

**Tuesday, August 23, 2022**  
**Medway Planning and Economic Development Board**  
**155 Village Street**  
**Medway, MA 02053**

<b>Member</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Sarah Raposa</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>Zoom</b>

**ALSO PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator  
Steve Bouley, Tetra Tech (via Zoom)

The meeting was called to order by Chairman Hayes and a roll call was taken of members present.

There were no Citizen Comments.

**HARTNEY ACRES SUBDIVISION – PROJECT COMPLETION AND STREET ACCEPTANCE:**

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

- Email dated August 19, 2022, from Paul Yorkis
- Email dated August 16, 2022, from Town staff
- Excerpt from Hartney Acres Definitive Subdivision Plan

Mr. Yorkis was present via Zoom provide the Board with an update on the completion of Hartney Acres Subdivision. There was a recent site visit regarding the three detention ponds. The Board was informed that there was discussion about if plantings were needed in some of the noted location around the detention ponds. It was the consensus that these plantings were not needed. Some of the remaining work includes removal of stumps in the detention ponds, leveling the areas, seeding, and removal of a small number of trees from rip rap swales. There will also be some lawn repair to two of the lawns due to equipment damage. Mr. Yorkis will consult with the DPW once this work is completed to move forward with project completion for street acceptance. Asphalt Engineering will then be notified and scheduled. This will also include reworking the sidewalk at the cul-de-sac. The sidewalk will need to be cut back since it is outside the Town layout. The sidewalk will be marked to determine the cut back. Consultant Bouley will inspect when completed. There was a screen share of the plan. The area will need to be conveyed to the Town when the necessary documents.

Consultant Bouley recommends the field change to not require the landscaping around the stormwater basins.

**On a motion made by Rich Di Iulio, seconded by Sarah Raposa, the Board voted by roll call to accept the field change regarding landscaping.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

**VOLTA CHARGING, LLC – PUBLIC HEARING FOR MINOR SITE PLAN AND SPECIAL PERMIT FOR ELECTRIC VEHICLE CHARGING STATION WITH DIGITAL ADVERTISING:**

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

- Public hearing notice dated August 1, 2022
- Site Plan Application dated July 20, 2022
- Special Permit Application dated July 20, 2022
- Submittal letter dated July 20, 2022, from Attorney Michael Dolan
- Volta plan set by Kimley Horn dated July 13, 2022
- Photos of installed EV charging Stations
- Section 5,4,4 of the Medway Zoning Bylaw -Electric Vehicle Charging Stations with Digital Advertising

**On a motion made by Rich Di Iulio, seconded by Sarah Raposa, the Board voted by roll call to waive the reading of the public hearing.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

The Chairman opened the public hearing for Minor Site Plan and Electric Charging Special Permit at 65 Main Street. This application is to authorize two electric vehicle charging stations with commercial advertising in the Shaw's parking lot. This is located in the Central Business Zoning District. Attorney Michael Dolan was present for Volta. It was explained that these stations will provide free electricity to the public to charge electric vehicles. The units will measure 2.71' wide x 7.19' high. On each face of the unit, there is a screen for advertisements. This screen is 48" by 27". The light from the signs will not add to the overall amount of light in the plaza. The applicant went to the DRC and the applicant received favorable feedback. These will comply with the lighting requirements of the town. The signs will have a dimming feature.

The Board is in support of having a decision drafted for this application.

**On a motion made by Rich Di Iulio, seconded by Sarah Raposa, the Board voted by roll call to continue the hearing to September 13, 2022, at 6:30 pm.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

**PUBLIC HEARING CONTINUATION MILFORD HOSPITAL MEDICAL FACILITY and SPECIAL PERMIT FOR CENTRAL BUSINESS DISTRICT:**

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

- Notice dated July 27, 2022, to continue public hearing to August 23, 2022
- Public Hearing Notice dated August 4, 2022, for additional special permits for Central Business District building type and parking location
- CBD special permit application with explanations
- Email dated 7-27-22 from DPW Director Pete Pelletier
- Noise review memo dated 8-8-22 from Jeff Komrower, Noise Control Engineering
- Emails dated 8-16-22
- Milford Hospital 3D renderings
- Conservation Commission Order of Conditions and Land Disturbance Permit dated 8-16-22
- DRAFT decision dated 8-19-22
- DRC review letter dated 8-22-22

**On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted by roll call to waive reading of the public hearing notice.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

The applicant's engineering representative Amanda Cavaliere was present. The Board was made aware that the decision has been drafted and provided to the applicant. The additional CBD Special Permit application was submitted for the parking location and building type for the proposed medical office facility at 86 Holliston Street in the Central Business zoning district.

One Special Permit is for Section 10 2.D.2.C – parking placement. This would allow vehicular parking between the front building line and the street right of way lines which were shown on the screen share and plan entitled: "Site Plan 86 Holliston Street dated April 14, 2022, and last revised June 29, 2022" prepared by Guerriere & Halnon, Inc. The parking placement consists of 88 parking spaces, of which 29 are located within the area between the building line and street right of way line. The parking and building placement were coordinated to align with the existing

Walgreens site located to the east of the access way off Main Street (Route 109) as well as to enhance traffic and pedestrian movement throughout the project site providing safer access/egress to the facility. It was explained that the relocating of the parking to the rear of the building minimizes site maneuverability issues for emergency vehicles.

The applicant is also requesting a special permit for an alternative building type to allow for the proposed medical building consisting of approximately 21,9000 within the Central Business District. The applicant explained that the proposed use and site design is consistent with the qualities of New England Town Center and is reflected in the proposed renderings. The site design can be readily accessible and usable by pedestrians. There will be added amenities such as picnic tables, benches, and landscaping. The site also allows for future vehicular connections.

There was a letter from the Board's noise consultant noting that the potential new noise cannot result in an increase in the broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line. The current bylaw requires performing long-term monitoring over a seven-day period. It was suggested in the letter from Mr. Komrower that a four-day monitoring program be done including weekends. The data would be analyzed to determine the lowest ambient nighttime sound level and the sound study results would be updated. The Board noted that since this is a bylaw, the seven-day monitoring period cannot be waived but there could be language such that there is four days monitoring with three additional days completed between approval and endorsement.

The Board next reviewed the architectural renderings of the building which was shown on a screen share. The DRC has reviewed the renderings and has no issues with the design. The Board is also in receipt of the Order of Conditions from Conservation.

The Board reviewed the draft decision dated August 19, 2022.

The following will be added:

- There was a letter requested from the Fire Department about the turning analysis and addition of the fire hydrants.
- For the environmental impacts, language will be added about the noise.
- The applicant will continue to work with the post office on the address.
- The applicant will provide language about the stormwater management plan.
- There needs more work and clarity on the closing paragraph.
- The applicant needs to seek a waiver from the master sign plan requirement, to submit it later than required.
- The language in the decision needs to be changed since it references detention basins and there are none, only sub-surface infiltrators
- The reference to earth removal needs to be removed since there will be no removal.
- Language about the master signage plan will be completed prior to occupancy.
- The plan endorsement will be 120 days.
- The Board does not want a timeframe on snow removal.
- The plants on site will be drought resistant.

**On a motion made by Rich Di Iulio, seconded by Sarah Raposa, the Board voted by roll call to continue the hearing to September 13, 2022, at 8:45 pm.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

**WINGATE FARM SUBDIVISION MODIFICATION – PUBLIC HEARING  
CONTINUATION:**

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

- Notice dated July 18, 2022, to continue the Wingate modification public hearing to August 23, 2022
- Revised plan submittal letter dated August 23, 2022
- Revised plan submittal letter dated August 18, 2022, from project engineer Dan Merrikin
- Revised modification subdivision plan dated August 18, 2022, by Legacy Engineering
- Email note from Dan Merrikin granting an extension of the Board's action deadline to September 30, 2022.

The hearing was reopened for Wingate Farm. Representative and project engineer Dan Merrikin was present. It was explained that the following changes have been made to the previously approved subdivision plan. Lot 2 has been removed from the layout sheets as the applicant does not intend to build a home on it in the near future and has been combined into Lot 1 with the existing house. Lot 2 has been shown in the grading plan along with the proposed stormwater management system which was designed to illustrate the adequacy of the subdivision to accommodate this lot in the future. Lot 3 has been revised since it does not comply with the lot shape factor requirement. The cul-de-sac configuration has been revised based on consultation with the Fire Department. The previously approved design relied on a driveway looping through Lot 3 with an 18-foot-wide gravel road. Lot 3 will not be used for a riding arena but will be used for a house lot. The road will be 20 feet gravel width with a T-style turnaround area. The stormwater plan still needs to be reviewed by Tetra Tech. There will not be a need for a new Order of Conditions from Conservation. The applicant will be preparing the land disturbance permit application to submit. There is not a need to revise the waiver list. There will be an easement over Lot 3. There will need to be clarity on who will own the road.

The applicant is requesting a decision deadline extension and a continuation of the hearing.

**Decision Deadline Extension:**

**On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted by roll call to extend the decision action deadline to September 30, 2022.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>abstain</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**Bob Tucker                    aye**

**Continuation of Hearing:**

**On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted by roll call to continue the hearing to September 13, 2022, at 7:45 pm.  
pm.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>abstain</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

The Board would like a decision to be drafted for review at the next hearing.

**PUBLIC HEARING CONTINUATION – PHYTOPIA – 6 INDUSTRIAL PARK ROAD:**

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

- Notice dated August 10, 2022, to continue public hearing to August 23, 2022
- DRAFT decision dated August 19, 2022
- DRC final review letter dated July 25, 2022
- Letter from Attorney Ted Cannon dated August 9, 2022, regarding requirement by Cannabis Control Commission for a generator
- Sidewalk construction estimate dated August 16, 2022, prepared by Tetra Tech
- Notes (8-11-22) from project engineer Chris Sparages
- Notes (8-16-22) from project engineer Chris Sparages
- Notes from project architect Anderson Porter Design

The Chairman reopened the public hearing for 6 Industrial Park Road.

Attorney Ted Cannon was present representing the applicant. Both the applicant and Attorney Cannon have received the decision. The decision was shared on the screen share.

The following was recommended in the decision:

- Include a condition for spill protection for the diesel generator (containment)
- The request for reduced parking needs to identify the number of handicap spaces. There is an option for reduced parking but there are no specific parking standards for a marijuana facility and so the general manufacturing parking standard was being considered. If the 30% possible parking space reduction was applied, the number of spaces could be reduced to 105. IT was explained that there will be two employee shifts to alleviate all employees on site at one time.
- There is no parking on street.
- There needs to be language written for the concluding statement.
- The applicant will need to submit a waiver for providing master signage plan

- Language could be added to review the parking after a year of occupancy.
- A suggestion was made to remove reference to stormwater detention basin as all the stormwater facilities will be installed sub-surface.
- The time schedule for plan endorsement will be 60 days after the decision.
- It was recommended to put performance security in place, but the Board was made aware that the applicant may not want to build Phase 2.
- There also needs to be a condition that prior to Phase 2 there should be inspection of the binder.
- There will be another preconstruction meeting before phase 2 starts.
- There was a quote from Tetra Tech received for sidewalk funds in the amount of \$50,000.00. The applicant wants flexibility when this is to be paid. The applicant would like the town to consider what has been done to date on the site relating to remediation of environmental issues on site.
- There will be further discussion on reasonable mitigation measures.

The suggestions and recommendations will be incorporated into the decision for the next meeting.

**On a motion made by Rich Di Iulio, seconded by Jessica Chabot, the Board voted by roll call to continue the hearing to September 27, 2022, at 8:30 pm.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Sarah Raposa</b>	<b>abstain</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

Member Chabot left the meeting at 10:00 pm.

Member Tucker left the meeting at 10:00 pm.

**CONSTRUCTION REPORTS:**

- Field Report No.1, dated June 14, 2022
- Field Report No. 2, dated June 21, 2022
- Field Report No. 3, dated July 19, 2022
- Field Report No. 4, dated July 20, 2022
- Field Report No. 5, dated August 3, 2022

Consultant Bouley informed the Board that there will need to be a field change for Salmon regarding the design of the stormwater. The system will be splitting volume for the cottage design.

**Sanderson View Multi-Family Special Permit and Site Plan (16 Holliston Street) Tetra Tech Plan Review Fee Estimate:**

The Board is in receipt of a plan review fee estimate for Sanderson View Multi-Family Special Permit and Site Plan for 16 Holliston Street.

- Tetra Tech estimate dated August 22, 2022

**On a motion made by Richard Di Iulio, seconded by Sarah Raposa, the Board voted unanimously to approve the plan review estimate for Sanderson View Multi-Family Special Permit and Site Plan for 16 Holliston Street in the amount of \$5,305.00.**

### **Articles for November Town Meeting:**

#### **Zoning Bylaw Amendments:**

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

- BESS
- Table of Uses – BESS
- Table of Uses – Other Changes
- Multi-Family
- Contractors Quarters

#### **Battery Energy Storage System.**

There will be changes to where the BESS is to be allowed. In regard to the setbacks, at the last meeting the Board recommended that the minimum setback areas shall include a buffer area at least 15 feet wide along all property lines. The access drives and parking are allowed in the setback areas, but shall not intrude into the required buffer areas except the necessary to provide access or egress to the property. There has also been language added that the failed batteries and modules are not to be stored on the site and need to be removed no later than 30 days after deemed failed. The Fire Department will also need to be notified. The applicant will also provide evidence of commercially liability insurance in the amount and type acceptable to the industry. Language has been added that the BESS systems capacity of greater than 50K-Wh has been added in relation to review. The operator shall also be required to have an official representative to be present on site for emergency no later than two hours after notification by the Fire Chief, Police Chief, or their designee. The table of uses has added large scale ground mounted solar electric installations with capacity of 250 KW or more. The Small scale ground mounted solar electric installations will be reviewed through special permit. The table also has Tier 1 and Tier 2 for the Battery Energy Storage Systems. The Board is in support of what has been drafted.

#### **Multi-Family Housing:**

The minimum lot size for a multi-family building shall be 30,000 sq. ft. There was also a recommendation to add an item 8 in E. Special Regulation which will include the architectural character in designing new construction of a multi-family building.

#### **Contractor's Quarters:**

There will be an article to amend the Zoning Bylaw by adding a definition for contractors quarters. Table 1 Schedule of Uses in Section 5 Use Regulations will also be amended to allow Contractor's Quarters by right in the following zoning districts: Village Commercial, Business Industrial, West Industrial, East Industrial, Central Business District, and Neighborhood Commercial.

**Solar Electric Installations:**

This article is to incentivize solar installations within already developed sites and land with lower resource values in accordance with state policies such as the DEP program policy 17-1. The Large Scale mounted solar electric installation will include ground mounted solar electric installation with a rated name plate capacity of 250 Kw. The current Zoning bylaw requires major site plan review for all major mounted solar.

The Board would like to move forward with the articles.

**PEDB MEETING MINUTES:**

- August 9, 2022, regular PEDB meeting

**On a motion made by Richard Di Iulio, seconded by Sarah Raposa, the Board voted unanimously to approve the minutes from August 9, 2022.**

**ADJOURN:**

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

The meeting was adjourned at 11:00 pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

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



**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Hartney Acres Subdivision – Project  
Completion and Street Acceptance**

- Email dated August 19, 2022 from Paul Yorkis with an update on the status of completion of the Hartney Acres subdivision (Newton Lane)
- Email dated August 16, 2022 from Town staff to Paul Yorkis summarizing results of the August 12, 2022 site visit
- Excerpt from Hartney Acres definitive subdivision plan showing planned landscaping around stormwater basins.

Mr. Yorkis is available to Zoom into the meeting right at 7 pm. This should be a brief discussion.

## Susan Affleck-Childs

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**From:** Paul Yorkis <pgyorkis@gmail.com>  
**Sent:** Friday, August 19, 2022 8:06 AM  
**To:** Susan Affleck-Childs  
**Subject:** [External] Information for PEDB

I would like to update the members of the Planning and Economic Development Board regarding Hartney Acres.

The developer has contracted with David Faist, Dan O'Driscoll, and Bill Canesi, and Asphalt Engineering to complete the work required by the Town of Medway departments including the Conservation Commission, Department of Public Works, and Planning and Economic Development Board.

Most recently a site visit was conducted regarding the three detention ponds to ensure that the work was being completed to the satisfaction of town representatives.

There was a discussion involving all those present regarding whether or not plantings were needed in some locations around the detention ponds. While not speaking for the town representatives, there was consensus that plantings were not needed.

The remaining work includes removal of stumps in the detention ponds, leveling the areas where the stumps were removed and seeding and the removal of a small number of trees from rip rap swales.

After the above work is completed, because of equipment damage to lawns, there will be some lawn repair at two of the properties.

Bill Canesi will take care of the punch list items regarding the catch basins and granite curbing repairs.

Once the above work is completed, DPW will remark the street regarding the agreed to repairs and then Asphalt Engineering will be notified and scheduled. This includes the reworking of the sidewalk at the cul-de-sac.

I will be happy to respond to any questions.

Paul G. Yorkis

## Susan Affleck-Childs

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**From:** Susan Affleck-Childs  
**Sent:** Tuesday, August 16, 2022 11:24 AM  
**To:** Paul Yorkis  
**Cc:** Bridget Graziano; Steve Bouley ; Nolan Lynch; Peter Pelletier; Sean Harrington  
**Subject:** Hartney Acres - Newton Lane completion  
**Attachments:** Newton Lane Plan - with BG markups 8-12-22.pdf

Hi Paul,

I am writing to follow-up on the 8-12-22 site visit to Newton Lane. See list below of items needing attention. I have also attached the Hartney Acres plan with Bridget Graziano's notes from the visit.

1. Remove all stumps from within each basin (interior side slopes and bottom), regrade and seed all disturbed areas.
2. Remove all vegetation from rip-rap spillways and swales at each basin location.
3. Much of the landscaping in and around the basins was removed. Conservation, DPW and TT noted this and agreed that the current condition is OK since plantings should not be installed in a basin or at its maintenance berm. All basins remain in a screened condition with mature trees surrounding on most sides.
4. Detention Basin #1 - Confirm inverts and clean drawdown drain (water was observed above the pipe in the spring and was not flowing) and rip-rap if necessary.
5. Applicant shall provide current as-builts of the basins. NOTE – Received 8-15-22
6. The pipe from the pool filter at Lot 3 (and discharging to detention pond #3) shall be cut and removed approximately 3 feet from either end, capped and buried. No part of the pipe shall be located above grade.
7. Conservation requested the receipts from cleaning of drainage system. NOTE – Received 8-16-22.

Best regards,

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



- 1) CONTRACTOR TO VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES FOUND IN THE FIELD.
- 2) CONTRACTOR TO COMPLY WITH ORDER OF CONDITIONS DATED MAY 17, 2004, AND ISSUED BY THE MEDWAY CONSERVATION COMMISSION (DEP FILE #216-645).
- 3) CONTRACTOR SHALL COMPLY WITH MASSACHUSETTS GENERAL LAWS CHAPTER 82, SECTION 40, AS AMENDED, WHICH STATES THAT NO ONE MAY EXCAVATE IN THE COMMONWEALTH OF MASSACHUSETTS EXCEPT IN AN EMERGENCY WITHOUT 72 HOURS NOTICE, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, TO NATURAL GAS PIPELINE COMPANIES, AND MUNICIPAL UTILITY DEPARTMENTS THAT SUPPLY GAS, ELECTRICITY, TELEPHONE, OR CABLE TELEVISION SERVICE IN OR TO THE CITY OR TOWN WHERE THE EXCAVATION IS TO BE MADE. CONTRACTOR TO NOTIFY "DIG-SAFE" AT 1-888-DIG-SAFE (1-888-344-7233).
- 4) THE CONTRACTOR SHALL INSTALL CATCH BASIN PROTECTION AS NECESSARY TO PROTECT AGAINST POTENTIAL EROSION. SEE DETAIL ON SHEET 10 OF 12.

