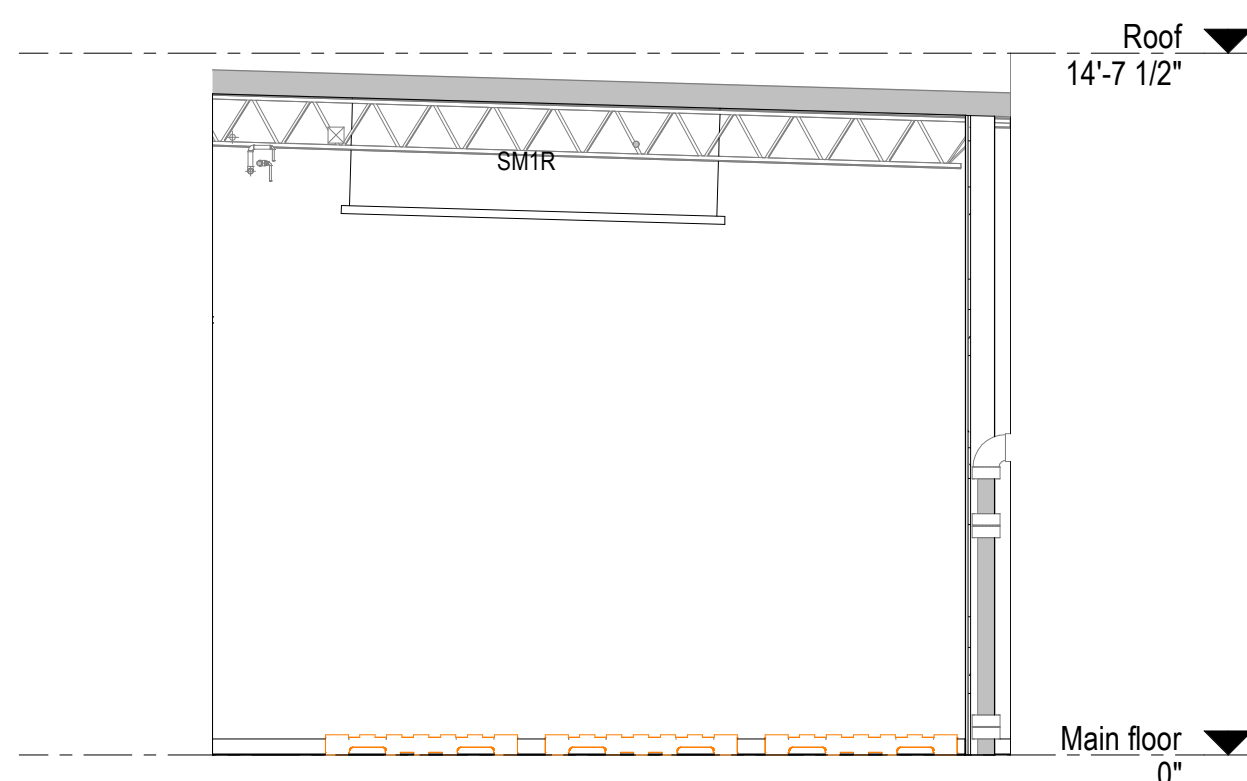
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A601 1/4" = 1'-0"



4 OPEN STORAGE D
A601 1/4" = 1'-0"

3 OPEN STORAGE B
A601 1/4" = 1'-0"

6 STORAGE CORRIDRO C
A601 1/4" = 1'-0"

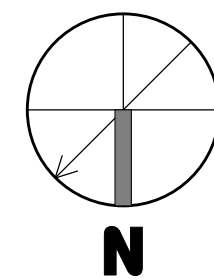


10 VAULT D
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9 VAULT C
A601 1/4" = 1'-0"

8 VAULT B
A601 1/4" = 1'-0"

7 VAULT A
A601 1/4" = 1'-0"



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consultant / contractor information:



revision	revision description	date
1	PERMIT DOCUMENT SET	01/16/2021
4	PERMIT REV 3	03/10/2021

project title
Good Feels Inc. Medway Suite 6
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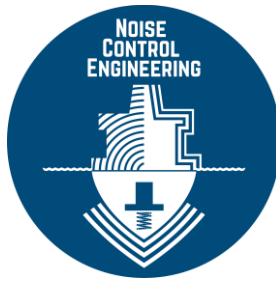
client
Good Feels Inc. **good feels™**
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For Construction

drawing title
INTERNAL ELEVATIONS

project number 302	drawing scale 1/4" = 1'-0"	approver Approver
drawing number A601	revision 4	



NCE JOB MEMO 2020-020

TO: Jason Reposa

COMPANY: Good Feels, Inc.

FROM: Jeffrey Komrower, Noise Control Engineering

DATE: June 19, 2021

SUBJECT: Noise Predictions for Generac 10 KW Generator

Good Feels, Inc. is proposing to establish a Marijuana Product Manufacturing (MPM) facility located at 23 Jayar Road in Medway, MA. The location is in an industrial park and is not near any residential abutters, but still must meet noise regulations if any equipment will be installed that would be a noise source. Because of the type of facility, there is no cultivation requirements and thus no extreme requirements for supporting equipment. However, there is a requirement for a chiller and backup generator. Calculations have previously been performed for the chiller which has been found to meet the noise requirements. However, for the backup generator chosen, which is a 10 KW Generac residential unit, after an extensive search which included contacting the manufacturer and manufacturer's representative, no octave band sound pressure level (SPL) or sound power level (SWL) data seems to be available. The only published data available for these residential units is the overall sound pressure level as shown in Appendix A. The location of the generator is shown in Figure 1.

To obtain the octave band measurements for the chosen generator, measurements were taken around the same model generator, except it was rated at 16 KW and is located at the authors residence. Five measurements were taken around the generator at 1 meter and averaged to determine the SPLs. The table for all measurements taken is supplied in Appendix A. The full octave band SPL values were calculated from the one-third octave band measurements for input into the barrier calculation. Noise data was acquired using a hand-held walk around spectrum analyzer (Figure 2). Acoustic measurements were obtained using laboratory quality microphones from PCB. All instrumentation was under calibration from a certified laboratory and, in addition, an end-to-end calibration was performed to verify sensitivity value of the microphone through the complete measurement chain.

Note that while the measurement procedure generally conforms to ISO3744 which contains the methodology for determining sound power from equipment, it was NOT meant to strictly conform to the standard. It was only meant to provide a reasonable determination of whether the backup generator chosen by Good Feels will meet the Town of Medway noise requirements at the site. Calculations were performed using hemispheric spreading to determine the SWL, which was purposely conservative because the back of the generator was actually 6 feet from the house wall. This could possibly result in a higher measured SPL due to reflections off this surface than if the unit were not near any reflective surfaces, which is typically how this test would be conducted. This results in slightly higher SWL values, which were purposely used in the

predictions in order to take a conservative approach. Also note that the measurements are for the 16 KW model rather than the 10 KW model which is being proposed for 23 Jayar Road.

The average measured SPLs at 1 meter from the Generac 16 KW unit operating at normal load is shown in Table 1 along with the calculated sound power levels. As can be seen, the overall SPL at 1 meter is 82 dB(A) which based on spreading calculations would equate to a SPL level of 65 dB(A) at 23 feet. This corresponds well with the published value in the specification sheet shown in Appendix A for this 16 KW unit. It was previously determined using measurements taken from MassGIS's online mapping tool that the closet property line to the facility was 68 feet from the north side of the building. Table 1 shows predicted SPL for the 16 KW generator at this location with and without the noise barrier. The barrier model is shown in Figure 2.

As can be seen, with the barrier, the noise levels are predicted to be well below the daytime and nighttime Town of Medway Environmental Standards. It should be noted that based on the published data shown in Appendix A, the noise levels for the 10 KW generator loaded condition is 4 dB lower than the 16 KW model. This, coupled with the conservative values used in the prediction, lead to the conclusion that the 10 KW generator being proposed for this facility, with the noise barrier, will meet the both the daytime and nighttime environmental standards at all property lines.

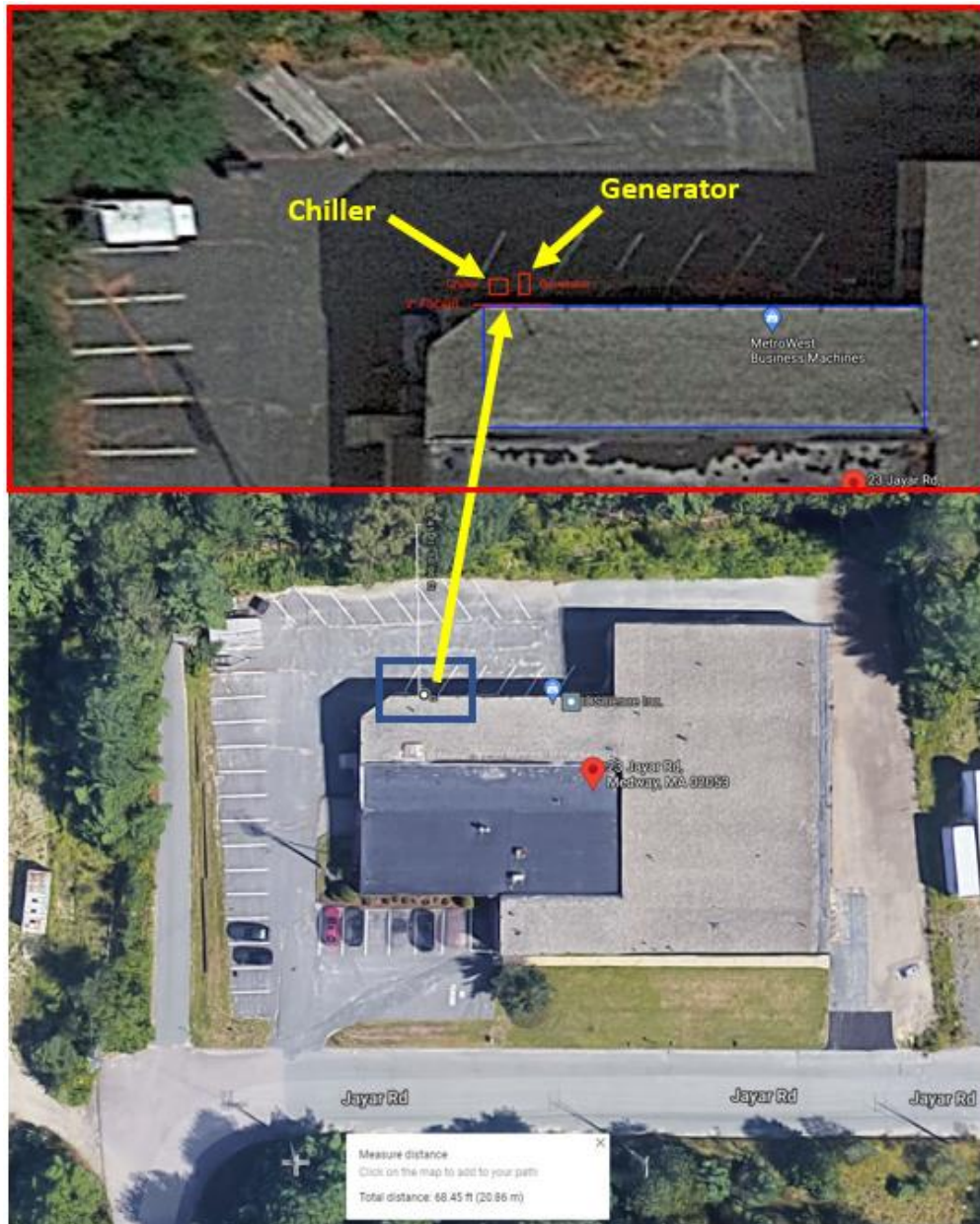


Figure 1. Location of proposed chiller unit and backup generator

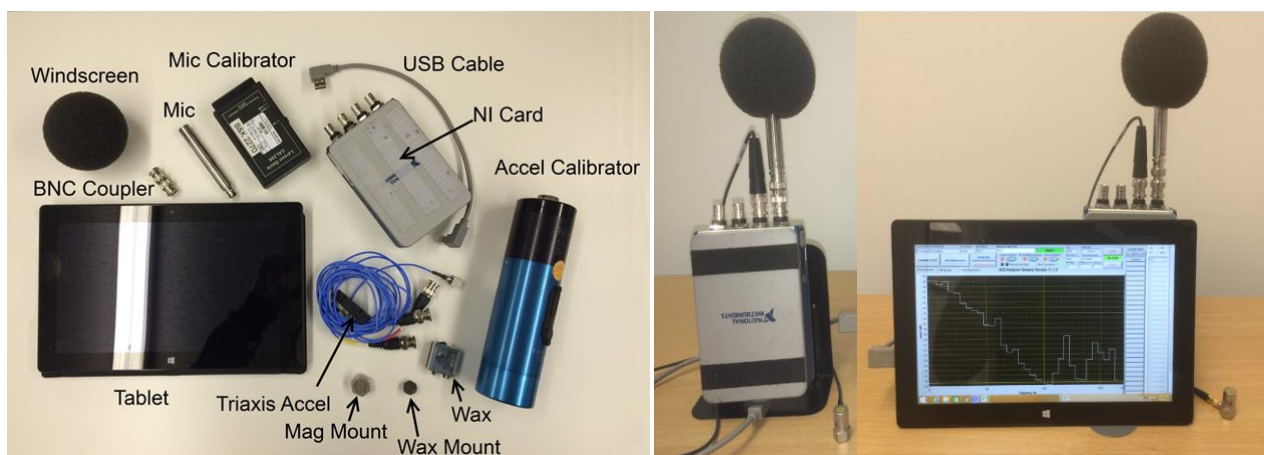


Figure 2. National Instruments/LabVIEW walk around data acquisition system

		Generac 16 KW Generator - No Sound Attenuated Enclosure Q=2 for hemispherical Spreading - Normal Load					With Barrier		Town of Medway Environmental Standards				
Hz	A-wt	Sound Power Levels (Lw)	Sound Pressure Level at 1 meter			Equivalent Sound Pressure Levels at 68 feet		Equivalent Sound Pressure Levels at 68 feet		Daytime Limits (7 am to 9 PM)		Nighttime Limits (7 am to 9 PM)	
Octave	Filters	dB	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)	
63	-26.2	91	83	57	57	30	46	20	72	46	55	29	
125	-16.1	92	84	68	58	42	46	30	60	44	48	32	
250	-8.6	90	82	73	56	47	41	32	53	44	42	33	
500	-3.2	86	78	74	52	49	35	32	47	44	39	36	
1000	0.0	85	77	77	51	51	31	31	43	43	36	36	
2000	1.2	82	74	75	48	49	25	26	40	41	33	34	
4000	1.0	78	71	72	45	46	20	21	37	38	30	31	
8000	-1.1	72	64	63	38	37	13	12	33	32	27	26	
OA		97	89	82	63	56	50	38	72	52	56	42	

Table 1: Predicted noise levels from Generac 16 KW generator at nearest property line

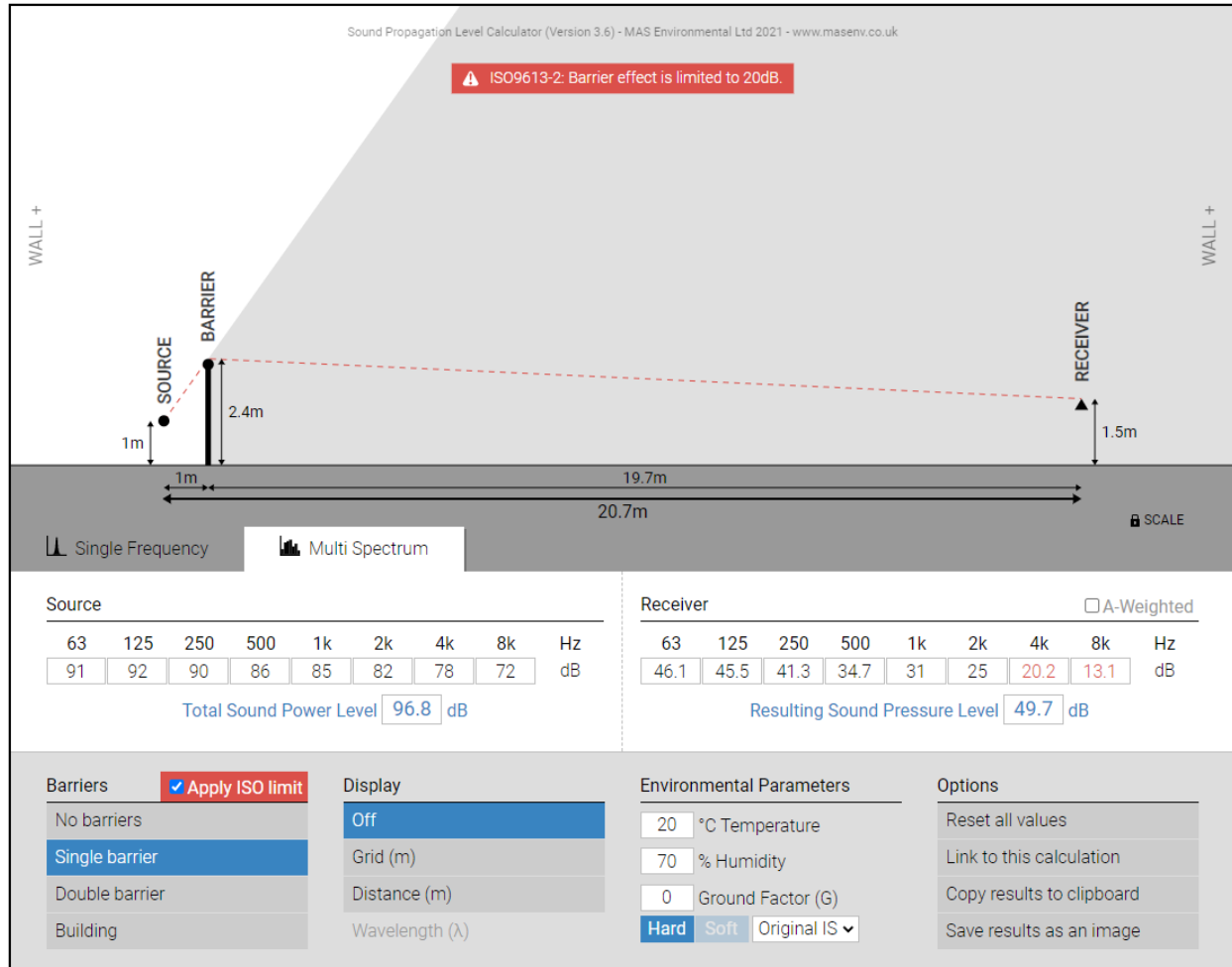


Figure 3. Barrier calculation for Generac 16 KW generator with eight-foot barrier

Appendix A: Sound Pressure Levels for Generac Residential Generators

10/13/16 kW

4 of 6

10/13/16 kW



Generator			
Model	G007171-0, G007172-0 (10 kW)	G007173-0, G007174-0, G007175-0 (13 kW)	G007176-0, G007177-0, G007178-0 (16 kW)
Rated maximum continuous power capacity (LP)	10,000 Watts*	13,000 Watts*	16,000 Watts*
Rated maximum continuous power capacity (NG)	9,000 Watts*	13,000 Watts*	16,000 Watts*
Rated voltage	240		
Rated maximum continuous load current – 240 volts (LP/NG)	41.7 / 37.5	54.2 / 54.2	66.7 / 66.7
Total Harmonic Distortion	Less than 5%		
Main line circuit breaker	45 Amp	60 Amp	70 Amp
Phase	1		
Number of rotor poles	2		
Rated AC frequency	60 Hz		
Power factor	1.0		
Battery requirement (not included)	12 Volts, Group 26R 540 CCA Minimum or Group 35AGM 650 CCA Minimum		
Unit weight (lb/kg)	338/153	385/175	420/191
Dimensions (L x W x H) in / cm	48 x 25 x 29 / 121.9 x 63.5 x 73.7		
Sound output in dB(A) at 23 ft (7 m) with generator operating at normal load**	61	65	65
Sound output in dB(A) at 23 ft (7 m) with generator in Quiet-Test™ low-speed exercise mode**	57	55	55
Exercise duration	5 min		

Figure A-1. Published data for Generac residential generators

Generac 16 KW Generator		Point 1-Left Side @ 1 meter		Point 2-Center Left @ 1 meter		Point 3-Center @ 1 meter		Point 4-Center Right		Point 5-Right Side @ 1 meter		Average	
A-wt	Hz	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa
Filters	Octave 1/3	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)
-30.2	50	66.2	36.0	62.7	32.5	64.7	34.5	67.0	36.8	70.7	40.5	66.3	36.1
-26.2	63	78.8	52.6	77.4	51.2	81.8	55.6	84.4	58.2	88.5	62.3	82.2	56.0
-22.5	80	66.9	44.4	67.9	45.4	69.3	46.8	69.0	46.5	67.6	45.1	68.1	45.6
-19.1	100	68.1	49.0	73.5	54.4	74.3	55.2	72.4	53.3	70.4	51.3	71.8	52.7
-16.1	125	67.6	51.5	79.9	63.8	80.1	64.0	73.4	57.3	77.1	61.0	75.6	59.5
-13.4	160	77.3	63.9	83.2	69.8	80.1	66.7	84.9	71.5	86.0	72.6	82.3	68.9
-10.9	200	75.4	64.5	83.0	72.1	76.2	65.3	82.0	71.1	86.9	76.0	80.7	69.8
-8.6	250	70.4	61.8	70.5	61.9	70.0	61.4	72.8	64.2	76.8	68.2	72.1	63.5
-6.6	315	72.6	66.0	68.6	62.0	68.0	61.4	71.8	65.2	71.0	64.4	70.4	63.8
-4.8	400	69.5	64.7	68.0	63.2	67.4	62.6	69.8	65.0	69.9	65.1	68.9	64.1
-3.2	500	73.4	70.2	67.5	64.3	69.3	66.1	74.5	71.3	78.5	75.3	72.6	69.4
-1.9	630	74.1	72.2	69.9	68.0	73.5	71.6	77.6	75.7	79.4	77.5	74.9	73.0
-0.8	800	71.6	70.8	70.6	69.8	70.9	70.1	74.9	74.1	76.9	76.1	73.0	72.2
0.0	1000	73.0	73.0	71.5	71.5	69.7	69.7	75.2	75.2	79.4	79.4	73.8	73.8
0.6	1250	70.7	71.3	69.1	69.7	68.1	68.7	70.8	71.4	75.3	75.9	70.8	71.4
1.0	1600	67.8	68.8	63.7	64.7	64.4	65.4	70.0	71.0	75.0	76.0	68.2	69.2
1.2	2000	71.1	72.3	66.7	67.9	66.5	67.7	73.3	74.5	77.3	78.5	71.0	72.2
1.3	2500	68.4	69.7	64.4	65.7	64.7	66.0	71.1	72.4	74.7	76.0	68.7	70.0
1.2	3150	66.6	67.8	63.5	64.7	61.3	62.5	67.9	69.1	73.7	74.9	66.6	67.8
1.0	4000	65.6	66.6	63.0	64.0	60.2	61.2	67.6	68.6	73.3	74.3	65.9	66.9
0.5	5000	63.2	63.7	61.1	61.6	58.8	59.3	67.4	67.9	71.5	72.0	64.4	64.9
-0.1	6300	58.9	58.8	59.3	59.2	57.8	57.7	63.9	63.8	65.9	65.8	61.2	61.1
-1.1	8000	57.0	55.9	55.2	54.1	55.3	54.2	60.7	59.6	65.2	64.1	58.7	57.6
-2.5	10000	55.7	53.2	52.9	50.4	53.4	50.9	58.4	55.9	65.2	62.7	57.1	54.6
OA		85.5	81.3	88.4	79.9	87.2	79.0	90.3	83.9	93.5	87.5	88.4	82.0

		Point 1-Left Side @ 1 meter		Point 2-Center Left @ 1 meter		Point 3-Center @ 1 meter		Point 4-Center Right @ 1 meter		Point 5-Right Side @ 1 meter		Average	
A-wt	Hz	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa
Filters	Octave 1/1	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)
-26.2	63	79.3	53.3	78.0	52.3	82.2	56.2	84.6	58.6	88.6	62.4	82.5	56.4
-16.1	125	78.2	64.3	85.2	70.9	83.6	68.7	85.5	71.8	86.6	72.9	83.5	69.5
-8.6	250	78.1	69.2	83.4	72.9	77.6	67.9	82.9	72.8	87.4	76.9	81.6	71.5
-3.2	500	77.5	74.8	73.4	70.5	75.6	73.1	79.8	77.3	82.3	79.7	77.6	75.0
0.0	1000	76.6	76.6	75.3	75.2	74.5	74.3	78.8	78.6	82.3	82.2	77.4	77.3
1.2	2000	74.1	75.3	69.9	71.1	70.0	71.2	76.4	77.6	80.6	81.8	74.2	75.4
1.0	4000	70.1	71.1	67.4	68.4	65.0	65.9	72.4	73.3	77.7	78.7	70.5	71.5
-1.1	8000	62.2	61.3	61.4	60.8	60.6	59.9	66.3	65.6	70.2	69.1	64.1	63.3
OA		85.5	81.3	88.4	79.9	87.2	79.0	90.3	83.9	93.5	87.5	88.4	82.0

Figure A-2. Measured data for Generac 16 KW residential generator

Susan Affleck-Childs

From: Christopher Menge <cmenge@hmmh.com>
Sent: Tuesday, June 22, 2021 12:10 PM
To: Susan Affleck-Childs
Subject: RE: MEDWAY 23 Jayar Road Good Feels - Updated Memo - Generac Residential Predictions

Hello Susan,

I've reviewed the most recent memo from NCE about the noise levels from the back-up generator. I find the methodology that NCE used to determine the octave band sound levels from the generator to be appropriate. It is fortunate that Mr. Komrower has a similar generator at his home.

However, I noticed a difference in the barrier geometry between that evaluated for the generator in the May 26 memo versus the geometry in the June 19 memo. The graphic in the May 26 memo shows the generator noise source located at 1.9 m from the barrier, whereas it is located at 1.0 m from the barrier in the June 19 memo. As a result of that difference, the barrier is projected to have a 5 dB greater insertion loss, at 18 dBA instead of 13 dBA as shown for the barrier in the May 26 memo. Was this change intentional? If not, and the barrier distance should be at 1.9 m, then the projected noise level from the 16 kW generator that NCE measured would increase by 5 dBA from 38 to 43 dBA, which would be 1 dBA over the Medway nighttime limit. And, some octave bands would be more than 1 dB over the nighttime limit.

If the geometry change was intentional and the barrier is truly expected to provide 18 dBA of noise reduction and the octave band reductions shown in Table 1 of the June 19 memo, then the generator will be compliant with the Medway noise limits. However, I note that the proposed 10 kW generator that Good Feels plans to install is specified at a noise emission level that is 4 dBA lower than that of the 16 kW generator that NCE measured and used in their analysis for comparison to the noise limits. If that 4 dBA reduction in specified noise emission is accounted for, then the 10 kW generator is expected to be compliant with both the daytime and nighttime noise limits, even if the May 26 geometry with the source at 1.9 m from the barrier is correct.

Please let me know if you have any questions or comments.

Chris

Christopher Menge

Sr. Vice President/Principal Consultant



www.hmmh.com

☎ 781.852.3153 | 📠 781.223.8944

cmenge@hmmh.com

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, June 22, 2021 8:27 AM
To: Christopher Menge <cmenge@hmmh.com>
Subject: MEDWAY 23 Jayar Road Good Feels - Updated Memo - Generac Residential Predictions

[EXTERNAL]

Good morning,

See attached from the applicant's noise consultant Jeff Komrower. Kindly review and get back to me today if you can. Thanks for your continued help.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

From: Jason Reposa [<mailto:jason@getgoodfeels.com>]
Sent: Sunday, June 20, 2021 11:26 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Fwd: Updated Memo - Generac Residential Predictions

Attached is the latest report

Begin forwarded message:

From: Jeff Komrower <jeffk@noise-control.com>
Date: June 19, 2021 at 13:15:10 EDT
To: Jason Reposa <jason@getgoodfeels.com>
Subject: Updated Memo - Generac Residential Predictions

Hey Jason,

Let me know if you think this will work. I think so.

Best regards,

Jeff

Jeffrey M. Komrower
Senior Engineer
T 978-670-5339 | D 978-584-3026 | M 410-960-9243
85 RANGEWAY ROAD, BUILDING 2, FLOOR 2
BILLERICA, MA 01862

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June 22, 2021
Medway Planning & Economic Development Board
Meeting
Construction Reports

Tetra Tech Field Reports

Choate Trail #11 – 6-3-21

Choate Trail #12 – 6-4-21

Evergreen Village #5 – 6-7-21

Marzilli/21 Trotter Drive – 6-7-21

William Wallace Village #11 – 6-3-21

William Wallace Village #12 – 6-9-21

William Wallace Village #13 – 6-11-21

Harmony Village #2 – 6-7-21

Connorstone Engineering Report on Choate Trail 6-11-21

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

FIELD REPORT

Project Choate Trail – Copper Drive	Date 6/3/2021	Report No. 11
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 1 of 2
Contractor Bob Pace (Owner/General Contractor) Rhino Construction (Site Contractor)	Weather A.M. CLEAR P.M.	Temperature A.M. 65°F P.M.

FIELD OBSERVATIONS

On Thursday, June 3, 2021, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location with Bridget Graziano (Medway Conservation) to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Site is firm and dry throughout the limit of work. Highland Street is clean and free of sediment at the location of the construction entrance. Compost filter sock has been installed throughout the project limit as indicated on the endorsed Plans and appears to be in good condition. Silt fence has been installed along the western portion of the site adjacent to the existing wetland resource area and appears to be in good condition as well. Temporary sediment basins have been installed at the low points and appear to be functioning.
- B. TT on-site to conduct instillation inspection for the proposed subsurface infiltration system. Contractor has completed installation of 60 chambers. Filter fabric has been placed along the edges of the excavation and 1 ½" washed crushed stone has been placed around the perimeter of the chambers. Filter fabric has also been installed below the two chambers directly downstream of the water quality units as indicated on the Plans. Contractor has placed ¾" unwashed stone between chambers to fill the gaps as the 1 ½" stone was too large. The sediment present in the unwashed stone will ultimately travel into the infiltration system. However, the amount of unwashed stone used, relative to the size of the system, is not expected to cause critical impacts to the performance of the infiltration system. Once drainage system is active, TT will monitor the performance of the infiltration system to ensure 72-hour drawdown is achieved.
- C. Contractor has installed catch basins CB0+50R and CB0+50L, water quality unit STC0+59, and associated RCP piping. Structures and piping are bedded and partially backfilled with gravel to current site elevations. Pipes are

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer	1	Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		
Laborers	3	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.	1	Skid Steer	1	Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder		
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck	3	Rock Truck	1	
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Bradley M. Picard, EIT	8:45 A.M. – 9:15 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Choate Trail – Copper Drive	Date 6/3/2021	Report No. 11
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

properly parged on the inside and outside of the drainage structures.

2. SCHEDULE

- A. Contractor to wrap infiltration system with filter fabric. Drainage infrastructure adjacent to the infiltration system will continue to be installed.
- B. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Lift and stabilize leaning/fallen trees along the southeast property line per discussion with Conservation Agent.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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

FIELD REPORT

Project Choate Trail – Copper Drive	Date 6/4/2021	Report No. 12
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 1 of 2
Contractor Bob Pace (Owner/General Contractor) Rhino Construction (Site Contractor)	Weather A.M. CLEAR P.M.	Temperature A.M. 65°F P.M.

FIELD OBSERVATIONS

On Friday, June 4, 2021, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Site is firm and dry throughout the limit of work. Highland Street is clean and free of sediment at the location of the construction entrance. Compost filter sock has been installed throughout the project limit as indicated on the endorsed Plans and appears to be in good condition. Silt fence has been installed along the western portion of the site adjacent to the existing wetland resource area and appears to be in good condition as well. Temporary sediment basins have been installed at the low points and appear to be functioning.
- B. TT on-site to conduct instillation inspection for the proposed subsurface infiltration system. Contractor nears completion of wrapping system with filter fabric. Several rolls of filter fabric are used to cover the entire width of the infiltration system and providing sufficient overlap between sections. Three locations have been marked on the filter fabric for locations of inspection ports. Two of these locations are at the chambers directly downstream of the water quality units and the third in the middle of the system as indicated on the Plans.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer	1	Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		
Laborers	3	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.	1	Skid Steer	1	Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder		
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck	3	Rock Truck	1	
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Bradley M. Picard, EIT	9:30 A.M. – 10:00 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Choate Trail – Copper Drive	Date 6/4/2021	Report No. 12
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to complete wrapping infiltration system with filter fabric. Drainage infrastructure adjacent to the infiltration system will continue to be installed.
- B. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Lift and stabilize leaning/fallen trees along the southeast property line per discussion with Conservation Agent.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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

FIELD REPORT

Project Evergreen Village	Date 06/07/2021	Report No. 5
Location 22 Evergreen Street, Medway, MA	Project No. 143-21583-20001	Sheet 1 of 2
Contractor Mark Muntz (General Contractor)	Weather A.M. CLEAR P.M.	Temperature A.M. 85°F P.M.