N/F  
JOSEPH & BETH PEDUTO  
6 NOBSCOT ROAD TWO (2) -3  
5-21-8 BOX CULVER  
INV=312.88

234.47' GUARD F  
234.47' FIC  
142 LF - 12" RCP 6" GRANITE CURB  
S=0.010 DMH-2 2+00

328 326 324 322 320  
ING WALL  
OTHERS) TWO (2) -3' x6'  
BOX CULVERTS-

ANCE  
T 8 OF 12)

5-21-7

N/F

337

PROPOSED  
RAYBALE/SILT FENCE  
SEE DETAIL ON  
SHEET 8 OF 12)

DRAINAGE STRUCTURE TABLE		
STRUC. ID	RIM ELEV.	INVERT ELEV.
CB-1	324.02	320.82
CB-2	324.02	320.82
CB-3	322.56	317.74
CB-4	322.56	317.74
DBL. CB-5	317.28	314.08
DBL. CB-6	317.28	314.08
CB-7	308.94	304.39
CB-8	308.94	304.39
DBL. CB-9	306.56	303.36
DMH-1	324.11	320.56 (IN) 320.46 (OUT)
DMH-2	324.60	319.04 (IN) 318.94 (OUT)
DMH-3	322.62	316.94 (IN) 316.84 (OUT)
DMH-4	320.2±	316.21 (IN) 316.11 (OUT)
DMH-5	318.8±	315.55 (IN) 315.45 (OUT)
DMH-6	316.86	313.53 (IN) 313.43 (OUT)
DMH-7	308.80	302.79 (IN) 302.69 (OUT)
DMH-8	305.0±	301.70 (IN) 301.60 (OUT)
DD-1	321.0±	316.00 (IN) 316.84 (OUT)
DD-2	317.8±	313.38 (IN) 314.38 (OUT)
DD-3	309.0±	302.60 (IN) 302.69 (OUT)

















2/8/05 DATE

1.) PLAN ENDORSEMENT IS SUBJECT TO THE CONDITIONS SET FORTH IN THE MEDWAY PLANNING BOARD CERTIFICATE OF ACTION DATED 12-17-04

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

Ant. Patricia A. Sampson 29-05  
TOWN CLERK DATE

LEGEND

N/F	NOW OR FORMERLY
CB DH	CONCRETE BOUND WITH DRILL HOLE
FND.	FOUND
EXIST.	EXISTING
PROP.	PROPOSED
INV.	INVERT
R.C.P.	REINFORCED CONCRETE PIPE
APPROX.	APPROXIMATE
	HYDRANT
	SEWER MANHOLE
	DRAIN MANHOLE
	STORMWATER CATCH BASIN
	EXISTING CONTOUR LINE
	PROPOSED CONTOUR LINE
	OVERHEAD WIRES
SFM	SEWER FORCE MAIN
DTH	DEEP TEST HOLE
DET.	DETENTION
	UTILITY POLE
FES	FLARED END SECTION
ELEV.	ELEVATION
BIT.	BITUMINOUS
CONC.	CONCRETE
DD	DOWNSTREAM DEFENDER WATER QUALITY TREATMENT UNIT
O.C.S.	OUTLET CONTROL STRUCTURE
F.F.	FIRST FLOOR ELEVATION
B.F.	BASEMENT FLOOR ELEVATION
G.F.	GARAGE FLOOR ELEVATION
BM.	BENCHMARK
	FIRE ALARM BOX
	WATER GATE
V.G.C.	VERTICAL GRANITE CURB
	OLD TEST PITS (RFM)
	NEW TEST PITS (PSI 9/24/04)
ETC	ELECTRIC, TELEPHONE & CABLE
	PROPOSED STREET TREES
	NORTHERN RED OAK
	ARISTOCRAT PEAR
	COLUMN MAPLE

## CRADING

"HARTNEY ACRES II"  
(DEFINITIVE SUBDIVISION PLAN)  
IN  
EDWAY, MASSACHUSETTS

APPLICANT:  
CLAFCO BUILDERS  
P.O. BOX 1  
MEDWAY, MA 02053

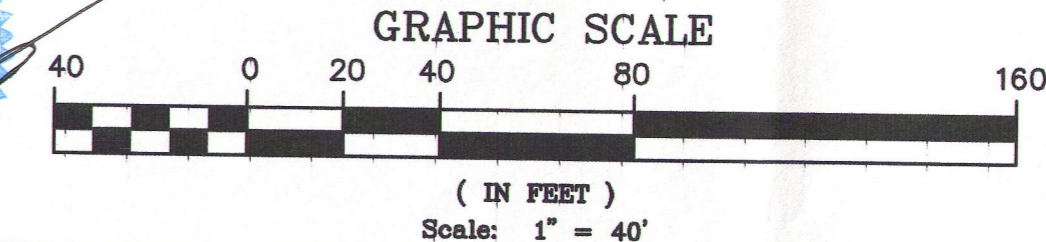
**OWNER:**  
HARTNEY REALTY TRUST  
P.O. BOX 1  
MEDWAY, MA 02053

SCALE: 1"=40'

DATE: NOVEMBER 29, 2004  
REVISED DATE:  
 DECEMBER 13, 2004  
 DECEMBER 17, 2004  
 JANUARY 7, 2005  
 FAIST ENGINEERING

600 Charlton Street  
Southbridge, MA 01550  
MA Phone/Fax: (508) 765-7755

SHEET 4 OF 12





**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Volta Charging, LLC – Public Hearing for  
Minor Site Plan and Special Permit for  
Electric Vehicle Charging Station With  
Digital Advertising**

- Public hearing notice dated August 1, 2022
- Site Plan Application dated July 20, 2022
- Special Permit Application dated July 20, 2022
- Submittal Letter/Project Narrative dated July 20, 2022 from attorney Michael Dolan of Brown Rudnick
- Volta plan set by Kimley Horn dated July 13, 2022
- Photos of installed EV charging Stations
- Section 5.4.2 of the Medway Zoning Bylaw – Electric Vehicle Charging Stations with Digital Advertising

### Board Members

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



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

**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**PLANNING AND ECONOMIC**  
**DEVELOPMENT BOARD**

RECEIVED TOWN CLERK  
AUG 1 '22 PM12:03

August 1, 2022

**PUBLIC HEARING NOTICE**  
**Volta Charging**  
**Minor Site Plan and Electric Vehicle Charging Special Permit**  
**@ Shaw's – 65 Main Street**

In accordance with the *Medway Zoning Bylaw*, Section 3.5 Site Plan Review and Section 5.4.2 Electric Vehicle Charging Stations, and certain provisions of Chapter 40A, Massachusetts General Laws, notice is given that the Medway Planning and Economic Development Board will conduct a public hearing on the applications of Volta Charging, LLC of San Francisco, CA for approval of a minor site plan and a special permit to authorize two electric vehicle charging (EVC) stations with commercial advertising in the Shaw's parking lot at the Medway Commons shopping center at 65 Main Street. The hearing is scheduled for Tuesday, August 23, 2022 at 7:00 p.m. and will be held in Sanford Hall at Medway Town Hall, 155 Village Street, Medway, MA. The room is accessible via elevator for individuals with physical disabilities. The hearing will also be available via the Zoom online meeting platform for public participation. Zoom access details will be included on the agenda for the August 23, 2022 meeting.

The subject property at 65 Main Street, shown on Medway Assessors Map #41 as Parcels 23 and 24, is located in the Central Business Zoning District. The underlying property is owned by Charter Realty and Development under lease from Hidden Acres Realty I, LLC.

The EVC stations are shown on a plan titled *Volta, Shaw's 65 Main Street Phase 1*, dated 6-13-19, last revised 7-13-22, prepared by Kimley Horn of Waltham, MA. The application materials are on file with the Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular office hours. The documents are also available for viewing at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/current-applications-pedb-0>

Interested persons or parties are invited to review the applications and site plan and attend the hearing in person or via Zoom and express their views. Written comments are encouraged and may be sent to [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org). All comments will be entered into the record during the hearing. Please direct questions to the Planning & Economic Development office at 508-533-3291.

Matthew J. Hayes, Chair



**Planning & Economic Development Board - Town of Medway, MA**  
**SITE PLAN REVIEW**

**Application for Minor Site Plan Approval**

**INSTRUCTIONS TO APPLICANT/OWNER**

This Application is made pursuant to the *Medway Zoning Bylaw* and the Board's *Rules and Regulations for the Submission and Review of Site Plans*

The Town's Planning and Engineering Consultants will review the Application and the proposed Site Plan and provide review letters to the Planning and Economic Development Board.

A copy of those review letters will be provided to you in advance of the meeting.

You and/or your duly authorized Agent/Official Representative are expected to attend the Board meetings at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request.

Your absence at hearings may result in a delay in the Board's review of the site plan.

July 20, 2022

**APPLICANT INFORMATION**

Applicant's Name: Volta Charging, LLC ("Volta")

Mailing Address: 155 De Haro Street

San Francisco, CA 94103

Name of Primary Contact: Michael R. Dolan, Esq.

Telephone:  
Office: 401-276-2610 Cell: \_\_\_\_\_

Email address: mdolan@brownrudnick.com

☐ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

**MINOR SITE PLAN INFORMATION**

Development Name: Volta Shaw's 65 Main Street Phase 1

Plan Title: Volta Shaw's 65 Main Street Phase 1

Plan Date: 7/13/2022

Prepared by:  
Name: Brian Brewer, PE

Firm: Kimley-Horn & Associates

Phone #: 804-672-4709

Email: brian.brewer@Kimley-Horn.com

## PROPERTY INFORMATION

Location Address: 65 Main Street

The land shown on the plan is shown on Medway Assessor's Map # 41 as Parcel # 023 & 024

Total Acreage of Land Area: 10.335 acres. No change proposed.

General Description of Property: The parcel contains a shopping plaza with supermarket and other commercial enterprises along with an existing parking area and driveway.

Medway Zoning District Classification: CB (Central Business)

Current Use of Property: Shopping plaza, parking lot.

Length of Existing Frontage: Existing no change proposed

On what street? Main

Setbacks for Existing Structure (if applicable)

Front: N/A

Side: N/A

Back: N/A

Side: N/A

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

☐

Yes

☒

No

If yes, please name street: \_\_\_\_\_

Historic District

Is any portion of this property located within a Medway National Register Historic District?

☐

Yes - Rabbit Hill

☐

Yes - Medway Village

Wetlands

Is any portion of the property within a Wetland Resource Area?

☐

Yes

☒

No

Groundwater Protection

Is any portion of the property within a Groundwater Protection District?

☐

Yes

☒

No

Flood Plain

Is any portion of the property within a Designated Flood Plain?

☐

Yes

☒

No

## PROPOSED DEVELOPMENT PROJECT INFORMATION

Development Name: Volta Shaw's 65 Main Street Phase 1

Minor Site Plan Review applies to the following. Please check all that apply.

☒

a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building use which is not subject to Major Site Plan Review but which involves one or more of the following:

☐

i.

the addition of 1,000 to 2,4999 sq. ft. of gross floor area; or

☐

ii.

the addition of ten or more but less than twenty new parking spaces

- ☐ b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of ten or more but less than twenty new parking spaces
- ☐ c. The redesign of the layout/configuration of an existing parking area of twenty to thirty-nine parking spaces
- ☐ d. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, § 3 only to the extent allowed by law.
- ☐ e. Removal, disturbance, and/or alteration of 10,000 to 19,999 square feet of impervious surface.

SPECIAL PERMIT - Will this project also require a variance or special permit from the *Zoning Board of Appeals*?

☐ Yes ☒ No

Explanation: \_\_\_\_\_

SPECIAL PERMIT - Will this project also require a special permit from the *Planning and Economic Development Board*?

☒ Yes ☐ No

Explanation: Special permit pursuant to Sections 3.4 and 5.4.2 of the Zoning Bylaw. \_\_\_\_\_

### PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Hidden Acres Realty I, LLC

Mailing Address: 250 E. Parkcenter Boulevard, Boise, ID 83706

Boise, ID 83706

Primary Contact: Myles Ostroff

Telephone: Office: 617-623-4333 Cell: \_\_\_\_\_

Email address: Myles@CharterRealty.com

The owner's title to the land that is the subject matter of this application is derived under deed from: David L. Cassidy and James M. Cassidy, Trustees of Hidden Acres Realty Trust to Hidden Acres Realty I, LLC dated September 2, 2010 and recorded in Norfolk County Registry of Deeds, Book 27992 Page 321 or Land Court Certificate of Title Number \_\_\_\_\_, Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District Volume \_\_\_\_\_, Page \_\_\_\_\_.

### CONSULTANT INFORMATION

ENGINEER: Kimley-Horn & Associates

Mailing Address: 1700 Willow Lawn Drive, Suite 200

Richmond, VA 23230

Primary Contact: Brian Brewer, PE

Telephone: Office: 804-672-4709 Cell: \_\_\_\_\_

Email address: brian.brewer@Kimley-Horn.com

Registered P.E. License #: 46948

SURVEYOR: N/A

Mailing Address: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

Registered P.L.S. License #: \_\_\_\_\_

ARCHITECT: N/A

Mailing Address: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

Registered Architect License #: \_\_\_\_\_

LANDSCAPE ARCHITECT/DESIGNER: N/A

Mailing Address: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

Registered Landscape Architect License #: \_\_\_\_\_

ATTORNEY: Michael R. Dolan, Esq.

Mailing Address: BrownRudnick LLP  
10 Memorial Boulevard, Providence, RI 02903

Primary Contact: Michael R. Dolan, Esq.

Telephone: \_\_\_\_\_  
Office: 401-276-2610 Cell: \_\_\_\_\_

Email address: mdolan@brownrudnick.com

### **DESIGNATED REPRESENTATIVE INFORMATION**

Name: Michael R. Dolan, Esq., BrownRudnick LLP  
Address: 10 Memorial Boulevard,  
Providence, RI 02903  
Telephone: Office: 401-276-2610 Cell: \_\_\_\_\_  
Email address: mdolan@brownrudnick.com

### **SIGNATURES**

The undersigned, being the Applicant for approval of a Minor Site Plan Project, herewith submits this application and Site Plan to the Medway Planning and Economic Development Board for review and approval. I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property and proposed development under consideration.

If applicable, I hereby authorize Michael R. Dolan of Brown Rudnick LLP to serve as my Designated Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee to access the site during the plan review process.

I understand that pursuant to MGL 53G, the Medway Planning and Economic Development Board may retain outside professional consultants to review this application and that I am responsible for the costs associated with such reviews.

I understand that the Planning and Economic Development Board, its agents, staff, consultants, and other Town staff and committees may request additional information which I am responsible for providing to assist them in reviewing the proposed development.

**Myles Ostroff**

Digitally signed by Myles Ostroff  
Date: 2022.07.19 16:18:51 -04'00'

**07/19/2022**

*Signature of Property Owner*

*Date*

*Signature of Applicant (if other than Property Owner)*

*Date*

*Signature of Agent/Official Representative*

*Date*

### **MINOR SITE PLAN FEES**

#### **Application/Filing Fee**

\$350 plus \$ .25/sq. ft. of gross floor area

(Gross floor area includes the existing building and proposed addition if any, and/or any proposed new building)

#### **Advance on Plan Review Fee**

\$500 deposit.

**Submit 2 separate checks each made payable to: Town of Medway**

## DESIGNATED REPRESENTATIVE INFORMATION

Name: Michael R. Dolan, Esq., BrownRudnick LLP  
Address: 10 Memorial Boulevard,  
Providence, RI 02903  
Telephone: Office: 401-276-2610 Cell: \_\_\_\_\_  
Email address: mdolan@brownrudnick.com

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\_\_\_\_\_  
Signature of Property Owner

 on behalf of Volta Charging, LLC  
Signature of Applicant (if other than Property Owner)

\_\_\_\_\_  
Date

7/8/22  
Date

\_\_\_\_\_  
Signature of Agent/Official Representative

\_\_\_\_\_  
Date

## MINOR SITE PLAN FEES

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(Gross floor area includes the existing building and proposed addition if any, and/or any proposed new building)

### Advance on Plan Review Fee

\$500 deposit.

**Submit 2 separate checks each made payable to: Town of Medway**

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Email address: mdolan@brownrudnick.com

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\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant (if other than Property Owner)

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Agent/Official Representative

  
\_\_\_\_\_  
Date

### MINOR SITE PLAN FEES

#### **Application/Filing Fee**

\$350 plus \$ .25/sq. ft. of gross floor area

(Gross floor area includes the existing building and proposed addition if any, and/or any proposed new building)

#### **Advance on Plan Review Fee**

\$500 deposit.

**Submit 2 separate checks each made payable to: Town of Medway**

## **MINOR SITE PLAN** **APPLICATION CHECKLIST**

- ☒ Minor Site Plan Application (2 signed originals – one for Town Clerk and one for Planning and Economic Development Board)
- ☒ Three (3) full size (24" x 36") copies of the Site Plan prepared in accordance with Sections 204-4 and 204-5 of the *Medway Site Plan Rules and Regulations* – one for the Town Clerk and two for the Planning and Economic Development Board.
- ☒ One (1) ledger size (11" x 17") copy of the Site Plan for the Planning and Economic Development Board
- ☒ Electronic version of the Site Plan and ALL associated application documents. Provide disk or flash drive or email.
- ☒ Certified Abutters List and labels from the Medway Assessor's office – for 300 feet around the subject property
- ☒ One (1) copy of a *Project Description* as described in Section 204 - 3, 6) of the *Medway Site Plan Rules and Regulations*. This description should also include a narrative on how the proposed project meets the requirements of the *Medway Zoning Bylaw* for parking (Section 7.1.1) and outdoor lighting (Section 7.1.2)
- ☒ Request for Waivers from the *Medway Site Plan Rules and Regulations*. Use Form Q.
- ☐ Two (2) copies of a *Stormwater Drainage Evaluation*
- ☐ Two (2) copies of a traffic study, depending on the size and scope of the proposed development project.
- ☐ One (1) copy of all relevant approvals received to date from other Town boards/committees/departments
- ☐ Proof of present or pending ownership of all land within the proposed development site.
- ☒ Minor Site Plan Filing Fee – Payable to Town of Medway
- ☒ Advance of Plan Review Fee – Payable to Town of Medway



**Planning & Economic Development Board  
Town of Medway, MA**

**Application for Approval of Special Permit**

**INSTRUCTIONS TO APPLICANT/OWNER**

*This Application is made pursuant to the Medway Zoning Bylaw.*

*The Town's Planning and Engineering Consultants will review the Application and associated submittals and provide review letters to the Planning and Economic Development Board.*

*A copy of those review letters will be provided to you in advance of the meeting.*

*You and/or your duly authorized Agent/Official Representative are expected to attend the Board meeting at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request.*

*Your absence may result in a delay the Board's review of the special permit application.*

July 20, 2022

**APPLICANT INFORMATION**

Applicant's Name: Volta Charging, LLC ("Volta")

Mailing Address: 155 De Haro Street  
San Francisco, CA 94103

Name of Primary Contact: Michael R. Dolan, Esq.

Telephone:  
Office: 401-276-2610 Cell: \_\_\_\_\_

Email address: mdolan@brownrudnick.com

☐ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

**PROPERTY INFORMATION**

Location Address: 65 Main Street, Medway, MA 02053

The land shown on the plan is shown on Medway Assessor's Map #41 as Parcel #023 and 024

Size of Development Parcel(s): 10.335 acres. No change proposed.

Development Name: Volta Shaw's 65 Main Street Phase I

General Description of Property: The parcel contains a shopping plaza with supermarket and other commercial enterprises along with an existing parking area and driveway.

Medway Zoning District Classification: CB (Central Business)

## TYPE OF SPECIAL PERMIT

As provided in the following Section(s) of the Medway Zoning Bylaw. List all that apply.

Sections 3.4 and 5.4.2 of the Zoning Bylaw for two Electric Vehicle Charging Stations

## PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Hidden Acres Realty I, LLC

Mailing Address: 250 E. Parkcenter Boulevard, Boise, ID 83706

Primary Contact: Myles Ostroff

Telephone:

Office: 617-623-4333

Cell: \_\_\_\_\_

Email address: Myles@CharterRealty.com

## OFFICIAL REPRESENTATIVE INFORMATION

Name: Michael R. Dolan, Esq., BrownRudnick LLP

Address: 10 Memorial Boulevard, Providence, RI 02903

Telephone:

Office: 401-276-2610

Cell: \_\_\_\_\_

Email address: mdolan@brownrudnick.com

## SIGNATURES

*The undersigned, being the Applicant, herewith submits this application for a special permit(s) to the Medway Planning and Economic Development Board for review and action.*

*I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.*

*(If applicable, I hereby authorize Michael Dolan of Brown Rudnick LLP to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.)*

*In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee and other Town boards and committees to access the site during the special permit review process.*

Myles Ostroff

Digitally signed by Myles Ostroff  
Date: 2022.07.19 16:18:05 -04'00'

Signature of Property Owner

07/19/2022

Date

Signature of Applicant (if other than Property Owner)

Date

Signature of Agent/Official Representative

Date

## TYPE OF SPECIAL PERMIT

As provided in the following Section(s) of the Medway Zoning Bylaw. List all that apply.

Sections 3.4 and 5.4.2 of the Zoning Bylaw for two Electric Vehicle Charging Stations

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Telephone:

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Cell: \_\_\_\_\_

Email address: mdolan@brownrudnick.com

## SIGNATURES

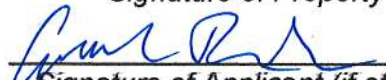
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Signature of Property Owner

 *on behalf of Volta Charging, LLC*

Signature of Applicant (if other than Property Owner)

Date

7/8/22

Date

Signature of Agent/Official Representative

Date

### TYPE OF SPECIAL PERMIT

As provided in the following Section(s) of the Medway Zoning Bylaw. List all that apply.

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Telephone:

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Email address: mdolan@brownrudnick.com

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*In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee and other Town boards and committees to access the site during the special permit review process.*

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant (if other than Property Owner)

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Agent/Official Representative

  
\_\_\_\_\_  
Date

**SPECIAL PERMIT APPLICATION/FILING FEES**

*There is no separate special permit application fee when the project also requires site plan review.*

**SPECIAL PERMIT APPLICATION CHECKLIST**

*It is understood that the applicant shall also file a corresponding application for Site Plan Review and Approval with all required submittals.*

X

Complete and detailed narrative on how the proposed development project meets the special permit criteria included in the Medway Zoning Bylaw, SECTION 3.4 Special Permit Criteria AND any specific criteria included in the particular section(s) of the Zoning Bylaw for which a special permit is sought.

July 20, 2022

Town of Medway  
Planning and Economic Board  
155 Village Street  
Medway, MA 02053

RE: Application for Special Permit

Applicant: Volta Charging, LLC (“Volta” or the “Applicant”)

Site: Medway Commons Plaza, Shaw’s Parking Lot at 65 Main Street  
(Assessor’s Parcels 41-023 and 41-024)

Zoning District: Central Business

Owner: Hidden Acres Realty I, LLC (c/o Shaws, Inc.)

Relief Requested: Special Permit pursuant to: Sections 3.4 and 5.4.2 of the Town of Medway Zoning Bylaw (hereinafter, the “Bylaw”); and Minor Site Plan Review pursuant to Section 3.5.3(A)(2)(g) of the Bylaw and Massachusetts General Laws Chapter 40A, Section 9, and such other relief as deemed necessary, all rights reserved. for the installation, operation and maintenance of two Electric Vehicle Charging Stations with digital advertising.

Dear Honorable Members of the Town of Medway Planning and Economic Board:

On behalf of Volta, we are pleased to submit this letter to the Town of Medway Planning and Economic Board (the “Board”) in support of the application by Volta for a special permit and Minor Site Plan Review for the installation, operation, and maintenance of two Electric Charging Stations, as well as signs incorporated into Volta’s charging stations at the Site. The following provides background information regarding the charging stations and addresses the applicable sections of the Bylaw.

## BACKGROUND

Volta was founded in 2010 out of a passion for advancing electric transportation and since then Volta has mastered the art and science of developing cutting-edge electric vehicle charging networks. By providing seamless, simple and free charging experiences, Volta is accelerating the electric vehicle movement. Thoughtfully located along the paths of daily life,



Volta chargers are the most heavily used in the charging industry. With the support of forward-thinking brand partners, Volta delivers free charging solutions to real estate owners, power to the electric vehicle community and impactful brand stories to everyone. [www.voltacharging.com](http://www.voltacharging.com)

The Volta charging station is a unique concept as it does not charge customers for the electricity but gives it away instead in order to encourage the use of electric vehicles. As the electricity ultimately must be purchased, Volta sells advertising space to brand name advertisers on the screens on its charging stations to generate the revenue needed to pay for the electricity. Notable advertising partners include Netflix, Jaguar, Alaska Airlines and Haagen Dazs. The advertisements shown on the screens are an integral part of the charging station and the electricity would not be available to give away to the public for free without them.

Volta currently has nearly 1,500 charging stations installed throughout the country including many here in Massachusetts in the following communities: Bellingham, Belmont, Boston, Burlington, Cambridge, Feeding Hills, Framingham, Greenfield, Hyannis, Marlborough, North Adams, North Andover, Northborough, Peabody, Pembroke, Sandwich, Wakefield, Walpole, Wareham and Worcester.

Charging stations are typically situated near retailers such as grocery stores.

Volta is also proud of its commitment to assist local communities with displaying emergency messaging on its charging station screens. The Volta Response System allows participating Towns to show public service announcements and emergency messaging for free for a one year period. This community service allows towns to reach communities such as the elderly, without expending local government resources having signs or buying ad space. In fact, the Shaw's charging stations in Medway were running Covid messages from the CDC on their screens prior to the stations going off-line.

The clean energy impact from the Volta charging stations is immense:

- Powering over 81,000,000 free electric miles.
- To date, Volta has offset over 38,000,000 pounds of CO2.
- Total equivalent of over 469,000 trees planted.
- Volta charging stations are the most used in the charging industry.

The Medway Energy and Sustainability Committee recognizes the green impact of the proposed facility and supports Volta's proposal.



## THE SITE

Volta has two electric charging stations at the Medway Commons Plaza, Shaw's parking lot Site at 65 Main Street, capable of providing free electricity to the public for charging electric vehicles. The charging units measure 2.71' wide x 7.19' high. On each face of the unit, there is a screen for advertisements. The advertising screen measures 48" x 27". The ads are stationary and change every 8 seconds. The screens are backlit like a TV screen and target those on foot, not drivers. Although the display screens are intended for pedestrian traffic, out of an abundance of caution Volta follows an 8 second minimum advertisement loop which is the length recommended by the Federal Highway Administration.

The proposed signs will not have an adverse impact upon the aesthetics of the area. The charging stations are located within the parking lot near the existing Shaw's market grocery store and the commercial nature of the proposed signage is not inconsistent with that of the business advertisements already located within the plaza including; a lit sign above the door of a restaurant advertising pizza and Pepsi Cola; liquor store windows featuring separate lit signs advertising eight different types of beer; and two menu signs for the fast food drive through which appear to be internally lit. Furthermore, the light from the proposed signs will not significantly add to the overall amount of light in the plaza because, in addition to the light from existing buildings and other lit signs, there are many street lamps illuminating the parking area and driveways in the plaza.

As mentioned, the charging stations are located near the Shaw's grocery store, which is nearly 450 feet away from the closest public street or right of way. In between the charging stations and Main Street, there are existing buildings, street lights, signs and shrubbery. Given the distance to the street and the existing obstructions, the proposed signage will not be visible from any public road.

As evidenced by Section 7.1.1(E)(4) of the Bylaw, the Town of Medway has made a commitment to the accommodation of electric vehicles by requiring industrial, commercial and multi-family housing developments with fifteen or more spaces to provide a certain number of spaces with charging stations for electric vehicles. By installing charging stations in the existing commercial development, which has well over 100 parking spaces, Volta is assisting the Town's commitment by accommodating electric vehicles in a previously developed commercial plaza.

Approval of the design of the proposed signage will not create a concerning precedent in the Town of Medway. Specifically, the advertisements featured on the Volta screens do not necessarily advertise the charging stations themselves, but rather whatever product the advertiser is selling. The advertisements pay for the electricity offered at no charge to the public. This arrangement is unique as the advertisements pay for the electricity, but do not generate interest in the electricity proffered at the charging station. This differs from advertisements within the



plaza and elsewhere throughout Town which seek to generate interest in the products for sale within the various businesses, but do not themselves pay for the products therein.

## **RELIEF REQUESTED**

Volta respectfully requests a special permit pursuant to: Sections 3.4 and 5.4.2 of the “Bylaw”; and Minor Site Plan Review pursuant to Section 3.5.3(A)(2)(g) of the Bylaw and Massachusetts General Laws Chapter 40A, Section 9, and such other relief as deemed necessary, all rights reserved. for the installation, operation and maintenance of two Electric Vehicle Charging Stations. The Board is specifically empowered to grant the requested relief by Sections 5.4.2 and 3.5.3(A)(2)(g) of the Bylaw.

As will be further demonstrated by Volta by evidence submitted to the Board at the public hearing(s) in connection herewith, such relief is appropriate as the facility satisfies all pertinent provisions and standards contained in the Bylaw and Massachusetts General Laws for the granting of special permits as enumerated below.

## **COMPLIANCE WITH SECTION 5.4.2 OF THE BYLAW**

### **5.4.2 Special Permits for Electric Vehicle Charging Station(s) with Digital Advertising - The Planning and Economic Board may grant a special permit for Electric Vehicle Charging Station(s) with Digital Advertising Signage (“Charging Station”).**

- A. The charging service for such Charging Stations shall be provided at no cost to users. For each Charging Station, the sign surface area shall not exceed nine square feet per side, not to exceed two sides per Charging Station. No audio or video displays shall be permitted. Level 1 Charging Stations (those having a 120-volt connection) are not permitted. The display area and no part of the Charging Station may revolve, simulate motion, flash, blink, or include animation. Internal illumination of the display area is permitted. Advertising may include commodities or services which may not be found or available on the premises hosting the Charging Station. There shall be no reduction in handicap accessible and compact car parking spaces to accommodate installation of Charging Stations. The number of Charging Station spaces shall not exceed five percent of the total number of parking spaces on the premises. The Charging Station shall be capable of charging electric vehicles produced by multiple manufacturers.**

Volta’s proposed Electric Charging Stations will comply with this provision of the Bylaw.



- B. In granting a special permit, the Board may impose limitations, safeguards, and conditions on but not limited to the following: quantity of Charging Stations with digital advertising signage on the premises; frequency of message changes (dwell time); Charging Station height; form of message transition; brightness of display illumination; number of charging ports per Charging Station; hours of operation for charging and digital advertising signage; visibility of display area from a public street; location and positioning of Charging Stations on the premises; other forms of signage to designate spaces for EV charging; handicap accessibility; impact or level of disruption of Charging Stations on business and tenant operations; ease and safety of accessibility to the Charging Stations; landscaping, buffering and screening; and type or charging level of the Charging Station. This may also include correlating the amount of allowed digital advertising display space to the type and charging level of the Charging Station and correlating the number of allowed Charging Station spaces on the premises to the percentage of electric vehicles in Massachusetts (according to an appropriate state agency such as the Registry of Motor Vehicles or the Executive Office of Energy and Environmental Affairs).**

Volta will comply with any reasonable conditions which may be placed upon a favorable decision.

#### **COMPLIANCE WITH SECTION 3.4 OF THE BYLAW**

- C. Decision Criteria. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Zoning Bylaw, shall make findings on all of the applicable criteria specified below:**

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

The proposed site is an appropriate location for the proposed Electric Charging Stations, being located within the parking area of an existing shopping plaza, and set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where



illuminated signage is expected and commonplace. Though the signs will be of a modern design and will not be of wood or other traditional materials, the materials of the signage will be consistent with the existing commercial signage within the existing shopping plaza. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

**2. Adequate and appropriate facilities will be provided for the operation of the proposed use.**

Electric service is already on Site. The Electric Charging Stations will be unmanned, have no need of water or sewer services, and will not generate waste.

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

The Electric Charging Stations will not create a hazard to abutters, vehicles, pedestrians or the environment because the use is passive in nature and will not produce unreasonable noise, smoke, odors, or waste. The Electric Charging Stations are set up in line with the existing parking patterns of the parking lot, and will not pose a hazard to pedestrians or vehicles and will not interfere with existing traffic patterns on the site.

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

The Electric Charging Stations are set up in line with the existing parking patterns of the parking lot, and will not pose a hazard to pedestrians or vehicles and will not interfere with existing traffic patterns on the site.

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

Volta's Electric Charging Stations will be unmanned and will not generate unreasonable noise, odor, smoke, or waste. The charging stations are located near the Shaw's grocery store, which is nearly 450 feet away from the closest public street or right of way. In between the charging stations and Main Street, there are existing buildings, street lights, signs and



shrubbery. Given the distance to the street and the existing obstructions, the proposed signage will not be visible from any public road.

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

Volta's Electric Charging Stations will be unmanned and will not generate unreasonable noise, odor, smoke, or waste. The charging stations are located near the Shaw's grocery store, which is nearly 450 feet away from the closest public street or right of way. In between the charging stations and Main Street, there are existing buildings, street lights, signs and shrubbery. Given the distance to the street and the existing obstructions, the proposed signage will not be visible from any public road.

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

The proposed site is an appropriate location for the proposed Electric Charging Stations, being located within the parking area of an existing shopping plaza, and set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where illuminated signage is expected and commonplace. Though the signs will be of a modern design and will not be of wood or other traditional materials, the materials of the signage will be consistent with the existing commercial signage within the existing shopping plaza. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

**8. The proposed use is consistent with the goals of the Medway Master Plan.**

The proposed site is an appropriate location for the proposed Electric Charging Stations, being located within the parking area of an existing shopping plaza, and set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where illuminated signage is expected and commonplace. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.



**9. The proposed use will not be detrimental to the public good.**

The proposed Electric Charging Stations will not be detrimental to the public good. In fact, the charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

**COMPLIANCE WITH SECTION 7.3 OF THE BYLAW**

- A. No land or building shall be used or occupied in any district in any manner which will produce a hazard or nuisance from fire, explosion, radioactivity, electrical disturbance, smoke, fly ash, dust, fumes, vapors, other forms of air pollution, liquid or solid wastes, vibration, noise, odors, or glare in a manner or amount as to affect the surrounding area. Any use may be undertaken and maintained provided that it conforms to the use regulations in Section 5 and to the performance standards listed below:**

Volta's proposed charging stations will comply with this provision of the Bylaw.

- B. The following performance standards shall apply to all districts and shall be determined at the location of use:**
- 1. Fire and Explosion Hazards: All activities and all storage of flammable and explosive materials, at any point, shall be provided with adequate fire-fighting and fire-suppression equipment and devices.**
  - 2. Radioactivity or Electrical Disturbance: No activities which emit dangerous radioactivity at any point shall be permitted. No electrical disturbances (except from domestic household appliances and from communications equipment subject to control of Federal Communications Commission or appropriate federal agencies) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.**
  - 3. Smoke: No emission of visible smoke of a shade darker than No. 2 on the Ringlemann Smoke Chart published by The U.S. Bureau of Mines shall be permitted.**
  - 4. Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution: No emission which can cause damage to health, to animals or**



vegetation, or other forms of property, or which cause any excessive soiling at any point shall be permitted. In no event shall any emission from any chimney or otherwise of any solid or liquid particles in concentration exceeding 0.3 grain per cubic foot of the conveying gas or air be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 °F and 50% excess air.

5. **Liquid or Solid Waste:** No discharge, at any point, into a private sewage disposal system, stream, or the ground, of any materials in such a way or of such a nature or temperature as can contaminate any running streams or water supply, or otherwise cause the emission of dangerous or objectionable elements, shall be permitted except in accord with standards approved by the Massachusetts Department of Public Health.

Volta's proposed charging stations will comply with these provisions of the Bylaw.

- C. **The following performance standards shall apply to all districts and shall be determined at the property line of the use.**

1. **Vibration:** No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7 A.M. and 7 P.M. or of 30 seconds or more in any one hour from 7 P.M. to 7 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range or Table 7, U.S. Bureau of Mines Bulletin NO. 442.

Volta's proposed charging stations will comply with this provision of the Bylaw.

2. **Noise.**
  - a. **Maximum permissible sound pressure levels-measured at the property line nearest to the noise source for noise radiated continuously from the noise source between 10 PM and 7 AM shall be as follows:**

**Frequency Band**

**Sound Pressure Level**



(Cycles per Second)	(Decibels re 0.0002 Dyne/CM <sup>2</sup> )
2 – 72	69
75 – 150	54
150 – 300	47
300 – 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

Volta's proposed charging stations will comply with this provision of the Bylaw.

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

Daytime operation only: +5

Noise source operated less than 20% of any 1-hour period: +5

Volta's proposed charging stations will comply with this provision of the Bylaw.

- D. **Odors.** In all districts, no emission of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by Manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted.

Volta's proposed charging station will not produce waste or odors.

## **COMPLIANCE WITH THE PLANNING BOARD SITE PLAN REVIEW RULES AND REGULATIONS**

### ***204 – 4 Standards for Site Plan Preparation***



- A. The site plan shall be prepared, stamped, signed and dated by qualified professionals including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.**
- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements.**
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).**
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.**
- E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, the Board's signature block, including Decision and plan endorsement dates, and the Town Clerk's no appeal certification.**

Please refer to the Plans submitted herewith. Volta respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly comply with this provision of the Planning Board Site Plan Review Rules and Regulations (the "Regulations"), Volta requests any waivers.

**205 – 3 Planning and Economic Development Board Submittals - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:**

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.**

Volta has complied with this provision of the Regulations.

- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these Rules and Regulations including all items as specified in s. 205 – 5. of these Rules and Regulations.**

Volta has submitted the requisite Plans.



**C. One written Project Narrative regarding the proposed development. At a minimum, the Narrative shall include the following information:**

- 1) current and proposed uses;**
- 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;**
- 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;**
- 4) projected water and sewer demand;**
- 5) expected number of employees and/or occupants;**
- 6) proposed hours of operation;**
- 7) existing and proposed means of vehicular and pedestrian access and egress;**
- 8) number of parking spaces required and how this number was determined;**
- 9) calculation of proposed lot coverage and impervious surface;**
- 10) timetable for project completion;**
- 11) proposed on and off site mitigation measures;**
- 12) list of other required local, state and federal permits and the status of each; and**
- 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.**

These supporting statements are submitted in compliance with this provision of the Regulations.

**D. A Stormwater Drainage Evaluation report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:**

- 1) Describe the existing stormwater drainage patterns and system on the site; and**
- 2) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and**
- 3) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.**

**NOTE - During the course of its public review of the application, the Board may require more extensive drainage information as provided in s. 205-7.A of these Rules and Regulations.**



Volta's Electric Vehicle Charging stations will be located upon an area of previous disturbance and will not increase the amount of impervious surface on the Site or adversely impact current drainage patterns. Volta respectfully asserts that a Stormwater Drainage Evaluation is not necessary given the scope of this project and requests a waiver from this provision of the Regulations.

- E. One list of all parties in interest as defined in G.L. c. 40A, §11 as appearing in the most recent tax records list. The list shall be certified by the Board of Assessors of all applicable communities.**

Please refer to the certified abutters list submitted herewith.

- F. One copy of the latest recorded deed to the property(s) comprising the proposed development site.**

Please refer to the Deed submitted herewith.

- G. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, Historical Commission, etc.) and other federal and state government agencies.**

The proposed Electric Vehicle Charging Stations have not received any approvals to date.

- H. Requests for waivers from these Rules and Regulations with specific reference to the applicable section(s) of these Rules and Regulations for which a waiver is requested, provided on the Board's Site Plan Waiver Request form.**

Please refer to the Waiver Request Forms submitted herewith.

- I. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)**

Volta has complied with this requirement of the Regulations.

- J. A Minor Site Plan Filing Fee as authorized in s. 209-1 A. of these Rules and Regulations and as specified in the Board's Fee and Bond Schedule.**

Volta has submitted the filing fees.



- K. A deposit toward the Minor Site Plan Review Fee as authorized in s. 209 – 1 B. of these Rules and Regulations and as specified in the Board’s Fee and Bond Schedule.**

Volta has submitted the deposit.

***s. 205 – 4 Standards for Site Plan Preparation – See s. 204 – 4 of these Rules and Regulations.***

***s. 205 – 5 Site Plan Contents – To be considered complete, a minor site plan submitted pursuant to these Rules and Regulations shall include the information listed below.***

- A. Cover Sheet - The cover sheet shall include the project name and address, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project Assessor’s Map and Parcel number, zoning district classification, list of requested waivers from these Rules and Regulations, Board Signature Block, and an index of drawings.**

Please refer to the Plans submitted herewith. Volta respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly comply with this provision of the Planning Board Site Plan Review Rules and Regulations (the “Regulations”), Volta requests any waivers.

**B. Site Context Sheet**

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The plan shall be at a maximum scale of one inch equals one thousand feet. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.**
- 2) Abutters' names and addresses with assessor's references for properties within 300' of the development site.**
- 3) Lot lines with dimensions and easement areas for the development site.**
- 4) Existing topography at two foot intervals from United States Geological Survey (USGS) survey maps or actual land survey of the development site.**
- 5) All easements (utility, conservation and other) and rights-of-way located on the development site.**



**6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.**

Please refer to the Plans submitted herewith. Volta respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly comply with this provision of the Planning Board Site Plan Review Rules and Regulations (the “Regulations”), Volta requests any waivers.

**C. *Existing Conditions Sheet* – A plan showing all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.**

Please refer to the Plans submitted herewith. Volta respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly comply with this provision of the Planning Board Site Plan Review Rules and Regulations (the “Regulations”), Volta requests any waivers.

**D. *Plot Plan*, certified by a land surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.**

Please refer to the Plans submitted herewith. Volta respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly comply with this provision of the Planning Board Site Plan Review Rules and Regulations (the “Regulations”), Volta requests any waivers.

**E. *Site plan*, at a minimum scale of one inch equals forty feet, showing the following:**

- 1) Property boundaries, dimensions of the site and a north arrow;**
- 2) Proposed use(s) of land and buildings;**
- 3) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;**
- 3) Design features of the construction or renovation of buildings (s) and structures, including building elevations, materials, colors, etc.;**



- 4) **For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;**
- 5) **Site grading;**
- 6) **Locations and dimensions of any proposed easements, public or private rights-of way, or other encumbrances;**
- 7) **All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;**
- 8) **Horizontal sight distances on the public way(s) at all entrances and exits in both directions;**
- 9) **Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities and enclosures, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;**
- 10) **Erosion and sediment control measures;**
- 11) **Stormwater management facilities as noted in s. 205 – 3 D. of these Rules and Regulations; and**
- 12) **A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.**

Please refer to the Plans submitted herewith. Volta respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly comply with this provision of the Planning Board Site Plan Review Rules and Regulations (the "Regulations"), Volta requests any waivers.

### ***207 - 1 Design Principles***

- A. Commercial/Business Zoning Districts – See Medway Design Review Guidelines, Section 2 - Commercial Zone Guidelines, Sub-Section B. Principles and Intentions**

Please refer to the discussion below.

- B. Industrial Zoning Districts - See Medway Design Review Guidelines, Section 3 – Industrial Zone Guidelines, Sub-Section B. Principles and Intentions**

The Site is not within the Industrial zoning district and this provision of the Regulations does not apply to this Application.



**C. Residential Zoning Districts - See Medway Design Review Guidelines, Section 4 – Residential Zone Guidelines, Sub-Section B. Principles and Intentions**

The Site is not located within a Residential zoning district and this provision of the Regulations does not apply to this Application.

***207 – 2 Site Design***

**A. Commercial/Business Zoning Districts – See Medway Design Review Guidelines, Section 2 - Commercial Zone Guidelines, Sub-Section C. 1. Site Composition and C. 2. Building Orientation**

Please refer to the discussion below.

**B. Industrial Zoning Districts - See Medway Design Review Guidelines, Section 3 – Industrial Zone Guidelines, Sub-Section C. 1 Site Composition and C. 2. Building Orientation**

The Site is not located within the Industrial zoning district and this provision of the Regulations does not apply to this Application.