FIELD OBSERVATIONS

On Monday, June 7, 2021, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Dry and firm ground surface throughout the limits of work. Silt fence barriers (SFB) remain in place around the limit of work and are in good condition, however, a section of SFB along the edge of Evergreen Street is damaged and requires repairs. Compost filter tubes are staked just inside of the SFB and most seem to be in good condition, however, some compost filter tubes along the north and west limits are torn and should be replaced. Stockpiles of excavated material and construction equipment are present throughout the site.
- B. Infiltration chambers have been delivered to the site and are stockpiled near the site entrance. Contractor to provide notice to TT and schedule site visits for necessary inspections prior to work. Temporary sediment basins on site appear to be placed near the proposed limit of the subsurface infiltration system. Prior to installation, TT recommends for the contractor to excavate and remove any accumulated sediment within the temporary basin that is located within the footprint of the subsurface infiltration system.
- C. Subcontractor, Burrough's Plumbing, was on site installing plumbing for Unit #4, #5, and #6.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer	Burrough's Plumbing Heating& A/C	Installing Plumbing for Unit #4
Laborers	2	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck				
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	10:30 A.M. – 11:00 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Evergreen Village	Date 06/07/2021	Report No. 5
Location 22 Evergreen Street, Medway, MA	Project No. 143-21583-20001	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

- A. Repair sections of SFB throughout the site as needed.

4. PREVIOUS OPEN ACTION ITEMS

- A. Install construction entrance per the approved plans. **TT Update: Item remains outstanding, TT recommends contractor to install construction entrance as soon as possible to prevent tracking on Evergreen Street.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. Building materials
- B. Cultec units

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

FIELD REPORT

Project 21 Trotter Drive	Date 06/07/2021	Report No. 16
Location 21 Trotter Drive, Medway, MA	Project No. 143-21583-19018	Sheet 1 of 2
Contractor RP Marzilli (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 85°F P.M.

FIELD OBSERVATIONS

On Monday, June 7, 2021, Tucker D. Paradee, E.I.T. from Tetra Tech (TT) and Bridget Graziano (Conservation Agent) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Dry ground surface that is firm throughout. Silt fence barrier (SFB) and compost filter tubes remain in good condition around the site and no areas appear to be eroding off-site. Compost filter tubes are placed just inside of the SFB along the eastern portion of the erosion control limits and appear to be in good condition. TT agrees that SFB can be removed along the south end of the site, where vegetation has grown, and slopes have stabilized. Catch basins throughout the site have silt sacks installed and appear to be maintained. It appears the Contractor has performed regular sweeping since our previous visits.
- B. Upon inspection, the infiltration basin had some staging water present and iron floc sheens were observed on top of the water. TT and Conservation Commission agree that the silt fence barrier at the infiltration basin outfall can be removed because it is no longer functioning. Traces of sediment were present along the basin's rip rap bottom.
- C. The owner informed TT that a new design engineer has been hired, and modified plans that describe the binder and storage racks addition will be submitted once completed.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		
Laborers	5+	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator		Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder		
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck		Lull		
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details: N/A					OFFICIAL VISITORS TO JOB	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Bridget Graziano	Conservation Agent
RESIDENT REPRESENTATIVE FORCE					Name	Time on-site
					Tucker D. Paradee, E.I.T.	9:00 A.M. – 9:45 A.M.

NOTE: Please use reverse side for remarks and sketches

Project 21 Trotter Drive	Date 06/07/2021	Report No. 16
Location 21 Trotter Drive, Medway, MA	Project No. 143-21583-19018	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Contractor to submit photos of drainage system installed on the east side of the site, TT not present during installation.
- B. Clean drainage structures. **TT update: The Owner informed us that a structure cleaning was recently completed. In our opinion, this item is resolved.**
- C. Contractor to submit test report from sample taken from Infiltration Basin to confirm oil sheen observed in basin is not hydrocarbons. **TT update: Test results of the basin water conducted by EDC were received. In our opinion, this item is resolved.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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

FIELD REPORT

Project William Wallace Village	Date 06/03/2021	Report No. 11
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 65 °F P.M.

FIELD OBSERVATIONS

On Wednesday, May 12, 2021, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location with Bridget Graziano (Medway Conservation) to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Firm ground surface throughout site. Sterling Circle entrance off of Village Street has been filled to approximate subbase elevations, contractor to install temporary paved driveway apron at a future date. No tracking of sediment was observed on Village Street. Stockpiles of excavated material and material from demolition are present throughout the site. Silt fence barrier (SFB) and compost filter tubes remain around the perimeter of the site, erosion controls were removed adjacent to Bedelia Lane during site filling and grading operations along the slopes behind Proposed Dwelling Units 1/2. As directed by Medway Conservation, contractor to place compost filter tubes at the toe of the slope once construction vehicle access to the area is no longer needed.
- B. TT on-site to inspect the bottom of excavation for the proposed infiltration field adjacent to Village Street. The contractor has completed excavation of the trench to bottom of stone elevation, and grab samples were conducted in the region that was below the former construction entrance. The samples within the footprint were consistent with the provided test pit data and the previously inspected portion of the trench. Contractor begins placing stone bed for infiltration system, TT will maintain communication with the contractor for anticipated inspections during the construction of the infiltration system.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer	1	Asphalt Paver	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		
Laborers	4	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.	1	Skid Steer		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Mini-Excavator		Power Saw		
Electricians		Grader		Conc. Vib.		
Flagpersons		Crane		Tack Truck		
Surveyors		Scraper		Man Lift		
Roofers		Conc. Mixer		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Truck		Compact Track Loader	Bridget Graziano	Medway Conservation
		Conc. Pump Truck		Porta-John		
		Pickup Truck		Dumpster (15 Yard)		
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details:					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Bradley M. Picard, EIT	10:00 A.M. – 10:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 06/03/2021	Report No. 11
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to continue construction of proposed infiltration field.
- B. Contractor to continue construction proposed Dwelling Units 1 and 2.
- C. Contractor to begin bringing water and sewer onto site from Village Street.
- D. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. Contractor to place compost filter tubes along the toe of the slope adjacent to Bedelia Lane once construction activities are completed in this region.

4. PREVIOUS OPEN ACTION ITEMS

- A. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. Crushed stone, chambers for subsurface infiltration system.

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

FIELD REPORT

Project William Wallace Village	Date 06/09/2021	Report No. 12
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 89 °F P.M.

FIELD OBSERVATIONS

On Wednesday, June 9, 2021, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Firm ground surface throughout site. Sterling Circle entrance off of Village Street has been filled to approximate subbase elevations, contractor to install temporary paved driveway apron at a future date. No tracking of sediment was observed on Village Street. Stockpiles of excavated material and material from demolition are present throughout the site. Silt fence barrier (SFB) and compost filter tubes remain around the perimeter of the site, erosion controls were removed adjacent to Bedelia Lane during site filling and grading operations along the slopes behind Proposed Dwelling Units 1/2. Contractor to place compost filter tubes at the toe of the slope once construction vehicle access to the area is no longer needed.
- B. TT on-site to inspect the instillation of the proposed subsurface infiltration field adjacent to Village Street. Clean 1 ½" crushed stone lined the bottom of the trench with a depth of 6" which was confirmed with a laser level and rod. Upon arrival, the Contractor had installed 22 of the 62 Cultec units. The Cultec units were installed and backfilled with crush stone row by row due to the excavators limited reach. Clean crushed stone was chinked in between rows and 6" of crushed stone was placed on top which was confirmed with a laser level and rod. Filter fabric was laid around the perimeter of the trench which will cover the infiltration field and stone once instillation is complete. The Contractor informed TT that the separator row will be individually wrapped with filter fabric per plan.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		
Laborers	5	Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer		Vib. Walk Comp.		
Carpenters	2	Hoeram		Compressor		
Masons		Excavator	2	Jack Hammer		
Iron Workers		Mini-Excavator		Power Saw		
Electricians		Grader		Conc. Vib.		
Flagpersons		Crane		Tack Truck		
Surveyors		Scraper		Man Lift		
Roofers		Conc. Mixer		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Truck		Compact Track Loader		
		Conc. Pump Truck		Porta-John		
		Pickup Truck	3	Dumpster (15 Yard)		
		Tri-Axle Dump Truck	1			
		Trailer Dump Truck				
Police Details:					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	1:00 A.M. – 1:45 A.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 06/09/2021	Report No. 12
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

- C. The Contractor has ordered risers for the two sewer manholes behind Proposed Dwelling Units 1 and 2. Once the risers arrive and set to grade, the contractor plans to loam and hydroseed the area behind Proposed Dwelling Units 1 and 2.
- D. Upon inspection, the water main was being installed around the cul-de-sac of Sterling Circle.

2. SCHEDULE

- A. Contractor to continue construction of proposed infiltration field.
- B. Contractor to continue construction of proposed Dwelling Units 1 and 2.
- C. Contractor to continue construction of water main.
- D. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Contractor to place compost filter tubes along the toe of the slope adjacent to Bedelia Lane once construction activities are completed in this region.
- B. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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

FIELD REPORT

Project William Wallace Village	Date 06/11/2021	Report No. 13
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 70 °F P.M.

FIELD OBSERVATIONS

On Friday, June 11, 2021, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- Site Conditions/Erosion Controls: Firm ground surface throughout site. Sterling Circle entrance off of Village Street has been filled to approximate subbase elevations, contractor to install temporary paved driveway apron at a future date. No tracking of sediment was observed on Village Street. Stockpiles of excavated material and material from demolition are present throughout the site. Silt fence barrier (SFB) and compost filter tubes remain around the perimeter of the site, erosion controls were removed adjacent to Bedelia Lane during site filling and grading operations along the slopes behind Proposed Dwelling Units 1/2. Contractor to place compost filter tubes at the toe of the slope once construction vehicle access to the area is no longer needed.
- Upon inspection, the instillation of the subsurface infiltration field had been completed. Inspection ports were installed every other row on the Cultec unit closest to Village Street. Inspection ports were also installed every other row for the additional 8 units. Washed 1 ½" crushed stone was placed on top of the infiltration field for a depth of 6" per plan.
- The Contractor intends to install drainage manholes that connect to the infiltration field once curb cuts are made and Sterling Circle layout is complete.
- Upon inspection, the water main continued to be installed around the cul-de-sac of Sterling Circle.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		
Laborers	5+	Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	2	Jack Hammer		
Iron Workers		Mini-Excavator		Power Saw		
Electricians		Grader		Conc. Vib.		
Flagpersons		Crane		Tack Truck		
Surveyors		Scraper		Man Lift		
Roofers		Conc. Mixer		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Truck		Compact Track Loader		
		Conc. Pump Truck		Porta-John		
		Pickup Truck	3	Dumpster (15 Yard)		
		Tri-Axle Dump Truck	1			
		Trailer Dump Truck				
Police Details:					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	10:00 A.M. – 10:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 06/11/2021	Report No. 13
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to continue construction of proposed Dwelling Units 1 and 2.
- B. Contractor to continue construction of water main.
- C. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Contractor to place compost filter tubes along the toe of the slope adjacent to Bedelia Lane once construction activities are completed in this region.
- B. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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

FIELD REPORT

Project Harmony Village	Date 06/07/2021	Report No. 2
Location 218-220 Main Street, Medway, MA	Project No. 143-21583-20018	Sheet 1 of 2
Contractor Gary Feldman, Marcelo Alves (Applicant/Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 85°F P.M.

FIELD OBSERVATIONS

On Monday, June 7, 2021, Tucker D. Paradee, E.I.T. from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- Site Conditions/Erosion Controls: Dry ground surface that is firm throughout. Compost filter socks have been installed along the Western and Southern portions of the site and appear to be in good condition. Stockpiles of excavated material present near proposed temporary stockpile area.
- Upon inspection, RJH concrete, was onsite installing concrete forms for the basements of Units #3 and #4.
- Upon inspection, Richardson Wells & Pumps, was on site drilling the proposed irrigation well located between Units #4 and #5

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer	RJH concrete	Installing concrete forms
Laborers	5+	Loader		Vib. Roller	Richardson Wells & Pumps	Drilling irrigation well
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck	2	Well Drilling Rig	1	
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	10:30 A.M. – 11:00 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Harmony Village	Date 06/07/2021	Report No. 2
Location 218-220 Main Street, Medway, MA	Project No. 143-21583-20018	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

A. N/A

4. PREVIOUS OPEN ACTION ITEMS

A. Submit narrative of proposed action regarding fallen and leaning trees present on-site. **TT update: field change authorization has been approved by Planning and Economic Development Board. In our opinion, this item is resolved.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

A. N/A

CONNORSTONE ENGINEERING, INC.

10 SOUTHWEST CUTOFF, #7
NORTHBOROUGH, MASSACHUSETTS 01532
TEL: 508-393-9727 FAX: 508-393-5242

Construction Observation Report

Project Information

Project Name: Choate Trail
Location: Copper Drive (off Highland Street) Medway, MA
Report Number: 2
Inspection Date: 6/11/2021
Inspection Time: 11:00 am

On Friday June 11, 2021, Vito Colonna, PE, from Connorstone Engineering, Inc. (CSEI) performed a progress inspection in accordance with the Definitive Subdivision Approval Condition VII.B.5.c. The following report summarizes the observations made during the site visit.

Recent Precipitation Events:

Based upon available data, since the last inspection the site received the following precipitation.

- Previous 24 hours: 0 inches
- Previous 72 hours: 0 inches

Completed / On-Going Work

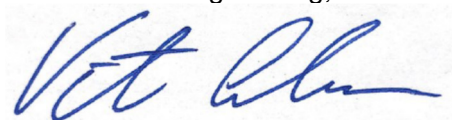
Time Period: 4/30/2021 to 6/11/2021

- Installation of drainage infrastructure has proceeded including placement of the remaining structures, pipe connections, flared ends (see attached photo). The structures have been plated and the system required final backfill. The subsurface infiltration system was installed including concrete chambers, and filter fabric over the top /sides. Filter fabric was also placed on the bottom of the end inlet chambers. The three concrete risers (without covers) had also been installed. Based upon visual inspection the drainage components and infiltration system appear to have been installed in accordance with the plans. Inspection reports from Tetra Tech indicated their office inspection the bottom of excavation and provided progress inspection during installation of the infiltration system.
- The water line and two hydrants have been installed.
- There was no site work was on-going at the time of inspection

Site Conditions / Recommendations:

1. The overall site condition was generally stable, with no observed erosion issues.
2. The perimeter erosion barriers appeared in good condition and functioning as intended. No sediment or erosion was observed beyond the barriers or limit of work.
3. The entrance showed no signs of tracking onto Highland Street. Maintenance of the construction entrance and street sweeping should be continued as required. The stone entrance may require replacement.
4. Stump stockpile was located on future Lot 1.
5. Stockpiles of loam, soil, and boulders were located on future Lots 3 and 4.

Vito Colonna, PE
Connorstone Engineering, Inc.





Infiltration System Installation – View from Highland Street



Drainage System Installation Near Station 3+00



Project Entrance / Staging Area & Hydrant Installation



12-inch Culvert Flared End & Headwall Installation



Highland Street (clean & free from tracking)



June 22, 2021

**Medway Planning & Economic Development Board
Meeting**

Public Hearing Continuation
Medway Place Shopping Plaza Site Plan
98, 108 and 114 Main Street

UPDATED

- Notice dated 5-12-21 to continue the public hearing to 6-22-21
- Request dated 6-8-21 from attorney Gareth Orsmond to continue the public hearing to July 27, 2021
- Email dated 6-8-21 from attorney Gareth Orsmond granting an extension of the deadline for PEDB action on the site plan application to September 30, 2021

NOTE – Mr. Orsmond has been asked to attend the hearing in person to explain the further delays.

- **Email dated 6-22-21 from Gareth Orsmond in response to request that he attend the hearing in person**

Board Members

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

MEMORANDUM

May 12, 2021

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 Medway Place Shopping Plaza Site Plan**
98, 108 and 114 Main Street
Continuation Date – Tuesday, June 22, 2021 at 8:00 p.m.

At its May 11, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Medway Realty LLC of Boston, MA for approval of a site plan for proposed site improvements at the Medway Place shopping plaza to Tuesday, June 22, 2021 at 8:00 p.m.

Proposed are a series of changes in the layout of and landscaping for the Medway Place parking lot as a result of the recently completed Route 109 improvement project. The proposed parking lot work will align the plaza's parking space layout with the Mass DOT constructed boulevard style main entrance. Also proposed are new stormwater management controls to treat stormwater collected from the parking lot before it is discharged to the Town's municipal storm drain system.

The site plan and landscaping revisions are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019, last revised April 22, 2021 by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019, last revised March 2, 2021 and was prepared by Grady Consulting, LLC of Kingston, MA. The documents are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall. The information is also posted at the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan>

As a result of the May 11th discussion and recently received review comments, the applicant intends to submit a further revised site plan. That will be posted to the web page upon receipt. The Board welcomes any review comments you wish to provide.

Please don't hesitate to contact me if you have any questions.

Susan Affleck-Childs

From: Gareth Orsmond <gorsmond@PierceAtwood.com>
Sent: Tuesday, June 8, 2021 4:59 PM
To: Susan Affleck-Childs
Subject: RE: Medway Place Site Plan Review

Hi Susy. Due to my travel schedule, the client would like to go with July 27th.

Thanks,
Gareth

Gareth Orsmond

PIERCE ATWOOD LLP

PH 617.488.8181

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, June 8, 2021 3:32 PM
To: Gareth Orsmond <gorsmond@PierceAtwood.com>
Subject: RE: Medway Place Site Plan Review

*****This message originated outside your organization*****

We are not. The Select Board had determined that there will be no more ZOOM mtgs.

Next meeting after that is July 27th.

From: Gareth Orsmond [<mailto:gorsmond@PierceAtwood.com>]
Sent: Tuesday, June 8, 2021 3:30 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: RE: Medway Place Site Plan Review

Susy, I may be in Memphis on the 13th. Will you still be doing meetings remotely?

Gareth Orsmond

PIERCE ATWOOD LLP

PH 617.488.8181

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, June 8, 2021 2:56 PM
To: Gareth Orsmond <gorsmond@PierceAtwood.com>
Subject: RE: Medway Place Site Plan Review

*****This message originated outside your organization*****

Hi Gareth,

Thanks for your note and update! OH my. Frustrating for sure!

The next PEDB meeting will be July 13th. We would need the plan revision documents by June 29th at the latest.

Also, since we are moving out of the state of emergency, I would ask if you would provide a separate written authorization to extend the deadline for PEDB action on the site plan. At this point, I would suggest August 31st.

Thanks.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

From: Gareth Orsmond [<mailto:gorsmond@PierceAtwood.com>]
Sent: Tuesday, June 8, 2021 2:48 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Medway Place Site Plan Review

Hi Susy.

Today is the "due date" for updated materials.

Unfortunately our project engineer, Michael Littman, just left Howard Stein Hudson for another position and did not tell us until his next-to-last day.

We have brought another engineer up to speed, but he has not turned around our revisions by today, and I suspect he has to pick up the slack on a few other projects as well. We will need to continue this to the next available hearing.

Thank you for your consideration.

Gareth

Gareth Orsmond PIERCE ATWOOD LLP	100 Summer Street 22nd Floor Boston, MA 02110 PH 617.488.8181 FAX 617.824.2020	One New Hampshire Ave Suite 350 Portsmouth, NH 03801 PH 617.488.8181 FAX 603.433.6372
gorsmond@PierceAtwood.com BIO > Admitted in MA/NH		
This e-mail was sent from Pierce Atwood. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it please delete it and notify us as soon as possible.		

Gareth I. Orsmond

100 Summer Street, 22nd Floor
Boston, MA 02110

617.488.8181 voice
617.824.2020 fax
gorsmond@pierceatwood.com
www.pierceatwood.com

Admitted in: MA, NH

July 8, 2021

By Electronic Mail

Town of Medway Planning and Economic Development Board
c/o Susan Affleck Childs, Planning and Economic Development Coordinator
Town Hall
155 Village Street
Medway, MA 02053

Re: Medway Plaza, 98, 108, 114 Main Street, Medway, Massachusetts
Application for Major Site Plan Review

Dear Chairman Rodenhiser and Board Members:

Medway Realty LLC hereby grants the Planning and Economic Development Board an extension of the deadline for the Board's action on the above-referenced application for major site plan review. Unless Medway Realty agrees to an additional extension in writing, the extension period shall end at 5:00 p.m. Boston time on September 30, 2021.

Very truly yours,



Gareth I. Orsmond

GIO/smg

Susan Affleck-Childs

From: Gareth Orsmond <gorsmond@PierceAtwood.com>
Sent: Friday, June 18, 2021 10:45 AM
To: Susan Affleck-Childs
Subject: RE: 6-22-21 PEDB meeting - Medway Place site plan

Susy,

That ends up being hours out of my day, and I can't afford that time right now. I try hard to be responsive and respectful, but there are limits.

Unfortunately, Todd is out-of-town on business, so he cannot be there in person either.

We can commit to submitting all of our revised materials on or before July 9th, and doing the July 27th hearing. As you may recall, despite losing our project engineer, I only asked you to continue the hearing to the next available date (presumably that was July 13th) on the assumption that I could participate while on vacation in Memphis via zoom. Neither the loss of the project engineer nor the town's decision not to conduct virtual hearings is in our control.

While there are various reasons for the time this is taking, for the most part it results from us listening to comments from the board and design review committee and exploring what we can do to incorporate these comments given our own constraints, which are real. I thought the last plan we presented was promising. I was disappointed by the reaction, but once again we are looking at how best to address the comments we received.

I'm happy to talk with you, Barbara, Andy, and whomever else in a zoom meeting or conference call before Tuesday night.

Gareth

Gareth Orsmond

PIERCE ATWOOD LLP

PH 617.488.8181

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, June 17, 2021 8:14 PM
To: Gareth Orsmond <gorsmond@PierceAtwood.com>
Subject: RE: 6-22-21 PEDB meeting - Medway Place site plan

*****This message originated outside your organization*****

Chairman Rodenhiser would like you or a representative of the applicant to be present. There are some real concerns about the delay.

Susy

From: Gareth Orsmond [<mailto:gorsmond@PierceAtwood.com>]
Sent: Thursday, June 17, 2021 8:11 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Andy Rodenhiser <andy@rodenhiser.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: Re: 6-22-21 PEDB meeting - Medway Place site plan

Hi Susan.

I guess I wasn't clear. I thought we could talk or do a zoom meeting outside of the hearing since I wasn't sure why I was being asked to attend.

If it's necessary that I be there I will talk with my client.

Gareth.

Sent from my iPhone

On Jun 17, 2021, at 7:25 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

*****This message originated outside your organization*****

Hi,

We find ourselves in a situation where we would like you to be able to call in during the hearing. However, we are not set up to provide a call in option to the general public and that would not be fair and equal access. Further, the Select Board had determined that ZOOM and other online platforms are not allowed for Medway boards and committees at the present time so that option is not available.

So, we cannot accommodate your request for remote participation in the hearing.

I hope you will be able to attend in person. 8 pm at Medway Town Hall.

Best regards,

Susy

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

From: Gareth Orsmond [<mailto:gorsmond@PierceAtwood.com>]
Sent: Wednesday, June 16, 2021 12:51 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Andy Rodenhiser <andy@rodenhiser.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: RE: 6-22-21 PEDB meeting - Medway Place site plan

Hi Susan,

Assuming that this is not a remote meeting, that's a long haul for me.

In retrospect, once this went off the large-scale redevelopment tract, I should've suggested local counsel for a number of reasons. Instead I tried to keep some continuity.

If there is something you wish to discuss or some concern you want to air, could we please do it via call or zoom meeting? I've been upfront about everything; I don't operate any other way.

Gareth



From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Wednesday, June 16, 2021 8:23 AM
To: Gareth Orsmond <gorsmond@PierceAtwood.com>
Cc: Andy Rodenhiser <andy@rodenhiser.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: 6-22-21 PEDB meeting - Medway Place site plan

*****This message originated outside your organization*****

Good morning,

I have reviewed the agenda for the 6-22-21 PEDB meeting with Chairman Andy Rodenhiser.

He asks that you attend the PEDB meeting in person to present and discuss your request for a continuation of the Medway Place site plan public hearing. The hearing is scheduled for 8 pm at Town Hall. We look forward to seeing you then.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
<[image001.jpg](#)>
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org



June 22, 2021

**Medway Planning & Economic Development Board
Meeting**

Public Hearing Continuation
Phytopia, Inc. – 6 Industrial Park Road
Medway Place Shopping Plaza Site Plan
98, 108 and 114 Main Street

UPDATED

- Public hearing continuation notice dated 6-10-21
- Odor Mitigation Plan, undated, prepared by BLW Engineers, of Littleton, MA
- Review letter dated 6-16-21 of applicant's odor information by Straughan Forensic, LLC, (the Board's odor consultant)
- Requests for waivers of the *Site Plan Rules and Regulations*
- Host Community Agreement dated 9-8-20
- **Email dated 6-21-21 from abutter Leigh Knowlton of 14 Green Valley Road with attachments**

Board Members

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



Medway Town Hall
155 Village Street
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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

MEMORANDUM

June 10, 2021

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
Marijuana Special Permit, Site Plan, Groundwater Protection Special Permit
and Reduced Parking Special Permit
Continuation Date – Tuesday, June 22, 2021 at 8:00 p.m.***

At its June 8, 2021 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 special permits to operate a non-retail Registered Medical Marijuana cultivation and processing establishment and a Recreational Marijuana (adult-use) cultivation and processing establishment, a major site plan, a groundwater protection district special permit, and a reduced parking special permit for a proposed development at 6 Industrial Park Road to Tuesday, June 22, 2021 at 8:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The applicant proposes 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. A retail marijuana operation is NOT proposed.

The planned scope of work 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 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 subject to 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>.

The Board welcomes review comments from Town staff, boards and committees. The 6-22-21 public hearing will address the applicant's noise mitigation plan and requested waivers from the *Site Plan Rules and Regulations*. Subsequent public hearings will focus on odor mitigation and parking.

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

PHYTOTHERAPY MEDWAY, MA

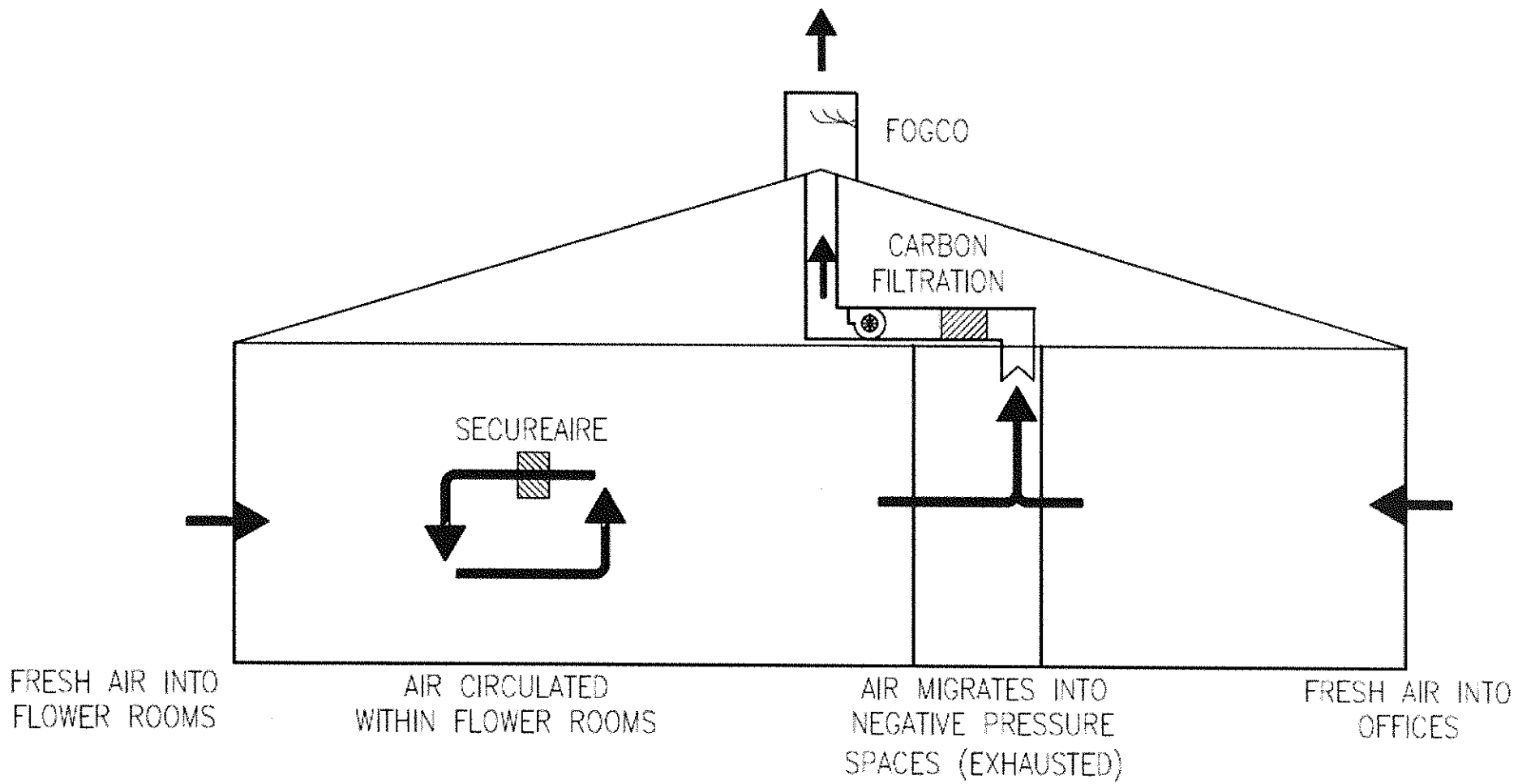
Odor Control Approach

OVERVIEW

MULTI-FACETED APPROACH TO ODOR CONTROL

1. BUILDING PRESSURE
2. SECURE AIR FILTRATION INSIDE OF BUILDING
3. CHARCOAL FILTRATION
4. FOGCO ODOR NEUTRALIZATION ON EXHAUST AIR

MULTI FACETED APPROACH



The floor plan shows a complex layout with multiple rooms and corridors. The grid system is as follows:

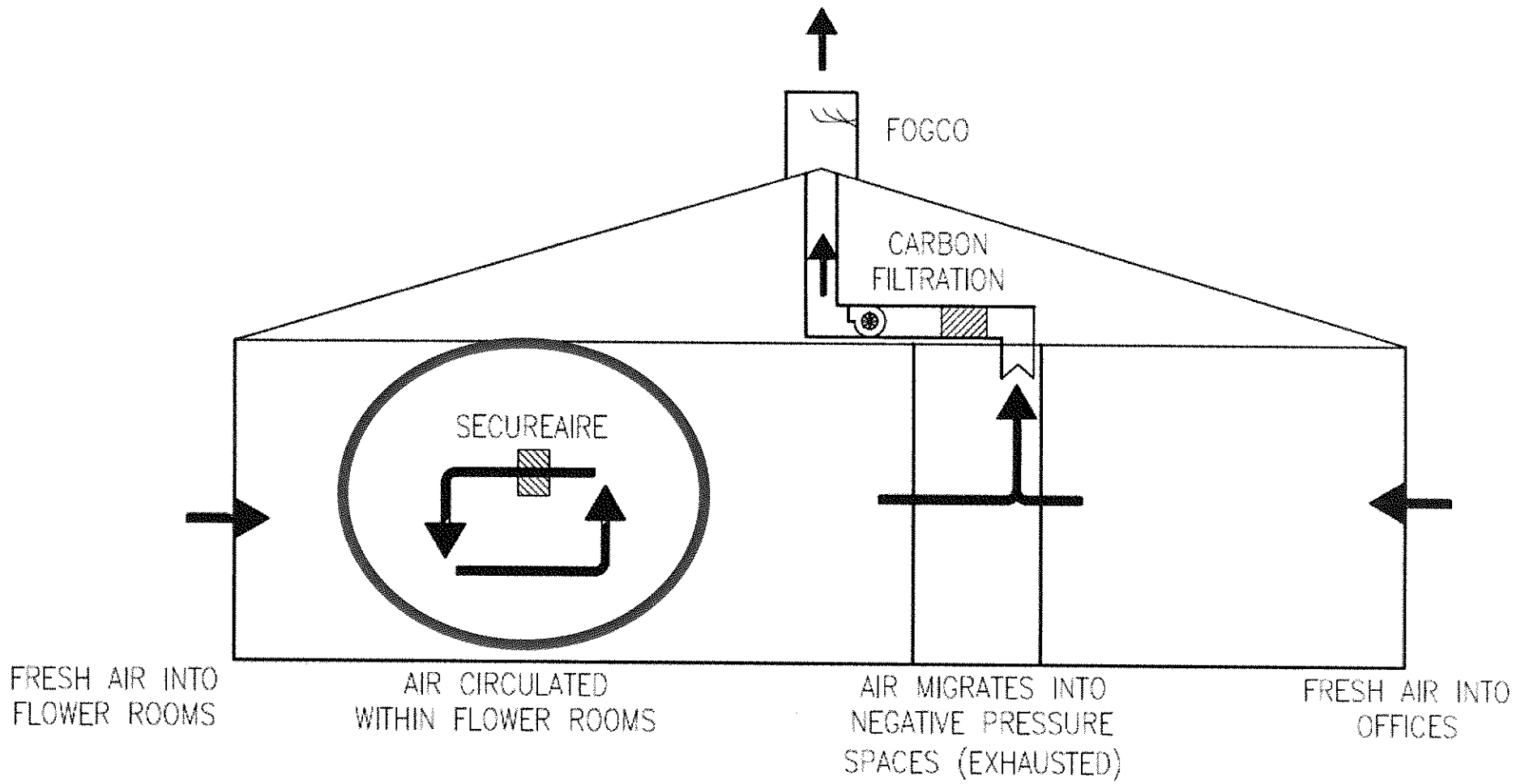
- Columns: A, B, C, D, E, F, G, H, I, J, K
- Rows: 1, 2, 3, 4, 5, 6, 7

Key areas and rooms include:

- EXHAUST AREA** (shaded regions)
- RECEPTION** (1000 sq ft)
- OFFICE** (1000 sq ft)
- CONFERENCE** (1000 sq ft)
- RESTROOM** (1000 sq ft)
- KITCHEN** (1000 sq ft)
- BATH** (1000 sq ft)
- STORAGE** (1000 sq ft)
- LOBBY** (1000 sq ft)
- MEETING ROOM** (1000 sq ft)
- TRAINING ROOM** (1000 sq ft)

The plan also shows a 'MEETING ROOM' (1000 sq ft) and a 'TRAINING ROOM' (1000 sq ft). The building is oriented with North at the top.