**C. Residential Zoning Districts - See Medway Design Review Guidelines, Section 4 – Residential Zone Guidelines, Sub-Section C. 1 Site Composition and Building Orientation**

The Site is not located within a Residential zoning district and this provision of the Regulations does not apply to this Application.

***207 – 3 Architecture***

**A. Commercial Zoning Districts – See Medway Design Review Guidelines, Section 2 - Commercial Zone Guidelines, Sub-Section D. Architectural Guidelines**

Please refer to the discussion below.

**B. Industrial Zoning Districts - See Medway Design Review Guidelines, Section 3 – Industrial Zone Guidelines, Sub-Section D. Architectural Guidelines**

The Site is not located within an Industrial zoning district and this provision of the Regulations does not apply to this Application.



**C. Residential Zoning Districts - See Medway Design Review Guidelines, Section 4 – Residential Zone Guidelines, Sub-Section D. Architectural Guidelines**

The Site is not located within a Residential zoning district and this provision of the Regulations does not apply to this Application.

***207 – 4 Energy Efficiency and Sustainability***

- A. New buildings should be positioned on the site to take advantage of the existing terrain and solar gains. Where possible, elongate the buildings on the east/west axis, maximize north and south exposures for daylighting, minimize east and west facing windows, and orient the most populated areas of a building to the north and south. Green roofs are encouraged.**

Volta does not propose the construction of new buildings as a part of this project.

***207 - 5 Environmental Considerations***

- A. General - Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of water courses and water resources, topography, soil and noise shall be reviewed. The design of the proposed development shall minimize the destruction of trees and protect unique natural features. The site plan shall show measures to minimize any adverse impacts on these elements.**

The proposed Electric Vehicle Charging Stations will not produce unreasonable noise, odors, smoke, or waste. No trees will be removed as a part of this project. The Electric Charging Stations will not adversely impact water courses or water resources. There will be no change in topography of the Site. The charging stations are located within the parking area of an existing shopping plaza, set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the charging stations will be located in the Central Business (CB) Zoning District where commercial signage is expected and commonplace. The materials of the signage will be consistent with the existing commercial signage within the existing shopping plaza. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

- B. Low Impact Development (LID) – Applicants shall incorporate Low Impact Development (LID) management practices in site design and incorporate environmentally sensitive design principles in site improvements, stormwater**



**management facilities, landscaping, and buildings when practicable. See Appendix A to these Rules and Regulations.**

Volta will comply with this provision of the Regulations to the extent applicable, all rights reserved.

**C. Nuisance - The proposed development shall comply with Section 7.3 Environmental Standards of the Zoning Bylaw.**

Please refer to the above responses to Section 7.3 of the Bylaw.

**D. Energy Conservation – Development projects involving the construction or use of a building with 10,000 sq. ft. or more or containing ten or more residential units are encouraged to include a solar or other renewable energy system.**

Volta's charging stations do not involve construction of a building and this provision of the Regulations does not apply to this Application.

***s. 207 – 6 Erosion and Sediment Control***

**A. Erosion and sediment control measures shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway General Bylaws, Section 26.7.**

Given the limited scope of the project, Volta does not propose any additional erosion and sediment control measures on Site.

**B. The final slope of the land shall not exceed one foot vertical to three feet horizontal, unless retaining walls or other suitable stabilization methods as determined by the Board are provided.**

There will be no change to existing topography as a result of Volta's charging stations.

**C. Permanent vegetation and other erosion control measures shall be installed as soon as possible after construction ends.**

Given the location within the existing parking lot, Volta does not propose any additional vegetation on Site as a part of this project.



**D. All disturbed areas shall be permanently stabilized within six months of occupancy.**

Volta's charging stations will be located on a previously disturbed portion of the Site.

**207 – 7 Site Clearing and Grubbing – See Section 7.4 of the Medway Subdivision Rules and Regulations.**

There will be no clearing or grubbing on the Site as a part of this project and this provision does not apply to this Application.

**207 – 8 Earth Filling & Grading**

- A. Prohibited materials.** Solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive or flammable materials, building materials, construction and demolition debris, glass, metal, toxic, infectious, radioactive, corrosive or reactive materials or waste shall not be used as fill. Fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. Fill material shall also be free from organic material such as trees, stumps, and garbage, and shall contain fifteen percent or less of total organic carbon by lab analysis.
- B. Permitted fill materials.** Fill materials shall include only clean sand, gravel, clay, stone, quarried rock, topsoil, borrow, rock, sod, loam, peat, humus, or other subsurface products free from solid waste, with an aggregate size of twelve inches or less.
- C. Final Cover.** The area within the limits of fill shall be established to meet the final cover as designed and, in all instances, shall prevent erosion from the site. Proposed pervious areas (i.e. lawn, landscape beds, pad sites, etc.) shall be covered with a minimum four inches of organic topsoil including soil amendments if required and shall be seeded and/or mulched to establish final cover. Where filling is incidental to proposed hardscaped areas (i.e. driveways, parking lots, patios, etc.), the fill material shall be covered with suitable base material meeting the specifications of the particular hardscape (i.e. gravel borrow and/or dense graded crushed stone for pavement sub-base).
- D. Additional Conditions.** The Board may set reasonable conditions including but not limited to hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted. The Board may also impose requirements for monitoring the type and



**distribution of fill on the subject site and reporting on the quality and source of the fill materials.**

- E. Development sites shall not be used for the temporary storage of fill materials intended for use elsewhere.**
- F. Projects involving site filling in excess of two thousand cubic yards shall submit a Soil Management Plan to the Planning and Economic Development office prior to the preconstruction meeting for review by the Town's Consulting Engineer. The Soil Management Plan shall include the following:**
  - a) Agreement that bills of lading in the form specified by the Board will be exclusively used for the transport and acceptance of earth materials for fill;**
  - b) Complete descriptions of pre-fill environmental conditions and findings and sample locations;**
  - c) Procedures for verification of fill material origin and acceptance;**
  - d) Record keeping practices;**
  - e) Site security, fill operation inspection and site control;**
  - f) Transport routes, times and days of operation, locations of equipment parking and storage, and duration of fill activities;**
  - g) Qualifications of applicant personnel responsible for adhering to the soil management plan;**
  - h) Erosion, dust and stormwater controls and inspection and maintenance thereof;**
  - i) Effects of the filling on groundwater recharge;**
  - j) Quality assurance and quality control procedures including testing protocols**
  - k) Emergency response and notification procedures, including telephone numbers and contact individuals and firms;**
  - l) Total proposed earth material fill volume;**
  - m) Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;**
  - n) Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and**
  - o) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.**

There will be no site filling as a part of Volta's project and these provisions of the Regulations do not apply to this Application.



**A. *Pedestrian and Bicycle Access***

- 1) Pedestrian ways shall be provided within the site to connect buildings with parking areas, other buildings, and site amenities.**
- 2) For pedestrian safety and site design enhancement, on-site crosswalks between parking areas and the building (s) and where possible, on adjacent roadways shall be provided and have a change in materials and/or color, texture or pattern.**
- 3) Pedestrian and bicycle circulation shall be maximized on and off site and shall be separated from motor vehicle circulation as much as practicable. Safe pedestrian and bicycle access to the site shall be provided by walkways or other means which ensure protection and separation from vehicular traffic.**
- 4) Existing pedestrian ways shall be maintained or improved.**
- 5) Where no pedestrian ways exist, the Applicant shall create safe and convenient pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, adjacent commercial developments, and other surrounding uses.**
- 6) Curbing adjacent to sidewalks shall be vertical granite or concrete.**
- 7) Sidewalks and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).**

There will be no changes to existing pedestrian and bicycle access or circulation patterns as a result of Volta's charging stations.

**B. *Sidewalks***

- 1) Five foot wide sidewalks shall be provided within parking areas. Where sidewalks abut parking areas, the sidewalk width shall be increased by two feet to accommodate vehicular bumper overhang so as to not impede foot traffic.**



- 2) **For buildings where tenants wish to use interior site sidewalks for temporary outdoor display purposes, sidewalks shall be increased in width such that at least five feet is maintained for pedestrian passage.**
- 3) **Pursuant to Section 5.5.4. I, c. of the Zoning Bylaw, sidewalks shall be provided along the entire frontage of the subject property along existing public ways.**

There will be no changes to existing sidewalks as a result of Volta's charging stations.

#### ***207 – 10 Paving***

- A. **Drive aisle paving materials – Asphalt or cement concrete or other durable materials shall be used for drive aisle paving. The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus, and provided with an all-weather and structurally stable driving surface.**
- B. **Off-street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.**

There will be no additional paved surfaces as a result of Volta's charging stations.

***207 – 11 Traffic and Vehicular Circulation*** - The site plan must address safety and convenience of vehicular and pedestrian movement within the site as well as in relation to adjacent streets, properties or improvements.

#### ***A. Site Access - Curb Cuts, Entrance and Egress Driveways***

- 1) **The site shall be evaluated as a whole to determine the number of curb cuts to be allowed.**
- 2) **Curb cuts on public ways shall be minimized.**
  - a) **Curb cuts for commercial properties shall be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the Applicant or if the scale of the development merits multiple curb cuts to ensure suitable access for safety and emergency vehicles.**
  - b) **Wherever possible, existing driveways should be combined.**



- c) All proposed curb cuts within a commercial district or for commercial properties shall be designed to enhance traffic flow on major streets and to minimize additional traffic circulation on neighboring residential streets in order to maximize safe vehicular movement and pedestrian safety.**
- 3) Site entrance and exit driveways shall have an unobstructed paved width of at least twenty feet.**
- 4) Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved material along the entire radius of the opening, shall extend at least twelve feet beyond each side along the gutter line of the road and at least the first twenty-five feet of a driveway, and shall be sloped at the end to prevent a vertical obstruction to exist.**
- 5) The site design shall allow vehicles to enter, park and exit the property without difficulty. Arrows, signs, and/or pavement markings to control the traffic flow may be required. Consideration shall be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. Passenger vehicles and delivery vehicles should be segregated where possible.**
- 6) Where possible and as appropriate to site conditions, curb cuts shall be aligned with curb cuts on the opposite side of the road to create common junctions.**
- 7) Curb cuts shall be located and designed so as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.**
- 8) Where a site occupies a corner of two intersecting roads, curb cuts shall be located at the maximum distance practicable from the intersection. At a minimum, a curb cut shall be located at least fifty feet from the point of tangency of the intersection.**
- 9) Driveways shall be located so as to afford maximum safety, convenient ingress and egress and minimize conflict with the flow of off-site traffic.**
- 10) Driveways shall be located to maximize sight distances where the proposed driveway meets an existing way. Sight distances for turning movements to and from the development shall meet current minimum AASHTO standards and shall be clearly shown on the site plan.**



- 11) Left-hand egress turns should be minimized.
- 12) Driveways should intersect the road at an angle of ninety degrees.
- 13) No part of any driveway shall be located within fifteen feet of a side property line when the property abuts a residential use or zone.
- 14) The slope of the paved entrance way should not exceed two percent for the first twenty-five feet measured perpendicular from the front property line. The angle of approach and egress from a site shall not exceed a one foot drop in twenty feet of length.
- 15) Driveways shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway.
- 16) The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus, and shall be constructed of a hard, allweather, and structurally stable driving surface to support at least 75,000 pounds.
- 17) Emergency Vehicle Access - The site shall be designed to provide adequate accessibility by fire, police, and emergency personnel, equipment and vehicles to each building. The access shall be maintained and kept in passable condition at all times. Applicants are strongly encouraged to meet with Medway Fire officials early on in the site design process to incorporate provisions of the National Fire Protection Association (NFPA 1) Fire Code.

**B. *Internal Site Circulation and Parking Lot Drive Aisles***

- 1) Where possible, adjoining parcels shall have unified access and promote interparcel circulation. Provisions should be made for safe and convenient traffic movement to connect sites with adjacent commercial sites.
- 2) The perimeter of drive aisles shall be bounded with vertical granite curb.
- 3) Internal drive aisle width – Two-way drive aisles shall be twenty-four feet wide. The width of one-way drive aisles shall be twenty feet.



- 4) **Drive aisle materials – Asphalt or cement concrete or other durable materials shall be used for drive aisle paving. Drive aisles shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway. The surface of driveways shall be designed and maintained to support the loads of the Fire Department’s apparatus, and provided with an all-weather and structurally stable driving surface. Driveways shall be constructed to support at least 75,000 pounds.**
  - 5) **Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within the site with emphasis on the layout of parking and off-street loading and unloading areas, and the movement of people, goods, and passenger and delivery vehicles on access roads, on drive aisles, and between buildings or structures within the site.**
  - 6) **Fire lanes (road, path or other passageways) developed to allow passage of fire apparatus and access to the buildings on the site shall be provided in accordance with Medway Fire Department regulations. The number of required fire lanes shall depend on the size of the building. Fire lanes shall be clearly marked and posted.**
  - 7) **When the driveway, drive aisles or roadways are more than 150’ in length, provisions shall be made for fire and emergency apparatus to turn around.**
  - 8) **The turning radius for internal driveways, drive aisles and roadways must be approved by the Medway Fire Department and shall accommodate the Department’s largest and longest apparatus.**
- C. ***Mitigation* - The Board may require the Applicant to provide mitigation where project related increased traffic volume will create unsafe, or poor level of service conditions based on findings of the traffic study. Mitigation measures include but are not limited to the implementation of turning lanes, traffic signal installation and improvements, roadway improvements, sidewalks, and acceleration and deceleration lanes.**

Volta respectfully asserts that it has submitted Plans and materials of sufficient detail for the Board to render an informed decision. To the extent that the Plans do not strictly adhere to these provisions of the Bylaw, Volta requests any waivers as there will be no changes to the existing traffic and circulation patterns of the Site.



## ***207 – 12 Parking***

**A. Parking shall be provided in full compliance with Section 7.1.1 of the Zoning Bylaw.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

**B. To the maximum extent possible, parking shall be located to the side and rear of the site. Placement of parking areas should not be near a high volume of traffic where parking movements can obstruct traffic flow. Parking shall not create a hazard to abutters, vehicles or pedestrians. Where parking is proposed adjacent to the street, plantings or appropriate fencing shall be incorporated to screen parking areas and reduce their visual impact.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

**C. Pedestrian Protection - Pedestrian walkways through parking areas may require protection (barriers or bollards) or crosswalk striping.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

**D. Designated Parking Areas – Areas for small vehicles and motorcycles may be shown.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

**E. Asphalt Surface - Parking areas shall have durable, all-weather paved surfaces. Hot mix asphalt surfacing shall be a minimum of three and one-half inches over eight inches of gravel borrow or as required by site conditions.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

**F. Adverse impacts of parking on abutters, residents or businesses in the area shall be mitigated.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.



## **G. Parking Spaces**

- 1) ***Number of spaces*** - See Section 7.1.1 D. of the Zoning Bylaw – Table 3 Schedule of Off-Street Parking Requirements and Section 7.1.1.I. regarding bicycle parking requirements.

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

- 2) ***Parking space design***

- a) **Dimensional Standards** – See Section 7.1.1 E. 3. of the Zoning Bylaw. All handicap parking spaces shall comply with state and federal regulations.
- b) **Angle parking** - In the event site constraints limit drive aisles to one-way travel, angled parking may be permitted. The Applicant shall provide analysis that proper maneuverability through the site can be achieved, stalls are of proper length to limit overhang into the drive aisle, and proper lane width is designed to provide suitable reverse turning movements. Pull through angle parking stalls shall not be allowed.

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

- 3) ***Location***

- a) **The location of parking spaces shall not impede proper traffic flow or the maneuvering of other vehicles. Parking spaces shall not be located in fire lanes or within twenty feet of building entrances, building exits, emergency access points, loading and unloading areas, pedestrian ways, and locations for fire hydrants, and sprinkler and standpipe connections.**
- b) **Parking spaces shall not be located within fifteen feet of the front, side and rear property lines.**



- c) **Parking spaces shall be located such that a vehicle backing out of a space does not impede traffic entering from a private or public street within the first fifty feet of the driveway entering the site.**
- d) **Drive aisles shall have a minimum paved width of twenty-four feet and provide for two-way traffic, and shall extend a minimum of five feet beyond the last parking space in any dead end parking row.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

#### **H. Curbing**

- 1) **The perimeter of the parking area shall be bounded with vertical granite curb, bituminous concrete curb, or cement concrete curb to delineate the parking lot and collect and direct stormwater runoff.**
- 2) **All curbing shall have a minimum radius of three feet and shall transition tangentially. No protruding angle points shall be allowed.**

No additional parking spaces will be installed on Site as a result of Volta's charging stations.

- I. *Electric Vehicle Charging Stations* – Industrial, commercial, and multifamily housing sites with fifteen or more parking spaces shall provide parking spaces with electric vehicle charging stations for employee, customer and resident use. The quantity of such parking spaces shall be as follows:**

<b>Total # of Parking Spaces</b>	<b># of Electric Vehicle Parking Spaces</b>
15-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total



Volta proposes two electric vehicle charging stations in two existing parking spaces.

**207 – 13 Loading and Unloading - At the time of erection of any principal building or enlargement of any principal building or the establishment of any activity on open land, there shall be created adequate off-street loading and unloading areas as follows:**

- A. One or more off-street loading and unloading areas shall be provided for any business that is regularly serviced by delivery vehicles so that adequate areas are provided to accommodate all delivery vehicles expected at the premises at any one time.**
- B. The location of off-street loading and unloading areas and facilities shall be designed with an adequate off-street maneuvering area so that it will not be necessary for delivery vehicles to use a public way to maneuver into a loading or unloading space and so that egress from such spaces will not require backing onto a public way.**
- C. Loading and unloading areas shall in all cases be on the same lot as the use they are intended to serve unless there is common ownership of an adjacent property. In no case shall the required loading and unloading areas be part of the area used to satisfy the parking requirements of the Zoning Bylaw.**
- D. Loading and unloading areas should be located at either the side or rear of each building to be removed from view and to mitigate noise impacts.**
- E. Loading and unloading areas shall be designed to avoid traffic conflicts with vehicles which use the site or adjacent sites.**
- F. Each loading and unloading area shall not be less than twelve feet in width and not less than sixty-five feet in length. Height clearance shall not be less than fourteen feet.**
- G. Loading and unloading areas and spaces shall not encroach on parking spaces or maneuvering space, nor shall they obstruct access to fire hydrants, sprinkler connections, or fire or emergency vehicle lanes.**
- H. Off-street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.**



- I. Loading areas shall not face any residential area.**
- J. Loading areas are prohibited on the front façade of any building.**
- K. All service, loading and trash storage areas viewable from a public way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.**

No additional loading areas will be installed on Site as a result of Volta's charging stations.

#### ***207 – 14 Stormwater Management***

- A. The Post-Construction Stormwater Management Plan and its associated Long Term Operation and Maintenance Plan shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway General Bylaws, Section 26.8, the current Massachusetts Stormwater Management Standards, and the DEP Stormwater Management Handbook Volumes I and II.**
- B. *Low Impact Development (LID)* – Applicants shall incorporate Low Impact Development (LID) management practices in designing the stormwater management system. See Appendix A to these Rules and Regulations for resource information.**
- C. Infiltration basins shall be designed to be integrated into the site's topography and natural features such that the basin contours are softened and a naturalized appearance is achieved.**
- D. Subsurface detention and infiltration systems shall be designed with access manholes and inspection ports to provide means to properly inspect and maintain the system. All subsurface detention and infiltration systems shall contain an internal "forebay" or pretreatment chamber row which will allow treatment of first flush runoff (the first 1" of any rain storm) prior to discharging stormwater to the remainder of the system and shall be designed to allow for proper access for inspection and maintenance.**
- E. Infiltration measures shall be provided to mitigate post development increases in runoff resulting from proposed rooftops. Runoff from proposed**



rooftops throughout the site shall be directly routed to dedicated infiltration Best Management Practices (BMPs). Discharge of roof runoff directly to surface grade is strictly prohibited. If runoff is directed to infiltration BMPs which also mitigate surface runoff, the roof runoff shall be directly discharged to the BMP and not allowed to comeingle with untreated surface runoff prior to discharge to the BMP. Metal roofs shall be properly treated prior to infiltration if located within critical areas listed in the DEP Stormwater Management Handbook.

- F. Headwalls that are visible from a roadway or driveway shall be fabricated to have a natural stone appearance to the satisfaction of the Board.
- G. See s. 207 – 19 E of these *Rules and Regulations* for landscaping requirements around stormwater detention and retention areas.

Volta's charging stations will not entail additional impervious surfaces on Site and Volta respectfully requests a waiver from the Post-Construction Stormwater Management Plan and its associated Long Term Operation and Maintenance Plan submission requirement of these provisions of the Regulations.

#### ***207 - 15 Water Supply and Sewage Disposal***

- A. ***Water Supply*** - Unless proven to be unfeasible, projects requiring site plan approval shall connect to the public water supply distribution system, except that connection to the public water supply system for on-site irrigation of landscaping is not permitted. Wells are permitted through the Board of Health. The locations of any proposed wells shall be shown on the site plan. Water connections shall be in accordance with regulations of the Medway Department of Public Works. Any needed water line extensions shall be at the Applicant's expense.

Volta's charging stations will be unmanned and will not require a water supply.

- B. ***Sewage Disposal*** – The proposed method of sanitary sewage disposal for all buildings and uses shall be shown on the site plan. It shall meet the applicable Town regulations for sewage disposal systems and connections whether it is an on-site septic system (Medway Board of Health) or is connected to the Town's municipal sewer system (Medway Department of Public Works). The Town of Medway currently prohibits extensions of the Town's municipal sewer system beyond that in existence on March 9, 2015.