2. SECUREAIRE

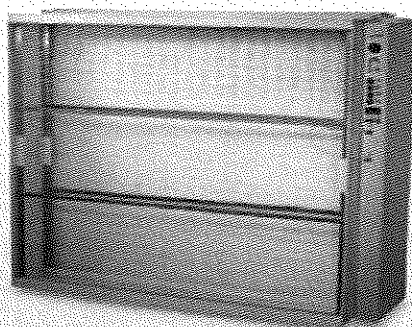


2. SECUREAIRE

- * This system is being used at Non-Disclosed Facilities in CA and CO and is currently being designed into the MA market.
- * This is a proven Hospital technology that is being implemented into Cannabis Grow Facilities. As previously mentioned, SecureAire recently published a White Paper in the American Journal of Infection Control as written by Mayo Clinic Doctor Mark Erath.
- * This is how it works...



Advanced Collector System ACS



SecureAire has developed the most advanced and optimized Electronically Enhanced Air Purification System in today's marketplace. Prior to today, the market has provided devices that are mostly substandard and only partially deliver the performance and benefits that have been advertised.

SecureAire's Advanced Collector System or ACS utilizes semiconductor airborne contamination reduction technologies to increase the efficiency and effectiveness of SecureAire's proprietary filtration media. The ACS System results in the most advanced Electronically Enhanced Air Purification System while also providing an airborne pathogen inactivation benefit thru our INACTIVATE™ Technology. INACTIVATE reduces organisms ability to grow and provides the necessary voltage strength to oxidize and kill airborne pathogens.

In addition, "the ACS is the only system" that utilizes Particle Control Technology which actually controls the movement of particles in a space. Particle Control Technology provides the ability to treat all airborne challenges (Particles, TVOC's, Smoke, and dissolved gases) the same.

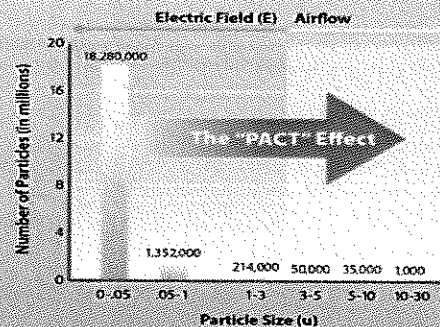
Particle Control Technology is the combination of Electrostatic and Electrodynamic fields, which together combine to make airflow the dominant transport mechanism for airborne particles in any space. It is this combination of Electrical Enhancement that makes SecureAire's ACS System the most advanced system available today.

System Technology

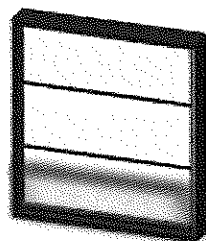
The ACS System is based on three elements the **Particle Conditioning Unit**, the **Collector** and the **Internal Particle Collider**.

As unfiltered air moves through the ACS System, it first passes through the Particle Conditioning Unit (PCU). The PCU emits equal amounts of positive and negative charges at a high voltage and low current to avoid generating ozone. As particles move and pass through this section they will pick up these charges thus becoming conditioned. These conditioned particles are now more influenced by the electric fields, which increases their force of attraction, thus enhancing inelastic collisions between them.

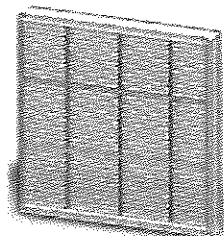
Particle Size Distribution in Air



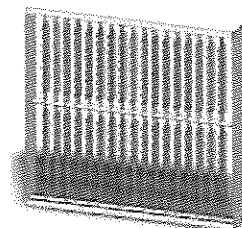
The PCU



The Collector



The Internal Particle Collider



The Collector by virtue of the associated electrical fields is polarized and provides high efficiency filtration up to MERV 15 levels as defined by ASHRAE 52.2. In addition, the constant High Voltage Electrostatic Fields provide the setting for our INACTIVATE Technology which targets any viable airborne pathogen that comes into contact with the system.

Lastly, the Internal Particle Collider uses a pulsed High Voltage Electrodynamical Field to condition any particles that may have escaped the Collector. This section is well

suited for all air flow applications. Both positively and negatively charged articles will pass through the Particle Collider and be forced to have inelastic collisions. These inelastic collisions will occur hundreds of times thus creating larger particles that have a net neutral charge. These particles will then proceed out into the occupied space to further collect other particles, TVOCs, gases, odors, bacteria, viruses, and other viable airborne particles. The ACS is today's most advanced electrically enhanced filtration system.

System Overview

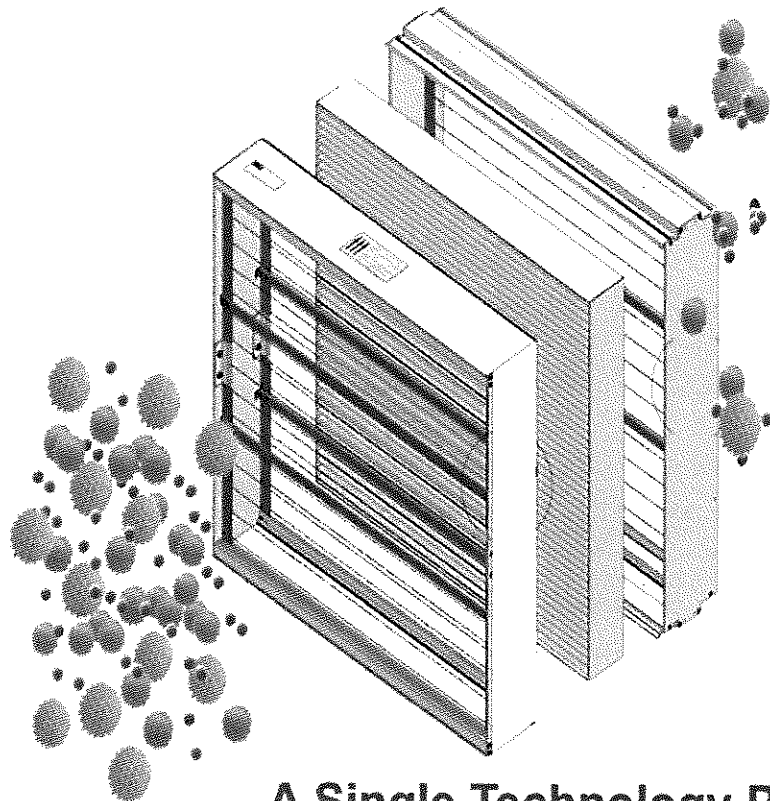
The ACS System consists of the following:

- **The ACS Units** are the basis of the system, which contain the Particle Conditioning Unit, the Collector, and the Internal Particle Collider.
- **The System Control Module (SCM-200)** contains all of the ACS system's embedded electronics including diagnostics, safety circuits and controls. It also provides the diagnostic interface between the ACS System and the building's automation and control systems. The SCM-200 notifies the user of normal operation as well as the need for service.

System Specifications

Standard Filter Sizes:	24" x 24", 24" x 18", 24" x 12", 18" x 24", 12" x 24", and 12" x 12"
Filtration Efficiency Rating:	MERV 15 per ASHRAE 52.2 Standard Test
Power Supply/Power Consumption	5 watts per filter position; 120/240 Single Phase VAC
Clean Pressure Drop	<0.25" WG at 500 fpm
Safety Current Protection	SB 0.5 A/250V fuses
Humidity Range	< 95% Non-Condensing RH
Overall System Depth:	9" in airway length
Racking Requirements	2" U-channel
Blank-offs	As required to prevent air bypass
Safety Interlocks	Turn off system if any AHU door is opened
BAS Integration	SCM easily integrates into a building's automation system

The SecureAire ACTIVE Particle Control Process



- Particles are **“Conditioned”** with Charge
- Charged Particles are forced to **“Collide”**
- Particles Gain Mass and are **“Net Neutral”**
- Particles are more easily **“Captured”**
- Captured Pathogens are Killed By **INACTIVATE™ Technology**
- **“Particles that Escape”** are Conditioned to **“Remove Critical Contaminants”** from the Treated Space

A Single Technology Platform for all Airborne Contaminants!

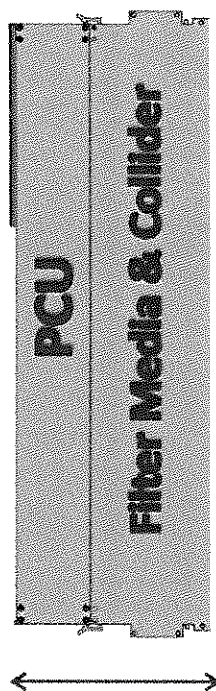
SecureAire

The SecureAire ACS System

Typical Installation



Side View

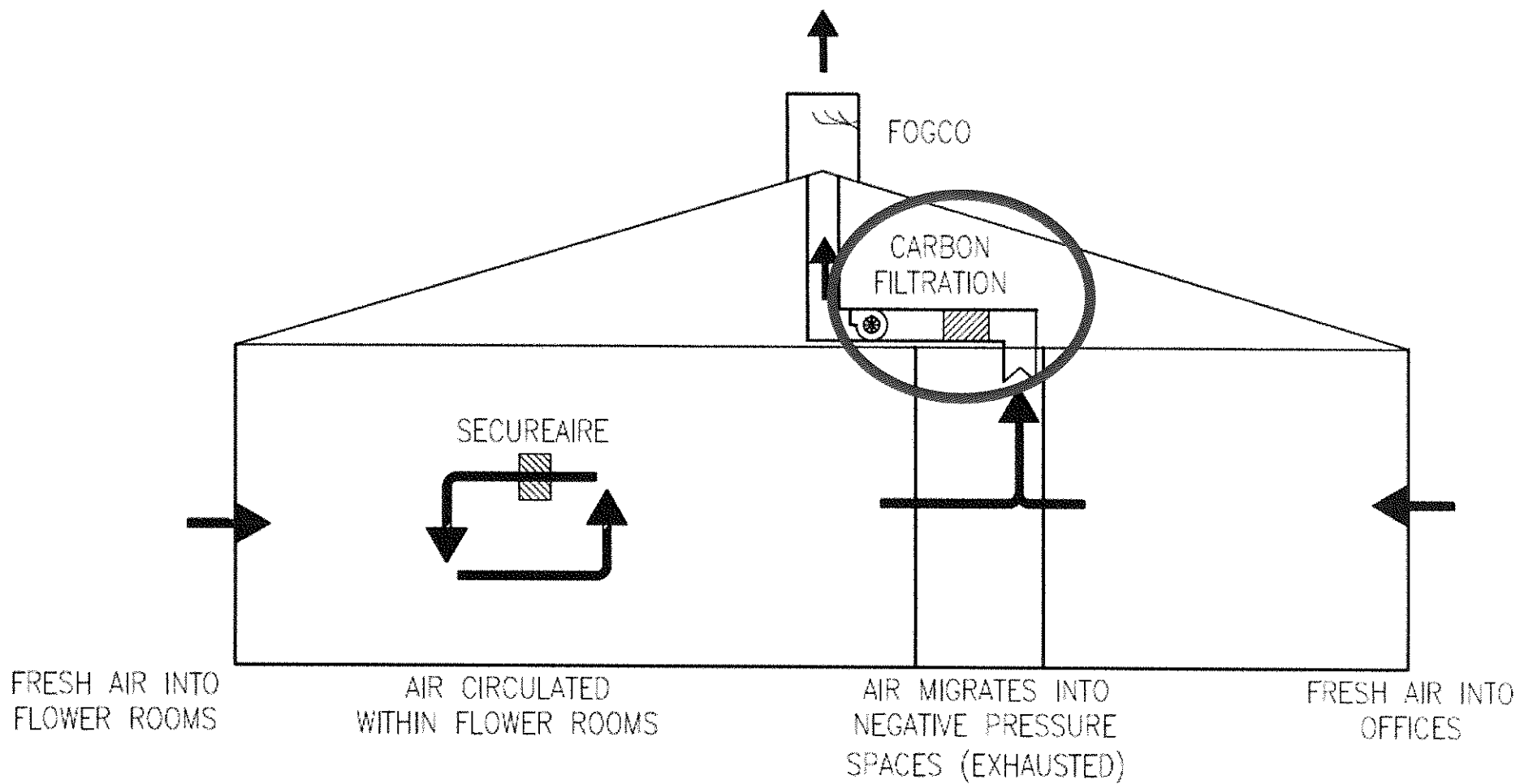


Performance Metrics

- The ACS has a 52.2 Filter Rating of MERV 13 and 15
- ACS INACTIVATE Technology kills up to 99% of captured biological organisms
- The ACS has an initial pressure drop of 0.18 and 0.28 inches W.G.
- Particles that do exit the ACS are conditioned to go out into the occupied space and "clean it"
- Complete System Depth is 9"

SecureAire

3. CARBON FILTRATION



3. CHARCOAL FILTRATION

- * Proven technology... Used in various industries to remove VOC/Odor
- * This is how it works...
- * This system is being used at the Following facilities...
- * Here are some big ones in Canada (we have 40+ Systems or more at each one) :
 - * Aphria
 - * Cannara
 - * Cannatech
 - * Sundial

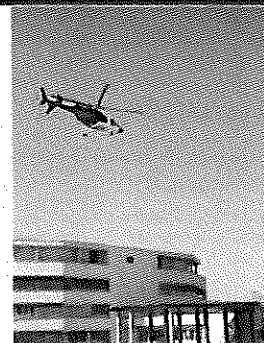
MODERATE DUTY APPLICATIONS



Airport Jet Fumes



Cannabis
Grow/Extraction
Odors



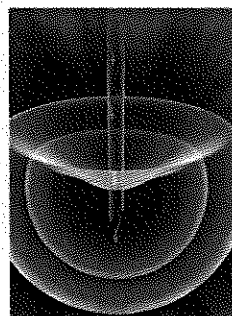
Hospital
Helipad Fumes



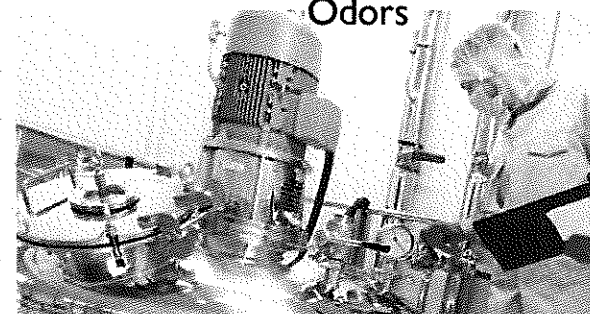
Wastewater
Treatment
Odors



Medical Products Warehouse
Ethylene Oxide Fumes



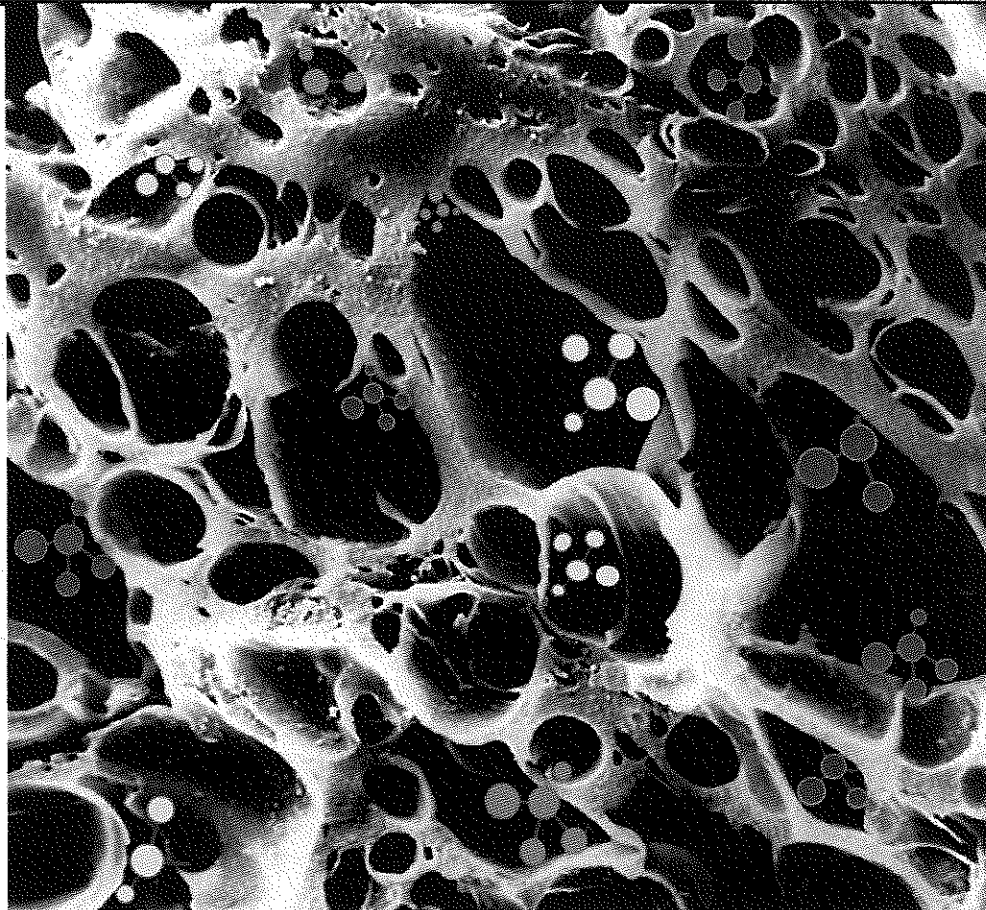
In-Vitro Fertilization
VOCs



Industrial Process Odors &
Fumes

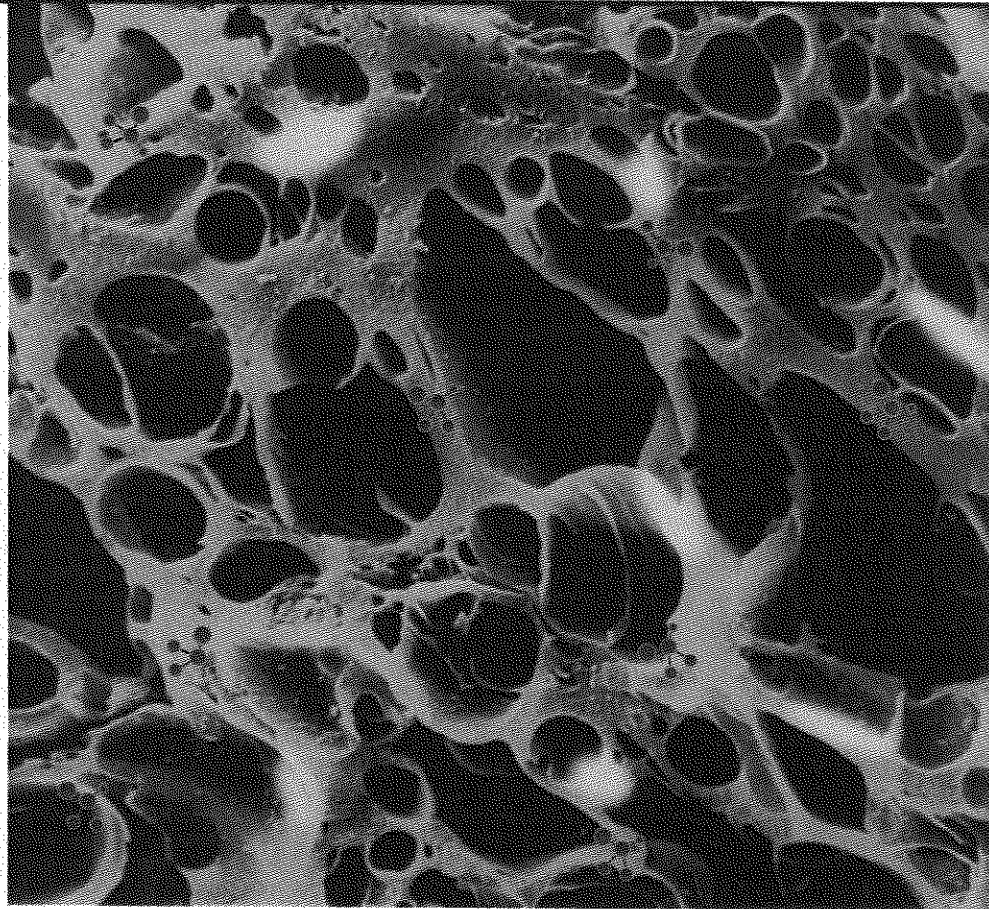
HOW DOES MOLECULAR FILTRATION WORK: PHYSICAL ADSORPTION

- Relatively large and slow molecules travel into the network of pores and stick to the surface through light intermolecular forces (like a spider climbing a wall)
- Examples:
 - beta-myrcene (cannabis), ozone & nitrogen dioxide (traffic and jet fumes)
 - millions of VOCs



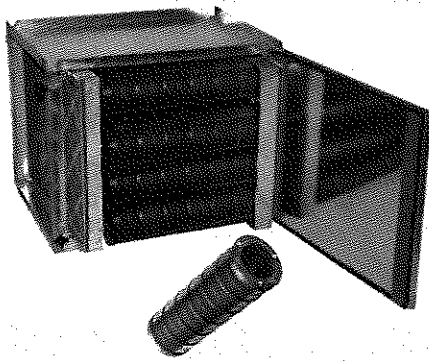
HOW DOES MOLECULAR FILTRATION WORK: CHEMICAL ADSORPTION

- Smaller and faster (aka- more volatile) gas molecules collide with the surface to create an irreversible chemical reaction (often discoloring the filter media)
- Examples:
 - hydrogen sulfide (wastewater)
 - formaldehyde (morgues)
 - chlorine gas (battery plants)

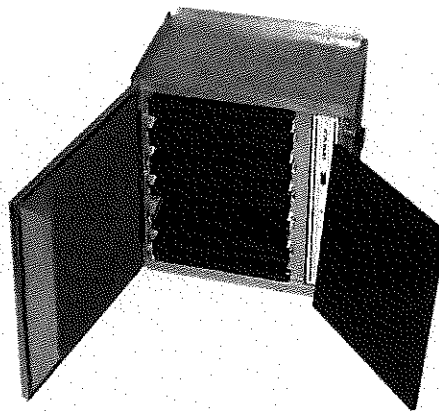


TYPICAL ODOR CONTROL FILTRATION SYSTEMS IN CANNABIS FACILITIES

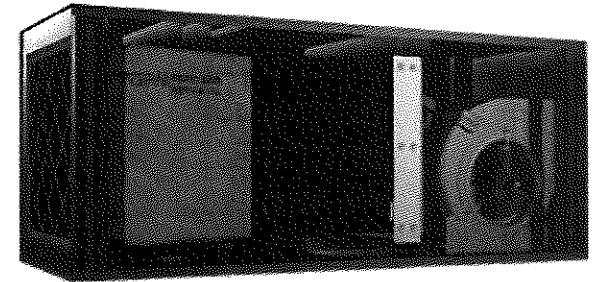
(HUNDREDS OF POUNDS OF ACTIVATED CARBON)



CamCarb CG Cylinders
with activated carbon media
Sized for 250 feet/minute
Excellent removal efficiency
Inherently leak-free
Exhaust or recirculation

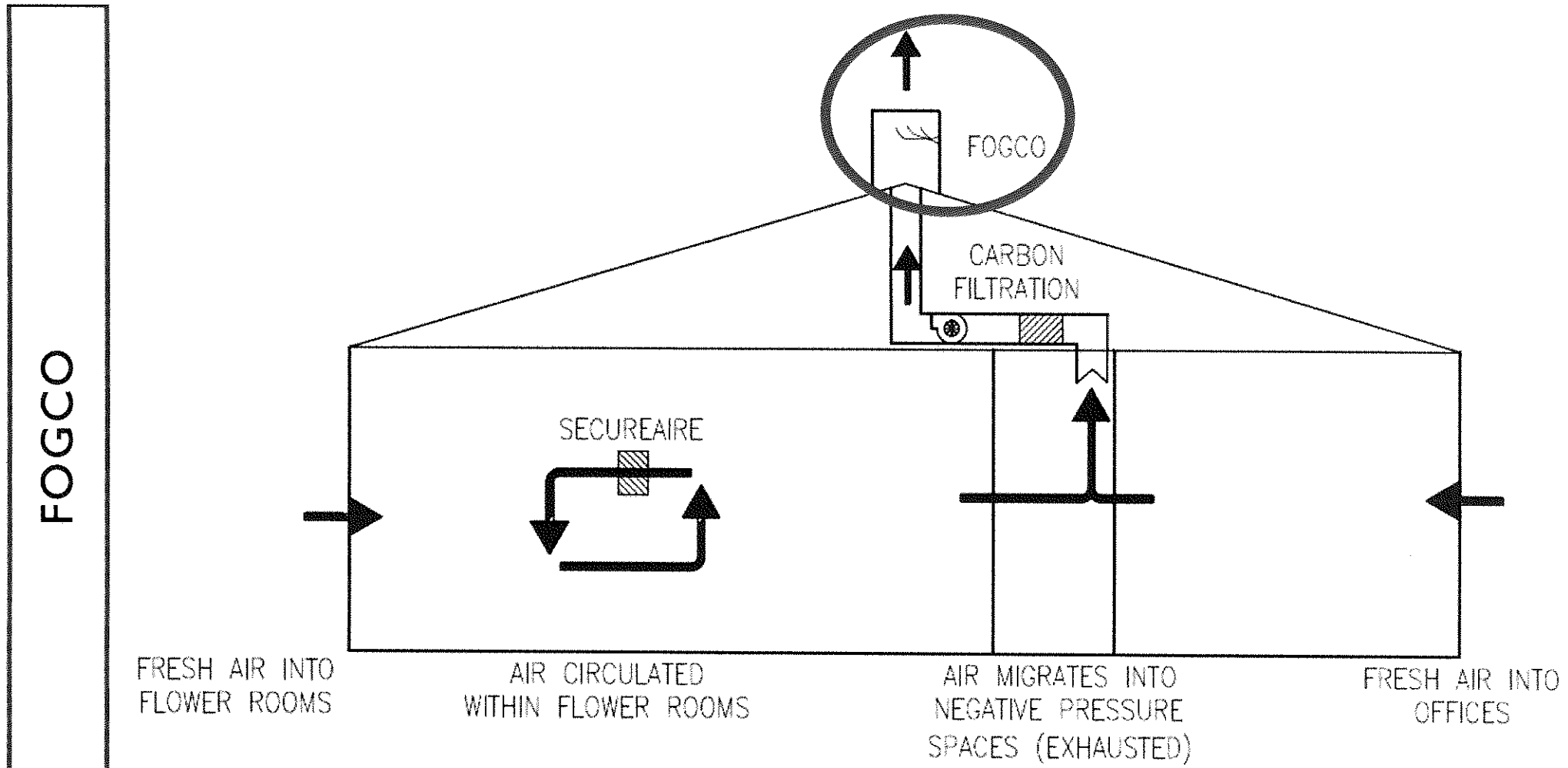


CamCarb PG Panels
With activated carbon media
Sized for 250 feet/minute
Good removal efficiency
Low pressure drop
Exhaust or recirculation



CamCarb PG Panels
4-8 Air Changes/Hour
Modular design
Cylinders in molecular state
Designed for recirculation

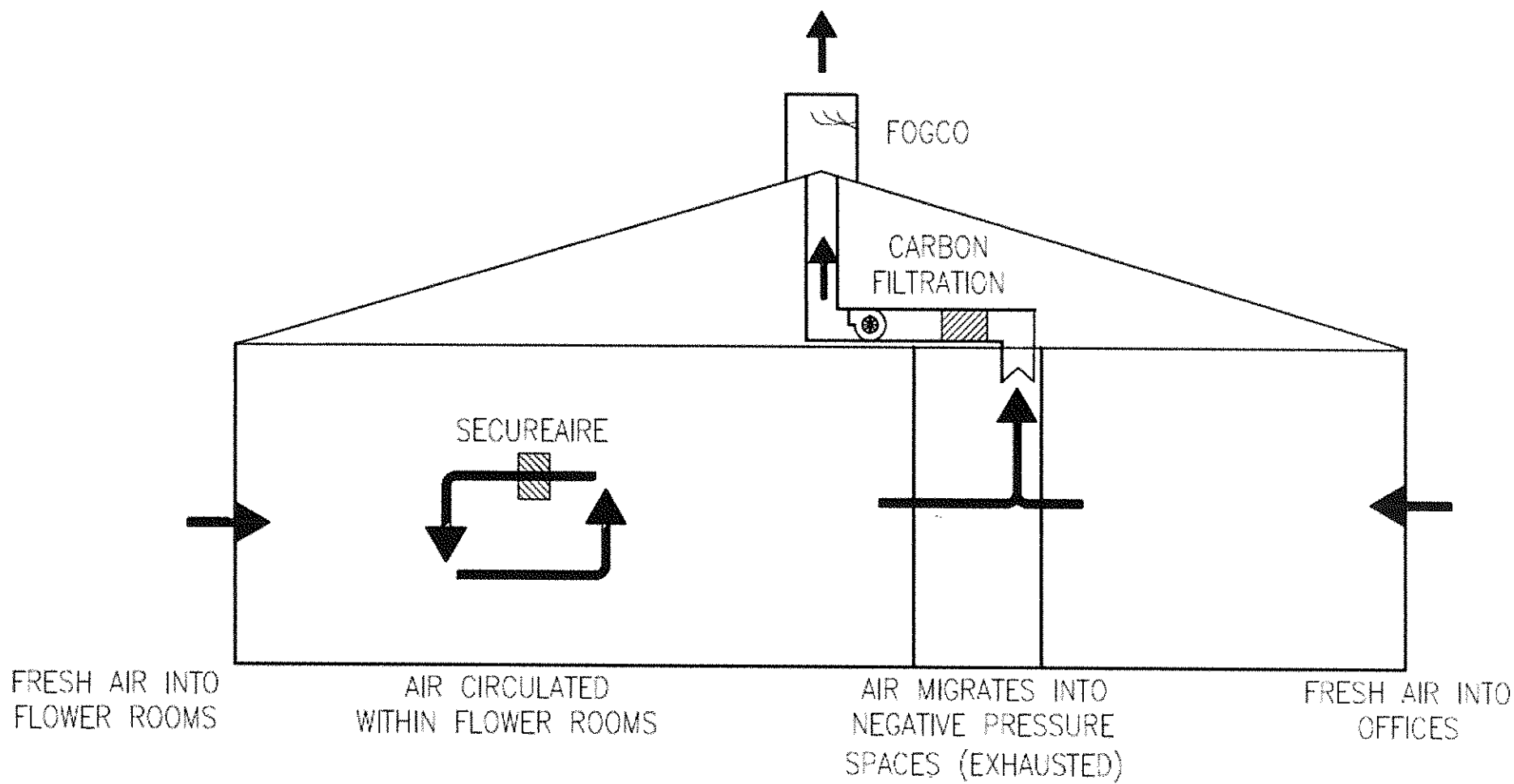
Note: pleated carbon filters cannot handle the concentrations of odors generated in a cannabis facility!