Volta's charging stations will be unmanned and will not require sewage disposal services.

- C. *Fire Hydrants* –Applicants are strongly encouraged to meet with Medway Fire officials early on in the site design process to incorporate provisions of the NFPA 1 Fire Code pertaining to the quantity and type of fire hydrants for the site.**

No additional fire hydrants will be installed on Site as a result of Volta's charging stations.

#### ***207 – 16 Utilities***

- A. All electric, telephone, cable TV, and other utilities shall be located underground.**

Volta's charging stations will comply with this provision of the Regulations.

- B. Permanently installed generators shall be positioned on cement pads, be located to the rear of the site, and shall be fully screened or bermed to mitigate noise and appearance.**

No generators will be installed on Site as a part of Volta's charging stations.

- C. Utilities shall be installed in accordance with Section 7.6 Utilities of the Medway Subdivision Rules and Regulations.**

Volta's charging stations will comply with this provision of the Regulations.

- D. Architectural features shall be incorporated into the building design to screen rooftop HVAC and other utilities.**

Volta does not propose a building as a part of this project.

#### ***207 – 17 Solid Waste Removal - Dumpsters, Trash and Recycling Containers and Enclosures***

- A. The Town does not provide solid waste removal services for commercial, industrial and multi-family or mixed use development projects.**

- B. Dumpsters and recycling and trash containers and enclosures shall be located to the rear of the site such that their view from streets is minimized.**



- C. Dumpsters and recycling and trash containers shall be fully screened on all sides and to the full height of the dumpster or container by suitable fencing or enclosure and/or evergreen plantings. The size of enclosure shall be large enough to accommodate both trash and recycling containers and include sufficient space around and between the containers enclosed therein to be easily maneuvered for pick-up.**
- D. Multi-tenant developments shall incorporate the use of shared trash compactors.**
- E. Egress to dumpsters and trash containers shall provide for the efficient removal of trash with a minimum of backing up required by service vehicles.**

Volta's charging stations will not produce solid waste and no additional dumpsters, trash or recycling containers will be located on Site as a result of this project.

#### ***207 - 18 Outdoor Lighting***

- A. Outdoor lighting shall comply with Section 7.1.2 of the Zoning Bylaw.**
- B. For new construction, no overhead wiring for outdoor lighting is permitted.**
- C. Light fixture design should comply with the Medway Design Review Guidelines.**

Though the charging station signs will be internally illuminated, no additional exterior lighting will be added to the Site as a part of Volta's charging stations.

#### ***207 – 19 Landscaping***

- A. *General* - Landscaping enhances the site, provides a pleasing environment and reduces the visual impact of the site on the surrounding areas. The Board requires that the Applicant provide sufficient landscape treatment to create adequate buffering for neighboring properties and provide positive visual impacts as provided herein. The preservation of existing trees and vegetation where feasible and appropriate in lieu of or in addition to new landscaping as required herein is permitted and encouraged.**

No additional landscaping is proposed on Site as a result of Volta's charging stations.



**B. *Landscape Buffers*** - The use of proportionally sized landscaped buffers and berms between the street and structures, between the street and parking areas, between the site and its neighbors, and throughout parking lots is encouraged to provide for more immediate visual screening and improved topographical variation.

- 1) Landscape buffers between the street and parking areas are required. Tree-lined sidewalks at the street front shall be included. Plantings along the front property line and access roads shall take into consideration sight distance criteria. Planting of new or replacement trees every twenty-five feet along both sides of an access road is required. The Board may waive this requirement in favor of the preservation of existing site trees.
- 2) Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.

No additional landscaping is proposed on Site as a result of Volta's charging stations.

**C. *Parking Areas***

- 1) Internal landscape planted divisions (islands and peninsulas) shall be constructed within all parking areas containing ten or more parking spaces to provide visual relief from expanses of pavement and vehicles and provide shade.
  - a) A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.
  - b) The ends of parking aisles that have more than fifteen parking spaces in length shall incorporate enclosing landscape islands at both ends of the rows. The width of such landscaped islands shall be at least four feet at the ends



- c) **Where the length of parking aisles exceeds twenty-five spaces, intermediary landscaped islands shall be installed at regular intervals, not to be more than every thirteen spaces.**
- d) **At least one deciduous shade or canopy tree of a minimum three inches caliper with a height of not less than twelve feet above grade shall be provided for every six parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. The Board may waive this requirement in favor of the preservation of existing site trees.**

No additional landscaping is proposed on Site as a result of Volta's charging stations.

- 2) **Landscaping shall be provided around the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, and to provide parking areas with a reasonable measure of shade. Such vegetation shall be no less than five feet high at the time of planting.**

No additional landscaping is proposed on Site as a result of Volta's charging stations.

- 3) **Parking entrances at curb cuts shall be landscaped with a combination of trees, shrubs and flowering plants. These areas may also be used for signage pursuant to Section 7.2.4 F. 5 of the Zoning Bylaw. No trees or shrubs shall be planted in a manner that would obstruct sight line visibility for vehicles entering and exiting a site. The maximum height of vegetation, except trees, at full growth or any other physical object within the Sight Distance Triangles of a curb cut shall not exceed three feet in height.**

No additional landscaping is proposed on Site as a result of Volta's charging stations.

- 4) **To the maximum extent feasible, plant materials used in landscaped islands and in the perimeter of parking areas shall be drought resistant, salt tolerant, noninvasive species as identified in The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts by the Massachusetts Invasive Plant Advisory Group.**



No additional landscaping is proposed on Site as a result of Volta's charging stations.

- 5) Landscaped areas should be designed to receive and accommodate stormwater runoff in accordance with the Massachusetts DEP Stormwater Handbook through the use of rain gardens and bio-retention areas.**

No additional landscaping is proposed on Site as a result of Volta's charging stations.

- D. *Screening and Buffers* – Where disturbance on the site is necessary beyond the building footprint, parking and access areas, or where the Board determines that additional plantings are needed to achieve four seasons of screening, the Landscape Plan shall include landscape plantings, berms, and/or manmade hardscape structures such as fences, stone walls and trellises sufficient to immediately screen one-hundred percent of the HVAC equipment, utilities, dumpsters, storage areas, truck loading areas, machinery, utility buildings, and accessory structures etc. from the view at any perimeter point on the site. The proposed plantings shall be of sufficient maturity to immediately integrate the building and site into its surroundings. The scale, extent and density of such landscape and hardscape treatment shall be determined by the size of the building, the extent of planned disturbance to the site's existing landscape, the adjacent uses, and the need for additional screening.**

Volta's charging stations will not extend beyond the existing parking area and this provision of the Regulations does not apply to this Application.

- E. *Landscaping Around Stormwater Infiltration Basins* – Substantial landscaping shall be provided around stormwater detention and retention basins and shall be included in the design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize the visual impact of stormwater basins, such landscaping should include two staggered rows of suitable trees and shrubs. Landscaping shall be designed to not obstruct access to the stormwater basins for maintenance purposes.**

No changes or additions are proposed to the existing stormwater drainage systems on Site and this provision of the Regulations does not apply to this Application.

- F. *Trees shall be non-invasive, deciduous hardwoods. The following species are preferred:***



- 1) Red Oak - *Quercus borealis*
- 2) Pin Oak - *Quercus palustris*
- 3) Scarlet Oak - *Quercus coccinea*
- 4) Red Maple - *Acer rubrum*
- 5) Sugar Maple - *Acer saccharum*
- 6) Thornless Honey Locust - *Gleditsia triacanthos intemis*
- 7) London Plane Tree
- 8) Ginko (Fruitless male)
- 9) Swamp White Oak
- 10) Zelcova
- 11) Sweetgum (*Rotundiloba*/fruitless)
- 12) Linden

**Smaller variety trees:**

- 13) Crab Apple (if insect and disease resistant)
- 14) Kousa Dogwood
- 15) Serviceberry
- 16) Hendge Maple

**Evergreen species:**

- 17) Norway Spruce
- 18) Hemlock
- 19) Capitata Yew
- 20) Cedar

The Applicant may propose alternative trees that may be better choices for the particular site based on proximity to utility lines, sidewalks and pavement, area available for root growth, tolerance to salt, rooting characteristics, resistance to disease and insects, tolerance to root pruning, branching habit, fruit and seed production, maintenance needs or other reasons. The Board may seek the advice of the Medway Tree Warden to evaluate alternative tree proposals.

No additional landscaping is proposed on Site as a result of Volta's charging stations.

- G. *Tree Preservation* - Wherever feasible, existing trees of fifteen inches or more in diameter as measured four feet above finish grade should be preserved.**

No existing trees will be removed as a result of Volta's charging stations.



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

No existing trees will be removed as a result of Volta's charging stations.

- I. *Tree Size* – New and replacement trees shall have a diameter of at least an average of two and one-half inches as measured four feet above finish grade and shall be a minimum of twelve feet in height.**

No additional trees will be planted on Site as a result of Volta's charging stations.

- J. *Landscape Requirements* – To the maximum extent feasible, all additional landscaping shall be drought resistant, pest tolerant, non-invasive species as identified in The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts by the Massachusetts Invasive Plant Advisory Group. Tree species should be native and hardy for Zone 6.**

No additional landscaping is proposed on Site as a result of Volta's charging stations.

- K. *Irrigation* – On-site wells, cisterns to capture rainfall, or private watering service is required to maintain landscaping installations. The Town does not permit connection to the Town's water service for landscape irrigation. Well locations shall be shown on the site plan and are subject to approval of the Medway Board of Health.**

No wells are proposed on Site as a result of Volta's charging stations.

#### ***207 – 20 Site Amenities***

- A. When incorporated as part of a site plan or included as mitigation measures, the selection of types and materials for fencing, retaining walls, gates, benches, planters, bike racks, seating areas, and other site amenities should comply with the *Medway Design Review Guidelines*.**
- B. Proposed hardscape features and materials such as fences and stone walls shall be compatible with the design of the building. Vehicle sight lines shall not be affected by such landscape features or built hardscapes.**

Volta does not propose any additional site amenities listed in these provisions of the Regulations as a part of its charging stations.



**207 – 21      *Snow Removal***

**The site shall be designed to accommodate adequate snow storage for snow that is removed from the paved areas. The snow storage area(s) shall be located and graded such that the runoff from melting snow shall not enter the public way or wetland resource areas. Stored snow shall not affect visibility and sight distance of vehicles entering and exiting the site. Snow storage areas shall safely accommodate a minimum volume equal to six inches over the entire site area subject to snow removal. The Board may condition a site plan decision to require removal of excess snow off-site.**

There will be no change to existing snow removal measures on the Site as a result of Volta's charging stations.

**207 – 22      *Outdoor Storage***

**To the maximum extent possible, outdoor storage of materials, goods, and equipment if permitted, shall be screened from view from adjacent and nearby streets and properties by suitable fencing and/or evergreen plantings, and in accordance with Zoning Bylaw regulations. Check *Table 1 Schedule of Uses of the Zoning Bylaw* for areas where outdoor storage is permitted.**

There will be no additional outdoor storage areas added to the Site as a result of Volta's charging stations.

**COMPLIANCE WITH MEDWAY DESIGN REVIEW GUIDELINES**

**B.      Principles and Intentions**

**The Design Review Guidelines for the commercial zones are intended to shape commercial development to reinforce the traditional New England village character of Medway. For commercial zones, the following design principles encourage a human-scaled, well-designed, New England village environment:**

- **An overall development character that reflects the heritage of the Town of Medway and highlights features of the development or site that may connect the current design to the Town's history**



- **Building massing and site composition with a configuration and appearance that suggest evolution or modification over time through organic and incremental growth**
- **Building scale and site composition that reinforces the human scale of the built environment with buildings that are relatable to the pedestrian and a walkable site design with inviting streetscapes or small public spaces for socializing and gathering**
- **Building architecture that is varied and eclectic in style that echoes traditional New England building character with traditional details, materials and colors**

The proposed electric vehicle charging stations will not derogate from the intent or purpose of the Bylaw because the charging stations are located within the parking area of an existing shopping plaza, set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where charging stations are now expected and more commonplace. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

**C. Site Improvement Guidelines The following guidelines outline the site design and layout practices that should be viewed as baseline components for a well-designed commercial development in the Town of Medway.**

- 1. Site Composition The development's land planning and site design should provide a thoughtful and responsive approach that adapts the development program and site requirements to the conditions of the land.**
  - a) Reinforce New England Village Environment – Site design should be used to reinforce the sense of a New England village environment by clustering buildings and site features. Purposeful composition of buildings and site features encourages a sense of community and frames open spaces. It also provides opportunities to maintain existing scenic views and to reinforce deliberate clearings for a variety of vistas and views.**
  - b) Integrate Natural Site Features – The site design should take advantage of the natural site features by maintaining, incorporating or adapting the inherent characteristics of the**



**property (topography, landscape features and vegetation, rock formations, stone walls, etc.) to guide and benefit the layout and design of the site.**

- c) Cluster Components – Site and building components should be clustered to maintain the maximum amount of natural and undisturbed open space on the property.**
- d) Reduce Impact of Parking – Site layout should be designed to minimize the visibility and impact of parking, service and utility-oriented functions of the property.**

Volta's charging stations will be a de minimis addition to the existing shopping plaza and will be located upon a small portion of the existing parking lot.

- 2. Building Orientation Buildings should be sited to organize development on the land, reinforce a sense of community, frame open space, and conceal parking, service and loading areas.**
  - a) Orient Building to the Street – Primary building facades should be oriented to public street frontages and/or open spaces.**
  - b) Position Entry to the Street – The front facades and primary pedestrian entries to a building should face the public street that provides primary access to the property.**
  - c) Respect Patterns of Context – Building setbacks should be consistent with the zoning requirements and consider the pattern of buildings on adjacent parcels. A setback distance similar to neighboring buildings reinforces a rhythm and pattern of the district. Front setback distances should be minimized to encourage a relationship between the building and the primary street frontage.**
  - d) Articulate Multiple Primary Façades – For buildings with multiple frontage orientations, design for all views and façades should be considered with multiple primary façades and building entries.**
  - e) Anticipate Future Improvement – Building design and orientation should anticipate that abutting vacant land may be a future development opportunity. Thoughtful attention should be paid to anticipating potential future development that could**



**change the context of a building façade to enhance adjacent relationships and avoid awkward building orientations.**

Volta's electric vehicle charging stations do not entail the construction of any buildings on Site and this provision of the Design Review Guidelines does not apply to this Application.

**D. Architectural Guidelines The following guidelines outline the architectural design elements that should be viewed as a baseline for well-designed architecture in the Town of Medway.**

- 1. Building Massing Building massing should be designed to reduce the overall perceived scale and provide simple and evocative forms that reinforce both a sense of a New England village and a sense of a human-scaled environment.**
  - a) Strengthen Prominence of Building Entry – Building massing should reinforce the purpose and readability of the building. For example, building massing should emphasize and highlight the location of the primary building entrance.**
  - b) Visually Reduce Larger Building Scale – Large building masses should be broken down through variations in roof lines, bays, setbacks, upper-level stepbacks, horizontal or vertical articulation, or other types of architectural detailing as described in Façade Composition and Components. Overall building form should be appropriate to the scale of the building and not become overly complicated.**
  - c) Simplify Smaller Buildings – Smaller building masses should remain simple and not overly complicated.**
  - d) Reinforce Corners and Gateways – Sites located at a prominent corner, intersection, or gateway should have building features and orientation that recognize the corner or gateway and respond to it with a suitable building form. Examples of prominent building features include tower or cupola elements, corner detailing, additional building height, or other building forms that provide a visual anchor.**
  - e) Integrate Historic Structures – Existing historic structures should be integrated into any new development plan. New buildings and additions should complement and reflect the style of existing older structures. Historic buildings should be considered for restoration, sensitive rehabilitation,**



- preservation or adaptive reuse as may be appropriate to the historic structure and nature of its reuse. Refer to the Secretary of the Interior's Standards for Rehabilitation.
- f) **Integrate Accessibility Features – Accessibility ramps, lifts or other access requirements should be integrated into the design of the building entry at the building exterior and interior. Accessibility components should be a purposeful part of the building entry design.**

Volta's electric vehicle charging stations do not entail the construction of any buildings on Site and this provision of the Design Review Guidelines does not apply to this Application.

2. **Façade Composition and Components Composition of building façades should include architectural features and building components that reduce the scale of large building masses, reinforce the character of the building to reflect a New England village style, and provide detail and articulation of the overall building, particularly in areas with pedestrian traffic.**
- a) **Emphasize Façade Rhythm and Patterns – A building façade should be broken into vertical and horizontal parts that reinforce a rhythm and pattern. Vertically, a building should be seen to have a base, middle and top. Horizontally, the building should be broken down into sections that correspond to and indicate bays of the structural system.**
- b) **Avoid Long and Blank Façades – Building façades should be differentiated at intervals typically not less than 50 feet or less by a change in material, a variation in the plane of the wall, decorative components, or functional element such as entryway or portico. Sections of continuous, uninterrupted, or blank building façades typically should not exceed 50 feet.**

## **CONCLUSION**

As evidenced by the materials submitted with this Application and as will be further demonstrated by the Applicant through evidence submitted to the Board at the public hearing(s) in connection herewith, the proposed signage satisfies the intent and objectives of the Bylaw in light of the size of the parcel, the commercial nature of the shopping plaza, as well as the charging station placement within the plaza. The charging stations will minimize potential



Town of Medway  
Planning and Economic Board  
July 20, 2022  
Page 45

adverse impacts to the surrounding neighborhood and the Town of Medway as a whole as it will not be seen from the streets or neighboring parcels. Volta respectfully requests that the Board approve the design of the charging station signage and grant the requested special permit and Minor Site Plan Review.

Respectfully Submitted,

**BROWN RUDNICK LLP**

By:   
Michael R. Dolan, Esq.



## **LIST OF EXHIBITS**

1. Application Forms
2. Certified Abutters List
3. Deed
4. Plans
5. Photos
6. Filing Fee
7. Waiver Requests

# VOLTA

## SHAW'S 65 MAIN STREET PHASE 1

65 MAIN ST  
MEDWAY, MA 02053  
NORFOLK COUNTY

### BOSTON MARKET

# VOLTA

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

# Kimley»Horn

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WALTHAM, MA 02451  
Main: 781.328.0676 | www.kimley-horn.com  
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ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

BUILDING/DWELLING CODE MASSACHUSETTS BUILDING CODE 2017  
STRUCTURAL CODE MASSACHUSETTS BUILDING CODE 2017  
PLUMBING CODE MASSACHUSETTS PLUMBING CODE 2017  
MECHANICAL CODE MASSACHUSETTS BUILDING CODE 2017  
ELECTRICAL CODE MASSACHUSETTS ELECTRICAL CODE 2017  
FIRE/LIFE SAFETY CODE MASSACHUSETTS FIRE CODE 2017

VOLTA PROPOSES TO INSTALL:

- (2) ELECTRIC VEHICLE CHARGING STATIONS AND ALL RELATED ELECTRICAL AND CIVIL ACTIVITIES. PAINTING AND MARKING OF EV CHARGING PARKING SPACES AND INSTALLATION OF NECESSARY PARKING SIGNS.

#### APPLICANT:

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155 DE HARO STREET  
SAN FRANCISCO, CA 94103  
CONTACT: MAC TAYLOR  
PHONE #: 510-292-8964  
EMAIL: MAC.TAYLOR@VOLTACHARGING.COM

#### CIVIL ENGINEER:

KIMLEY-HORN & ASSOCIATES  
1700 WILLOW LAWN DRIVE SUITE 200  
RICHMOND, VA 23230  
CONTACT: BRIAN BREWER  
PHONE #: (804) 672-4709  
EMAIL: BRIAN.BREWER@KIMLEY-HORN.COM

#### PROPERTY INFORMATION:

ALBERTSONS COMPANIES  
250 E PARKCENTER BLVD  
BOISE, ID 83706  
CONTACT: CATHY IKEUCHI  
PHONE: (925) 226-5860  
EMAIL: CATHY.IKEUCHI@ALBERTSONS.COM

#### ELECTRICAL ENGINEER:

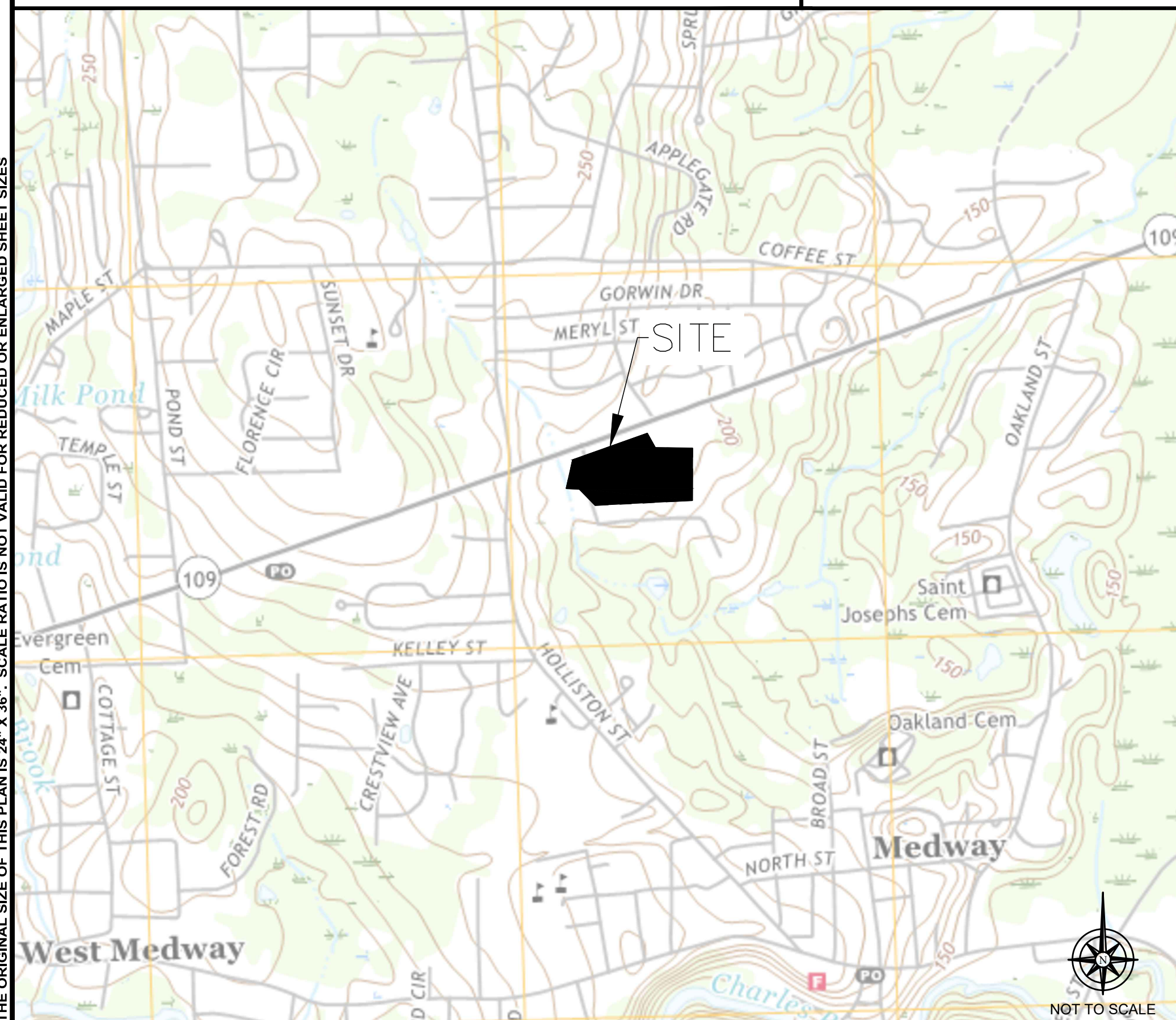
KIMLEY-HORN & ASSOCIATES  
4525 MAIN STREET SUITE 1000  
VIRGINIA BEACH, VA 23462  
CONTACT: JON CHAMBERS  
PHONE #: (757) 213-8620  
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#### PROJECT MANAGER:

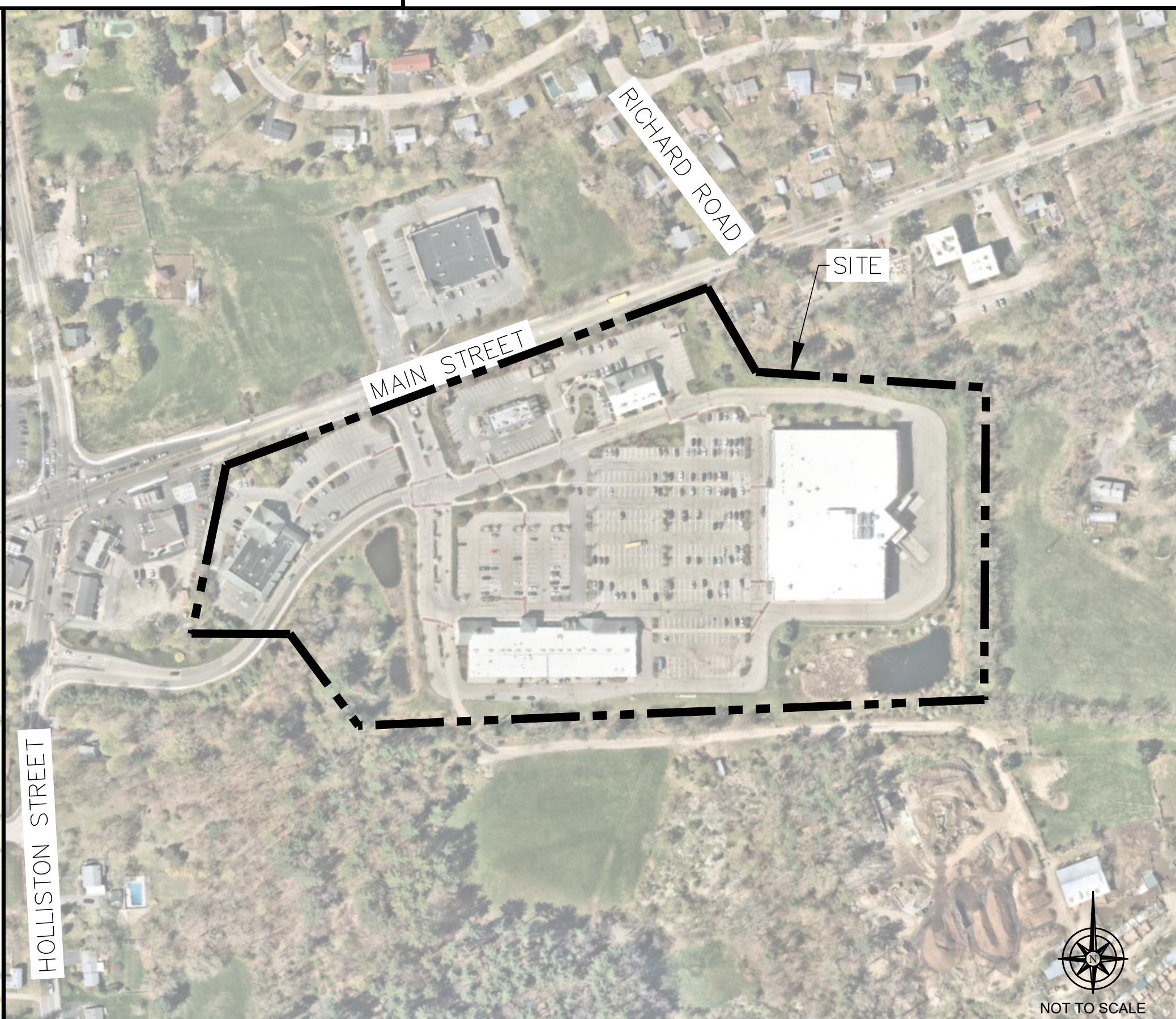
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### CODE BLOCK

### PROJECT DESCRIPTION



VICINITY MAP



LOCAL MAP

### PROJECT TEAM

Sheet Number	Sheet Title
C0-00	Title Sheet
C0-01	General Notes
C0-02	Volta Station Overview
C1-00	Overall Site Plan
C2-00	Enlarged Site Plan
C3-00	Site Details
C3-01	Site Details
C3-02	Site Details
C3-03	Site Details
E1-00	Electrical One Line Diagram
E3-00	Electrical Notes & Details

### SHEET INDEX



DIG ALERT

Know what's BELOW.  
CALL before you dig.

CALL AT LEAST TWO WORKING  
DAYS BEFORE YOU DIG

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING LOCATIONS, CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME

DO NOT SCALE DRAWINGS



07-13-2022

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SHAW'S 65 MAIN  
STREET PHASE 1

65 MAIN ST  
MEDWAY, MA 02053

SHEET TITLE

TITLE SHEET

SHEET NUMBER

C0-00

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES

GENERAL NOTES:

1. THIS DOCUMENT DOES NOT CONTAIN ALL SPECIFICATIONS AND DETAILS FOR NECESSARY FOR CONSTRUCTION. REFER TO INSTALLATION GUIDE AND OTHER DOCUMENTS PROVIDED BY VOLTA FOR ADDITIONAL INFORMATION.
2. ALL EXISTING CONDITIONS SHOWN ARE APPROXIMATE. EXISTING UTILITY LOCATIONS AND CROSSINGS ARE TO BE LOCATED IN THE FIELD. CONTRACTOR IS TO CONTACT 811 UTILITY PRIOR TO BEGINNING ANY EXCAVATION WORK.
3. ALL PAVEMENT, LANDSCAPING, UTILITIES, AND OWNER PROPERTY THAT IS DAMAGED OR AFFECTED BY CONSTRUCTION SHALL BE RETURNED TO EXISTING CONDITIONS AT THE CONTRACTOR'S EXPENSE.
4. PROPOSED PAVEMENT STRIPING SHALL LINE UP WITH EXISTING STRIPING WHEREVER POSSIBLE, ADDITIONAL PAVEMENT STRIPE IS NOT NECESSARY PARALLEL TO THE CONSTRUCTED CHARGING ISLAND.
5. CONTRACTOR IS TO SUBMIT SKETCH OF ESTIMATED EXTENTS OF PROPOSED PAVEMENT WORK TO VOLTA AND KIMLEY-HORN PRIOR TO BEGINNING PAVEMENT WORK.
6. PROPOSED TRANSFORMER AND SWITCHGEAR CABINET LOCATIONS ARE APPROXIMATE. CONTRACTOR CAN FIELD LOCATE WITHIN LANDSCAPE ISLAND AS NECESSARY WITH APPROVAL FROM VOLTA.
7. THIS ACCESSIBILITY REVIEW WAS UNDERTAKEN TO IDENTIFY DESIGN FEATURES OF THE PROJECT THAT MAY BE CONSIDERED BY GOVERNMENTAL AGENCIES OR DEPARTMENTS, OR NON-GOVERNMENTAL GROUPS TO BE NON-COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, REVISED 2010 ADA REGULATIONS AND STANDARDS. THE AMERICANS WITH DISABILITIES ACT OF 1990 IS A FEDERAL CIVIL RIGHTS LAW, THERE IS NO FEDERAL REVIEW PROCESS TO ENSURE FULL COMPLIANCE WITH THE GUIDELINES, EXCEPT THROUGH THE FEDERAL COURT SYSTEM. THE DEPICTIONS, NOTES, AND RECOMMENDATIONS, EXPRESSED ON THIS PLAN ARE BASED ON PROFESSIONAL JUDGEMENT GAINED FROM PAST EXPERIENCE WITH ACCESSIBILITY LAWS, CODES, AND STANDARDS AND THE WORKING INVOLVEMENT TO DEVELOP ACCESSIBILITY STANDARDS THAT WILL MEET OR EXCEED THE APPLICABLE FEDERAL GUIDELINES. ACCORDINGLY, NO CLAIMS OR WARRANTIES, EXPRESSED OR IMPLIED, ARE MADE THAT IN PREPARING THIS PLAN AND PROPOSING RECOMMENDATIONS, THAT ALL POSSIBLE BARRIERS TO ALL PEOPLE HAVE BEEN IDENTIFIED.
8. CONTRACTOR SHALL ACHIEVE A MINIMUM OF 1% BUT NO MORE THAN A 2% SLOPE IN ANY DIRECTION WITHIN ADJACENT ACCESSIBLE SPACE AND BLEND ASPHALT OVERLAY TO EXISTING GRADES AS REQUIRED. CONTRACTOR SHALL PROVIDE A SKETCH TO VOLTA OF PROPOSED LIMITS OF ASPHALT OVERLAY TO ACHIEVE THIS REQUIREMENT PRIOR TO BEGINNING PAVEMENT WORK.
9. ACCESSIBLE EV STALLS WERE DESIGNED BASED ON EXISTING CONDITIONS AND WITHOUT THE BENEFIT OF SURVEY DATA. ALL ADA AND LOCAL REQUIREMENTS INCLUDING BUT NOT LIMITED TO SLOPE AND SPACING SHALL BE CONFIRMED BY THE CONTRACTOR AND MET AT THE TIME OF CONSTRUCTION.
10. CONTRACTOR TO NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN ACCESSIBILITY PRIOR TO CONSTRUCTION.

ELECTRICAL NOTES:

1. ALL ELECTRICAL WORK AND RELATED ACTIVITIES PERFORMED ON-SITE SHALL BE DONE IN ACCORDANCE WITH NATIONAL ELECTRIC CODE (NEC) STANDARDS BEING ENFORCED BY ALL APPLICABLE JURISDICTIONAL REQUIREMENTS AT THE TIME OF CONSTRUCTION.
2. UTILITY EQUIPMENT INSTALLATIONS AND PREP WORK SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY ENGINEER AT TIME OF PRECONSTRUCTION MEETING TO ENSURE ACCURACY OF INSTALLATIONS.
3. CONDUIT PATHS ARE REPRESENTATIVE ONLY. EXACT CONDUIT PLACEMENT TO BE DETERMINED ON SITE BASED ON FIELD CONDITIONS

GRADING NOTES:

1. ADDITIONAL EROSION CONTROL DEVICES TO BE USED AS REQUIRED BY LOCAL INSPECTOR.
2. DISTURBED AREAS LEFT IDLE FOR FIVE DAYS, AND NOT TO FINAL GRADE, WILL BE ESTABLISHED TO TEMPORARY VEGETATION. MULCH, TEMPORARY VEGETATION OR PERMANENT VEGETATION SHALL BE COMPLETED ON ALL EXPOSED AREAS WITHIN 14 DAYS AFTER DISTURBANCE. ALL AREAS TO FINAL GRADE WILL BE ESTABLISHED TO PERMANENT VEGETATION UPON COMPLETION.
3. WHEN HAND PLANTING, MULCH (HAY OR STRAW) SHOULD BE UNIFORMLY SPREAD OVER SEEDED AREA WITHIN 24 HOURS OF SEEDING. IF UNABLE TO ACCOMPLISH, MULCH SHALL BE USED AS A TEMPORARY COVER. CONCENTRATED FLOW AREAS AND ALL SLOPES STEEPER THAN 2.5:1 AND WITH A HEIGHT OF TEN FEET OR GREATER (DOES NOT APPLY TO RETAINING WALLS), AND CUTS AND FILLS WITHIN BUFFERS, SHALL BE STABILIZED WITH THE APPROPRIATE EROSION CONTROL MATTING OR BLANKETS.
4. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND-DISTURBING ACTIVITIES.
5. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION CONTROL AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
6. SEED ALL DISTURBED AREAS UNLESS OTHERWISE NOTED AS PART OF THIS CONTRACT.
7. UNDERGROUND UTILITIES HAVE NOT BEEN VERIFIED BY THE OWNER, DESIGNER, OR THEIR REPRESENTATIVES. BEFORE YOU DIG CALL 811 ONE CALL.
8. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT RESULT FROM THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY UNDERGROUND UTILITIES TO REMAIN. THE CONTRACTOR IS TO NOTIFY ENGINEER IMMEDIATELY OF ANY DISCREPANCIES AND/OR CONFLICTS WITH EXISTING OR PROPOSED UTILITIES PRIOR TO PROCEEDING.

EROSION CONTROL NOTES:

1. STOCKPILED TOPSOIL OR FILL MATERIAL IS TO BE TREATED SO THE SEDIMENT RUN-OFF WILL NOT CONTAMINATE SURROUNDING AREAS OR ENTER NEARBY STREAMS. STOCK PILE LOCATIONS SHALL BE COORDINATED WITH THE ENGINEER PRIOR TO GRADING ACTIVITIES. EROSION & SEDIMENT CONTROL PRACTICE SHALL BE INSTALLED PRIOR TO STOCKPILE OPERATIONS.
2. CONSTRUCT SILT BARRIERS BEFORE BEGINNING GRADING OPERATIONS.
3. MULCH AND SEED ALL DISTURBED AREAS AS SOON AS POSSIBLE AFTER FINAL GRADING IS COMPLETED (WITHIN 15 DAYS OF ACHIEVED FINAL GRADES) UNLESS OTHERWISE INDICATED. CONTRACTOR SHALL TAKE WHATEVER MEANS NECESSARY TO ESTABLISH PERMANENT SOIL STABILIZATION. STEEP SLOPES (GREATER THAN 3:1) SHALL BE STABILIZED WITHIN 7 DAYS OF FINAL GRADING.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
5. DO NOT DISTURB VEGETATION OR REMOVE TREES EXCEPT WHEN NECESSARY FOR GRADING PURPOSES.

VOLTA

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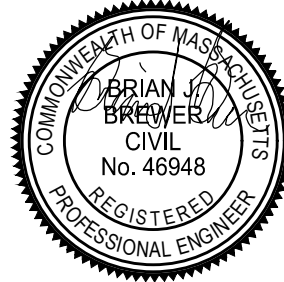
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3	06/21/2021	CD100 REVISION PER VOLTA COMMENTS	TAS
2	07/01/2019	CD100s	CMN
1	06/13/2019	CD90s	CMN
REV	DATE	DESCRIPTION	BY

ISSUE DATE

07/13/2022

ISSUED FOR

PERMIT



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SHAW'S 65 MAIN  
STREET PHASE 1

65 MAIN ST  
MEDWAY,MA 02053

SHEET TITLE

GENERAL NOTES

SHEET NUMBER

C0-01

VOLTA - STATION OVERVIEW

Volta provides free, turnkey electric vehicle charging services. This modern amenity attracts the community as Volta's charging network draws 3x the number of visits to the property as compared to other charging networks.\* Our stations have been installed in over 120 different municipalities across the U.S.

\*Finn Research

VOLTA STATION BENEFITS

- Installation, equipment and maintenance is paid by Volta
- Charges all electric vehicles
- Electricity to charge community members' electric vehicle is free
- Free electricity supported through third party content on displays
- Charges up to 2 hours free with software that discourages abuse
- Volta stations are occupied 80% of the retail day
- Volta has provided over 60 million miles of free charging, replaced approximately 2.3 million gallons of gasoline and eliminated over 45 million pounds of CO2

Charging Unit Information

*Single charging units*  
Size: H 86.25" x W 32.5" x D 12.75"  
Display Size: H 48" x W 27"  
Cord length: 20'  
Power Type: 208/240VAC, 40A, 10 kW max  
Plug: SAE J1772 compliant connector  
Listings: UL® E354307

POWER REQUIREMENTS

Charging Unit: 50A/2P 208/240V breaker  
Charging Aux Power: 20A/IP 120V breaker  
Cell signal or LAN access required

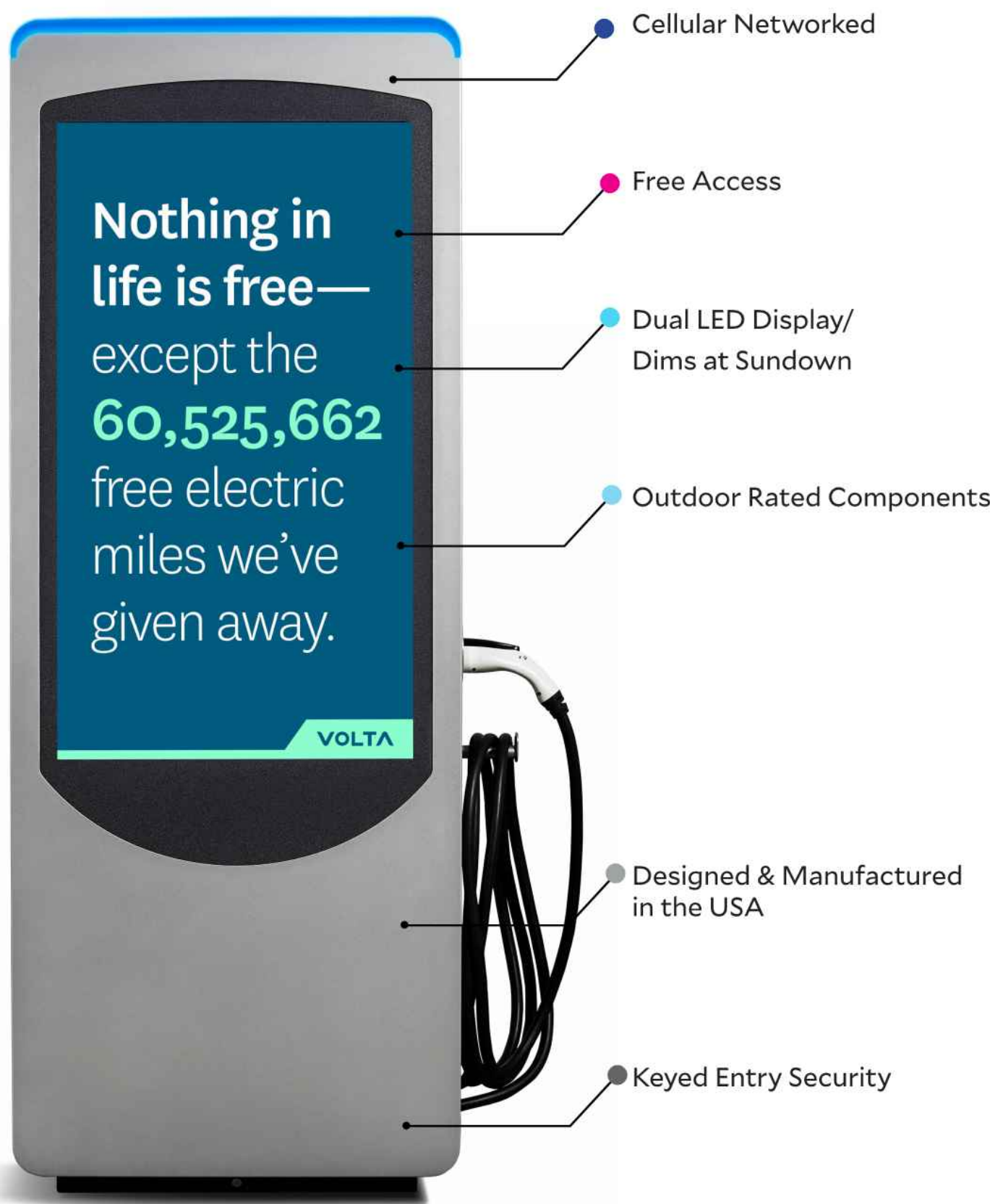
INSTALLATION REQUIREMENTS

Wire Diameter: #6 AWG"  
*Larger for longer conduit runs*  
  
Conduit Diameter: 2"  
*Two Volta stations can share one 2" conduit*

Volta's mission is simple: Accelerate electric vehicle adoption by building cutting-edge, free and inspiring vehicle charging networks.