4. FOGCO

- * Fogco has over 20 years of odor mitigation experience in a variety of different industries to include industrial petroleum refining, sewage treatment plants, slaughterhouses and rendering facilities, waste processing and transfer stations, etc. Fogco was the first high pressure fog company to enter the cannabis space to provide odor control.
- * Over 100 active cannabis facilities in the US and Canada with ZERO complaints
 - * Osiris LLC - Glenwood Springs, CO,
 - * Valley Crest Farms - Carpinteria, CA
 - * Flower One - Las Vegas, NV (replaced competitive system due to complaints)
- * Scientific **Subtractive Odor Control™** technology
 - * True neutralizer - not an additive, masking agent or perfume.
 - * How it works - Selected essential oils introduced via high pressure fog mix with airborne malodors resulting in a series of reactions to include antagonistic pairing, absorption and adsorption, and pluralistic effects modifying the chemical shape/structure of the odor molecule which in turn, neutralizes and eliminates the malodor.
 - * Independently tested and proven by a third-party laboratory certified in ASTM International, CEN (European), and ISO method practices.

MULTI FACETED APPROACH



June 16, 2021

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: Phytotherapy, 6 Industrial Park Road – Review of Odor Control Plan

Dear Ms. Affleck - Childs:

This letter documents the findings from my review of documents received related to the Phytotherapy facility at 6 Industrial Park Road in Medway for cultivation, manufacturing, processing, and packaging of marijuana products.

The following document was received for review:

- Phytotherapy, Medway, MA, Odor Control Approach - 19 pages.

General Comments:

1. The Town of Medway Zoning Bylaws require the plan to be *“prepared by a certified environmental engineer or certificated environmental professional with demonstrated experience in the area of marijuana odor mitigation.”* No engineer’s stamp or other form of certification has been provided.
2. No general description of operations has been provided. Is the facility intended only for cultivation, production, and packaging of smokable marijuana? Will the operations include oil extraction or the production of edibles or non-smokable products?
3. No general description of odor containment strategies and procedures has been provided. Is there a specific ventilation procedure for the harvesting cycle and cleaning of flower rooms?
4. What is the planned maintenance schedule for the critical components of the odor mitigation systems, e.g., schedule for replacement of carbon filters?

Multi-Faceted Approach, page 3:

5. What percent of the odor elimination will be achieved by each of the three stages – SecureAire, Carbon Filtration, and Fogco? Will the SecureAire systems be installed in the Flower Rooms only? What about Drying/Curing, Trimming, and any non-flower rooms that may have significant odors? Is it the intent to eliminate all or almost all the odor with the SecureAire units, and use the central exhaust mainly just to maintain negative pressure? Or will the carbon filters and Fogco units be sized to handle a major portion of the odor elimination?

Building Pressure, page 4:

6. The room names are not legible on the plan provided. The locations of odor emitting activities, type of activity, and source of odor are not indicated.
7. Locations of doors, windows, and air intakes are not indicated.
8. Locations of exhaust fans and air handling units are not indicated. Will some rooms have individual exhaust fans? Will flower rooms have emergency CO2 purge fans? If so, are filters planned for those fans as well?

SecureAire, pages 5 – 10:

9. What are the sizing criteria to be used for the SecureAire units in terms of air changes per hour for the volume of the room? Will this be enough to handle the peak odor load, or will the amount of odor contained in flower rooms accumulate for the duration of the flower cycle? Is there a strategy to avoid a large “burst” of odor escaping from the facility at the time of harvesting and cleaning the room?
10. Will the SecureAire units be mounted in 100% recirculating air handling units? Where will the units be located?

Carbon Filtration, pages 11 – 16:

11. What are the sizing criteria to be used for the carbon filtration units?
12. How many of these units will be installed, and where will they be located?

Fogco, pages 17 – 19:

13. What are the sizing criteria to be used for the Fogco units?
14. How many of these units will be installed, and where will they be located?
15. What chemicals will be stored on site for the operation of Fogco systems? Are any of these chemicals hazardous materials?

Respectfully,



Bruce Straughan, PE
Straughan Forensic, LLC

Medway Planning and Economic Development Board
Request for Waiver from Subdivision Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	6 Industrial Park Road
Property Location:	6 Industrial Park Road
Type of Project/Permit:	Redevelopment & Addition / Special Permits & Site Plan Review
Identify the number and title of the relevant Section of the Subdivision Plan Rules and Regulations from which a waiver is sought.	S.204-4.A - Registered Landscape Architect
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Have a Registered Landscape Architect submit a Landscape Plan
What aspect of the Regulation do you propose be waived?	The requirement of having to retain and utilize a Registered Landscape Architect
What do you propose instead?	Submission of a Landscape Plan by Williams & Sparages, LLC.
Explain/justify the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	This is an existing industrial site. The addition of a Registered Landscape Architect is not necessary for this project and will add substantially to the development cost.
What is the estimated value/cost savings to the applicant if the waiver is granted?	\$5,000.00
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The applicant will supply a comprehensive Landscape Plan prepare by the engineer who has completed many such plans for many other projects.
What is the impact on the development if this waiver is denied?	None.
What are the design alternatives to granting this waiver?	None. A comprehensive Landscape Plan will still be provided.
Why is granting this waiver in the Town's best interest?	The Town will still be provided with a comprehensive Landscape Plan.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None.
What mitigation measures do you propose to offset not complying with this particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	A comprehensive Landscape Plan will still be provided.
Other Information?	
Waiver Request Prepared By:	Edward V. Cannon, Jr. , Esq.
Date:	April 30, 2021
Questions?? - Please contact the Medway PED office at 508-533-3291.	
	Updated 10-23-18

Medway Planning and Economic Development Board
Request for Waiver from Subdivision Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	6 Industrial Park Road
Property Location:	6 Industrial Park Road
Type of Project/Permit:	Redevelopment & Addition / Special Permits & Site Plan Review
Identify the number and title of the relevant Section of the Subdivision Plan Rules and Regulations from which a waiver is sought.	S.204-5.C.3 - Landscape Inventory
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Submit a landscape inventory
What aspect of the Regulation do you propose be waived?	There is no notable landscape inventory present on the site
What do you propose instead?	To provide a comprehensive Landscape Plan
Explain/justify the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	There is no notable landscape inventory present on the site
What is the estimated value/cost savings to the applicant if the waiver is granted?	\$1,800.00
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The quality of the design and development will not be impacted if there is no inventory of current landscape features.
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	Providing a comprehensive Landscape Plan
Why is granting this waiver in the Town's best interest?	There is no notable landscape inventory present on the site
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None.
What mitigation measures do you propose to offset not complying with this particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	None.
Other Information?	
Waiver Request Prepared By:	Edward V. Cannon, Jr. , Esq.
Date:	April 30, 2021
Questions?? - Please contact the Medway PED office at 508-533-3291.	
	Updated 10-23-18

Medway Planning and Economic Development Board
Request for Waiver from Subdivision Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	6 Industrial Park Road
Property Location:	6 Industrial Park Road
Type of Project/Permit:	Redevelopment & Addition / Special Permits & Site Plan Review
Identify the number and title of the relevant Section of the Subdivision Plan Rules and Regulations from which a waiver is sought.	S.204-3.F - Development Impact Statement
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Provide comprehensive traffic, environmental, parking & neighborhood impact assessments
What aspect of the Regulation do you propose be waived?	The strict requirement for a single Development Impact Statement
What do you propose instead?	See explanation below
Explain/justify the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	This property is subject to intense environmental scrutiny, a traffic professional will address the parking, and detailed odor and noise mitigation will address neighborhood impacts.
What is the estimated value/cost savings to the applicant if the waiver is granted?	\$12,000.00
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The information that the town would like to gather will be provided via the environmental work, the parking professional, and the neighborhood concerns will be addressed throughout the hearing.
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town will be provided with all of the pertinent information as part of the hearing process.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with this particular Rule/Regulation?	None.
What is the estimated value of the proposed mitigation measures?	None.
Other Information?	None.
Waiver Request Prepared By:	Edward V. Cannon, Jr. , Esq.
Date:	April 30, 2021
Questions?? - Please contact the Medway PED office at 508-533-3291.	
	Updated 10-23-18

PhytoTherapy, Inc.

Amended and Restated Host Community Agreement
Marijuana Cultivation & Processing Facility
Medway, Massachusetts

This Host Community Benefit Agreement, originally entered into on the ___7th___ day of ___May___, 2018 (the "Agreement") by and between PhytoTherapy, Inc., with a principal office address of 25 Newbury Street, Peabody, MA 01960 and/or its assignee or designee ("OPERATOR") and the Town of Medway, a Massachusetts municipal corporation with a principal address of 155 Village Street, Medway, Massachusetts 02053 ("TOWN"), is hereby amended and restated as changed by the parties as of June _____, 2019 as follows below.

WHEREAS, OPERATOR intends to locate (a) a Registered Marijuana Dispensary cultivation and processing facility, which shall be construed to include a Medical Marijuana Treatment Center ("MMTC") operated by the Operator at the PROPERTY and the terms of the Agreement shall remain applicable thereto regardless of how such facility may be characterized under applicable law, including but not limited to G.L. c.94I An Act for the Humanitarian Use of Marijuana, Chapter 369 of the Acts of 2012, and 935 CMR 501.000, subject to the registration and/or licensing process required by the Cannabis Control Commission ("CCC") or any other state entity, and (b) a Marijuana Cultivator and Marijuana Product Manufacturer, as those terms are defined in G.L. c.94G, Chapter 55 of the Acts of 2017, and 935 CMR 500.00 (together, the Marijuana Cultivator and Marijuana Product Manufacturer are referred to herein as the "MARIJUANA ESTABLISHMENT"), at 6 Industrial Park Road, Medway (the "PROPERTY"); and

WHEREAS, the obligations of OPERATOR and the TOWN recited herein are specifically contingent upon OPERATOR obtaining: (a) either (i) a Final Certificate of Registration for operation of a MMTC in the TOWN from the CCC or (ii) a license to operate a MARIJUANA ESTABLISHMENT in the Town from the CCC; and (b) zoning and building department approvals for construction and operation of a MMTC and/or a MARIJUANA ESTABLISHMENT from the TOWN; and

WHEREAS, OPERATOR has obtained a letter of non-opposition from the TOWN for the siting and operation of a MMTC in the TOWN; and

WHEREAS, the TOWN does not oppose the siting and operation of the facility at 6 Industrial Park Road for cultivation of recreational (non-medical) marijuana to be distributed to retail sales facilities outside and beyond the Town of Medway, and TOWN and OPERATOR both agree and stipulate that this Agreement shall also apply to the operation of a MARIJUANA ESTABLISHMENT (but not a marijuana retailer as defined in G.L. c.94G, §1); and

WHEREAS, OPERATOR intends to provide certain benefits to the TOWN in the event that OPERATOR obtains a Final Certificate of Registration or equivalent license to operate a MMTC or a Final Certificate of Registration or equivalent license for the operation of a MARIJUANA ESTABLISHMENT from the CCC in the TOWN and has received all state and local approvals, and begins providing marijuana for medical use to patients, their caregivers, the public, or other MMTCs; and

WHEREAS, OPERATOR and the TOWN agree that benefits provided by the OPERATOR to the Town herein represent a full commitment to the Community and shall not necessitate an additional agreement in the event that marijuana cultivation and production operations commence for non-medical purposes as

contemplated, allowed and limited hereunder and further agree that this Agreement is executed pursuant to M.G.L. c. 94G, §3(d).

NOW, THEREFORE, in consideration of the above, OPERATOR offers the TOWN and the TOWN accepts this Host Community Agreement in accordance with G.L. c.44, §53A and G.L. c.94G, §3(d):

1. In the event that OPERATOR obtains a Final Certificate of Registration from CCC for the operation of a MMTC cultivation and processing facility in the TOWN and/or a Final Certificate of Registration for the operation of a MARIJUANA ESTABLISHMENT in the Town and receives any and all necessary and required permits and licenses issuable by the TOWN, which said permits and/or licenses allow OPERATOR to locate, occupy and operate the MMTC cultivation and processing facility and/or a MARIJUANA ESTABLISHMENT in the TOWN or in any other manner commences growing operations on the PROPERTY, then OPERATOR agrees to provide the TOWN with the following:
 - a. The OPERATOR shall pay to the Town of Medway an annual amount of three percent (3%) of the net sales generated by the OPERATOR for cannabis and cannabis products that is cultivated, grown, produced, processed, and/or manufactured at the MMTC and MARIJUANA ESTABLISHMENT and then sold pursuant to a wholesale agreement to any retail dispensing location (the "Fee"), paid quarterly except that the first payment shall be made on the last day of the first full fiscal quarter following the opening of the MMTC or MARIJUANA ESTABLISHMENT. For purposes of this agreement, "net sales" shall mean the gross revenue generated by the sale of the cannabis or cannabis products minus all applicable expenses and costs of goods sold incurred by the OPERATOR with respect to such cannabis and/or cannabis products.
 - b. Said payments are anticipated by the TOWN to be allocated for the purpose of reimbursing the Town for the costs and expenses generally implicated as a result of the location in the Town of a MMTC or MARIJUANA ESTABLISHMENT, or both.
2. To satisfy the conditions of this paragraph relative to the calculation of the Fee, annually on or before April 15th, the OPERATOR shall provide the Town with certified financial statements detailing receipts for the prior calendar year. Notwithstanding the provisions of Paragraph 1, at all times during the term of this Agreement, real property, owned or operated by OPERATOR shall be treated as taxable, and all applicable real estate and personal property and excise taxes for that property shall be paid either directly by OPERATOR or by its landlord. OPERATOR shall not challenge the taxability of such property and shall not submit an application for any statutory exemption from such taxes, except to ensure that the property is assessed at the fair cash value of such property as described in G.L. c.59 §38.
3. Notwithstanding Paragraph 2 above: (a) if real and/or personal property owned or operated by OPERATOR is determined to be exempt for taxation or partially exempt, or (b) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at the fair cash value of such property as described in G.L. c.59 §38, then OPERATOR shall pay to the TOWN an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no

abatement or exemption. The payment described in this Paragraph 3 shall be in addition to the payments made by OPERATOR under Paragraphs 1 and 2 of this Agreement.

4. In the event that OPERATOR becomes eligible for status as a charitable organization and a related decrease or elimination of real property taxes, and tax revenue from OPERATOR's MMTC or MARIJUANA ESTABLISHMENT located in the TOWN is reduced or eliminated, OPERATOR will continue to make a payment to the Town equivalent to the value of the assessed, fair cash value tax payment that would otherwise be due if the PROPERTY were taxable.
5. OPERATOR shall endeavor to hire local, qualified employees to the extent permissible by law and with the demands of OPERATOR's business, but this does not prevent Operator from hiring the most qualified candidates. OPERATOR shall also endeavor in a good faith, legal and non-discriminatory manner to use local vendors and suppliers where possible.
6. OPERATOR shall coordinate with the Medway Police Department in the development and implementation of required security measures pursuant to 105 CMR 725.110 and 935 CMR 500.110, or any other applicable law or regulation, including in determining the placement of exterior security cameras. OPERATOR shall maintain a cooperative relationship with the Medway Police Department, including but not limited to periodic meetings to review operational concerns and communication to Medway Police Department of any suspicious activities on the site.
7. Intentionally Omitted.
8. The purpose of this Agreement is to assist the TOWN in addressing any public health, safety and other effects or impacts the MMTC cultivation and processing facility and Marijuana Establishment may have on the TOWN. The TOWN shall use the above-referenced payments in its sole discretion consistent with the purpose of this Agreement, which may include allocating a portion of said payments for community wellness programs, educational programs, parks and recreation, public safety, and other efforts and initiatives for the support of the health of the citizens of the TOWN. As such, the payments required hereunder shall be in lieu of any Impact Fees allowed pursuant to G.L. c.94G, §3(d), and the TOWN specifically disclaims any right to seek additional Impact Fees. However, the TOWN is under no obligation to use the foregoing payments in any particular manner.
9. The obligations of OPERATOR and the TOWN recited herein are contingent upon the issuance of a MMTC Final Certificate of Registration and/or a Marijuana Establishment License, however characterized, as one or both may be required the CCC, to operate such facility in the TOWN, and OPERATOR conducting operations in TOWN.
10. This Agreement shall terminate at the time that any of the following occurs: (a) the TOWN notifies OPERATOR of the TOWN's termination of this Agreement for cause; (b) the TOWN notifies OPERATOR of the TOWN's termination of this Agreement for cause (as defined below); (c) OPERATOR ceases to operate a MMTC and MARIJUANA ESTABLISHMENT in the TOWN. The term "cause" for purposes of this agreement shall include, but not be limited to: failure to make the payments required by paragraphs 1-4 and 7, failure to work

cooperatively with the TOWN to address public safety issues, failure to meet any requirements of the special permit, or OPERATOR violation of any laws of the Commonwealth with respect to the operation of a MMTC and/or MARIJUANA ESTABLISHMENT, with any such violation remaining uncured for sixty (60) days after receipt of written notice of such violation.

11. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. OPERATOR shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town, which consent shall not be unreasonably withheld; provided however such consent shall not be required in the event such transfer or assignment is between the OPERATOR and another entity which is authorized by the CCC or other authorizing entity to operate the MMTC or MARIJUANA ESTABLISHMENT for the cultivation and production of marijuana, or if such assignment or transfer is the result of a merger or consolidation with or a sale or transfer of a majority of the equity ownership by the OPERATOR and such sale or transfer is subsequently approved by the CCC.
12. OPERATOR shall comply with all laws, rules, regulations and orders applicable to the work on the MMTC and the MARIJUANA ESTABLISHMENT pursuant to this Agreement, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary state and local licenses, permits, and approvals required for the performance of such work.
13. Should TOWN enter into an agreement with any other MMTC or MARIJUANA ESTABLISHMENT after the date of this Host Community Agreement for siting in TOWN at material terms more favorable to that MMTC or MARIJUANA ESTABLISHMENT than the terms of this Agreement are to OPERATOR, specifically requiring cash payments or gifts that are less on an annual basis than those in Paragraph 1 of this Agreement, and not considering other terms of this Agreement, the OPERATOR shall have the opportunity to request that this Agreement be reopened to discuss the specific term or terms in question for the purpose of providing a level playing field.
14. Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered postage prepaid mail, return receipt requested; by hand; by registered or certified mail; or by other reputable delivery services, to the Parties at the addresses set forth on the first page of this Agreement or furnished from time to time in writing hereafter by one party to the other party. Any such notices or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the USPS or, if sent by private overnight or other delivery service, when deposited with such delivery service.
15. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable, then the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both of the Parties would be substantially or materially prejudiced.
16. This Agreement, including all documents incorporated therein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiation and representations, either written or

oral and it shall not be modified or amended except by a written document executed by the Parties hereto.

17. This Agreement shall take effect on the date set forth above, and shall be applicable for as long as the OPERATOR operates the MARIJUANA ESTABLISHMENT in the TOWN, with the exception of any payments made by the OPERATOR hereunder. This payment provision contained herein shall be applicable for a period of five (5) years and shall automatically be reopened for good faith negotiations on January 1, 2025 to discuss successor payment terms. The Parties agree that if they are unable to reach an agreement on successor payment terms, the terms of this Agreement shall be extended for a period of two (2) additional years and that the parties shall during that two-year period negotiate successor payment terms for a term of five (5) years.
18. In the event that the OPERATOR shall increase the RMD or MARIJUANA ESTABLISHMENT, including building footprint, at any time following the date of this Agreement, then the OPERATOR agrees to provide to the TOWN an annual sum of money equal to one-dollar (\$1) per square foot of increased space, with said amount to be available for use by the TOWN for municipal purposes related to impacts created by the RMD or MARIJUANA ESTABLISHMENT, with said amount due on February 1 in the year following issuance of a building permit for said space increase. This amount shall be in addition to any other amounts stipulated herein, including other payments or taxes owed, and shall be paid annually on February 1st following the initial payment.
19. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.


Agreed to by PhytoTherapy, Inc. and the Town of Medway, Massachusetts as of the ^{8th} 2nd day of
__SEPTEMBER__, 2020.

FOR THE TOWN OF MEDWAY,
ITS BOARD OF SELECTMEN:


John A. Foreste, Chair

Glenn Trindade

FOR OPERATOR PhytoTherapy, Inc.
ITS PRESIDENT:


Dale Buckman,
President, PhytoTherapy, Inc.

Susan Affleck-Childs

From: Leigh Knowlton <knowlton@gmail.com>
Sent: Monday, June 21, 2021 5:54 PM
To: Susan Affleck-Childs; Planning Board
Subject: Phytopia
Attachments: Noise_Control_(LK-notes).pdf; Bylaw_Noise_Limits_Converted.pdf

Hi Susan,

I am sending this email with respect to the Planning and Economic Development Board meeting scheduled on 22 June 2021 which will include a public hearing continuation regarding Phytopia, Inc.'s Noise Mitigation Plan for the proposed facility at 6 Industrial Park Road.

Based on my review of this plan, I would like to bring to the Board's attention the following objective observations:

- The plan does not appear to address the spectral noise limits present in the Medway Zoning Bylaws, Section 7.3.
- Based on their model, the Zoning Bylaws noise limits will be exceeded at the East and North property lines plus the nearest residential property line to the North (see page 11).

Attached is a marked up copy of the Noise Mitigation Plan memorandum prepared by Acentech, dated 12 April 2021, with my notes in yellow.

Also attached is a sheet showing conversion of the Medway Zoning Bylaws into modern standards, as a refresher for what was discussed two years ago regarding CommCan, and in case this consultant again speciously claims the bylaws are unenforceable because they use older octave bands.

Respectfully,
Leigh Knowlton

April 12, 2021

Brian Anderson
Anderson Porter Design
875 Main Street
Cambridge, MA

Phone 617-354-2501
Email brian@andersonporter.com

Subject Noise Mitigation Plan, 65 dBA property line criteria
Phytotherapy Cannabis Cultivation Facility – Medway, MA
Acentech Project No. 634341

Dear Brian,

Phytotherapy has retained Acentech to conduct a study of community noise produced by mechanical equipment serving the proposed cannabis cultivation and processing facility located at 6 Industrial Park Road in Medway, Massachusetts (the facility).

SUMMARY

Acentech has worked with Phytotherapy to develop this Noise Mitigation Plan, which is required as part of the Town of Medway's Special Permit Process. This Noise Mitigation Plan has been reviewed by an acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification.

We have reviewed submitted project drawings and sound data for noise-producing equipment to develop a community noise model. From the results of this modeling, we have developed concept noise-control recommendations. With the implementation of these controls, facility sound is expected to achieve the limits on sound discussed in this report.

PROJECT NOISE REQUIREMENTS

No reference to the noise limits in the Medway Zoning Bylaws, Section 7.3 (Page 110).

PHYTOTHERAPY PROPOSED NOISE LIMITS

The project team has directed us to develop concept noise controls to achieve 65 dBA at facility property lines with other industrial uses. This is an industrial-to-industrial limit similar to those found in the noise codes of similar municipalities in the region.

The proposed 65 dBA limit would apply only to other industrial uses, and the developers intend to fully comply with the MassDEP noise policy at all nearby residential structures as described in the following section.

MASSDEP NOISE POLICY

The Massachusetts Department of Environmental Protection (MassDEP) has a noise policy which applies to facility sound¹. Our current engagement does not include measurement of ambient sound levels in connection with this noise policy. However, we have previously measured nighttime ambient background sound levels (L_{A90}) as low as 27 dBA in the Medway community. Therefore, we recommend that noise levels at the nearest residences not exceed 37 dBA during nighttime hours.

Up to a 10 dB increase (27 dBA to 37 dBA) would be quite noticeable and not a very aggressive goal.

¹ <https://www.mass.gov/files/documents/2018/01/31/noise-interpretation.pdf>

The MassDEP noise policy also contains language prohibiting tonal noise. We have evaluated compliance with the tonal requirements of the MassDEP noise policy assuming a nighttime ambient background level (L_{A90}) of 27 dBA, with corresponding background spectra decreasing at a linear rate of 4 dB/octave.

COMMUNITY NOISE MODELING

NOISE SOURCES

The facility has noise-producing equipment located on-grade that includes one two-cell cooling tower for Phase 1, and a second two-cell cooling tower for Phase 2. The mechanical equipment is identified schematically in FIGURE 1, and shown in greater detail in the project mechanical drawings.

The sound power levels of the equipment are given in TABLE II in APPENDIX A. Currently, we have assumed that all equipment will run at all hours at maximum capacity. We have modeled noise levels at nine residential receptors (17 ft receptor height, R01 – R09), twelve ground-level receivers (5 ft receptor height) along the facility property line (5 ft height, PLI01 – PLI12), and six residential property lines (PLR01 – PLR06), as shown in FIGURE 2.

MODEL DESCRIPTION

We have developed a computer model of facility sound using CadnaA, an acoustic modeling software that considers 3-dimensional propagation of sound. This model implements the methods and equations of ISO 9613-2 "Attenuation of sound during propagation outdoors – Part 2: General method of calculation". FIGURE 2 presents the receptor locations used in computer modeling.

ASSUMPTIONS

The results presented in this report describe Phase 2 sound levels, and depend to a large degree on the Phase 2 building for acoustic shielding.

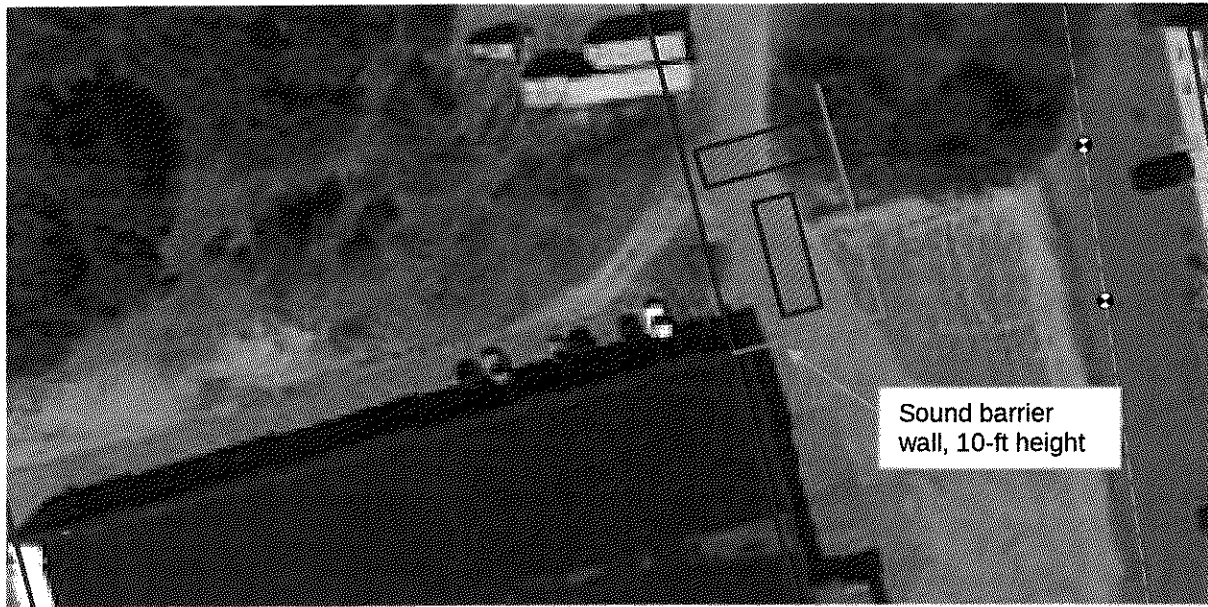
NOISE CONTROL

RECOMMENDATIONS AND RESULTS

You have asked that we determine the noise controls required to achieve 65 dBA at the facility's industrial property lines, and to comply with the MassDEP noise policy.

No noise controls are required to achieve 65 dBA at the facility property line. However, controls are required to not exceed the MassDEP noise policy at the nearest residences to the south. These controls include an L-shaped sound barrier wall of 10' height. FIGURE 3 shows community sound levels with the recommended control measures, with octave-band estimates shown in TABLE 3 (APPENDIX A).

INSET 1 shows the configuration of the sound barrier in greater detail.



INSET 1. Barrier configuration for 65 and 60 dBA facility property line design goals

BARRIER DESIGN REQUIREMENTS

Sound barriers should be solid and continuous, and should achieve a minimum STC rating of 30. If STC data are not available for a given product you may wish to consider, the barrier should be at least 4 lbs/sq ft surface weight in order to be sufficiently-massive for the task at hand. The undercut at the bottom of the barrier should not exceed 6 inches if possible.

For this project, the barriers do not require a sound absorptive treatment on either face. Suitable products for this application include Tuf-Barrier by AIL Sound Walls² or similar.

MODEL RESULTS, NOISE CONTROLS

With the noise controls recommended in this report, we expect that sound produced by the proposed equipment will comply with the criteria described above.

It is possible that some equipment will have reduced fan speeds during nighttime operation, leading to reduced sound levels. Currently, we have assumed that all equipment will run at all hours at maximum capacity. Nighttime sound data for major equipment could influence the noise control recommendations.

* * * * *

² <https://www.ailsoundwalls.com/product/tuf-barrier-reflective/>

I trust this report provides the information you need at this time. Please contact us if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy C.", with a stylized flourish at the end.

Andy Carballeira, INCE Bd Cert
Principal Consultant
617-499-8025

CC: none
Encl: FIGURES
APPENDIX A: Model Inputs and Results

FIGURES

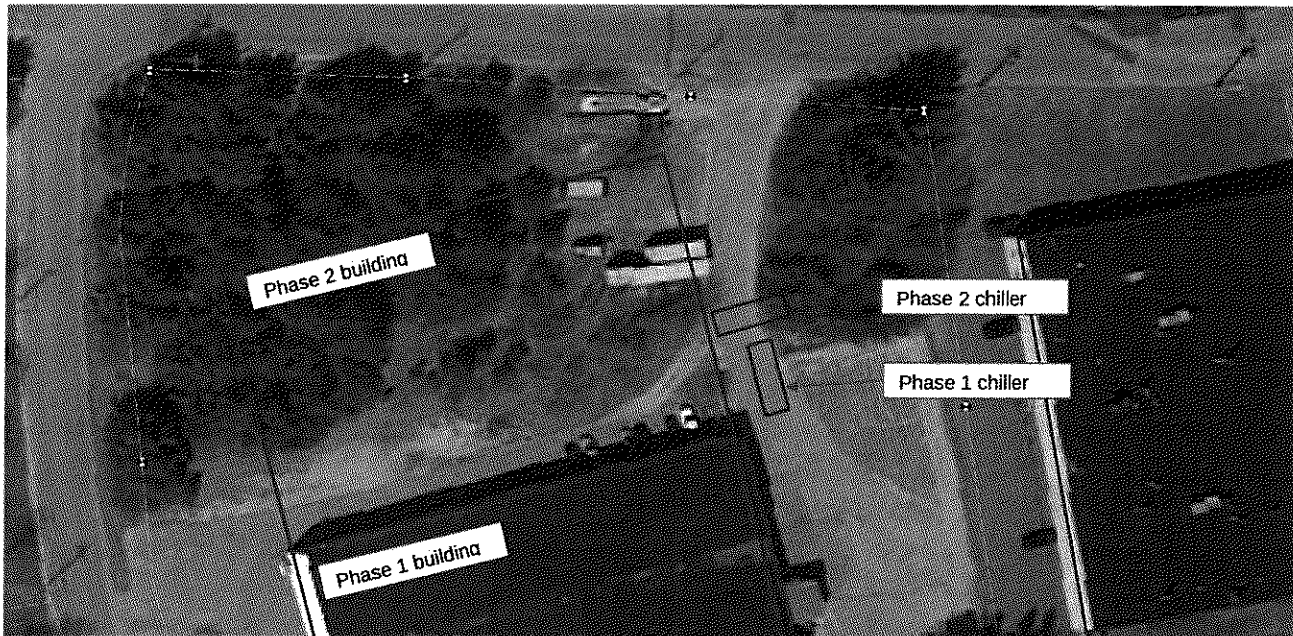


FIGURE 1. Facility layout in computer model (see project mechanical drawings for source locations)

R09 looks to be about 10 Green Valley Rd; there are many closer residences.

Brian Anderson – Anderson Porter Design
April 12, 2021
Page 7 of 11

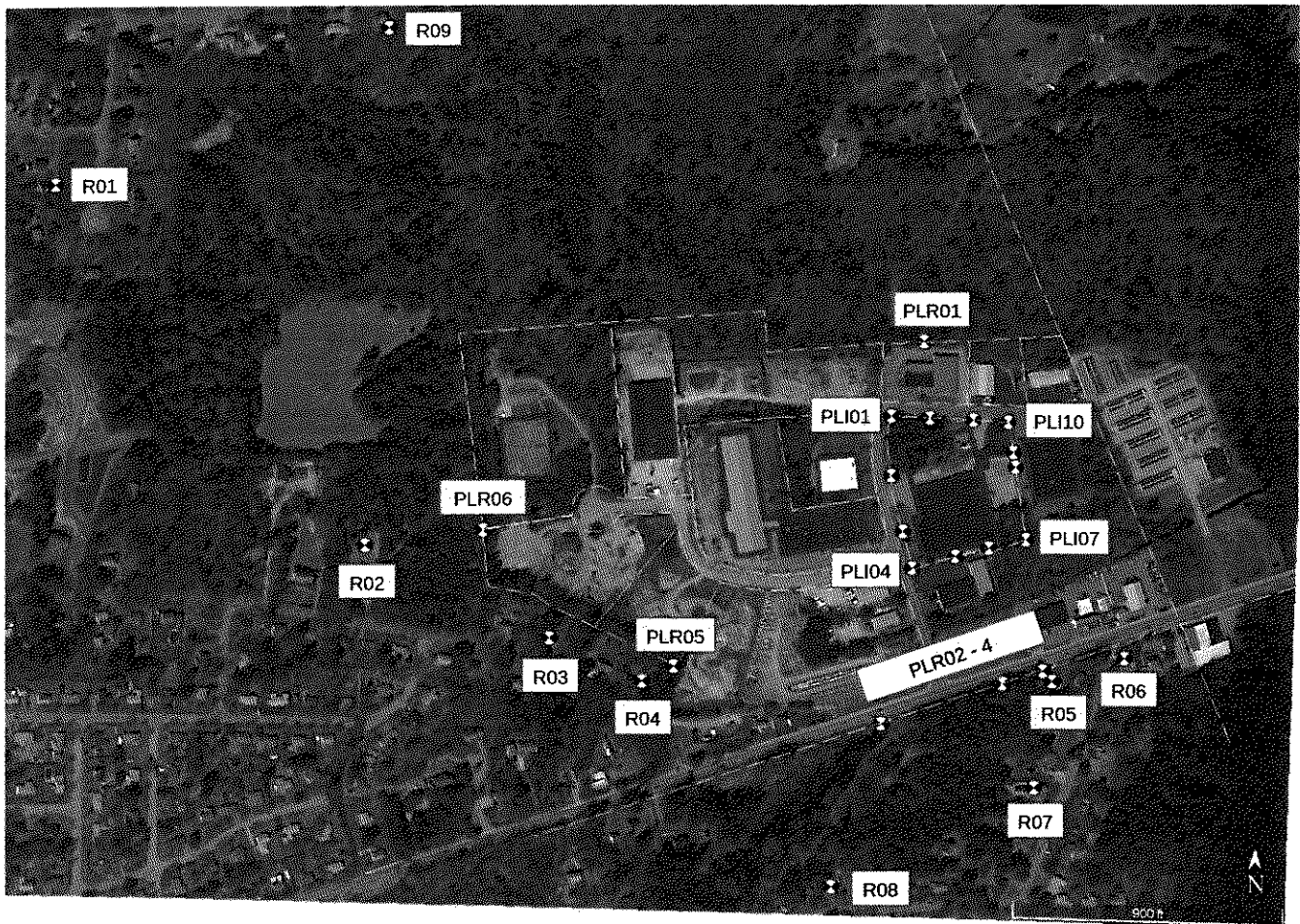


FIGURE 2. Computer model receptor points at residences (R01 – R09), at facility property lines (PLI01 – PLI12), and at residential property lines (PLR01 – PLR06)



FIGURE 3. Estimated Phase 2 community sound levels, noise controls for 65 dBA facility property line limit

APPENDIX A

MODEL INPUTS AND RESULTS

TABLE II. Equipment sound power levels used in computer modeling

Description	Sound power level (dB re: 1pW)								
	63	125	250	500	1000	2000	4000	8000	dBA
Octave-band center frequency (Hz)									
Evapco 2-cell ATWB 24-7020, 3400 gpm	102	98	91	87	86	83	81	82	92
Evapco 2-cell ATWC 12-3M36-Z, 2200 gpm	98	94	88	85	85	83	81	82	90

The broadband numbers provided here may be suitable for this attenuation model, but they do not address or help predict the issue of pure tone noise.

According to ASHRAE guidance, as well as ANSI S12.9-2005/Part 4, pure tones can be identified with 1/3 octave or narrowband analyses. In noise critical installations, HVAC engineers should mandate the submittal of 1/3 octave-band sound data from manufacturers.

While pure tone noise is not addressed in the Bylaws, given the particular history of noise from another business in this park (CommCan), including pure tone noise (and harmonics), it would be prudent to address this potential issue up front and early.

TABLE III. Estimated nighttime octave-band sound levels with mitigation for 65 dBA goal (dB re: 20 µPa)

Receptor	63	125	250	500	1000	2000	4000	8000	dBA
Residence NW, R01	24	19	9	4	1	0	0	0	8
Residence W, R02	26	21	12	7	5	0	0	0	11
Residence W, R03	25	19	10	6	12	8	0	0	15
Residence W, R04	28	22	13	12	16	12	0	0	19
Residence S, R05	41	38	33	32	31	29	22	4	36
Residence S, R06	42	39	32	32	30	28	21	2	35
Residence S, R07	38	35	29	27	25	22	13	0	30
Residence S, R08	25	19	10	7	5	1	0	0	11
Residence N, R09	28	21	11	7	3	0	0	0	11
Industrial PL 1, PLI01	41	34	24	21	20	18	14	7	26
Industrial PL 2, PLI02	37	31	22	21	20	18	15	8	25
Industrial PL 3, PLI03	37	31	22	21	22	19	14	5	26
Industrial PL 4, PLI04	36	31	22	19	19	16	11	1	24
Industrial PL 5, PLI05	39	34	25	22	20	18	14	6	26
Industrial PL 6, PLI06	43	38	29	25	25	23	19	11	30
Industrial PL 7, PLI07	50	47	40	40	39	38	34	28	45
Industrial PL 8, PLI08	59	56	50	49	48	46	44	43	54
Industrial PL 9, PLI09	60	57	51	50	49	48	46	44	55
Industrial PL 10, PLI10	61	57	50	49	49	48	46	43	55
Industrial PL 11, PLI11	64	60	53	52	52	51	49	47	58
Industrial PL 12, PLI12	46	39	29	26	25	23	20	15	31
Residential PL N, PLR1	49	45	37	36	36	35	31	21	41
Residential PL S, PLR2	42	39	33	32	31	30	24	6	36
Residential PL S, PLR3	40	37	30	27	25	22	16	0	31
Residential PL S, PLR4	34	30	22	19	17	21	12	0	25
Residential PL W, PLR5	29	23	14	13	17	13	2	0	20
Residential PL W, PLR6	28	23	13	9	7	3	0	0	13

Even without debating the quality of the model, what they are proposing exceeds the Zoning Bylaws at the property lines (appears to be East and North; all points are not labeled on the previous pages) and at the residential property line to the North.



Company Background

BLW Engineers, Inc.

311 Great Road
P.O. Box 1551
Littleton, MA 01460

Tel: 978.486.4301
Fax: 978.486.0067

Year Established: 1999

Year Incorporated: 1999

Years in Business: 22

OFFICERS OF THE FIRM

Kenneth R. Beck, P.E., LEED AP, MCPPO, CPHC, Principal	978.486.4301 x 13
William J. Scanlon, P.E., Principal	978.486.4301 x 14
John C. Pierga, P.E., Principal	978.486.4301 x 15
Michael J. Denommee, P.E., LEED AP, Principal	978.486.4301 x 83
Erik Gath, P.E., Associate Principal	978.486.4301 x 72
Daki Koutouvides, P.E., Associate Principal	978.486.4301 x 94

SIZE OF FIRM

MECHANICAL ENGINEERS: 29 ELECTRICAL ENGINEERS: 14 CAD DESIGNERS: 4 OFFICE PERSONNEL: 4

PERSONNEL

Principals/Owners	Kenneth R. Beck, P.E., LEED AP, MCPPO, CPHC, Principal William J. Scanlon, P.E., Principal John C. Pierga, P.E., Principal Michael J. Denommee, P.E., LEED AP, Principal Erik Gath, P.E., Associate Principal Daki Koutouvides, P.E., Associate Principal
Mechanical	Kenneth R. Beck, P.E., LEED AP, MCPPO, CPHC, Principal William J. Scanlon, P.E., Principal Erik Gath, P.E., Associate Principal Vincent Salemi, Engineer Wayne Forte, CAD Designer David Scibilia, Engineer Daniel Crory, Engineer John Pugh, P.E., Engineer Rebekah Drehman, Engineer Jeffrey Fleishman, Engineer Brian Bourgeois, CPHC, Engineer Belinda Vuto, CPHC, Engineer Christopher Wilk, Engineer Alec Nicotra, Engineer Nick Kapuscinski, Engineer John Benham, Engineer Dylan Thombs, Engineer Yovanny Duran, Engineer



Company Background

Plumbing/Fire Protection

Michael J. Denommee, P.E., LEED AP, Principal
David Catanzaro, Senior Engineer
Christopher Gada, Engineer
Cedric Mukania, Engineer
Leo Enrico, Engineer
Keith Young, Engineer
Tyler Allen, Engineer
Joshua A. Ritchie, Engineer
Justin Keene, Engineer
Dustin White, Engineer
Paul Danyliw, Engineer
Nicholas Foley, Engineer

Electrical

John C. Pierga, P.E., Principal
Daki Koutouvides, P.E., Associate Principal
Michael Gagne, Senior Engineer
Scott Daigneault, Engineer
Chadwick Nelson, Revit Designer
Joseph Saint Germain, Engineer
Mark Brodeur, Engineer
David Fitzgerald, Senior Engineer
Shane Wiebe, Designer
Juandiego Gonzalez, Engineer
Joshua Pierga, Designer
Jeremy Careau, P.E., Senior Engineer
Kevin Vanderhoof, Engineer
Chuck Mace, P.E., Senior Engineer
Jeffrey Martin, Engineer
Ethan Rong, Engineer
Jorge A. Elias, Engineer

Administration

Donna Hagens, Operations/Accounting
Maria Fini, Administrative Assistant
Beth Grande, Administrative Assistant
Lauren Opie, Administrative Assistant

OUR ENGINEERING SERVICES

- Feasibility Studies
- Analysis for Existing Facilities
- Energy Conservation/Green Build
- Engineered Designs:
 - Heating, Ventilating and Air Conditioning
 - Mechanical
 - Plumbing
 - Fire Protection
 - Electrical
 - Life Safety
 - Telecommunications
 - Security
 - Fire Alarm
- Construction Administration
- Project Management

BLW ENGINEERS, INC.

311 Great Road, Post Office Box 1551, Littleton, MA 01460

CONSULTANTS

T: 978.486.4301 F: 978.428.0067



Company Background

HISTORY AND EXPERIENCE

BLW Engineers is a consulting engineering firm providing design related services for HVAC, Plumbing, Fire Protection and Electrical building systems. Our services include feasibility studies, energy conservation evaluations, and engineered designs; cost estimating, construction administration and project management.

BLW Engineers, Inc. was founded in 1999 and has 51 employees, including electrical, mechanical, plumbing and fire protection engineers. BLW has extensive experience working within corporate environments and understands the special needs and time frames involved when working within occupied facilities. Our project managers are registered professional engineers that work on each project to ensure a complete and fully operable system will be provided.

Principals Kenneth R. Beck, William J. Scanlon, John C. Pierga and Michael J. Denommee have experience in the design of building systems for various size and types of projects. In addition, the firm is thoroughly experienced with the preparation of bidding documents for public bidding laws, including M.G.L. c.149 and c.30.

Kenneth R. Beck, Principal, William J. Scanlon, Principal and Erik Gath, Associate Principal are mechanical engineers and project managers for several multi-disciplined projects. Responsibilities include mechanical design, quality control, construction administration, client relations and personnel management.

John C. Pierga, Principal and Daki S. Koutouvides, Associate Principal are electrical engineers and project managers responsible for electrical engineering design, project coordination, construction administration and supervision and training of junior personnel.

Michael J. Denommee, Principal is a plumbing and fire protection engineer and project manager for several multi-disciplined projects. Responsibilities include plumbing and fire protection design, quality control, construction administration, client relations and personnel management.

Our Mechanical Engineering staff has extensive experience in the mechanical, plumbing and fire protection industry. The staff that will be assigned to this project will consist of a Project Manager, Senior Mechanical Engineer and additional mechanical engineers as needed. The Project Manager, Kenneth Beck is a Principal of the company with over 30 years of experience, is a Registered Professional Engineer in Massachusetts, LEED Certified for green build projects and is a Certified Passive House Consultant. Ken will oversee design and will be involved through construction right up to the final inspection.

Our Electrical Engineering staff has extensive experience in the electrical lighting and power industry and is up to date on all the latest standards, codes and guidelines for the Electrical Industry. The staff that will be assigned to this project will consist of a Senior Electrical Engineer and additional electrical engineers as needed. John Pierga, a Principal of the company and a Registered Professional Engineer in Massachusetts with over 30 years of experience will oversee the electrical design through construction right up to the final inspection.

BLW is dedicated to providing engineering services of the highest quality, innovative solutions and attention to detail for large projects to the most intricate design plans. Our firm realizes the importance of providing complete and coordinated designs that focus on the particular project requirements in a professional setting with complete client satisfaction; our reputation depends on it.

Medway Zoning Bylaws

Lower Band Edge (Hz)	Upper Band Edge (Hz)	Night limit, dB
2	72	69
75	150	54
150	300	47
300	600	41
600	1200	37
1200	2400	34
2400	4800	31
4800	10000	28

Converted to Modern Standards

Preferred Band Center Frequency (Hz)	Night limit, dB (1) (ANSI/ASA S1.11-1966)	Night limit, dB (2) (JPL TR 32-1052)	Night limit, dB (3) (Acentech, 1/8/2019)
63	65	68	66
125	52	53	52
250	46	46	45
500	40	41	40
1000	36	37	36
2000	33	34	33
4000	30	31	30
8000	28	28	29

References:

(1) ANSI/ASA S1.11-1966, American Standard Specification for Octave, Half-Octave, and Third-Octave Band Filter Sets.

Appendix A, "Conversion Between Octave Band Levels Measured with Filters Meeting American Standard Z24.10-1953 and Filters Meeting This Standard"

$$L_N = L_O + 0.237 (L_{OH} - L_O)$$

Where:

L_O = Level in any old octave band, O

L_{OH} = Level in next higher old octave band, OH

L_N = Level in corresponding new octave band, N, contained in O and OH, where N is 18 percent above O in frequency

(2) NASA JPL Technical Report 32-1052, Octave and One-Third Octave Acoustic Noise Spectrum Analysis, January 1967.

Section II, "Technique for Determining the Octave levels in a Second Octave Bandwidth System When the Levels in the First Octave System Are Known"

Equation 20 expanded with Equations 15 and 16b:

$$B_1 = A_1 + 10 \log_{10} \left[\left(\frac{2f_{O1} - f_{N1}}{f_{O1}} \right) + \left(1 - \left(\frac{2f_{O1} - f_{N1}}{f_{O1}} \right) \right) 10^{\frac{A_2 - A_1}{10}} \right]$$

Where:

A_1 = Sound Pressure Level in dB of lower octave band of 1st system

A_2 = Sound Pressure Level in dB of upper octave band of 1st system

B_1 = Sound Pressure Level in dB of octave band of 2nd system, which is contained in the two octave bands of the 1st system

f_{O1} = Lower frequency bound (in Hz) of octave band of the 1st system

f_{N1} = Lower frequency bound (in Hz) of octave band of the 2nd system

(3) Acentech memorandum, dated January 8, 2019, from Andrew Carballeira to Ellen Rosenfeld (CommCan), subject "Response to NCE Findings", provided to Medway Planning & Economic Development Board. Included to demonstrate ± 1 dB consistency (in the 125 to 8000 Hz bands) between these conversions and the consultant's conversion.

PHYTOTHERAPY MEDWAY, MA

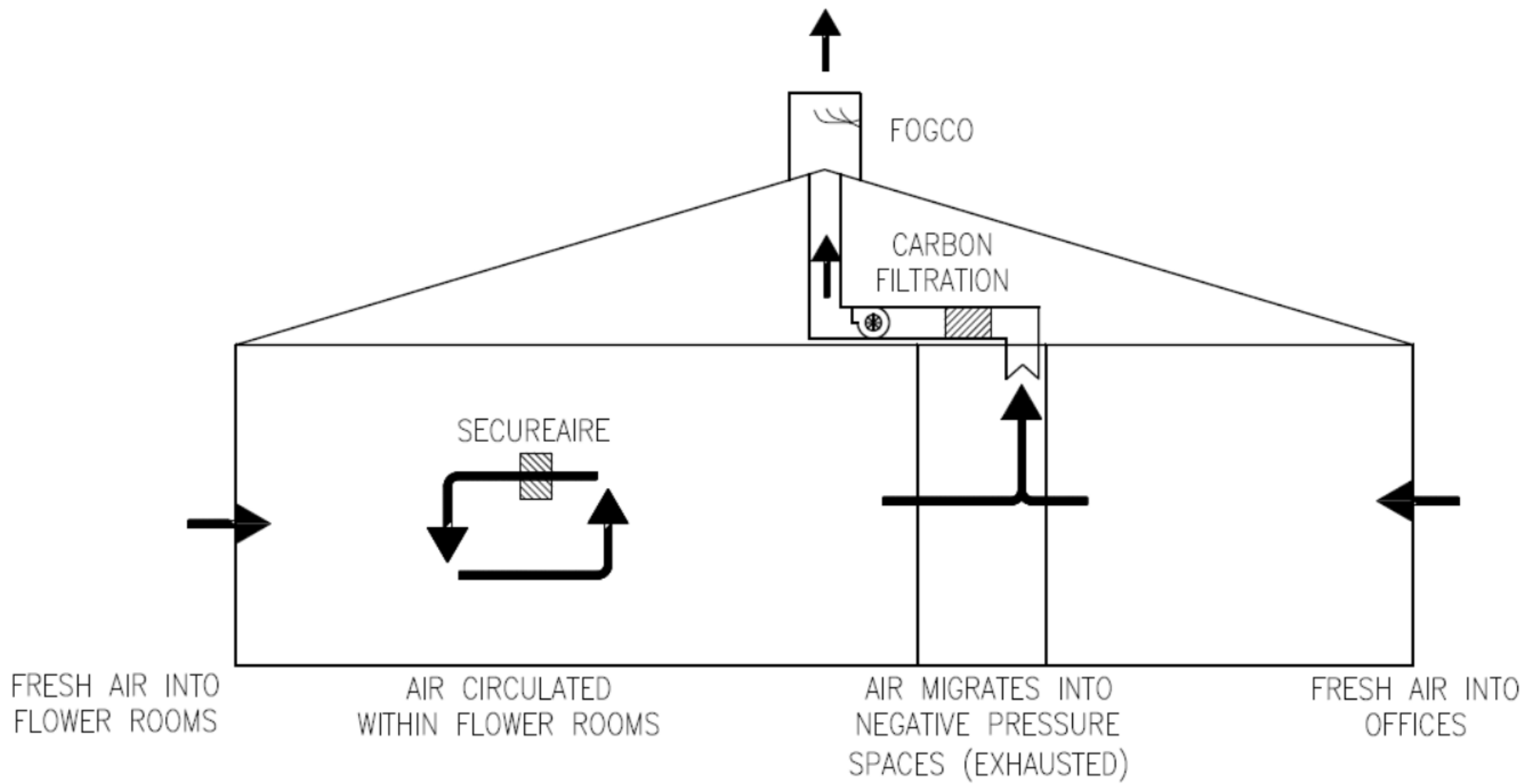
Odor Control Approach

OVERVIEW

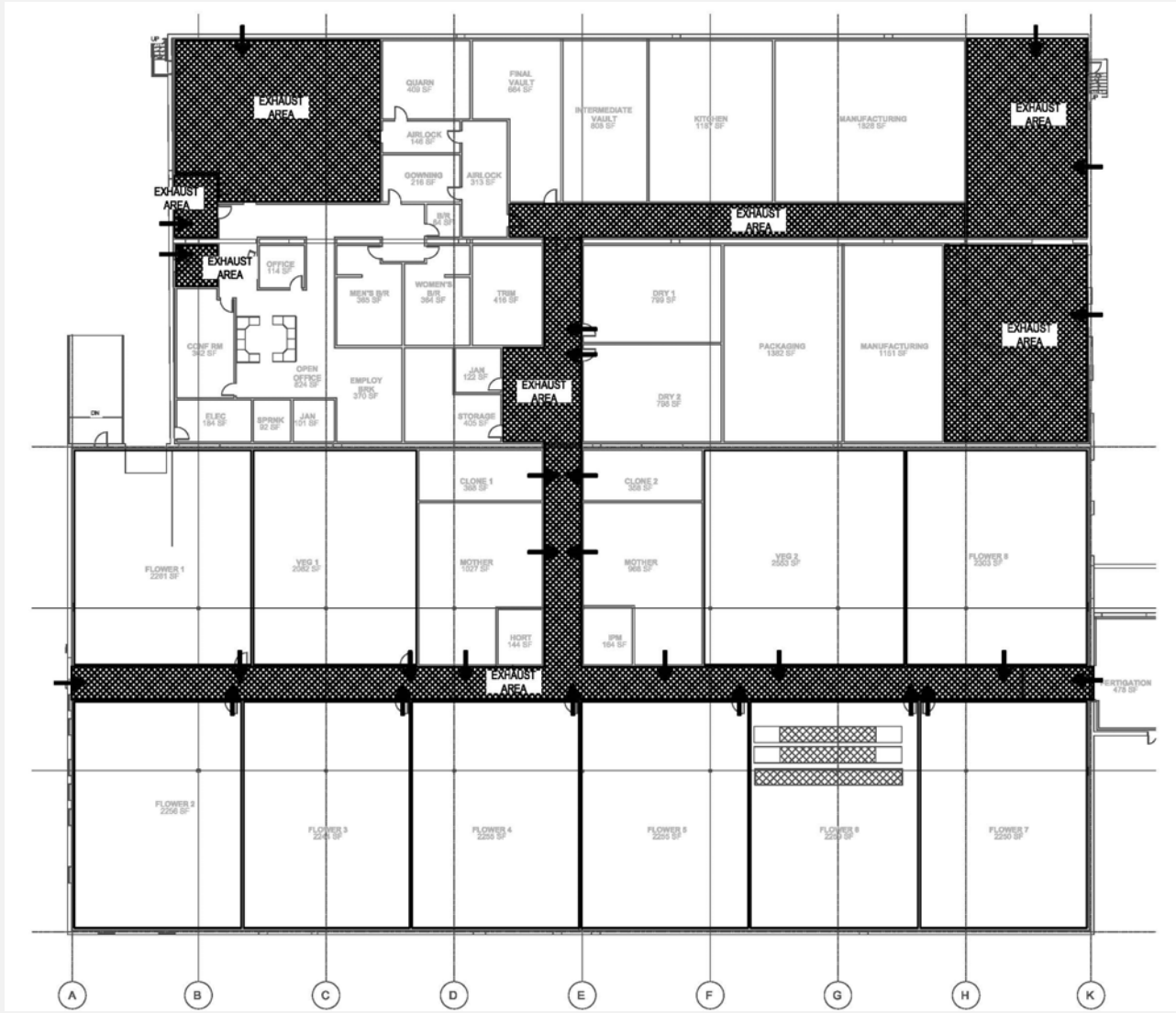
MULTI-FACETED APPROACH TO ODOR CONTROL

1. BUILDING PRESSURE
2. SECURE AIR FILTRATION INSIDE OF BUILDING
3. CHARCOAL FILTRATION
4. FOGCO ODOR NEUTRALIZATION ON EXHAUST AIR

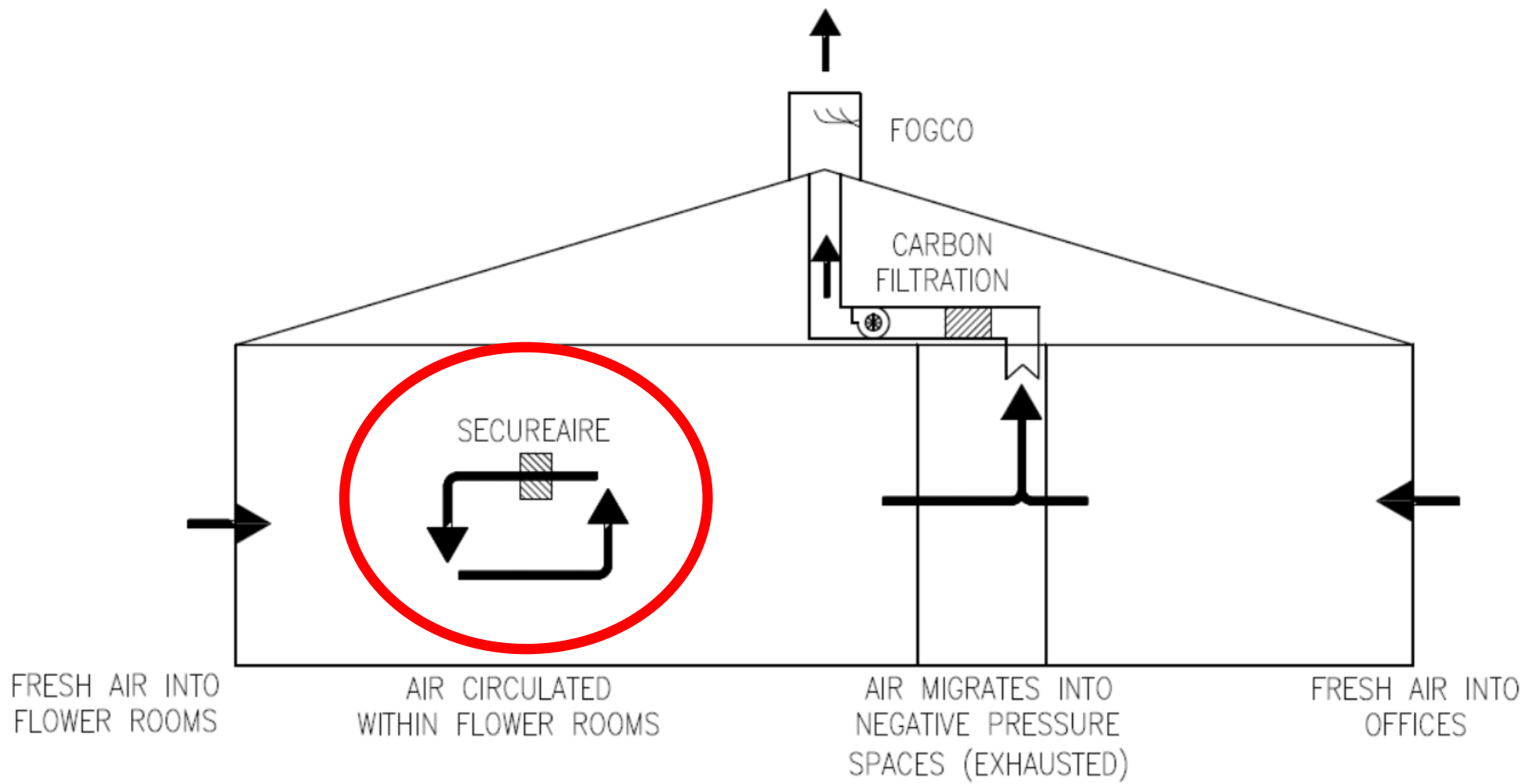
MULTI FACETED APPROACH



I. BUILDING PRESSURE

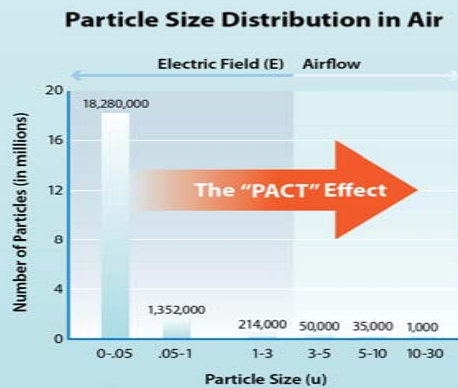


2. SECUREAIRE



2. SECUREAIRE

- This system is being used at Non-Disclosed Facilities in CA and CO and is currently being designed into the MA market.
- This is a proven Hospital technology that is being implemented into Cannabis Grow Facilities. As previously mentioned, SecureAire recently published a White Paper in the American Journal of Infection Control as written by Mayo Clinic Doctor Mark Ereth.
- This is how it works...



Advanced Collector System ACS

SecureAir has developed the most advanced and optimized Electronically Enhanced Air Purification System in today's marketplace. Prior to today, the market has provided devices that are mostly substandard and only partially deliver the performance and benefits that have been advertised.

SecureAir's Advanced Collector System or ACS utilizes semiconductor airborne contamination reduction technologies to increase the efficiency and effectiveness of SecureAir's proprietary filtration media. The ACS System results in the most advanced Electronically Enhanced Air Purification System while also providing an airborne pathogen inactivation benefit thru our INACTIVATE™ Technology. INACTIVATE reduces organisms ability to grow and provides the necessary voltage strength to oxidize and kill airborne pathogens.

In addition, "the ACS is the only system" that utilizes Particle Control Technology which actually controls the movement of particles in a space. Particle Control Technology provides the ability to treat all airborne challenges (Particles, TVOC's, Smoke, and dissolved gases) the same.

Particle Control Technology is the combination of Electrostatic and Electrodynamic fields, which together combine to make airflow the dominant transport mechanism for airborne particles in any space. It is this combination of Electrical Enhancement that makes SecureAir's ACS System the most advanced system available today.

System Technology

The ACS System is based on three elements the **Particle Conditioning Unit**, the **Collector** and the **Internal Particle Collider**.

As unfiltered air moves through the ACS System, it first passes through the Particle Conditioning Unit (PCU). The PCU emits equal amounts of positive and negative charges at a high voltage and low current to avoid generating ozone. As particles move and pass through this section they will pick up these charges thus becoming conditioned. These conditioned particles are now more influenced by the electric fields, which increases their force of attraction, thus enhancing inelastic collisions between them.

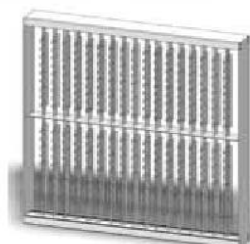
The PCU



The Collector



The Internal Particle Collider



The Collector by virtue of the associated electrical fields is polarized and provides high efficiency filtration up to MERV 15 levels as defined by ASHRAE 52.2. In addition, the constant High Voltage Electrostatic Fields provide the setting for our INACTIVATE Technology which targets any viable airborne pathogen that comes into contact with the system.

Lastly, the Internal Particle Collider uses a pulsed High Voltage Electrodynamic Field to condition any particles that may have escaped the Collector. This section is well

suited for all air flow applications. Both positively and negatively charged articles will pass through the Particle Collider and be forced to have inelastic collisions. These inelastic collisions will occur hundreds of times thus creating larger particles that have a net neutral charge. These particles will then proceed out into the occupied space to further collect other particles, TVOCs, gases, odors, bacteria, viruses, and other viable airborne particles. The ACS is today's most advanced electrically enhanced filtration system.

System Overview

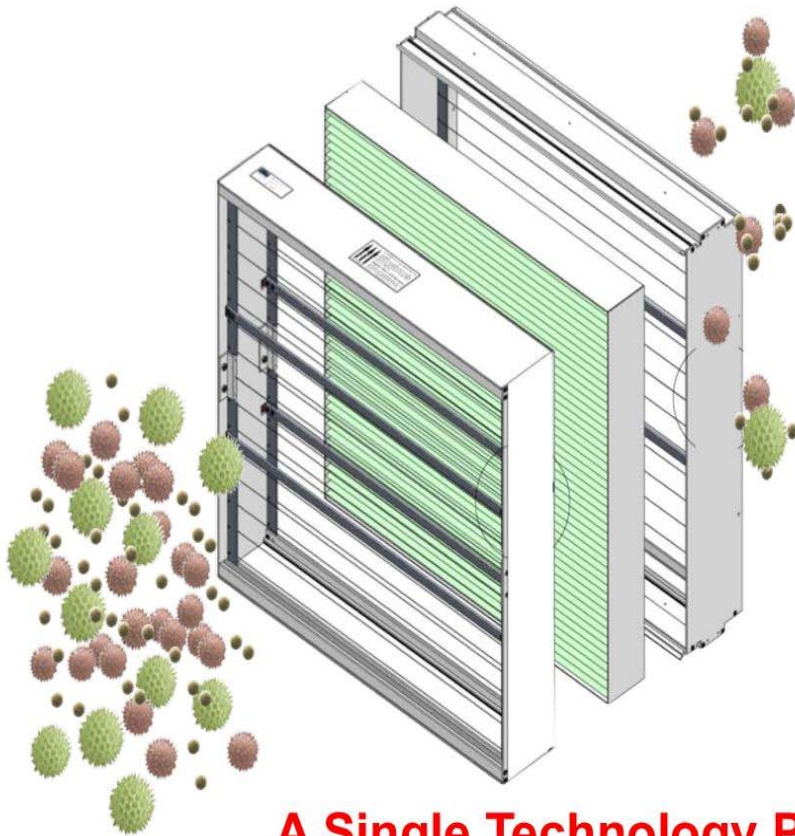
The ACS System consists of the following:

- **The ACS Units** are the basis of the system, which contain the Particle Conditioning Unit, the Collector, and the Internal Particle Collider.
- **The System Control Module (SCM-200)** contains all of the ACS system's embedded electronics including diagnostics, safety circuits and controls. It also provides the diagnostic interface between the ACS System and the building's automation and control systems. The SCM-200 notifies the user of normal operation as well as the need for service.