Above is a typical Volta installation showing one of our charging stations in a parking area.



VOLTA

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

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4	07/13/2022	CD100s - ZONING PERMIT	TAS
3	06/21/2021	CD100 REVISION PER VOLTA COMMENTS	TAS
2	07/01/2019	CD100s	CMN
1	06/13/2019	CD90s	CMN
REV	DATE	DESCRIPTION	BY

ISSUE DATE  
07/13/2022

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SHAW'S 65 MAIN  
STREET PHASE 1  
  
65 MAIN ST  
MEDWAY,MA 02053

SHEET TITLE  
VOLTA STATION  
OVERVIEW

SHEET NUMBER  
C0-02

VOLTA HEADQUARTERS: 155 De Haro St. San Francisco, CA 94103 WEBSITE: [voltacharging.com](http://voltacharging.com)

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES



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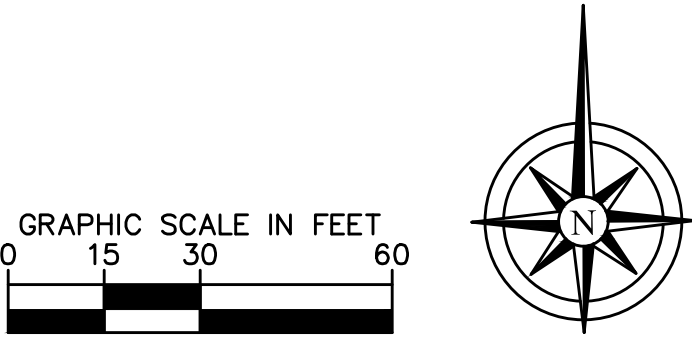
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CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL FIELD CONDITIONS AND IS TO ALERT THE ENGINEER AND VOLTA OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION. CONTRACTOR TO COORDINATE WITH VOLTA PM FOR ALL FINAL PLACEMENTS OF INFRASTRUCTURE.

- CONSTRUCTION NOTES:
- CONTRACTOR RESPONSIBILITIES INCLUDE CHARGING STATION MOUNTING, CONDUIT INSTALLATION, AND WIRING.
  - CONTRACTOR TO PAINT PROPOSED EV PARKING SPACES PER JURISDICTIONAL REQUIREMENTS.
  - CONTRACTOR TO INSTALL TREE PROTECTION FENCING PRIOR TO ANY CONSTRUCTION ACTIVITY. SEE SHEET C3-01 FOR DETAILS.
  - EXACT STATION PLACEMENT AND ROTATION ANGLE MAY VARY SLIGHTLY UPON INSTALLATION DEPENDING ON SITE CONDITIONS
  - CONTRACTOR TO FIELD VERIFY ALL STALL DIMENSIONS AND ALL EQUIPMENT LOCATIONS TO ENSURE SUFFICIENT SPACE IS AVAILABLE.
  - CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS WHEN DRILLING INTO EXISTING CIP SLAB AND CIP DROP PANELS TO AVOID DAMAGE TO ANY REINFORCING AND EXISTING STRUCTURAL COMPONENTS.
  - USE APPROVED ASTM METHOD (X-RAY, PACOMETER, GRP, ETC.) TO LOCATE MILD STEEL AND PRE-STRESSING TENDONS PRIOR TO DRILLING. DO NOT CUT OR DRILL THROUGH ANY EXISTING REINFORCING. ADJUST LOCATION AS NECESSARY TO AVOID EXISTING REINFORCING.ENSURE 1" GAP MIN. BETWEEN REBAR AND ANCHORAGE.
  - VOLTA WILL MAKE EVERY EFFORT TO FOLLOW, WITH THEIR PROPOSED CONDUIT, AN EXISTING CONDUIT ROUTE FROM ELECTRICAL ROOM TO PROPOSED STATION PLACEMENTS. WHEN AN EXISTING ROUTE IS NOT AVAILABLE, VOLTA WILL MAKE EVERY EFFORT TO CONCEAL/HIDE, PAINT AND MINIMIZE VISUAL IMPACT OF CONDUITS ANYWHERE THEY MAY BE VISIBLE TO THE PUBLIC.

- ADA COMPLIANCE:
- CURB RAMPS ALONG PUBLIC STREETS AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE CONSTRUCTED BASED ON THE CITY STANDARD CONSTRUCTION DETAILS AND SPECIFICATIONS.
  - PRIVATE CURB RAMPS ON THE SITE (I.E. OUTSIDE PUBLIC STREET RIGHT-OF-WAY) SHALL CONFORM TO ADA STANDARDS AND SHALL HAVE A DETECTABLE WARNING SURFACE THAT IS FULL WIDTH AND FULL DEPTH OF THE CURB RAMP, NOT INCLUDING FLARES.
  - ALL ACCESSIBLE ROUTES, GENERAL SITE AND BUILDING ELEMENTS, RAMPS, CURB RAMPS, STRIPING, AND PAVEMENT MARKINGS SHALL CONFORM TO ADA STANDARDS FOR ACCESSIBLE DESIGN, LATEST EDITION.
  - BEFORE PLACING PAVEMENT, CONTRACTOR SHALL VERIFY THAT SUITABLE ACCESSIBLE PEDESTRIAN ROUTES (PER ADA AND FHA) EXIST TO AND FROM EVERY DOOR AND ALONG SIDEWALKS, ACCESSIBLE PARKING SPACES, ACCESS AISLES, AND ACCESSIBLE ROUTES. IN NO CASE SHALL AN ACCESSIBLE RAMP SLOPE EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL SIDEWALK CROSS SLOPE EXCEED 2.0 PERCENT. IN NO CASE SHALL LONGITUDINAL SIDEWALK SLOPE EXCEED 5.0 PERCENT. ACCESSIBLE PARKING SPACES AND ACCESS AISLES SHALL NOT EXCEED 2.0 PERCENT SLOPE IN ANY DIRECTION.
  - CONTRACTOR SHALL TAKE FIELD SLOPE MEASUREMENTS ON FINISHED SUBGRADE AND FORM BOARDS PRIOR TO PLACING PAVEMENT TO VERIFY THAT ADA SLOPE REQUIREMENTS ARE PROVIDED. CONTRACTOR SHALL CONTACT ENGINEER PRIOR TO PAVING IF ANY EXCESSIVE SLOPES ARE ENCOUNTERED. NO CONTRACTOR CHANGE ORDERS WILL BE ACCEPTED FOR ADA SLOPE COMPLIANCE ISSUES.

- PARKING NOTE:
- FOR THE PURPOSE OF THIS PLAN IT IS ASSUMED THERE IS ADEQUATE PARKING IN EXISTING CONDITIONS TO CONVERT 2 PARKING SPACES TO 2 EV PARKING SPACES.



VOLTA

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

Kimley»Horn

300 BAKER AVE SUITE 300  
CONCORD, MA 01742  
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SHAW'S 65 MAIN  
STREET PHASE 1

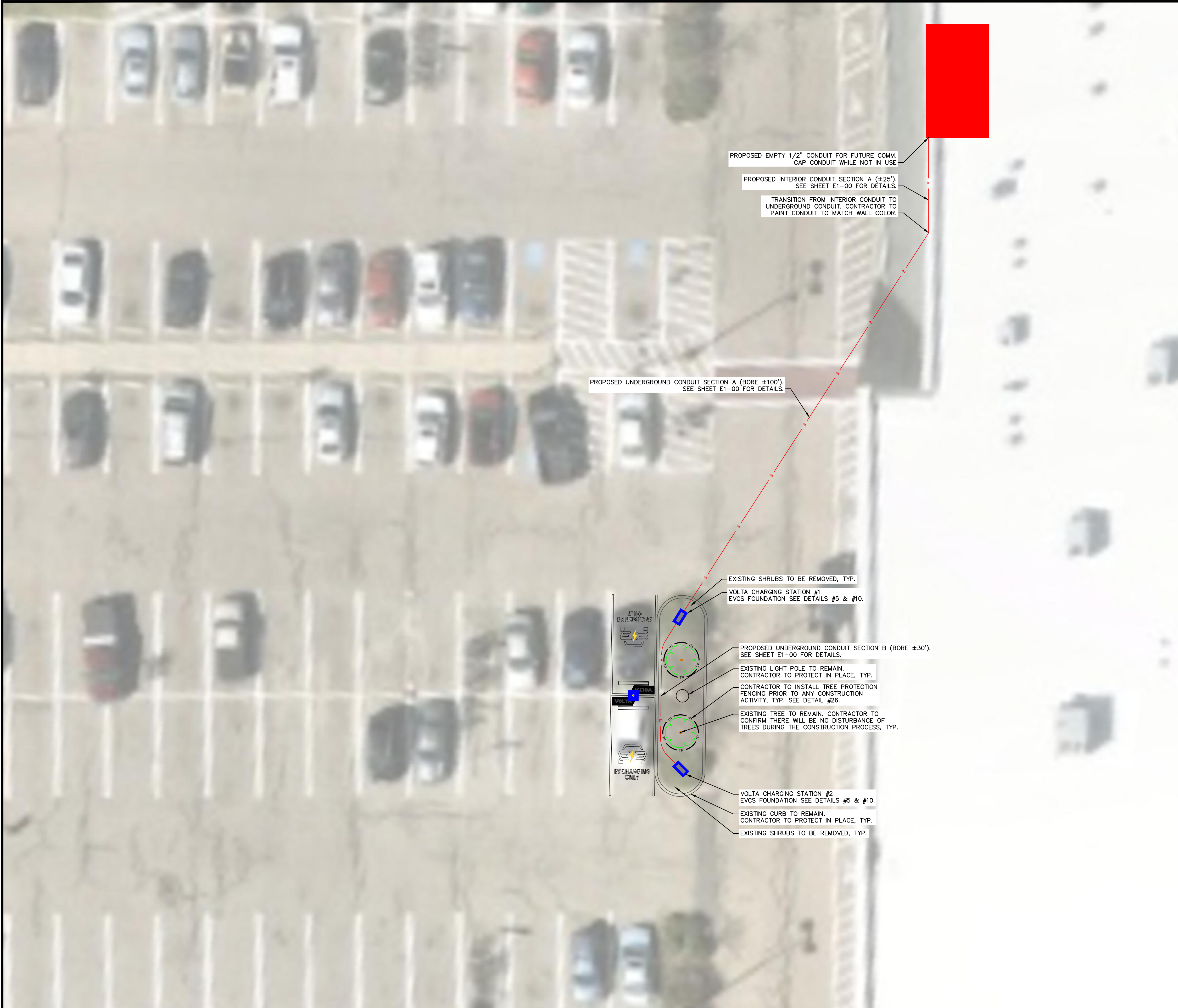
65 MAIN ST  
MEDWAY,MA 02053

SHEET TITLE  
**OVERALL  
SITE PLAN**

SHEET NUMBER  
**C1-00**

OVERALL SITE PLAN

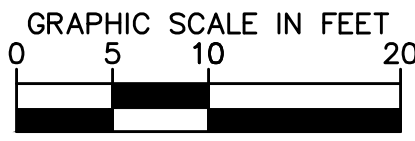
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**VOLTA**

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

**Kimley»Horn**

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**SHAW'S 65 MAIN  
STREET PHASE 1**

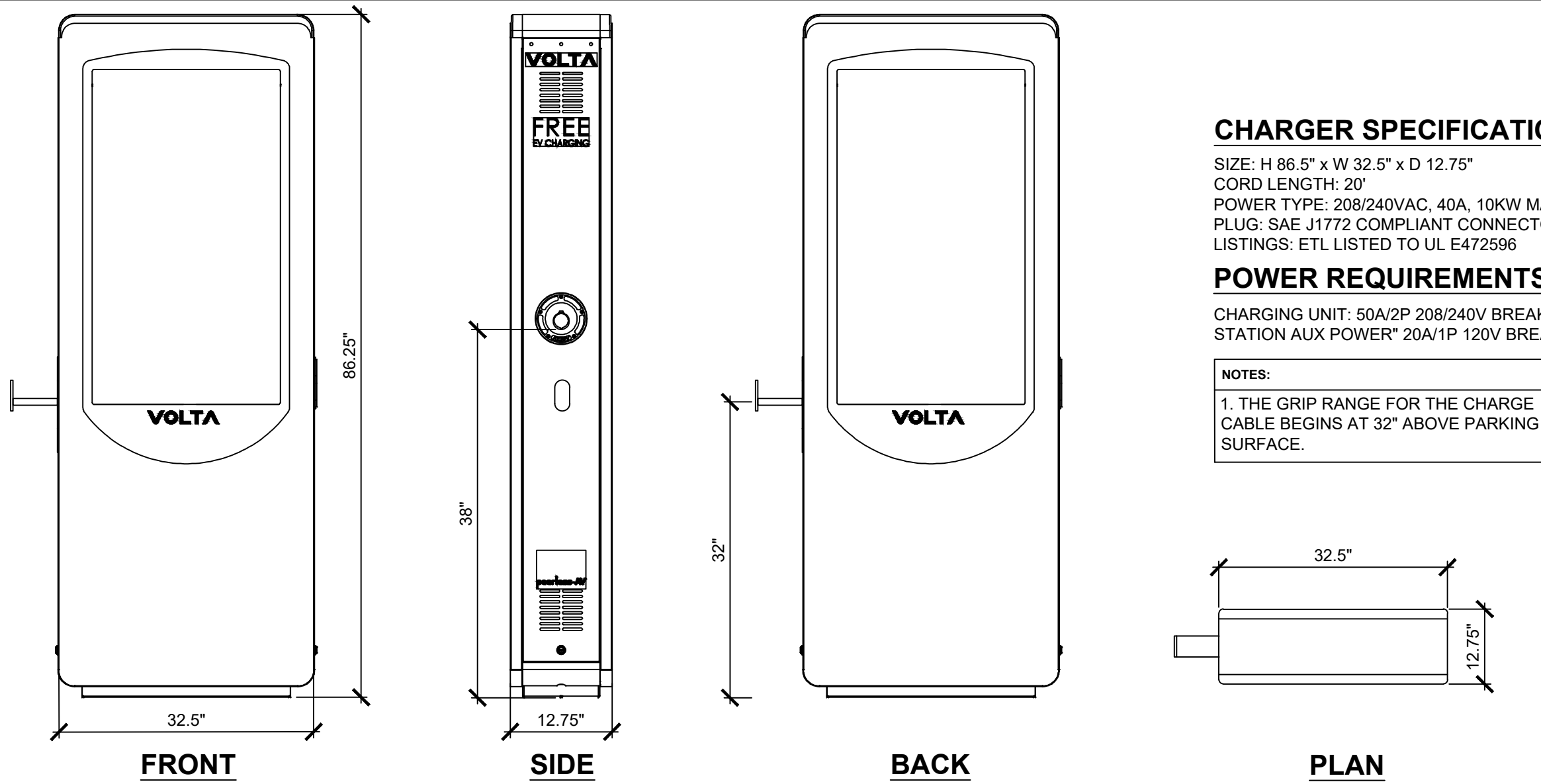
65 MAIN ST  
MEDWAY, MA 02053

SHEET TITLE  
**ENLARGED  
SITE PLAN**

SHEET NUMBER  
**C2-00**

**ENLARGED SITE PLAN**

1. UNLESS NOTED OTHERWISE, THE FOLLOWING NOTES RELATING TO THIS SHEET SHALL GOVERN.
2. COMPRESSIVE STRENGTH OF CONCRETE FOUNDATION SHALL BE A MINIMUM OF 4,500 PSI AT 28 DAYS WITH MAXIMUM W/C RATIO OF 0.45 AND AIR-CONTENT OF 5% +/- 1.5%.
3. MINIMUM YIELD STRENGTH OF REINFORCEMENT TO BE 60,000 PSI (ASTM-A615).
4. REFERENCE CIVIL AND ELEC DRAWING FOR EQUIPMENT LAYOUT, LOCATION OF CONDUIT, ETC.
5. FINAL ANCHOR BOLT AND POLE DESIGN INCLUDING SIZE AND CONFIGURATION ARE BY MFR.
6. BEFORE STARTING ANY WORK, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ENGINEER.
7. NO GEOTECHNICAL ENGINEERING REPORT WAS PROVIDED BY THE OWNER. FOUNDATION DESIGN IS BASED ON A MINIMUM OF 1,500 PSF NET ALLOWABLE BEARING PRESSURE ON UNDISTURBED NATURAL SOIL OR COMPACTED FILL UNLESS OTHERWISE NOTED.
8. UNLESS OTHERWISE DIRECTED BY THE OWNER, ALL FOUNDATION WORK RELATED TO INSTALLATION OF REBAR SHALL BE INSPECTED BY OTHERS.
9. KIMLEY-HORN AND ASSOCIATES, INC. IS NOT RESPONSIBLE FOR THE DESIGN OF THE EQUIPMENT OR ANCHORAGE TO THE FOUNDATION. MANUFACTURER SHALL SUBMIT LOADS TO ENGINEER FOR RECORD KEEPING PURPOSES ONLY.
10. DESIGN IS BASED ON THE SPECIFIC EQUIPMENT SHOWN IN THESE DRAWINGS AND ILLUSTRATED ON THE VOLTA CUT SHEETS.
11. BUILDING CODE: IBC 2018
- 11.1. DESIGN LOADS
- 11.1.1. DEAD LOAD: SELF WEIGHT
- 11.1.2. LIVE LOAD: BOLLARDS ARE NOT DESIGNED FOR FULL 6 KIP IMPACT LOAD UNLESS OTHERWISE NOTED "VEHICULAR RATED"
- 11.2. IMPACT LOADS
- 11.2.1. WIND: NOT DESIGNED FOR WIND LOADS UNLESS OTHERWISE NOTED



#### CHARGER SPECIFICATIONS

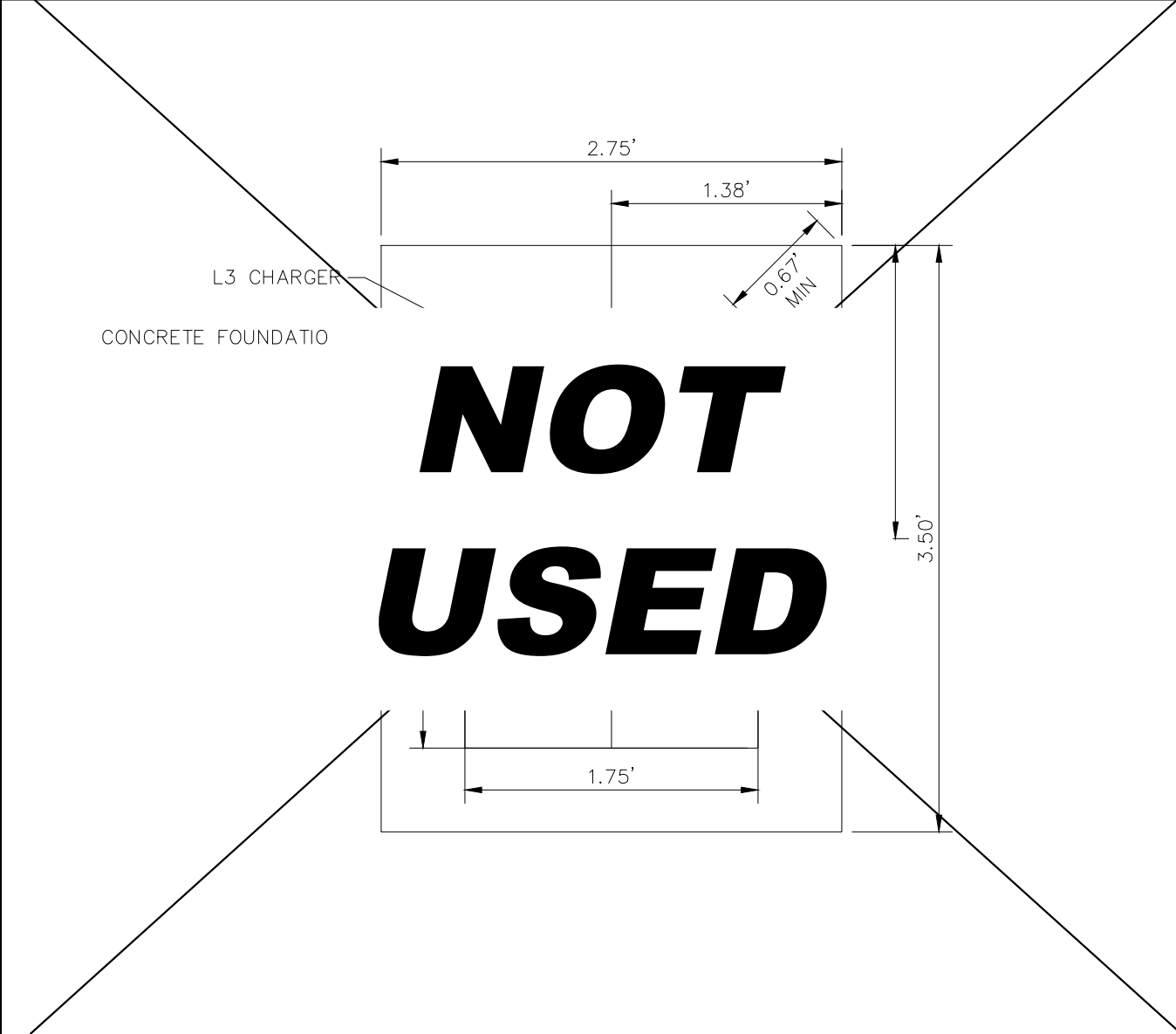
SIZE: H 86.5" x W 32.5" x D 12.75"  
CORD LENGTH: 20'  
POWER TYPE: 208/240VAC, 40A, 10KW MAX  
PLUG: SAE J1772 COMPLIANT CONNECTOR  
LISTINGS: ETL LISTED TO UL E472596