System Specifications

Standard Filter Sizes:	24" x 24", 24" x 18", 24" x 12", 18" x 24", 12" x 24", and 12" x 12".
Filtration Efficiency Rating:	MERV 15 per ASHRAE 52.2 Standard Test
Power Supply/Power Consumption	5 watts per filter position; 120/240 Single Phase VAC
Clean Pressure Drop	<0.25" WG at 500 fpm
Safety Current Protection	SB 0.5 A/250V fuses
Humidity Range	< 95% Non-Condensing RH
Overall System Depth:	9" in airway length
Racking Requirements	2" U-channel
Blank-offs	As required to prevent air bypass
Safety Interlocks	Turn off system if any AHU door is opened
BAS Integration	SCM easily integrates into a building's automation system

The SecureAire ACTIVE Particle Control Process



- Particles are **“Conditioned”** with Charge
- Charged Particles are forced to **“Collide”**
- Particles Gain Mass and are **“Net Neutral”**
- Particles are more easily **“Captured”**
- Captured Pathogens are Killed By **INACTIVATE™ Technology**
- **“Particles that Escape”** are Conditioned to **“Remove Critical Contaminants”** from the Treated Space

A Single Technology Platform for all Airborne Contaminants!

SecureAire

The SecureAire ACS System

Typical Installation



Side View

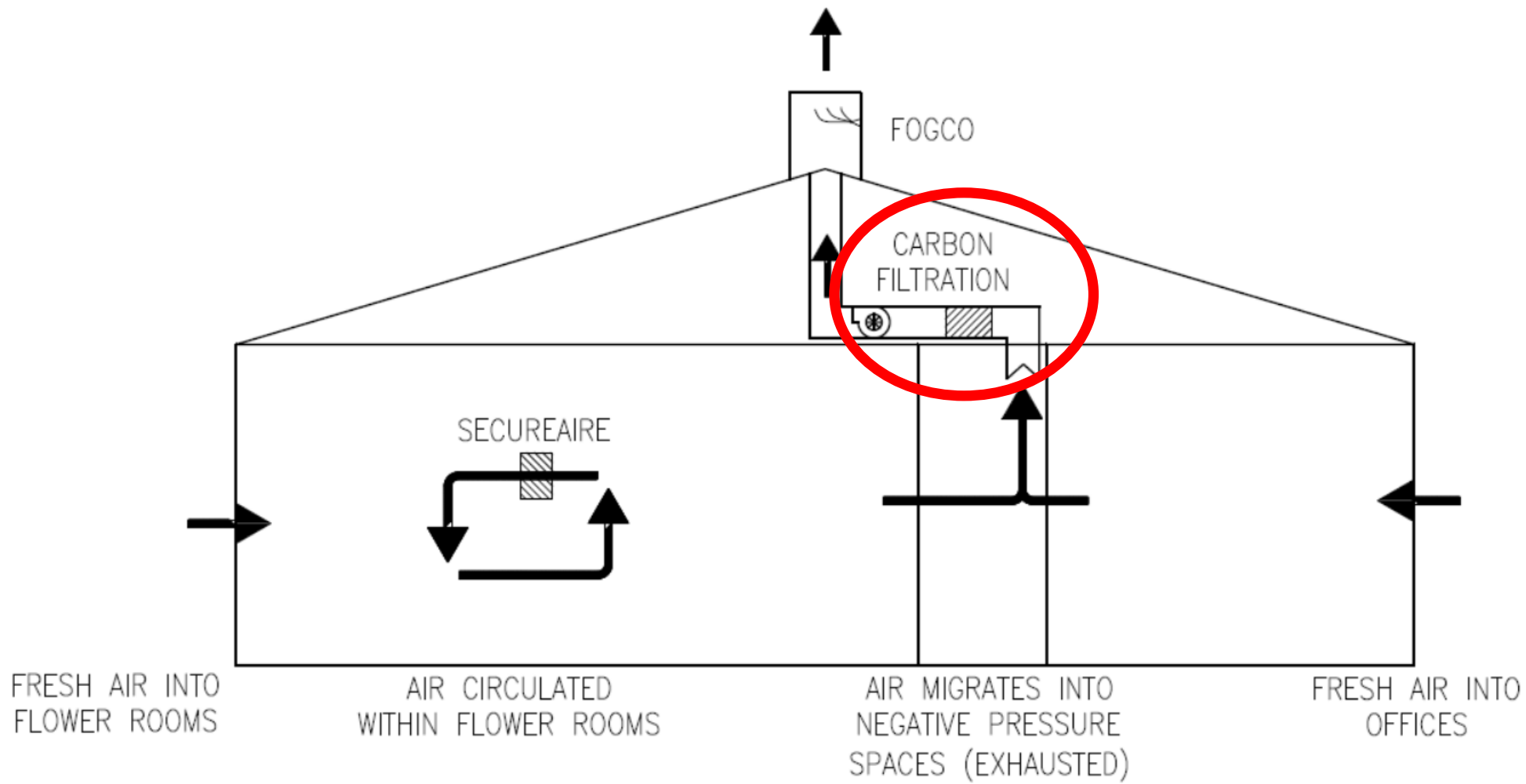


Performance Metrics

- The ACS has a 52.2 Filter Rating of **MERV 13 and 15**
- ACS INACTIVATE Technology kills up to **99%** of captured biological organisms
- The ACS has an initial pressure drop of **0.18 and 0.28** inches W.G.
- Particles that do exit the ACS are **conditioned** to go out into the occupied space and “clean it”
- Complete System Depth is 9”

SecureAire

3. CARBON FILTRATION



3. CHARCOAL FILTRATION

- Proven technology... Used in various industries to remove VOC/Odor
- This is how it works...
- This system is being used at the Following facilities...
- Here are some big ones in Canada (we have 40+ Systems or more at each one) :
 - Aphria
 - Cannara
 - Cannatech
 - Sundial

MODERATE DUTY APPLICATIONS



Airport Jet Fumes



Cannabis
Grow/Extraction
Odors



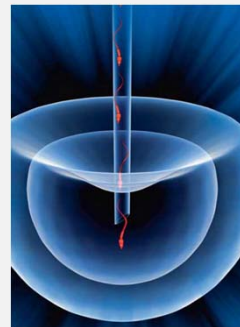
Hospital
Helipad Fumes



Wastewater
Treatment
Odors



Medical Products Warehouse
Ethylene Oxide Fumes



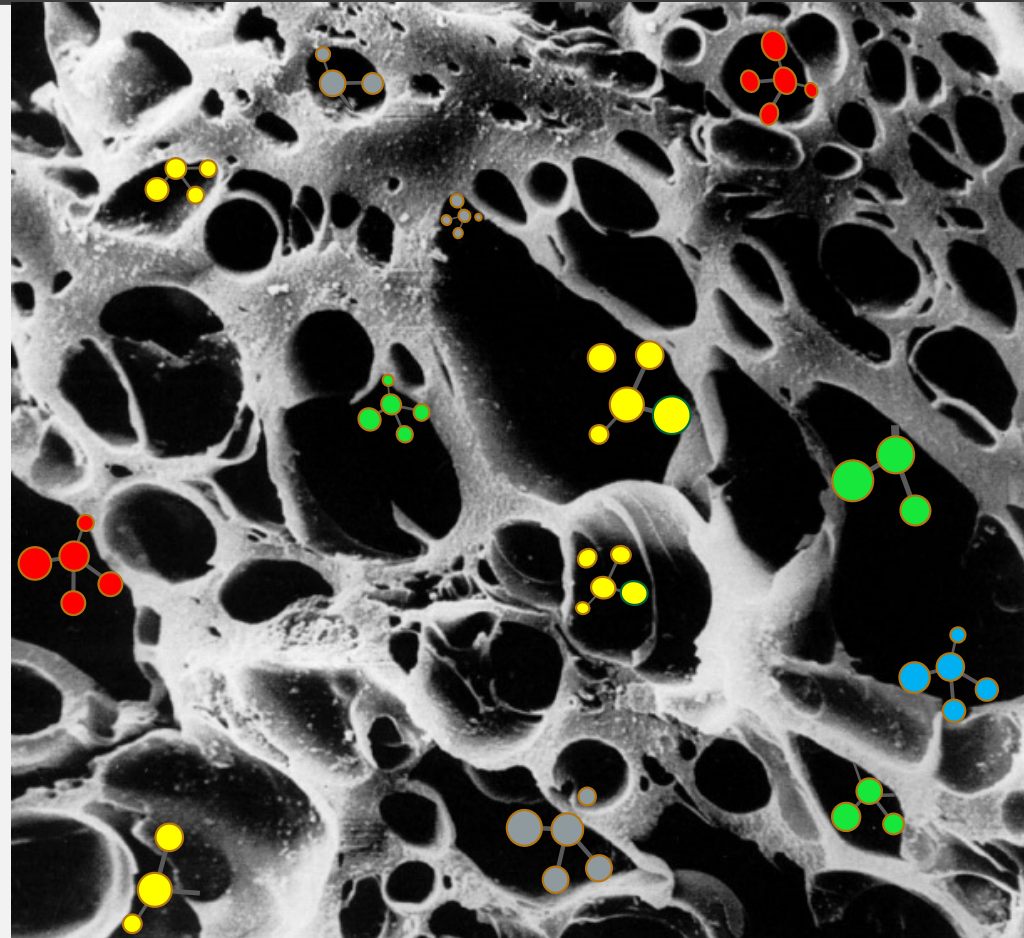
In-Vitro Fertilization
VOCs



Industrial Process Odors &
Fumes

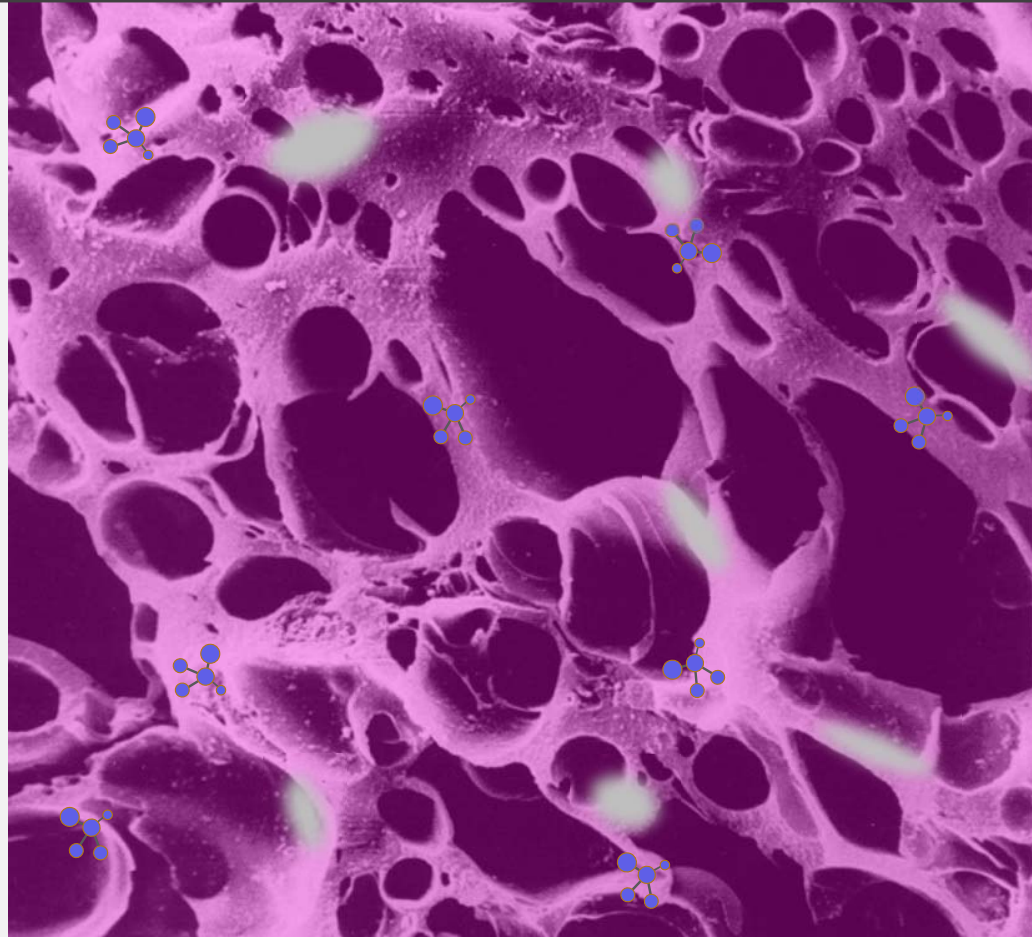
HOW DOES MOLECULAR FILTRATION WORK: PHYSICAL ADSORPTION

- Relatively large and slow molecules travel into the network of pores and stick to the surface through light intermolecular forces (like a spider climbing a wall)
- Examples:
 - beta-myrcene (cannabis), ozone & nitrogen dioxide (traffic and jet fumes)
 - millions of VOCs



HOW DOES MOLECULAR FILTRATION WORK: CHEMICAL ADSORPTION

- Smaller and faster (aka- more volatile) gas molecules collide with the surface to create an irreversible chemical reaction (often discoloring the filter media)
- Examples:
 - hydrogen sulfide (wastewater)
 - formaldehyde (morgues)
 - chlorine gas (battery plants)



TYPICAL ODOR CONTROL FILTRATION SYSTEMS IN CANNABIS FACILITIES

(HUNDREDS OF POUNDS OF ACTIVATED CARBON)



CamCarb CG Cylinders
with activated carbon media
Sized for 250 feet/minute
Excellent removal efficiency
Inherently leak-free
Exhaust or recirculation



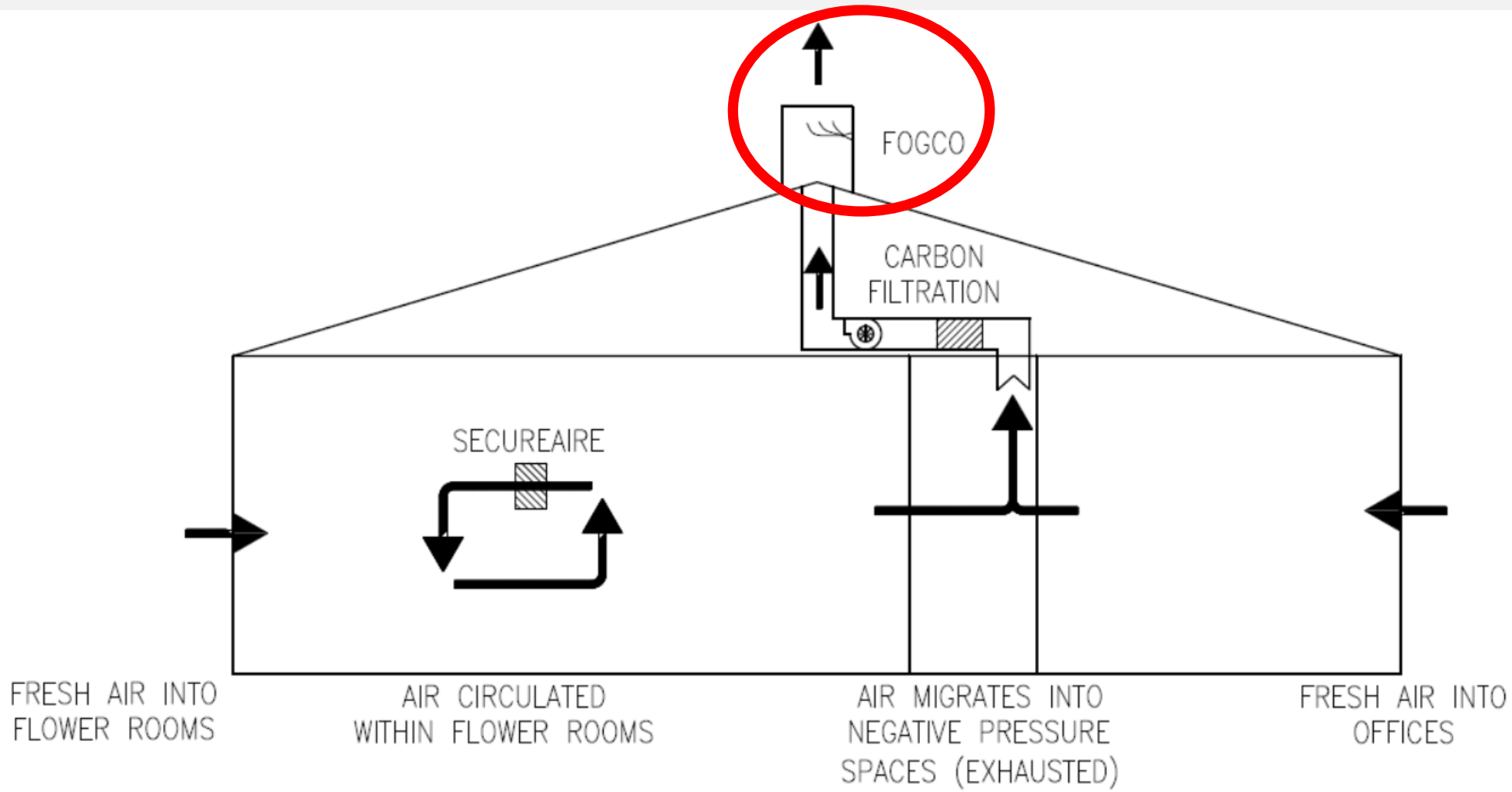
CamCarb PG Panels
With activated carbon media
Sized for 250 feet/minute
Good removal efficiency
Low pressure drop
Exhaust or recirculation



CamCarb PG Panels
4-8 Air Changes/Hour
Modular design
Cylinders in molecular state
Designed for recirculation

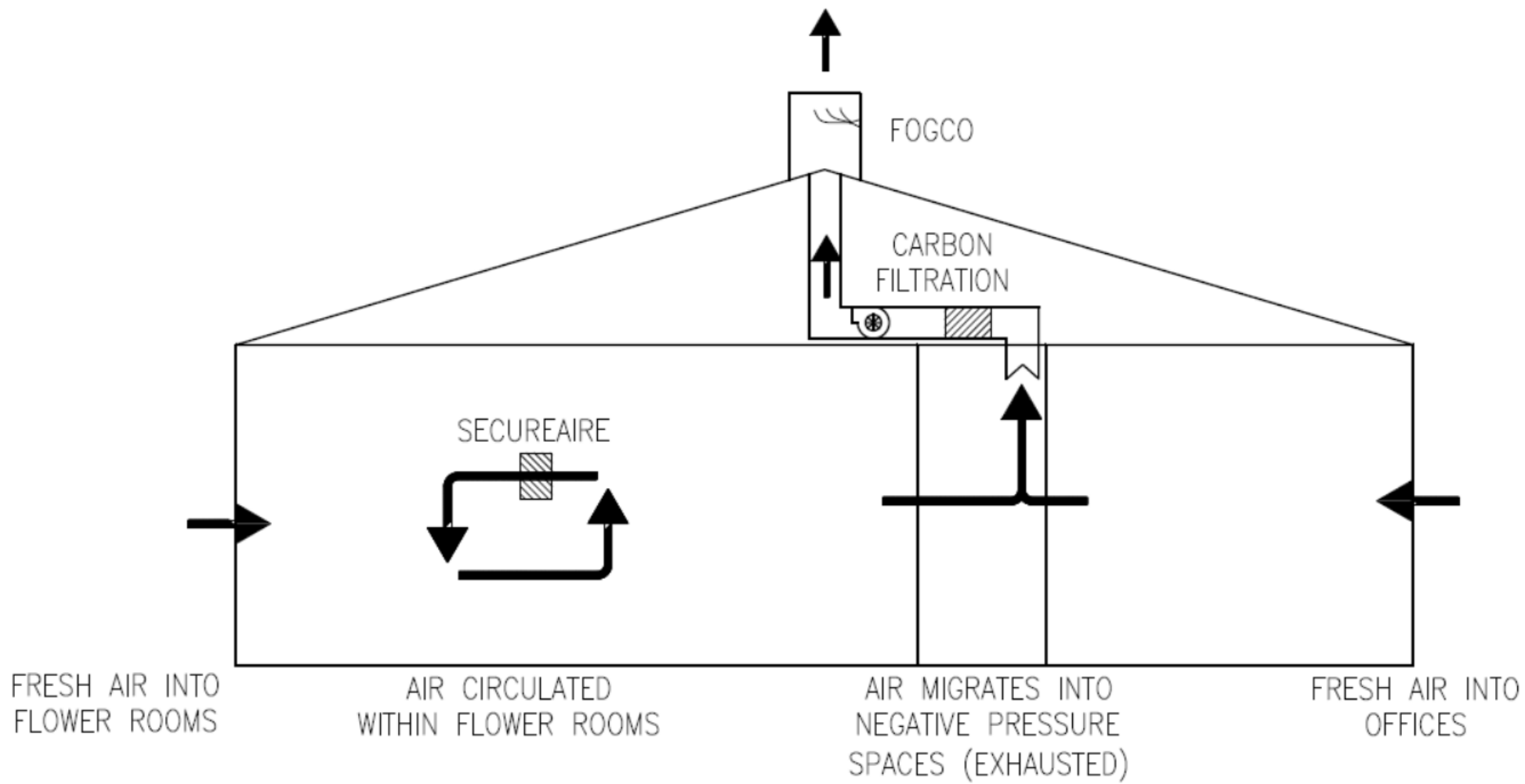
Note: pleated carbon filters cannot handle the concentrations of odors generated in a cannabis facility!

FOGCO



- Fogco has over 20 years of odor mitigation experience in a variety of different industries to include industrial petroleum refining, sewage treatment plants, slaughterhouses and rendering facilities, waste processing and transfer stations, etc. Fogco was the first high pressure fog company to enter the cannabis space to provide odor control.
- Over 100 active cannabis facilities in the US and Canada with ZERO complaints
 - Osiris LLC - Glenwood Springs, CO,
 - Valley Crest Farms - Carpinteria, CA
 - Flower One - Las Vegas, NV (replaced competitive system due to complaints)
- Scientific **Subtractive Odor Control**[™] technology
 - True neutralizer - not an additive, masking agent or perfume.
 - How it works - Selected essential oils introduced via high pressure fog mix with airborne malodors resulting in a series of reactions to include antagonistic pairing, absorption and adsorption, and pluralistic effects modifying the chemical shape/structure of the odor molecule which in turn, neutralizes and eliminates the malodor.
 - Independently tested and proven by a third-party laboratory certified in ASTM International, CEN (European), and ISO method practices.

MULTI FACETED APPROACH



Susan E. Affleck-Childs

Planning and Economic
Development Coordinator



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

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT OFFICE

June 22, 2021

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Appointments to Medway Economic Development Committee (EDC)

The current term of office for Economic Development Committee members Zach Knowlton, Mark Schultz, Cassandra McKenzie, and Khalid Abdi concludes June 30, 2021. I am pleased to report that all of the above noted EDC members wish to continue serving on the EDC.

I recommend the PEDB re-appoint Zach Knowlton, Mark Schultz, Cassandra McKenzie, and Khalid Abdi for another two-year term on the EDC through June 30, 2023.

The continuing members of the EDC are Jennifer Kendall and Liam McDermott. Their term of office concludes on June 30, 2022.

cc: Barbara Saint Andre



June 22, 2021

**Medway Planning & Economic Development Board
Meeting**

Correspondence

- KP LAW - Extension of Pandemic-Related Relief
Relative to Municipal Operations - June 17, 2021

Tetra Tech Field Reports

Choate Trail #11 – 6-3-21

Choate Trail #12 – 6-4-21

Evergreen Village #5 – 6-7-21

Marzilli/21 Trotter Drive – 6-7-21

William Wallace Village #11 – 6-3-21

William Wallace Village #12 – 6-9-21

William Wallace Village #13 – 6-11-21

Harmony Village #2 – 6-7-21

Connorstone Engineering Report on Choate Trail 6-11-
21

Extension of Pandemic-Related Relief Relative to Municipal Operations June 17, 2021

Numerous legislative and gubernatorial enactments provided temporary relief from various provisions of state law as a result of the COVID-19 public health emergency. However, when the State of Emergency ended, those relief provisions either expired or were rescinded. Unfortunately, consensus was not reached between the Governor, House, and Senate on proposals extending some of those relief provisions before the State of Emergency expired. Late on June 15th, however, the House and Senate approved a compromise relief bill, signed by the Governor yesterday as Chapter 20 of the Acts of 2021 (the “Act”). The Act codifies and extends several pandemic-relief provisions important to municipal operations, explained below. Importantly, the Act does not contain any provisions relative to municipal elections, including mail-in or early voting, as it is reported that the Legislature is separately considering action on such matters.

Open Meeting Law (Section 20 of the Act):

Perhaps the most eagerly anticipated provision of the Act for public sector entities is the extension until **April 1, 2022** of the relief provided by Governor Baker’s temporary suspension of certain provisions of the Open Meeting Law (OML), authorizing public bodies subject to the OML to continue to hold public meetings entirely by virtual or remote means. Attached are some examples of updated language that could be included on meeting notices, indicating that a meeting will be held via remote means.

The Act continues the rules and requirements applicable during the State of Emergency under Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20. (For more information on those requirements, please see our March 13, 2020 eUpdate, found [here](#)). Importantly, this means that even in municipalities where the Chief Executive Officer has not adopted remote participation for boards and committees, individual public bodies may independently decide to continue holding entirely virtual meetings.

Public bodies may, but are not required to, continue to hold entirely virtual meetings until April 1, 2022 or such later time as the Legislature may deem it appropriate to amend the OML permanently for such purposes. It is anticipated, however, that with more public buildings re-opening, some municipalities may decide to move forward with entirely in-person meetings, while others may choose to hold “hybrid” meetings simultaneously in person and via remote means.

While many boards and committees faced difficult decisions on or before June 15th about whether to move forward with virtual meetings/hearings that were posted or advertised prior to the expiration of the State of

Emergency, the Act ratifies any such meetings for purposes of the OML if they were held in compliance with the Governor's previous Executive Order. Unfortunately, this portion of the Act was added to the legislation at the last minute, and thus many boards and committees either postponed or continued meetings scheduled for June 15th or 16th.

Other provisions of the Act of interest to municipalities are summarized below.

Outdoor Dining & Alcohol "To Go":

- Outdoor Dining (Section 19 of the Act): Extends until **April 1, 2022** the ability of cities and towns to approve requests for expansion of outdoor dining service. This section also extends until **April 1, 2022** a local licensing authority's ability to approve, without further ABCC review or approval, changes in the description of a licensed premises for outdoor alcohol service. The Act also authorizes a local licensing authority to extend or modify the scope of an earlier approval issued under the now-rescinded Governor's Executive Orders to address potential issues with snow removal, pedestrian traffic or similar concerns. The authority to permit an extended area for alcohol service without ABCC approval is unlikely to be extended again, so local licensing authorities may wish to advise license holders, when they are filing their renewal applications in November, that they should file an Alteration of Premises application (which requires both local and ABCC approval) if they wish to request the extended outdoor space through 2022 and beyond.
- Beer, Wine and Cocktails to Go (Sections 1, 2, 10 and 11 of the Act): Extends until **May 1, 2022** the sale of beer, wine and cocktails "to go" and requires prices for on-premises and off-premises consumption to be the same. (For more information, please see our May 25, 2021 eUpdate, found [here](#)).

Town Meetings:

- Quorum (Section 8 of the Act): Extends until **December 15, 2021** the ability of a town Select Board, in consultation with, and approval of, the Moderator, to lower a Town Meeting quorum requirement. The procedural prerequisites for adopting a lower quorum are the same as originally adopted under Chapter 92 of the Acts of 2020. (For more information, please see our May 5, 2020 eUpdate, summarizing S.2680, found [here](#)).
- Remote Representative Town Meeting (Section 9 of the Act): Extends until **December 15, 2021** the ability of a town Moderator to request, through the Select Board, that a representative town meeting be held remotely. The requirements for a remote representative town meeting are the same as originally provided for by Chapter 92 of the Acts of 2020. The Act **does not** authorize open Town Meetings to meet remotely. (For more information, please see our May 5, 2020 eUpdate, summarizing S.2680, found [here](#)).

Virtual Notarization:

- Section 7 of the Act extends until **December 15, 2021** the ability to perform “virtual” notarizations, including for the execution of documents to be filed in the registry of deeds and other specific functions. (For more information on virtual notarization requirements, please see our April 28, 2020 eUpdate, found [here](#)).

Housing/Evictions:

- Notice to Quit (Sections 12 to 14, Section 32):
 - Effective upon the termination or nullification of the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 Order issued by the federal Centers for Disease Control and Prevention (the “CDC eviction moratorium”).
 - Extends until **December 30, 2022** the requirement that landlords include with a notice to quit for non-payment of rent a form informing tenants of their rights in an eviction case and rental assistance options. The Executive Office of Housing and Economic Development (EOHED) will develop this new form and make it publicly available on its website. Landlords issuing notices to quit after the termination or nullification of the CDC eviction moratorium should not use the old form, but instead the new EOHED form.
 - Extends until **December 30, 2022** the requirement that landlords submit a copy of a notice to quit for non-payment of rent to the EOHED.
- Eviction Continuance/Stay (Section 17): Extends until **April 1, 2022** the requirement that courts grant a continuance or stay of eviction in a case for non-payment of rent where the tenant has a pending rental assistance application and the non-payment is due to a financial hardship related to the COVID-19 emergency. (For more information, see our February 1, 2021 eUpdate, found [here](#), and our subsequent February 26, 2021 eUpdate, found [here](#)).

We will, of course, continue to keep you apprised of new developments. In the meantime, should you have questions, please contact your KP Law attorney or e-mail us at coronavirusinfo@k-plaw.com.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

Sample language for inclusion on meeting notices:

For “hybrid” meetings and public hearings, where the public will be allowed to access the meeting either by in person attendance or by virtual means:

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. The meeting may also be accessed remotely via [insert method of remote access, including login information or the contact information for someone who is available to provide that information prior to and through the meeting itself]. When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance, or by accessing the meeting remotely, as noted above. Additionally, the meeting will be broadcast live, in real time, via [insert information regarding how to access live broadcast to meeting, such YouTube, Facebook live, local cable access, etc.].

For entirely virtual public meetings, where the public will not be allowed to attend in person:

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: [insert method of remote access, including login information or the contact information for someone who is available to provide that information prior to and through the meeting itself, and/or insert information regarding how to access live broadcast to meeting, such YouTube, Facebook live, local cable access, etc.]. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the _____ website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

For entirely virtual public meetings including public hearings, where the public will not be allowed to attend in person:

Pursuant to Chapter 20 of the Acts of 2021, this meeting/public hearing will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: [insert method of remote access, including login information or the contact information for someone who is available to provide that information prior to and through the meeting itself]. No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only.

Optional additional sentence, applicable for all of the above suggested statements:

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting/hearing can be found on the _____ website at _____.



June 22, 2021

**Medway Planning & Economic Development Board
Meeting**

Public Hearing Continuation
Medway Mill Site Plan – 165 Main
Street
UPDATED

- Public hearing continuation notice dated 6-10-21
- Email dated 6-15-21 from Amanda Cavaliere of Guerriere and Halnon re: tree removal during construction
- Revised draft decision dated ~~6-16-21~~ 6-22-21

Board Members

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



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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT BOARD

RECEIVED TOWN CLERK
JUN 10 '21 PM1:08

MEMORANDUM

June 10, 2021

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 Medway Mill Site Plan – 165 Main Street*
Continuation Date – Tuesday, June 22, 2021 at 9:00 p.m.



At its June 8, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of 165 Main Street Realty Trust of Medway, MA for site plan approval for proposed site improvements at Medway Mill at 165 Main Street to Tuesday, June 22, 2021 at 9:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

Proposed are a series of site improvements to the 7.28 acre property located at 165 Main Street in the Agricultural-Residential II zoning district. These include creating a 41-space surface parking area with electrical vehicle charging stations and bike racks; installation of stormwater management facilities for the parking area; landscaping and lighting; and expansion of the bridge across Chicken Brook for approximately 25 linear feet on each side. As the site includes riverfront areas under the jurisdiction of the Conservation Commission, the project is also subject to its review for an Order of Conditions and a Land Disturbance Permit.

The application, site plan, and supporting documentation were filed with the Town on February 18, 2020. *The Site Plan – Medway Mills originally dated February 14, 2020, last revised April 21, 2021*, was prepared by Guerriere and Halnon of Franklin, MA. The documents 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/medway-mills-major-site-plan-review>.

I expect the Board will conclude its work on the site plan decision and vote at the 6-22-21 meeting. Please don't hesitate to contact me if you have any questions. Thanks.

Susan Affleck-Childs

From: Amanda Cavaliere <ACavaliere@gandhengineering.com>
Sent: Tuesday, June 15, 2021 3:20 PM
To: Susan Affleck-Childs
Cc: Danielle Justo; Kevin McLaughlin; 'John Greene'; 'Mark R. Arnold (mark@goddardconsultingllc.com)'
Subject: Medway Mills - Tree Count over 20" in Diameter

Good afternoon Susy

As requested, please find below a summary of tree diameter and type greater than 20" that will be required to be cut down:

<u>Diameter/Type</u>	<u>Quantity</u>
20-inch Maple	(1)
20-inch Oak	(3)
22-inch Oak	(1)
22-inch Maple	(1)
24-inch Oak (Dead)	(1)
24-inch Maple	(3)
30-inch Oak	(1)
34-inch Oak	(1)
36-inch Maple (Quad)	(1)

Total trees to be removed = 13

Sorry I missed one in my previous count...

Amanda K. Cavaliere, Office Manager



55 West Central Street
Franklin, MA 02038
Ph. 508.528.3221
Fx. 508.528.7921
Email: acavaliere@gandhengineering.com
Website: www.gandhengineering.com

Board Members

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



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

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

REVISED DRAFT - June 22, 2021

Major Site Plan
Medway Mill – 165 Main Street
with Waivers and Conditions

Decision Date:

Name/Address of Applicant: 165 Main Street Realty Trust
And Permittee 165 Main Street
Medway, MA 02053

Name/Address of Property Owner: 165 Main Street Realty Trust
165 Main Street
Medway, MA 02053

Engineer and Designated Representative Guerriere & Halnon, Inc.
55 West Central Street
Franklin, MA 02038

Site Plan: *Site Plan – Medway Mill*
Dated February 14, 2020, last revised April 21, 2021 to be further revised as specified herein.

Location: 165 Main Street

Assessors' Reference: 48-92

Zoning District: Agricultural-Residential II

I. PROJECT DESCRIPTION – The applicant proposes a series of site improvements to the 7.28 acre property. These include constructing a 42-space surface parking area with electrical vehicle charging stations and bike racks; installation of stormwater management facilities for the parking area; landscaping and lighting; and expansion of the bridge across Chicken Brook for approximately 25 linear feet on each side. The proposal requires site plan review and approval subject to Section 3.5 of the Medway *Zoning Bylaw* (the “Bylaw”). As the site includes riverfront areas under the jurisdiction of the Conservation Commission, the project is also subject to its review for an Order of Conditions and a Land Disturbance Permit pursuant to Article XXVI of the Medway General Bylaws.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on _____, on a motion made by _____ and seconded by _____, **voted to _____ with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of site improvements at 165 Main Street as shown on *Site Plan – Medway Mill*, dated February 14, 2020, last revised April 21, 2021, to be further revised as specified herein.

The motion was _____ by a vote of _____ in favor and _____ opposed.

Planning & Economic Development Board Member

Richard Di Iulio
Matthew Hayes
Andy Rodenhiser
Robert Tucker

Vote

III. PROCEDURAL HISTORY

- A. February 18, 2020 - Site plan application and associated materials filed with the Board and Town Clerk
- B. March 5, 2020 – Notice for March 24, 2020 public hearing filed with the Town Clerk and posted at the Town of Medway web site’s master meeting calendar.
- C. March 5, 2020 - Site plan information distributed to Town boards, committees and departments for review and comment.
- D. March 6, 2020 – Notice for the March 24, 2020 public hearing was sent to abutters and parties of interest by certified sent mail.
- E. March 10 and 16, 2020 - Public hearing notice advertised in *Milford Daily News*.

COVID State of Emergency

- F. March 24, 2020 – Due to the COVID State of Emergency, the public hearing was continued without presentation or testimony to April 14, 2020, May 12, 2020, May 26, 2020, June 9, 2020, June 23, 2020, July 14, 2020, and July 28, 2020.
- G. July 23, 2020 - Notice for the August 11, 2020 public hearing was filed with the Town Clerk and posted at the Town of Medway web site’s master meeting calendar.
- H. July 23, 2020 - Notice for the August 11, 2020 public hearing was sent to abutters and parties of interest by certified sent mail.
- I. July 24, 2020 – Site plan information distributed to Town boards, committees and departments for review and comment.
- J. July 28 and August 3, 2020 – Public hearing notice advertised in the *Milford Daily News*.
- K. August 11, 2020 - Public hearing commenced. The public hearing was continued to September 22, 2020, October 13, 2020, November 10, 2020, January 12, 2021, February 9,

2021, February 23, 2021, March 23, 2021, April 27, 2021, May 25, 2021, June 8, 2021 and June 22, 2021 when the hearing was closed and the *Decision* rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the proposed Medway Mill site improvement project included the following plans, studies and information that were provided to the Board at the time the application was filed:
1. Site Plan Application dated February 18, 2020, project narrative, certified abutters' list, deed, and requests for waivers from the *Site Plan Rules and Regulations*
 2. *Site Plan – Medway Mill*, dated February 14, 2020, prepared by Guerriere and Halnon, Inc. of Franklin, MA
 3. *Stormwater Report for Medway Mill Parking Expansion*, dated February 14, 2020, prepared by Guerriere & Halnon, Inc. of Franklin, MA
 4. Collection of photos and hand drawn sketches by John Greene to illustrate current conditions and planned improvements.
- B. During the course of the Board's review, a variety of other materials were submitted to the Board by the Applicant and its representatives:
1. Guerriere & Halnon letters:
 - 6-18-20 in response to PGC Associates review letter dated 3-19-20.
 - 12-29-20 in response to PGC Associates review letter dated 3-19-20
 - 4-6-21 in response to PGC Associates review letter dated 1-6-21
 2. Guerriere & Halnon letters:
 - 6-18-20 in response to Tetra Tech review letter dated 3-19-20
 - 12-29-20 in response to Tetra Tech review letter dated 7-9-20
 - 4-6-21 in response to Tetra Tech review letter dated 1-7-21
 3. Guerriere & Halnon letters:
 - 12-30-20 revised plan submittal letter
 - 2-23-21 email status report
 - 5-10-21 revised plan submittal letter
 4. *Site Plan – Medway Mill* by Guerriere and Halnon revisions dated 5-13-2020, 12-24-20 and 4-21-21. NOTE – The 4-21-21 revision set included bridge drawings dated 4/29/21 by Collins Engineering of Dedham, MA
 5. *Stormwater Report for Medway Mill Parking Expansion* by Guerriere and Halnon revisions dated June 18, 2020, December 22, 2020, last revised April 21, 2021
 6. Long Term (Stormwater) Operation and Maintenance Plan for Medway Mill Parking Expansion dated February 14, 2020, last revised April 16, 2021.
 7. Email communication from Amanda Cavaliere dated October 28, 2020 with alternative parking lot layout options.
 8. Letter from attorney Danielle Justo of Rich May Attorneys at Law dated 3-31-21 with attachments

9. Collection of letters and memos from Medway Mill tenants and Town of Medway officials in support of the proposed parking lot expansion project (received 5-10-21)
10. Letter dated May 3, 2021 from Goddard Consulting re: discussion of River Protection Act (Alternatives Analysis)
11. Color renderings (undated) of proposed parking area by Kuth-Ranieri Architects (received 5-10-21)
12. Letter from Ed Thornlimb, Dowling Corporation, dated April 12, 2021 regarding rebuilding the existing stone wall along the property line with the abutter at 42 Lincoln Street.
13. Email dated June 15, 2021 from Amanda Cavaliere of Guerriere and Halnon specifying trees to be removed during construction of planned site improvements.

- C. During the course of the Board's review, a variety of other materials were submitted to the Board by its staff, consultants, and other Town Boards and Committees.
- Medway ZBA Special permit decision dated August 2, 1995
 - Memorandum dated August 26, 2020 from Medway Cultural Council chair Jennifer Kendall and Vice-Chair Gail Hachenberg
 - Email communication dated October 20, 2020 from Police Sergeant Jeff Watson
 - Email communication dated March 16, 2021 from Conservation Agent Bridget Graziano of the March 15, 2021 site visit
 - Design Review Committee review memorandum dated May 21, 2021
 - Collection of letters and memos from Medway police and fire officials in support of the proposed parking lot expansion project (received 5-10-21)

V. TESTIMONY - In addition to the site plan application materials as submitted and provided during the course of the Board's review, the Board also received verbal or written testimony from:

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated March 19, 2020, July 9, 2020, January 7, 2021 and May 19, 2021 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated March 19, 2020, August 14, 2020, January 5, 2021, and May 20, 2021 and commentary throughout the public hearing process.
- Amanda Cavaliere and Mike Hassett of Guerriere & Halnon, Inc., the Applicant's engineering consultant and designated representative
- Mark Arnold, Goddard Consulting
- Danielle Justo, _____ 5-25-21

Abutter Testimony

- Janine Clifford, 42 Lincoln - verbal and written communications with attachments (2-14-20, 5-18-20, 3-10-21, 3-29-21 and 5-25-21)
- Myrna Flynn, 44 Lincoln - verbal and written (2-23-21)
- John Maloney, 31 Lincoln Street (verbal)
- John Kairit, 167 Main Street (verbal)
- Michael Marraffino, 39 Lincoln Street (verbal)

- Claudette Bannon, 31 Norfolk Avenue - written (4-4-21)

Town Staff Testimony

- Bridget Graziano, Conservation Agent (11-10-20)

VI. FINDINGS – The Board, at its meeting on _____, on a motion made by _____ and seconded by _____, voted to _____ the following **FINDINGS** regarding the site plan application for 165 Main Street. The motion was _____ by a vote of ____ in favor and ____ opposed.

Planning & Economic Development Board Member

Vote

Richard Di Iulio
Matthew Hayes
Andy Rodenhiser
Robert Tucker

Site Plan Rules and Regulations Findings – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations, as amended October 8, 2019*, unless specifically waived.

In making its *Decision*, the 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 proposed parking expansion project improves accessibility to the site by supplying additional customer and employee parking which will, in turn, reduce the need for parking along the access driveway from Lincoln Street. There will be no backing out onto a public way. Internal site circulation is improved with better organized parking for customers and employees and the expanded bridge over Chicken Brook. The site plan has been carefully evaluated for truck maneuverability and has been found to be satisfactory.

- (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 site plan for the proposed parking area has been reviewed by the Town's consulting engineer, planner and the Medway Design Review Committee. The new parking area will not be visible from Main nor Lincoln Streets. There are no changes to the existing buildings.

- (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 proposed parking area expansion will not be visible from Main nor Lincoln Streets. As conditioned herein, the applicant shall install fencing and landscape buffering to mitigate the visual impact of the parking area on the adjacent Lincoln Street residential properties.

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

Access for fire and service equipment is provided. The new parking area will relieve the current unauthorized overflow customer parking on the Lincoln Street access driveway which has resulted in restricted emergency vehicle access to the site. Additional Police Department testimony was provided that the site's limited parking has resulted in tenant customer frustrations and disputes. Additional Fire Department testimony supports the expanded parking area as it would make the Lincoln Street access driveway much safer.

- (5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
- a) the volume of cut and fill;
 - b) the number of trees to be removed with particular care taken with mature trees and root systems;
 - c) the visual prominence of man-made elements not necessary for safety;
 - d) the removal of existing stone walls;
 - e) the visibility of building sites from existing streets;
 - f) the impacts on waterways and environmental resource areas;
 - g) soil pollution and erosion;
 - h) noise.

The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and the Conservation Commission although an Order of Conditions has not yet been issued. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the operation of the facility. The new parking area is not visible from Main Street and Lincoln Street. The immediate abutters on Lincoln Street will have views to the parking area but the applicant will provide fencing and landscaping. As conditioned herein, the site plan will include an 8' high fence and 10' tall Green Giant arborvitaes to provide screening. The applicant has also worked with the Conservation Commission on a robust landscape plan which is also reflected in the site plan.

- (6) Is pedestrian and vehicular safety both on the site and egressing from it maximized?

The entrance and egress to the site remains unchanged. The primary vehicular access to the new parking area will be from the site driveway off of Lincoln Street. A sidewalk is provided from the new parking area to the Mill buildings. The site plan shows the provision of one bicycle rack (4 bikes) to accommodate employees at the Mill and cycling customers. The Police Department's Safety Officer has provided written testimony that the proposed parking expansion will make the area safer for all who use the complex by reducing customer parking along the access driveway from Lincoln Street.

- (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?

The visual prominence of the historic Medway Mill building and Chicken Brook are retained.

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

The lighting plan was reviewed by the Board's consulting planner and engineer. The planned site lighting minimizes light pollution by using shields on the light fixtures and there is no light spillage 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 and it protects sensitive environmental resources. The installation of a stormwater management system reduces the current impacts of presently untreated stormwater discharge to sensitive environmental resources located on the property. The project is under review by the Conservation Commission for an Order of Conditions and a Land Disturbance Permit. As conditioned herein, any changes to the site plan that are needed as a result of the forthcoming Order of Conditions and Land Disturbance will necessitate a modification to the site plan.

Miscellaneous Findings

1. The Zoning Board of Appeals, on August 2, 1995, issued a special permit for the subject property to allow the owner to rent space to tenants for a mixed-use type of operation including office, retail (limited to 30% of the leased area), banking, restaurant, showroom facilities, light manufacturing, assembly and storage. Sales and storage of building materials are allowed for indoor use; no outside storage was authorized. Uses allowed in the Industrial IV district were allowed.

VII. WAIVERS – At its _____ meeting, the Board, on a motion made by _____ and seconded by _____ voted to _____ waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019*. The Board's action and reasons for _____ each waiver are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

The motion was _____ by a vote of _____ in favor and _____ opposed.

Planning & Economic Development Board Member	Vote
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Richard Di Iulio	
Matthew Hayes	
Andy Rodenhiser	
Robert Tucker	

Site Plan Submittal Requirements/Plan Contents

1. **Section 204-5 B. Site Context Sheet is required as part of the plan set.** The Site Context Sheet shall include the following information:
- 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.
 - Abutters' names and addresses with assessor's reference.
 - Lot lines with dimensions and easement areas.
 - Existing topography at two (2) foot intervals from USGS survey maps or actual land survey.
 - All easements (*utility, conservation and other*) and rights-of-way.

- Zoning district boundaries including groundwater protection district, wetlands, and flood plain zones.

A separate Site Context Sheet has not been provided as part of the plan set. However, the information specified to be shown on a Site Context Sheet is included on other sheets 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.

2. **Section 204-3 F. Written Development Impact Statement** which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent, reduce or mitigate adverse impacts. The Development Impact Statement shall consist of the following four elements: traffic impact assessment, environmental impact assessment, neighborhood impact assessment, and a parking impact assessment

The Applicant has requested a waiver from the requirement of providing traffic and environmental impact assessments as a majority of the site is already developed and the planned parking expansion is proposed to address existing parking limitations. No additional leasable space is contemplated by these site improvements. Environmental impacts are being considered by the Conservation Commission. The Board has spent considerable time during the hearing addressing abutter concerns. For the foregoing reasons, the Board APPROVES this waiver request 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.

3. **Section 204-5 D. 7. Utilities Plan** – All proposed utilities, mechanisms, materials and layouts for refuse and trash disposal enclosures and systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal, and methods of solid waste storage and disposal (shall be shown on the plan).

The site plan does not show the electrical lines and locations. The utility company generally will not provide such details until after a site plan is approved. This decision includes a condition, as recommended by the Board's consulting engineer, that the Applicant provide the proposed electrical layout at the pre-construction meeting for the project. 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.

4. **Section 204-5 D. 8) Landscape Plan**

- a) A Landscape Plan shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.

The Applicant has requested a waiver from the requirement for the landscape plan to be prepared by a Registered Professional Landscape Architect. The landscaping needs of the proposed site improvements are relatively minimal, and the Applicant's engineering firm has considerable experience in preparing landscape plans. For the foregoing reasons, the Board APPROVES this waiver request 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.

Site Plan Development Standards

5. **Section 207-9 A.7) Pedestrian and Bicycle Access and Sidewalks** – Sidewalks and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).

The grade of the planned sidewalk to connect the proposed parking area to the Mill buildings does not appear to meet ADA requirements. However, the subject parking area does not include handicapped spaces and the parking area is some distance away from the Mill buildings. The required number of handicapped parking spaces for the site are more suitably located elsewhere on the premises, closer to the buildings, as shown on the site plan. 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.

6. **Section 207 – 17 Solid Waste Removal D. Multi-tenant developments** shall incorporate the use of shared trash compactors

The existing arrangement of multiple trash receptacles located around the site is working effectively and there is no additional space being added for business uses. Accordingly, 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.

7. **Section 207 – 19 Landscaping. B. Landscape Buffers 2)** Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.

Perimeter landscaping will be provided around the proposed new parking area which is the major component of the site improvement. This decision is conditioned on the provision of an 8' tall fence and a run of twenty 10' tall Green Giant arborvitae along the western border of the parking area. 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.

8. **Section 207 – 19 Landscaping. C. Parking Areas 1) a.** A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.

The proposed 13,500 sq. ft. parking area for 42 vehicles does not include any internal landscaped islands. The applicant seeks to maximize the number of parking spaces in order to meet the Zoning Bylaw standards for the property's commercial space. The site is challenging due to the required riverfront buffer zone which significantly limits where the

needed parking can be located on the property. A variety of parking area layout options were designed and reviewed by the Board and the final resulting layout as shown on the site plan achieves the best combination of quantity of parking, distance from abutters, and distance from Chicken Brook. 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.

9. **Section 207 – 19 Landscaping. H.** – All hardwood trees twenty-four inches or more in diameter as measured four feet above finish grade that are to be removed from the site shall be replaced with new trees on the site.

Analysis – The applicant's engineer has indicated that there are 3 trees larger than 24" in diameter that will be removed as part of the project.

Tree Type & Size	Quantity	Amount of Trees to be Removed (1/2 diameter ² x 3.14)
30 inch oak	1	15 x 15 x 3.14 = 706 sq. inches
34 inch oak	1	17 x 17 x 3.14 = 907 sq. inches
36 inch maple	1	18 x 18 x 3.14 = 1,017 sq. inches
		Total = 2,630 sq. inches

Tree Replacement Formula

The standard tree replacement formula used by the Board is one square inch of replacement tree per two square inches of trees removed.

$$[\frac{1}{2} \text{ diameter}^2 \times 3.14] \div 2 = \text{Number of square inches of replacement trees}$$

Based on the above formula, the amount of tree replacement = 1,315 sq. inches

NOTES

- A 3" caliper tree equals seven sq. inches
- Two shrubs = one tree (per the Tree Warden)

Tree Replacement Plan

Parking Area

Twenty 2.5" caliper Green Giant Arborvitae = 140 sq. inches

Eight 2.5" caliper Red Maples = 42 sq. inches

Eleven 2.5" caliper Red Oaks = 77 sq. inches

Seven 2.5" caliper Balsam Fir = 49 sq. inches

Total = 318 sq. inches

Remediation Area

Seven 2.5" caliper River Birches = 49 sq. inches

Seven 2.5" caliper Red Maples = 49 sq. inches

Forty-three 3-gallon Mountain Pepperbush shrubs = $(43 \times 7) \div 2 = 151$ sq. inches

Sixteen 5-gallon Witch Hazel shrubs = $(16 \times 7) \div 2 = 56$ sq. inches

Twenty-three 3-gallon Winterberry shrubs = $(23 \times 7) \div 2 = 81$ sq. inches

Sixteen 3-gallon Juniper shrubs = $(16 \times 7) \div 2 = 56$ sq. inches

One hundred thirteen 2-gallon cinnamon ferns = 0 sq. inches

Total = 442 sq. inches

With the above noted proposed tree replacement plan, there is a shortfall of 555 sq. inches of tree replacement. At 7 sq. inches per 3" caliper tree, this equates to 79 three-inch caliper trees. The applicant can propose additional tree planting or make a contribution to the Town's Tree Fund to be used for tree planting in the community. Tree Warden Steve Carew has advised that the Town's cost for a 2½" – 3" caliper tree is \$200 not including the installation cost. If no additional tree planting can be incorporated into the site plan, the amount to be paid to the Tree Fund would be \$15,800.

QUESTION – Does the Board wish to grant a waiver on the tree replacement requirement? If not, the applicant could revise the landscaping plan to include some additional tree planting and/or make a contribution to the Tree Fund as noted above.

VIII. CONDITIONS - The *Special and General Conditions* included in this *Decision* shall assure that the Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, 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. The Board's approval of the site plan is subject to the following conditions.

SPECIFIC CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within sixty days after the Board has filed the *Decision* with the Town Clerk, the site plan for Medway Mill parking expansion dated February 14, 2020, last revised April 21, 2021 prepared by Guerriere & Halnon, Inc. of Franklin, MA shall be further revised to reflect all Conditions and required revisions and additions, including those as follows, 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*). The Applicant shall provide a set of the revised Plan in its final form to the Board for its signature/endorsement. All Plan sheets shall be bound together in a complete set.
- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the April 21, 2021 site plan shall be revised as follows:
 1. Revise the list of approved waivers from the *Site Plan Rules and Regulations*.
 2. If needed, revise the Index of plan sheets.
 3. Revise the plan date.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to April 21, 2021 site plan set and approved by the Board. Revisions can be made to the drawings or details and/or include revised notes. Additional details or drawings may also be added to the plan set.
 1. The eastern island at the parking lot entrance contains a protruding curb edge which may puncture tires of vehicles parking in the first space. The detail shall be revised to provide for a curved curb edge.
 2. The provided bridge drawings dated 4-29-21 by Collins Engineering of Dedham, MA shall be stamped by a professional engineer registered in the Commonwealth of Massachusetts. Additional bridge elevations showing the design and appearance of the bridge work and railings shall be included. Such elevations shall be reviewed and approved by the Design Review Committee.

3. The fence along the parking lot shall be 8' in height, fabricated from a non-glossy, wood looking materials and be of a natural wood color.
4. Except for the fence around the stormwater basin, the proposed new fencing to be constructed elsewhere on the property shall be fabricated from non-glossy, wood looking materials and be of a natural wood color.
5. Adjust the photometric plan to indicate that the parking area lights will be turned off from 10:00 pm to 7:00 a.m.
6. Adjust the height of parking lot light poles from 20 feet to 12' and revise the photometric plan to reflect the adjusted height. If needed, another 12' pole or poles may be added.
7. Adjust fencing around stormwater basin detention pond to 4' height, black vinyl coated chain link type.
8. A drawing shall be added to the plan set to include a landscaping plan for off-site landscaping to be located at the corner of the Lincoln Street access driveway and the southwest corner of 42 Lincoln Street. Such landscaping shall provide a four season landscape buffer not including arborvitae species.
9. The drawing for dumpster enclosures shall be revised such that the dumpster enclosure is fabricated with non-glossy, wood looking materials and be of a natural wood color and be of a height to full shield the view of the enclosure dumpsters and recycling containers. Chain link fencing with plastic slats is prohibited.
10. **Revise landscaping plan to include additional tree planting to address tree replacement requirement??**

D. Use Limitations

1. ~~Parking or use of the parking areas at the Medway Mill shall be limited only to vehicles for employees, deliveries and customers of those businesses who use Medway Mill for their business operation.~~ The parking area shall not be leased or made available to any non-resident business for any purposes.
2. Outdoor Storage – Consistent with the Zoning Board of Appeals special permit for the property issued on August 2, 1995 and pursuant to Table 1: Schedule of Uses of the Zoning Bylaw, no outside storage of materials associated with a business operating in a building on the premises is allowed.

E. Tree Replacement – Applicant to make a contribution to the Tree Fund in lieu of additional tree planting?

F. Stone Walls

1. The applicant shall reuse rocks from stone walls that are displaced due to construction elsewhere on the site for other walls and walkways as shown on the site plan.
2. The applicant plans to rebuild the long established stone retaining wall along the northern edge of the access driveway from Lincoln Street at the corner with 42 Lincoln Street. Prior to the start of any such work, the applicant shall review the planned work with the Building Department to determine if any structural engineering drawings are required so as to ensure the continued viability of the stone wall to support the existing and long established driveway at 42 Lincoln Street.

Commented [SA1]: Question. Is this landscaping on the Medway Mill property or the Clifford property? If on the Clifford property, this needs their permission.

Commented [SA2]: Barbara recommends deleting this sentence. Difficult to enforce and it is not needed.

- G. Off-site Improvements** – The landscaping on 42 Lincoln Street noted in Specific Condition C.8 shall be completed by [REDACTED].

GENERAL CONDITIONS OF APPROVAL

- A. Fees** - Prior to site plan endorsement by the Board, the Permittee shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee that may be required by the Board; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes business licenses, water/sewer bills, etc.
- The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.
- B. Other Permits** – This permit does not relieve the Applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- C. Document/Plan Recording** - Within thirty days of recording the *Decision* and the associated Plan, the Permittee or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
- D. 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 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 *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

E. Landscape Maintenance

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after the occupancy permit is issued, the Town's Consulting Engineer or the Building Commissioner ~~shall~~ may inspect the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

Commented [SA3]: Barbara recommends this change. Can the Board impose a requirement on the Building Commissioner? The decision imposes conditions on the applicant.

- F. Snow Storage and Removal** - Locations for on-site snow storage are shown on the plan. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall not be placed to encroach upon nor prohibit the use of any parking spaces. Any such snow that cannot be accommodated on site in the designated snow storage areas shall be removed from the premises within 24 hours after the conclusion of the storm event.

G. Construction Oversight

1. 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.
2. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time during construction, for compliance with the endorsed site plan and the provisions of this *Decision*.
 3. 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.
 4. 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.

H. **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 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 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.

I. Modification of Plan and/or Decision

1. Proposed modifications, not ~~included~~ including on-site field changes, to the *Decision* or endorsed plan shall be subject to review by the Board.
2. This site plan 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 *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.

J. 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~~ may 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 Bylaw (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

K. Project Completion

1. Site plan approval shall lapse after ~~two one~~ years 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 years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty 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.

Commented [SA4]: Recommended by Barbara. Gives the Board some discretion.

Commented [SA5]: Correction from Barbara.

2. Prior to project completion, 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.
- L. ***Construction Standards*** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.
- M. ***Conflicts*** – If there is a conflict between the site plan and the *Decision's* Conditions of Approval, the *Decision* shall rule. If there is a conflict between this *Decision* and/or site plan and the 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/Permittee 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.

###

Decision Date: _____

AYE:

Signature Printed Name

Signature Printed Name

Signature Printed Name

Signature Printed Name

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

NAY:

Signature Printed Name

Date

COPIES TO: Michael Boynton, Town Administrator
David D'Amico, DPW Director
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Pete Pelletier, DPW Deputy Director
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Jeff Watson, Police Department Safety Officer
John Green, 165 Main Street Realty Trust
Amanda Cavaliere, Guerriere & Halnon
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates



June 22, 2021

**Medway Planning & Economic Development Board
Meeting**

**Continued Discussion - Battery Energy
Storage Systems**

I would ask the Board to debrief the 6-16-21 BESS training session. The folks at PNNL provided some additional resource information.

- BESS Siting and Best Practices by Exeter Associates
- Email from Jeremy Twitchell with links to various NYS resources.
- Battery Energy Storage System Model Bylaw – New York state
- Updated scope of consultant services. Based on the 6-16 training, what further refinements do you want to make to the scope of services before we start to circulate it?

Siting and Safety Best Practices for Battery Energy Storage Systems

Exeter Associates
February 2020



Summary

The following document summarizes safety and siting recommendations for large battery energy storage systems (BESS), defined as 600 kWh and higher, as provided by the New York State Energy Research and Development Authority (NYSERDA), the Energy Storage Association (ESA), and DNV GL, a consulting company hired by Arizona Public Service to investigate the cause of an explosion at a 2-MW/2-MWh battery facility in 2019 and provide recommendations for mitigating this threat in the future. Exeter thanks Matthew Paiss (Technical Advisor, Battery Materials & Systems, Pacific Northwest National Laboratory) for his review of this document.

More detail is provided below, but briefly put, BESS should meet national codes and standards promulgated by the National Fire Protection Association (NFPA), the American National Standards Institute (ANSI), the Institute of Electrical and Electronics Engineers (IEEE) and national laboratory standards. However, the DNV GL report concluded that the most commonly relied-upon standards for battery safety are insufficient to address the threat of thermal runaway (described herein) and explosion. The report recommends additional steps that should be taken, and these are included in the summary below. Finally, state and local building, fire, and zoning requirements should also be met.

For the purposes of CPCN review and approval, we recommend that future CPCN applicants with battery storage systems be required to submit plans for battery siting, safety, and decommissioning to the PSC, for review and approval, before construction begins.

- The siting plan should address: undergrounding on-site utility lines; maintaining the site free of vegetation; following noise, height, and setback requirements; fencing or enclosing the site; and installing screening or other measures to minimize visibility impacts.
- The safety plan should include: hazard detection systems; means of protecting against incipient fires; and ventilation and/or cooling strategies for protecting against thermal runaway, fires, and explosions. As a corollary, sound training must be provided to local responders so that they are equipped to handle any of these potential emergencies—which require substantially different tactics—as safely as possible. BESS should have plans to address extreme weather, earthquakes, or other environmental threats that may occur.
- The decommissioning plan should include: descriptions of the steps that will be taken, a cost estimate, a funding plan, and a contingency plan for handling damaged batteries.

Siting

NYSERDA published the Battery Energy Storage System Guidebook, most-recently updated in December 2020, which contains information and step-by-step instructions to support local governments in New York in managing the development of residential, commercial,

and utility-scale BESS in their communities. The guidebook includes a Model Law which describes the recommended siting requirements for a BESS.

- **Utility lines:** Whenever possible, utility lines at the site should be installed underground. However, this does not apply to the main service connection at the utility company right-of-way or to new interconnection equipment.
- **Vegetation and tree-cutting:** A 10-foot buffer surrounding the BESS should be cleared of combustible vegetation. Beyond this, it is preferable to maintain any vegetation that is not fire-prone.
- **Noise:** Noise produced by the BESS and associated equipment must be kept below a 1-hour average of 60 A-weighted decibels (dBA), based on measurements taken at the outside wall of any nearby unaffiliated building that is in current use.
- **Setbacks:** Any setback requirements for primary structures in applicable zoning regulations should be applied to the BESS.
- **Height:** Any building height limits in applicable zoning regulations should be applied to the BESS.
- **Fencing/enclosure:** Unless secured within a dedicated-use building, all BESS components and mechanical equipment should be protected by a 7-foot-high fence with a self-locking gate.
- **Screening and visibility:** The BESS should be screened from adjacent properties using architectural features, earth berms, landscaping, or other methods that complement the character of the area without compromising BESS ventilation.

Safety

In addition to NYSERDA's BESS Guidebook, ESA issued the U.S. Energy Storage Operational Safety Guidelines in December 2019 to provide the BESS industry with a guide to current codes and standards applicable to BESS and provide additional guidelines to plan for and mitigate potential operational hazards. In April 2020, DNV GL issued its report focused on mitigating the risk of thermal runaway and battery explosions, McMicken Battery Energy Storage System Event Technical Analysis and Recommendations.¹

In general, both ESA and NYSERDA recommend that a BESS and its subcomponents should meet the requirements of the applicable NFPA codes, ANSI standards, IEEE standards, and the Nationally Recognized Testing Laboratory standards for BESS and equipment (UL 9540, UL 1642, UL 1973, UL 1741, and UL 62109). These national codes and standards, and those referenced below, are defined in the appendix to this document. In addition to the national codes and standards, ESA and NYSERDA also concur that a BESS should meet the requirements of the building, fire, and zoning codes of the state and locality in which it is located. As noted earlier, DNV GL advocates for additional safety measures beyond those currently included in the most commonly used codes and standards.

The potential for thermal, weather, environmental, and other operational hazards varies significantly by the type of BESS technology. Nevertheless, the following recommendations from DNV GL, ESA, and NYSERDA serve as best practices in most scenarios at this time.

¹ DNV GL, *McMicken Battery Energy Storage System Event Technical Analysis and Recommendations*, July 18, 2020, <https://www.aps.com/-/media/APS/APSCOM-PDFs/About/Our-Company/Newsroom/McMickenFinalTechnicalReport.ashx?la=en&hash=50335FB5098D9858BFD276C40FA54FCE>.

Thermal Runaway, Fires, and Explosions

In addition to standard fires, which require fuel, heat, and oxygen to continue burning, lithium-ion (Li-ion) battery cells can experience a chemical reaction known as thermal runaway, which does not require oxygen or a visible flame, if it occurs within a tightly packed cell assembly. If not addressed by system protection devices, this process can continue to drive up temperature and pressure until the battery cell ruptures, which in turn can release explosive gases. If thermal runaway propagates through a module, flammable gases may build up within the BESS, creating the conditions for an explosion to occur. Thermal runaway can also be caused by exposure to overheating from traditional fires.

It is important to note that a standard approach to minimizing conventional fires—turning off ventilation and using clean fire suppression agents to cool or starve a fire of oxygen—may worsen the threat of an explosion by allowing explosive gas concentrations to increase. Thus, DNV GL recommends that emergency systems and emergency response protocols be designed to extinguish fires *and* ventilate enclosures, as needed, before entry.

1. Hazard Detection Systems:

- a. BESS should include appropriate hazard detection systems, such as smoke and heat detectors, as well as gas meters, which would be monitored by control centers and alert operators to emergency situations.

2. Thermal Runaway Prevention:

- a. For Li-ion battery cells, there are several technologies, such as current interrupt devices (CIDs), ceramic-coated separators, and solid polymer electrolytes, that could prevent the overheating that leads to thermal runaway. (However, it may not be possible for a system owner to determine the presence of these technologies.)
- b. For battery systems, specialized heating, ventilation and air conditioning (HVAC) systems and the continuous monitoring of temperature, current, and voltage are effective in protecting BESS from thermal runaway.
- c. For enclosed BESS containers, protection from thermal runaway should also take into account external sources of heat, such as high ambient temperatures in the summer or wildfires encroaching on the site.
- d. The battery should include a failsafe protection that provides for forced shutdown, should all other countermeasures fail to prevent thermal runaway.
- e. The UL 9540 listing ensures BESS are designed to provide system-level thermal runaway mitigation through detection, suppression, and/or containment measures.

3. Fire Suppression:

- a. Sprinklers should be installed. NFPA 13 standards may not be adequate. Overhead pendant nozzles may not direct enough water into racks to prevent module-to-module propagation. Consideration should be given to in-rack suppression system designs.
- b. Because water is readily available and has useful cooling properties, it is a well-regarded tool for extinguishing Li-ion battery fires. However, it is

important to assess whether water could react with the chemicals in a BESS. A water-based fire suppression system should be designed to avoid creating short circuits in adjacent equipment. Also, while it may be too costly to prevent any water used for fire suppression from exiting a BESS, consideration should be given to minimizing run-off, since this liquid may contain toxic chemicals.

- c. DNV GL notes that many BESS have a “dry pipe” system. This provides an exterior point of connection through which water can be directed into a BESS without opening the enclosure.
- d. Gaseous suppression agents, such like FM-200 or Novec 1230, should be considered for use against incipient fires. (However, these cannot prevent and may not be able to stop thermal runaway.)

4. Electrical Components:

- a. BESS and its subcomponents and associated ancillary equipment should be in compliance with NFPA 70®, the National Electric Code® (NEC) and ANSI Standard C2, the National Electrical Safety Code® (NESC). Under these codes and in relation to the prevention and mitigation of a thermal event, BESS are required to:
 - i. Have required working space clearances; and
 - ii. Weatherproof enclosures for electrical circuitry.

5. Ground Fault Protection:

- a. Ground faults have the potential to cause fire or thermal runaway from high or continuous currents and pose a safety hazard due to overvoltages. In addition to proper insulation for all electrical equipment, additional protection is required for three-phase installations depending on the type of grounding.
 - i. In systems that are grounded with little to no impedance (reactors, resistors), ground currents can be substantial. These systems should be designed to trip off-line automatically, in order to clear ground faults.
 - ii. In systems that are ungrounded or have high levels of impedance, overvoltages pose a safety risk. Ensure that any overvoltages will be controlled with grounding banks, other forms of impedance grounding, or surge arresters. The electrical components at risk of overvoltage should also have phase-to-phase level insulation.

6. Electrolyte Spill:

- a. For lead acid and nickel-cadmium (NiCd) batteries that have acidic/basic (sulfuric acid or potassium hydroxide) aqueous electrolytes in liquid form, electrolyte spills should be contained by following IEEE 1578 standards. Flow batteries should be listed to UL 9540 and include secondary spill containment.

7. Ventilation:

- a. Lead-acid and NiCd batteries produce gases during normal charging. Li-ion batteries do not. Adherence to standard ventilation codes will address the production of gases during regular operating conditions. For BESS that are located inside a building, storage venting systems should take building ventilation systems into account so that any hazardous gases are not drawn into other rooms, putting building occupants at risk.

To address gas production under abnormal (thermal runaway) conditions, a system should be designed to provide a series of safeguards progressing from fire suppression, to ventilation, to explosion mitigation. For example, if smoke is detected, and a so-called clean agent suppression system is present (for example, Novec™ 1230), the agent will be released to help suppress an incipient fire by lowering oxygen levels and/or temperatures in the enclosure. If heat is still detected after the clean agent has been introduced, this is an indication that thermal runaway may be occurring, and secondary suppression and emergency ventilation systems should be activated. Finally, if high concentrations of explosive gases are detected, DNV GL typically recommends the use of deflagration panels, which are designed to open in the event of an explosion, thus decreasing its severity (see next bullet as well).

8. Explosion Study:

- a. For BESS within a container or enclosure, a (manufacturer-provided) UL 9540A test report on the battery can be used to determine what gas constituents would be expected during thermal runaway and what gas levels are likely to be explosive. This information is used by fire protection engineers to design a deflagration prevention system NFPA 69 (exhaust) or deflagration venting system NFPA 68 (blow-out panels), or a combination of both.

First Responder Training and Status Assessment Tools

It is imperative that first responders be included early in the planning of BESS installations and given the training and real-time information necessary to gauge conditions at a battery facility and respond accordingly. Training should include any jurisdictions that may be asked to assist the primary fire department. Periodic update trainings should be given to address turnover. DNV GL states that training materials can be created by the system integrator or the engineering, procurement and construction (EPC) contractor for all those who would benefit.

- **Procedures:** Establish a protocol for extinguishing, ventilation, and entry, in that order.
- **Roles:** Establish a hierarchy and specific responsibilities for operations and maintenance (O&M) personnel, emergency responders, and staff of the owner organization.
- **Qualified Support Personnel:** A trained individual, knowledgeable on the BESS, should be made available to fire department personnel in the event of an incident to support the timely turnover of the site to a knowledgeable person for hazard monitoring.

- **Training:** Provide training to the relevant fire department(s) before and during project commissioning. Include information on the range of hazards that may be present, how to assess conditions inside a BESS, and what steps to take.
 - Explicitly address explosion risks, indicating what gases may accumulate on site and how to detect and ventilate them.
- **Complementary Training:** Train appropriate members of the owner's organization and any third-party contractors working on the project.
- **Informational Technologies:** Set up a remote display for first responders to monitor trending metrics such as state of charge, module temps, ambient temps, gas levels, etc. This station could also contain exhaust ventilation controls and the dry pipe fire department connection. Battery management systems should be provided with auxiliary backup to ensure communications in the event that an emergency triggers isolation of the entire BESS.

Extreme Weather, Geological, and Environmental Hazards

For potential extreme weather events, natural disasters, and environmental hazards, the BESS site should be secured and have plans in place to prevent or mitigate dangerous situations that could impact personnel or damage equipment and the surrounding environment.

- **Monitoring, preparation, and response strategies:** Each BESS should have plans to monitor and mitigate extreme weather and natural disasters. These plans should provide communication protocols for all key parties, identify which personnel should remain on site, and specify shutdown protocols.
- **Designing resilient systems:** BESS should be designed to withstand environmental hazards that may arise in the area. Examples of design resiliency include:
 - Isolating electronics;
 - Designing physical enclosures, buildings, and drainage systems so that they meet local building code requirements regarding wind speed, snow load, snow shed, standing water, and flashfloods;
 - Seismic hardening sites in earthquake-prone regions as per local building codes and IEEE 693;
 - Shielding equipment from lightning strikes and/or affixing lightning rods to taller structures as per NFPA 70, NFPA 780, CSA C22.1, or IEEE C2, as applicable;
 - Controlling temperatures and protecting against excess humidity, salinity, and dust; and
 - Designing enclosures to prevent animals and plants from entering.

Additional Design Elements

- **Site Access:**
 - O&M workers should have ready access to the site at all times and regardless of the BESS's operating state.
- **Lighting:**
 - For indoor BESS, emergency lighting based on building codes should be available to facilitate any emergency response activities or unscheduled maintenance.
- **Signage:**
 - Signage should meet ANSI Z535, NFPA 70, and NFPA 855 standards.
 - Signage should list: the type of technology associated with the BESS; potential and specific hazards; Personal Protective Equipment (PPE) requirements; the type of suppression system installed in the area of the BESS; 24-hour emergency contact information; information related to the disconnection and emergency shutoff of the BESS; evacuation routes; and muster points.
 - The BESS signage should be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage should be placed at the base of all pad-mounted transformers and substations.
- **Cybersecurity:**
 - BESS developers should rely on experienced suppliers who can ensure the integrity of all equipment and routinely update security software.
 - Only vetted, trained personnel should have access to the BESS. Likewise, connections between the BESS and other web-based systems should be kept at a minimum.

Decommissioning

Decommissioning is especially important for Li-ion batteries, given that they contain hazardous materials. Indeed, under the Resource Conservation and Recovery Act (RCRA), used Li-ion batteries are considered hazardous waste that must be disposed of in accordance with U.S. Environmental Protection Agency (EPA) rules. Damaged Li-ion batteries that have not been fully discharged present a stranded energy hazard and are still considered batteries. The decommissioning process must take into consideration the full discharge of all power prior to being considered hazardous waste. It should be noted that even if a contract places the onus for decommissioning on a third-party operator, RCRA holds the owner of hazardous waste liable for its proper disposal.

One possible example to draw from is NYSERDA's sample decommissioning rule, which was developed to provide local governments with an option to adopt it as a local requirement. Under the sample rule, the decommissioning plan must include descriptions of the steps that will be taken, a cost estimate, a funding plan, and a contingency plan for handling damaged batteries.

APPENDIX

Applicable Safety Standards and Codes for BESS

- **ANSI Z535 (Standards for Safety Signs and Colors):** Provides the specifications and requirements to establish uniformity of safety color coding, environmental/facility safety signs and communicating safety symbols.
- **IEEE 693 (Recommended Practice for Seismic Design of Substations):** Provides seismic design recommendations for substations, including qualification of different equipment types.
- **IEEE 1578 (Recommended Practice for Stationary Battery Electrolyte Spill Containment and Management):** Provides descriptions of products, methods, and procedures relating to stationary batteries, battery electrolyte spill mechanisms, electrolyte containment and control methodologies, and firefighting considerations.
- **NFPA 13 (Standard for the Installation of Sprinkler Systems):** Addresses sprinkler system design approaches, system installation, and component options to prevent fire deaths and property loss.
- **NFPA 69 (Standard on Explosion Prevention Systems):** Provides requirements for installing systems for the prevention and control of explosions in enclosures that contain flammable concentrations of flammable gases, vapors, mists, dusts, or hybrid mixtures.
- **NFPA 68 (Standard on Explosion Protection by Deflagration Venting):** Addresses the installation and use of devices and systems that vent the combustion gases and pressures resulting from a deflagration within an enclosure, so that structural and mechanical damage is minimized.
- **NFPA 70 (National Electrical Code (NEC)):** Provides the benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards.
- **NFPA 704 (Standard System for the Identification of the Hazards of Materials for Emergency Response):** Presents a simple, readily recognized, and easily understood system of markings (commonly referred to as the "NFPA hazard diamond") that provides an immediate general sense of the hazards of a material and the severity of these hazards as they relate to emergency response.
- **NFPA 780 (Standard for the Installation of Lightning Protection Systems):** Provides lightning protection system installation requirements in buildings to safeguard people and property from fire risk and related hazards associated with lightning exposure.
- **NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems):** Provides the minimum requirements for mitigating the hazards associated with BESS.
- **UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail (LER) Applications):** Provides requirements for battery systems as defined by this standard for use as energy storage for stationary applications such as for PV, wind turbine storage or for UPS, etc. applications.

- **UL 1642 (Standard for Lithium Batteries):** Provides requirements for primary, i.e., non-rechargeable, and secondary, i.e., rechargeable, lithium batteries for use as power sources in products.
- **UL 1741 (Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources):** Provides requirements for inverters, converters, charge controllers, and interconnection system equipment intended for use in standalone (not grid-connected) or utility-interactive (grid-connected) power systems.
- **UL 9540 (Standard for Energy Storage Systems and Equipment):** Provides requirements for energy storage systems that are intended to receive electric energy and then store the energy in some form so that the energy storage system can provide electrical energy to loads or to the local/area electric power system (EPS) up to the utility grid when needed.
- **UL 62109 (Standard for Safety of Power Converters for Use in Photovoltaic Power Systems):** Provides requirements for the design and manufacture of power conversion efficiency (PCE) for protection against electric shock, energy, fire, mechanical, and other hazards.

Susan Affleck-Childs

From: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>
Sent: Thursday, June 17, 2021 12:44 PM
To: Susan Affleck-Childs; Paiss, Matthew D
Cc: O'Neil, Rebecca S; Sprenkle, Vincent L
Subject: RE: Medway BESS - community questions

Susy,

Thank you for the opportunity, and I'm glad that the presentations were helpful. I'll get you the slides early next week. For now, here are the references in NY that I mentioned:

- Battery Energy Storage System Model Law: <file:///C:/Users/twit579/Downloads/model-law.pdf>
- Battery Energy Storage System Guidebook for Local Governments: <file:///C:/Users/twit579/Downloads/battery-storage-guidebook.pdf>
- Article discussing New York City's zoning and safety regulations for energy storage systems: <https://www.jdsupra.com/legalnews/new-york-city-clears-the-path-for-52979/>.

Hopefully you find those helpful. Please let us know if there is anything else we can provide in the meantime.

Jeremy

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, June 17, 2021 6:43 AM
To: Paiss, Matthew D <matthew.paiss@pnnl.gov>
Cc: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>; O'Neil, Rebecca S <rebecca.oneil@pnnl.gov>; Sprenkle, Vincent L <Vincent.Sprenkle@pnnl.gov>
Subject: RE: Medway BESS - community questions

Hi Matt and team,

We will definitely keep you updated and ask for further guidance along the way.

Would really like the referral to the organization in New York state that Jeremy mentioned last night pertaining to writing zoning codes.

Thanks again,

Susy

From: Paiss, Matthew D [<mailto:matthew.paiss@pnnl.gov>]
Sent: Thursday, June 17, 2021 9:21 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>; O'Neil, Rebecca S <rebecca.oneil@pnnl.gov>; Sprenkle, Vincent L <Vincent.Sprenkle@pnnl.gov>
Subject: Re: Medway BESS - community questions

Susan,

Very happy to hear it was a valuable presentation for your Board, and thank you for the feedback. I will send you the presentation once we complete our release process. Should be by next week. Please keep us updated as you move ahead if that is ok.

Regards,
Matt

Matthew Paiss - Technical Advisor

Battery Materials & Systems

Pacific Northwest National Laboratory

Cell: 831-566-3057

Office: 509-371-7770

matthew.paiss@pnnl.gov

<https://energystorage.pnnl.gov>



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

Sent: Thursday, June 17, 2021 5:26 AM

To: Paiss, Matthew D <matthew.paiss@pnnl.gov>

Subject: RE: Medway BESS - community questions

Thanks, Matt.

It was fantastic! So helpful, informative. Helped me very much to refine my list of topics we need our consultant to address.

No worries on the recording. Our cable TV tech texted me early in the meeting and asked if he could get the recording. I wish I had thought of it before the meeting to let you know. So be it.

Please send me the slides you used for the presentation so we can attach those to the meeting minutes.

Will be in touch.

Thanks again to you and your colleagues. We really appreciate it.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

From: Paiss, Matthew D [<mailto:matthew.paiss@pnnl.gov>]
Sent: Wednesday, June 16, 2021 8:56 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>; Sprenkle, Vincent L <Vincent.Sprenkle@pnnl.gov>
Subject: Re: Medway BESS - community questions

Susy,

Thank you for allowing us to help bring your Board up to speed with the task ahead. I just saw your text requesting a recording and feel terrible that this request wasn't discussed ahead of time. We did not record the call. Typically we would not do that without a request. I am sorry.

Please let us know if you have any additional questions, but I think your plan to hire a consultant is the right next step.

Regards,
Matt

Matthew Paiss - Technical Advisor

Battery Materials & Systems

Pacific Northwest National Laboratory

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Wednesday, June 16, 2021 11:10 AM
To: Paiss, Matthew D <matthew.paiss@pnnl.gov>
Cc: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>
Subject: RE: Medway BESS - community questions

Absolutely! As much time as needed. That being said, I don't expect we will go too much past 9 pm our time.

The chair will moderate the question and answer process. This is meant primarily as a session for the Board members so I don't expect we will venture too much into questions from the public.

See you later!

Susy

From: Paiss, Matthew D [<mailto:matthew.paiss@pnnl.gov>]
Sent: Wednesday, June 16, 2021 2:03 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>
Subject: Re: Medway BESS - community questions

Susy,

Thanks, we too are looking forward to the meeting. On question is on duration. Our presentation should be close to an hour, but knowing there will be valuable discussions afterwards I wanted to know if there will be time allotted for Q&A?

Thanks,
Matt

Matthew Paiss - Technical Advisor

Battery Materials & Systems

Pacific Northwest National Laboratory

Cell: 831-566-3057

Office: 509-371-7770

matthew.paiss@pnnl.gov

<https://energystorage.pnnl.gov>



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

Sent: Wednesday, June 16, 2021 10:50 AM

To: Paiss, Matthew D <matthew.paiss@pnnl.gov>

Subject: RE: Medway BESS - community questions

Hi Matt,

Looking forward to tonight's workshop.

My cell phone number is 508-498-9611 in case we need to communicate.

We are having the meeting at a different location than we usually use, so I will be getting to the space early with one of our IT staff for set up, etc.

Thanks.

Susy

From: Paiss, Matthew D [<mailto:matthew.paiss@pnnl.gov>]

Sent: Monday, June 14, 2021 5:27 PM

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

Cc: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>; O'Neil, Rebecca S <rebecca.oneil@pnnl.gov>

Subject: Re: Medway BESS - community questions

Hi Susy,

Sorry for the lack of follow-up on this request. We had some vacation delays, but the short answer is for this brief Battery 101 presentation we do not have any prep materials.

We do look forward to the presentation for your Board and addressing any questions that may come up on Wednesday eve.

Regards,
Matt

Matthew Paiss - Technical Advisor

Battery Materials & Systems

Pacific Northwest National Laboratory

Cell: 831-566-3057

Office: 509-371-7770

matthew.paiss@pnnl.gov

<https://energystorage.pnnl.gov>



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

Sent: Monday, June 14, 2021 2:07 PM

To: Paiss, Matthew D <matthew.paiss@pnnl.gov>

Subject: RE: Medway BESS - community questions

Hi Matt,

Wondering if you were able to come up with any preparatory materials for me to share with my Board.

Thanks for your help. We are looking forward to seeing you on Wednesday.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator



Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

sachilds@townofmedway.org

From: Paiss, Matthew D [<mailto:matthew.paiss@pnnl.gov>]

Sent: Wednesday, June 9, 2021 3:06 PM

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

Cc: Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>; O'Neil, Rebecca S <rebecca.oneil@pnnl.gov>; Sprenkle, Vincent L <Vincent.Sprenkle@pnnl.gov>

Subject: Re: Medway BESS - community questions

Hi Susy,

Let me look into the avail of any prep materials, but the PNNL presenters will be:

Jeremy Twitchell, Senior Analyst
Rebecca O'Neil, Team Lead Renewables
Matt Paiss, Technical Advisor

Thanks,
Matt

Matthew Paiss - Technical Advisor

Battery Materials & Systems

Pacific Northwest National Laboratory

Cell: 831-566-3057

Office: 509-371-7770

matthew.paiss@pnnl.gov

<https://energystorage.pnnl.gov>



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

Sent: Wednesday, June 9, 2021 11:39 AM

To: Paiss, Matthew D <matthew.paiss@pnnl.gov>

Subject: RE: Medway BESS - community questions

Hi,

Is there anything you could provide for advance reading by the Board to help them prepare for the training?

Who will be speaking?

Susy

From: Paiss, Matthew D [<mailto:matthew.paiss@pnnl.gov>]

Sent: Tuesday, June 8, 2021 10:53 AM

To: Susan Affleck-Childs <sachilds@townofmedway.org>; O'Neil, Rebecca S <rebecca.oneil@pnnl.gov>; Twitchell,

Jeremy B <jeremy.twitchell@pnnl.gov>; Sprenkle, Vincent L <Vincent.Sprenkle@pnnl.gov>

Subject: Re: Medway BESS - community questions

Susy,

Great, thanks. I will be sending an invite today and will let you forward it as you see fit.

Thanks,

Matt

Matthew Paiss - Technical Advisor

Battery Materials & Systems

Pacific Northwest National Laboratory

Cell: 831-566-3057

Office: 509-371-7770

matthew.paiss@pnnl.gov

<https://energystorage.pnnl.gov>



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

Sent: Monday, June 7, 2021 8:27 AM

To: Paiss, Matthew D <matthew.paiss@pnnl.gov>; O'Neil, Rebecca S <rebecca.oneil@pnnl.gov>; Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>; Sprenkle, Vincent L <Vincent.Sprenkle@pnnl.gov>

Subject: RE: Medway BESS - community questions

Hi,

Wednesday, June 16th at 7 pm our time works for us. Please send along the Teams access info. Thanks.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator



Town of Medway
155 Village Street

Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

From: Paiss, Matthew D [<mailto:matthew.paiss@pnnl.gov>]
Sent: Friday, June 4, 2021 6:33 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>; O'Neil, Rebecca S <rebecca.oneil@pnnl.gov>; Twitchell, Jeremy B <jeremy.twitchell@pnnl.gov>; Sprenkle, Vincent L <Vincent.Sprenkle@pnnl.gov>
Subject: Re: Medway BESS - community questions

Susy,

Thank you for the call today to discuss some of the needs of the Medway Planning & Economic Development Board.

We discussed doing a Battery 101 presentation for your board to share energy storage types, applications, and primer on codes & standards. **You are looking at Wed 6/16 7pm ET/4pm PT and will confirm.**

For the safety aspects of your consultant search, I can recommend two. Noah Ryder (Fire Risk Alliance) and Nick Warner (Energy Safety Response Group).

Contact info:

Noah L. Ryder, PhD, PE, MBA | Fire & Risk Alliance, LLC | Managing Partner
M: 301-775-2967 | O: 301-658-3060 x133 | F: 888-851-7016 |
nryder@fireriskalliance.com | www.fireriskalliance.com

Nick Warner

Principal, Co-Founder

Cell: +1 740 981 7683

Email: nick.warner@energyresponsegroup.com

energyresponsegroup.com

Please let me know if you have any additional questions. Enjoy your weekend.

Matt

Matthew Paiss - Technical Advisor

Battery Materials & Systems

Pacific Northwest National Laboratory

Cell: 831-566-3057

Office: 509-371-7770

matthew.paiss@pnnl.gov

<https://energystorage.pnnl.gov>



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

Sent: Wednesday, June 2, 2021 1:50 PM

To: Paiss, Matthew D <matthew.paiss@pnnl.gov>

Subject: Medway BESS - community questions

Check twice before you click! This email originated from outside PNNL.

Hi,

FYI, I wanted you to be aware of the kinds of questions the Planning and Economic Development Board is being asked to research as we develop a scope of work for one or more BESS consultants to assist us.

Oh my . . .

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator



Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

sachilds@townofmedway.org

Battery Energy Storage System Model Law

For local governments to utilize when drafting local laws
and regulations for battery energy storage systems.



NYSERDA

Battery Energy Storage System Guidebook for Local Governments
NYSERDA 17 Columbia Circle Albany, NY 12203

Section Contents

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Overview

The Model Law is intended to help local government officials and AHJs adopt legislation and regulations to responsibly accommodate battery energy storage systems in their communities. The Model Law lays out procedural frameworks and substantive requirements for residential, commercial, and utility-scale battery energy storage systems.

The workable version of this document can be found at nyseda.ny.gov/Energy-Storage-Guidebook, under Battery Energy Storage System Model Law tab.

1. Instructions

1. This Model Law can be adopted by the governing board of cities, towns, and villages (hereinafter “local governments” or “municipalities”) to regulate the installation, operation, maintenance, and decommissioning of battery energy storage systems. The Model Law is intended to be an “all-inclusive” local law, regulating the subject of battery energy storage systems under typical zoning and land use regulations and it includes the process for compliance with the State Environmental Quality Review Act. Municipalities should review this Model Law, examine their local laws and regulations and the types, size range and number of battery energy storage system projects proposed, and adopt a local law addressing the aspects of battery energy storage system development that make the most sense for each municipality, deleting, modifying, or adding other provisions as appropriate.
2. This Model Law references a “Battery Energy Storage System Model Permit” that is available as part of NYSERDA’s Battery Energy Storage Guidebook. The Model Permit is intended to help local government officials and AHJs establish the minimum submittal requirements for electrical and structural plan review that are necessary when permitting residential and small commercial battery energy storage systems.
3. In some cases, there may be multiple approaches to regulate a certain aspect of battery energy storage systems. The word “OR” has been placed in the text of the model law to indicate these options. Municipalities should choose the option that works best for their communities. The content provided in brackets and highlighted is optional. Depending on local circumstances, a municipality may want to include this content or choose to adopt a different standard.
4. The Model Law is not intended for adoption precisely as it is written. It is intended to be advisory only, and users should not rely upon it as legal advice. A municipality is not required to adopt this Model Law. Municipal officials are urged to seek legal advice from their attorneys before enacting a battery energy storage system law. Municipalities must carefully consider how the language in this Model Law may be modified to suit local conditions, comprehensive plans, and existing land use and zoning provisions.

5. Before enacting this Model Law, a comprehensive plan outlining the goals and policies for the installation, operation, maintenance, and decommissioning of battery energy storage systems must be adopted by the local governing board (city or common council, town board, village board of trustees). Some local governing boards can satisfy this requirement by updating an existing comprehensive plan while others must adopt a new comprehensive plan. Suggestions on how local governing boards can develop and adopt in their existing or new comprehensive plans battery energy storage system friendly policies and plans that provide local protection are listed below:
- A. Adopt a resolution or policy statement that outlines a strategy for municipal-wide battery energy storage system development. The chief executive officer of a local government (like a town supervisor or city or village mayor) may choose to issue in accordance with its local charter or other valid local law or regulations an executive order, proclamation or other declaration to advance battery energy storage system development.
 - B. Appoint a Battery Energy Storage Task Force (“Task Force”) that represents all interested stakeholders, including residents, businesses, interested non-profit organizations, the battery energy storage industry, utilities, and relevant municipal officials and staff to prepare an action plan, adopt or amend a comprehensive plan to include battery energy storage system planning goals and actions, and develop local laws and/or other regulations to ensure the orderly development of battery energy storage system projects.
 - C. Charge the Task Force with conducting meetings on a communitywide basis to involve all key stakeholders, gather all available ideas, identify divergent groups and views, and secure support from the entire community. The Task Force should also conduct studies and determine whether existing policies, plans, and land use regulations require amendments to remove barriers to and facilitate battery energy storage system development goals.
 - D. Establish a training program for local staff and land use boards. Municipalities are encouraged to utilize State and Federal technical assistance and grants for training programs when available.
 - E. Partner with adjacent communities to adopt compatible policies, plan components, and zoning provisions for battery energy storage system projects. County or regional planning agencies may also advise participating local governments on locally addressing these issues.

2. Model Law

1. Authority

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); [Select one: sections 261-263 of the Town Law / sections 7-700 through 7-704 of the Village Law / sections 19 and 20 of the City Law and section 10 of the Municipal Home Rule Law] of the State of New York, which authorize the [Village/Town/City] to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of [Village/Town/City] by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- D. To create synergy between battery energy storage system development and [other stated goals of the community pursuant to its Comprehensive Plan].

3. Definitions

As used in this [Article/Chapter], the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

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

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

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

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

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

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

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

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

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

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

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

4. Applicability

- A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in [Village/Town/City] after the effective date of this Local Law, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

5. General Requirements

- A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the [Reviewing Board] shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
- C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the [Village/Town/City] Code.

6. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit," and exempt from site plan review.

7. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a [special use permit] within the [XXXXXXXXXXXXXXXX, XXXXXXXXXXXX, XXXXXXXXXXXX] zoning districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

- A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:
 - 1) reviewed by the [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
 - 2) subject to a public hearing to hear all comments for and against the application. The [Reviewing Board] of the [Village/Town/City] shall have a notice printed in a newspaper of general circulation in the [Village/Town/City] at least [5] days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the [Reviewing Board] at the public hearing.
 - 3) referred to the [County Planning Department] pursuant to General Municipal Law § 239-m if required.
 - 4) upon closing of the public hearing, the [Reviewing Board] shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the [Reviewing Board] and Applicant.
- B. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage.

- 1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- 2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree-cutting. Areas within [10] feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise. The [1-hour] average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of [60] dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

G. Decommissioning.

- 1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
 - a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. The anticipated life of the battery energy storage system;
 - d. The estimated decommissioning costs and how said estimate was determined;
 - e. The method of ensuring that funds will be available for decommissioning and restoration;
 - f. The method by which the decommissioning cost will be kept current;
 - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- 2) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the [Village/Town/City], in a form approved by the [Village/Town/City] for the removal of the battery energy storage system, in an amount to be determined by the [Village/Town/City], for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

- H. Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:
- 1) Property lines and physical features, including roads, for the project site.
 - 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - 3) A [one- or three-line] electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
 - 4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
 - 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
 - 6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
 - 7) Zoning district designation for the parcel(s) of land comprising the project site.
 - 8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] prior to final inspection and approval and maintained at an approved on-site location.
 - 9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
 - 10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
 - 11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
 - 12) Prior to the issuance of the building permit or final approval by the [Reviewing Board], but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
 - 13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the [Village/Town/City] to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special Use Permit Standards.

- 1) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 3) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a [7-foot-high] fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- 4) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the [Code Enforcement/Zoning Enforcement Officer] of such change in ownership or operator within [30] days of the ownership change. A new owner or operator must provide such notification to the [Code Enforcement/Zoning Enforcement Officer] in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the [Code Enforcement/Zoning Enforcement Officer] in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

8. Safety

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- 1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (Inverters and Power Converters),
- 4) Certified under the applicable electrical, building, and fire prevention codes as required.
- 5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

9. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of [24] months, provided that a building permit is issued for construction [and/or] construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Reviewing Board], within [24] months after approval, [Village/Town/City] may extend the time to complete construction for [180] days. If the owner and/or operator fails to perform substantial construction after [36] months, the approvals shall expire.
- B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for [more than one year]. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the [Village/Town/City] may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

10. Enforcement

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of [Village/Town/City].

11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Questions?

If you have any questions about the Battery Energy Storage System Model Law, please email questions to cleanenergyhelp@nyserda.ny.gov or request free technical assistance at nyserda.ny.gov/Energy-Storage-Guidebook. The NYSERDA team looks forward to partnering with communities across the State.

Battery Energy Storage System – Next Steps

5-27-21, updated 6-17-21

1. Phone call with staff at Pacific Northwest National Labs
2. BESS 101 Basic Training with PEDB – June 16, 2021
3. Continue to gather BESS information - ongoing
4. BESS Site Visit somewhere?? Moon Island in Quincy Bay in Boston Harbor, home to the Boston Fire Department Training Academy
5. Refine scope of consulting services; continue to collect names of possible consultants; circulate scope to solicit proposals.

Charge to the Planning and Economic Development Board - As directed by the May 10, 2021 Medway Town Meeting, the Planning and Economic Development Board (PEDB) is charged with conducting a review and study of battery energy storage systems (BESS) and to engage the services of consultants and other experts as may be necessary to provide information on all aspects of the operations, safety, security and technology of such systems, including the economic impact of a BESS facility if located in the Town of Medway, with a report to be completed by October 15, 2021 of the Board's findings and recommendations, to include consideration potential amendments to the Medway Zoning Bylaw.

BESS Consultant Scope of Services

- Organize and facilitate a series of **public educational briefings** for the PEDB and the community by industry experts on various aspects of BESS including but not limited to types of BESS systems, types of energy to be stored; siting; operations; safety and applicable national and state codes; construction best practices, inspections and monitoring; on-going maintenance requirements; community and environmental impacts including noise and risk profiles based on site proximity; liability and insurance; performance security; training and equipment needs for local emergency personnel; battery removal, recycling, disposal and decommissioning; post construction operations monitoring and inspections; mitigation measures, etc.
- Assist the PEDB to evaluate possible Medway locations for BESS facilities.
- Interview communities which have already gone through a BESS permitting process, construction and operation to identify lessons learned
- Provide resource information on BESS technology and installations including guidance from state and federal agencies and professional and industry organizations
- Assist the PEDB to conduct a series of **community input sessions** to take public testimony
- Prepare a report of findings and recommendations

Legal services – KP Law

- Research state of the art zoning for BESS – MA and elsewhere
- Review draft ZBL amendments prepared by staff

Economic Impact Analysis – Town Manager's office

- Estimated tax and host community agreement revenues

- Identification and evaluation of start-up and ongoing municipal costs for specialized equipment, training, personnel, etc.
- Evaluation of potential loss of property value for adjacent properties

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