#### POWER REQUIREMENTS

CHARGING UNIT: 50A/2P 208/240V BREAKER  
STATION AUX POWER\* 20A/1P 120V BREAKER

#### NOTES:

1. THE GRIP RANGE FOR THE CHARGE CABLE BEGINS AT 32" ABOVE PARKING SURFACE.



### GENERAL NOTES

SCALE  
N.T.S. 1

### VOLTA EVCS DETAIL

SCALE  
N.T.S. 2

### L3 EVCS FOUNDATION

SCALE  
N.T.S. 3

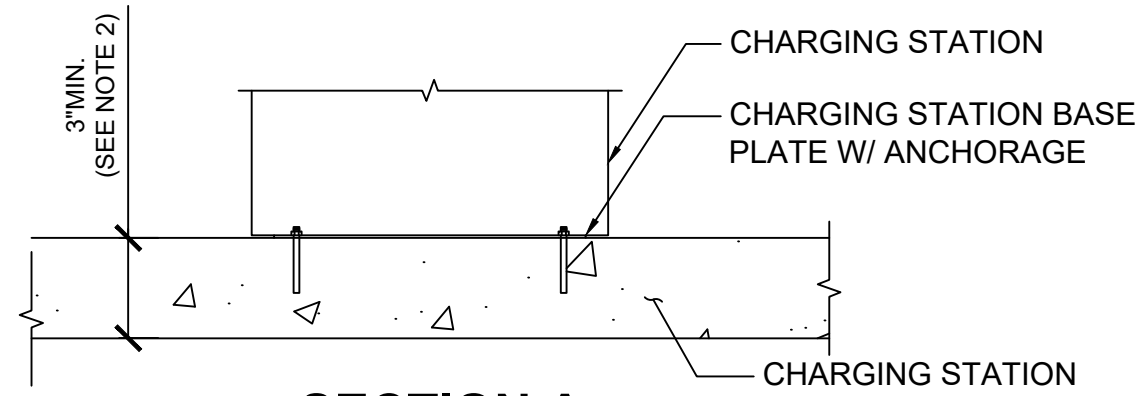
- NOTES:**
1. CONTRACTOR TO VERIFY POST INSTALLATION OR CAST IN PLACE ANCHOR AS LISTED BELOW BASED ON FIELD MEASUREMENTS AND JURISDICTIONAL REQUIREMENTS.
2. CONTRACTOR TO VERIFY EXISTING CONCRETE SLAB THICKNESS AND MAINTAIN 3" MINIMUM COVER OF CONCRETE BELOW EMBEDDED ANCHORS.

#### CAST IN PLACE ANCHOR:

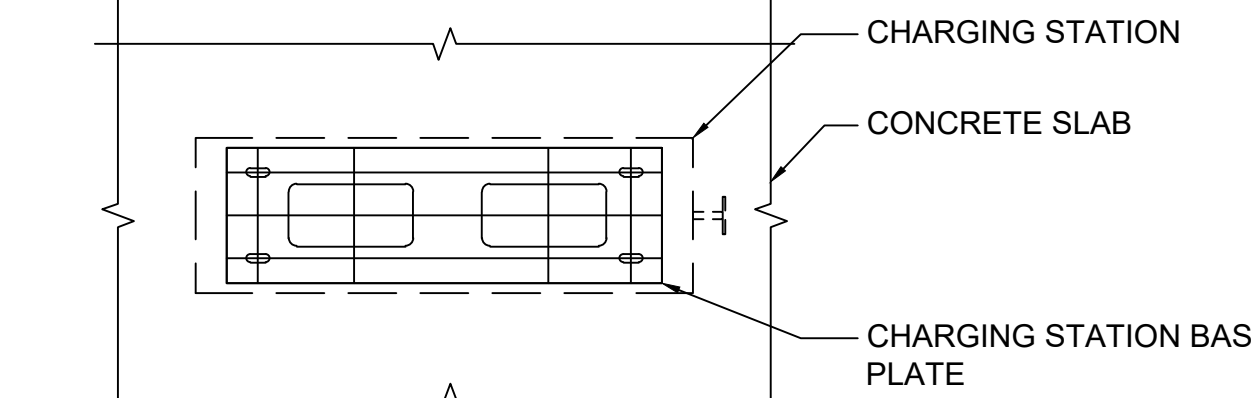
MINIMUM EFFECTIVE EMBEDMENT OF 3" OR ENGINEER APPROVED EQUAL

#### POST INSTALLATION MECHANICAL ANCHOR:

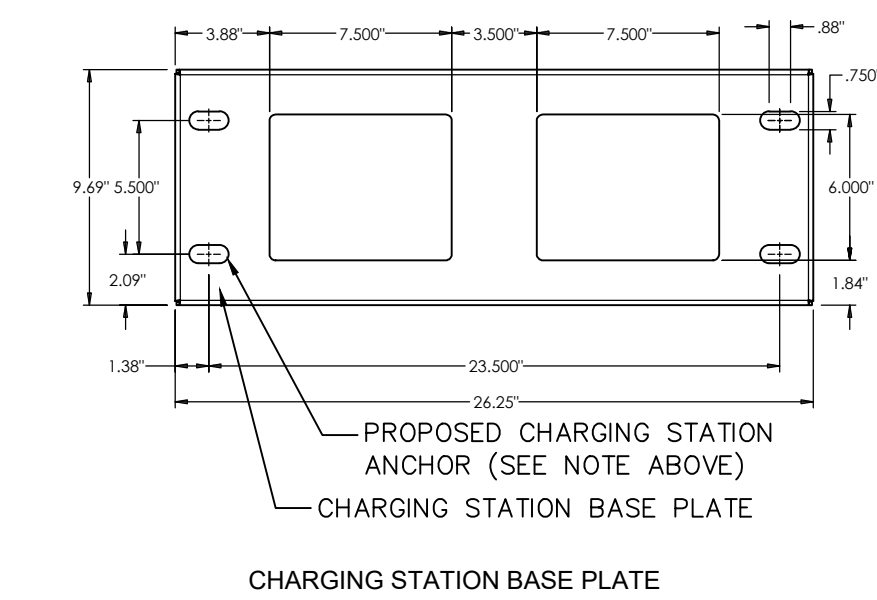
(6) 1/2" DIAMETER HILTI KWIK BOLT TZ-SS304 ANCHOR ROD WITH MINIMUM EFFECTIVE EMBEDMENT OF 3 1/4" OR ENGINEERING APPROVED EQUAL.



#### SECTION A CHARGING STATION MOUNT TO EXISTING CONCRETE



#### CHARGING STATION BASE PLAN



### BASE PLATE DETAIL

SCALE  
N.T.S. 4

### EVCS FND. W/4" PIPE BOLLARDS

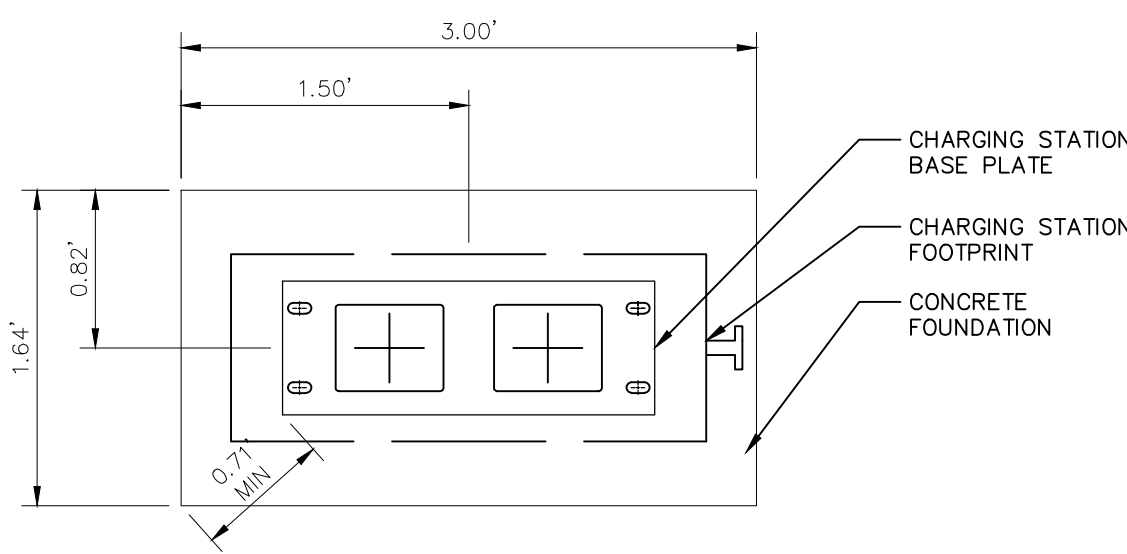
SCALE  
N.T.S. 8

### EVCS FDN. W/VEH. RATED BOLLARDS

SCALE  
N.T.S. 9

### CHARGER FDN. SECTION

SCALE  
N.T.S. 10



### EVCS FOUNDATION

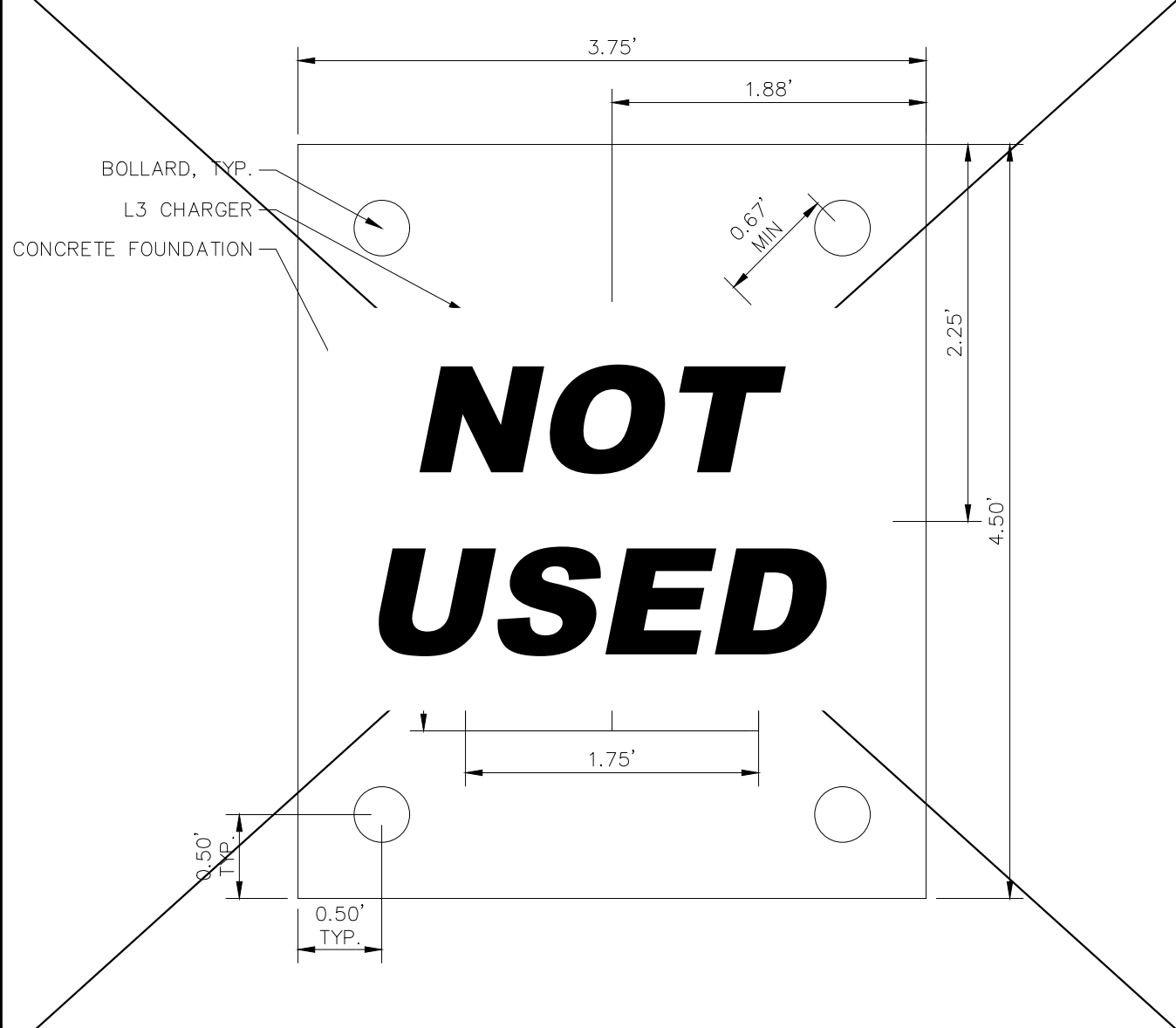
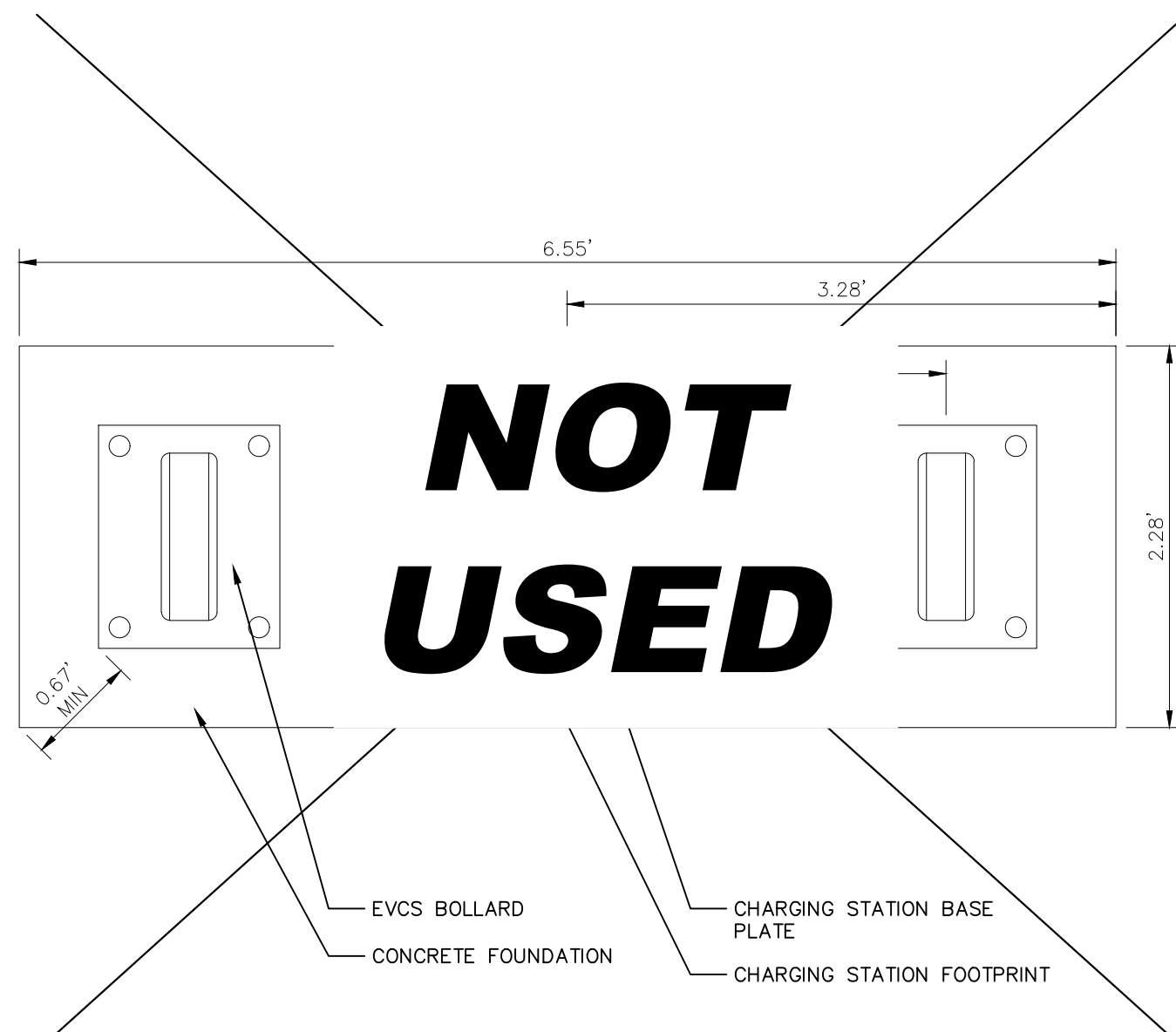
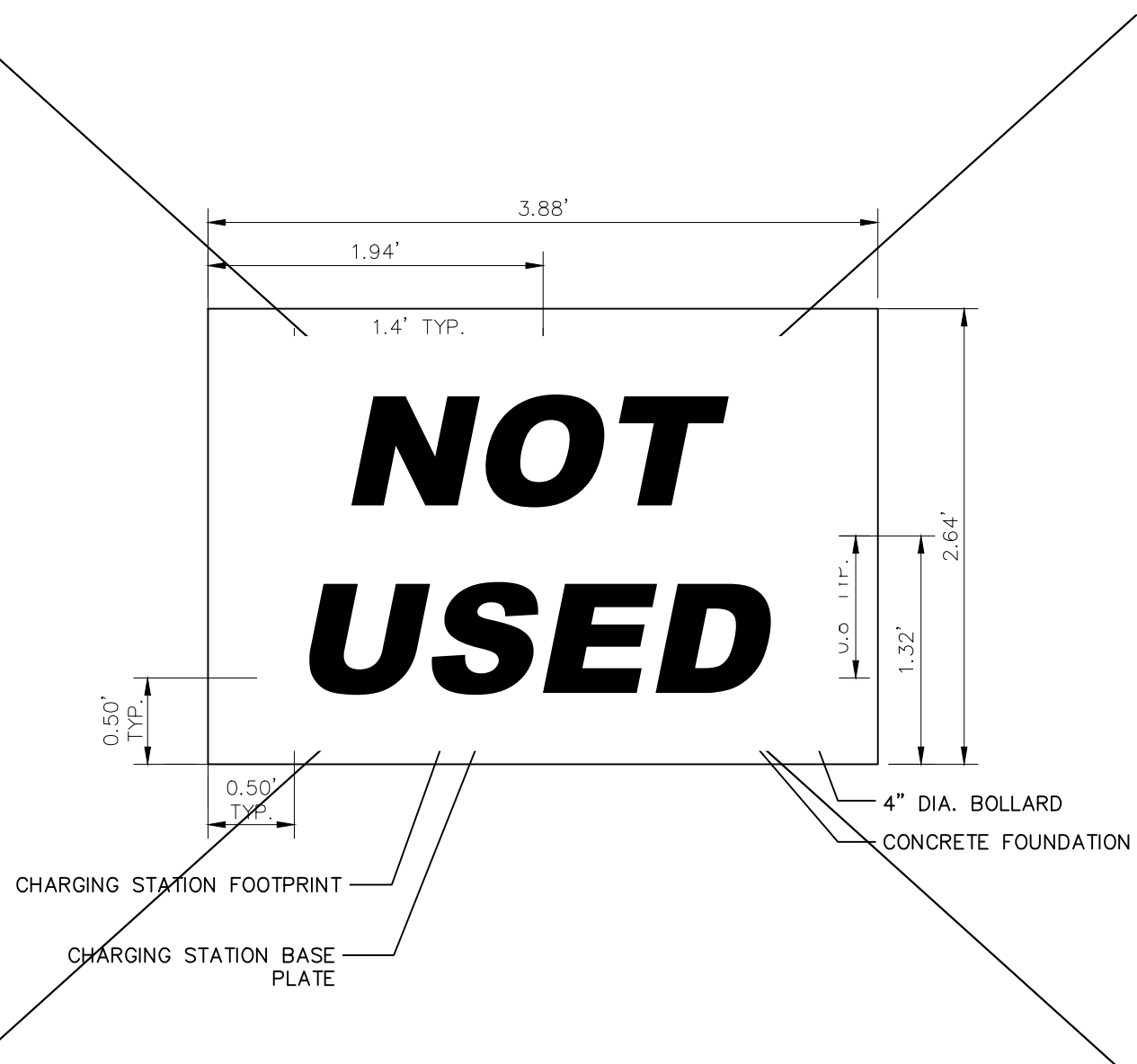
SCALE  
N.T.S. 5

### EVCS FOUNDATION W/BOLLARDS

SCALE  
N.T.S. 6

### L3 EVCS FOUNDATION W/4" BOLLARDS

SCALE  
N.T.S. 7



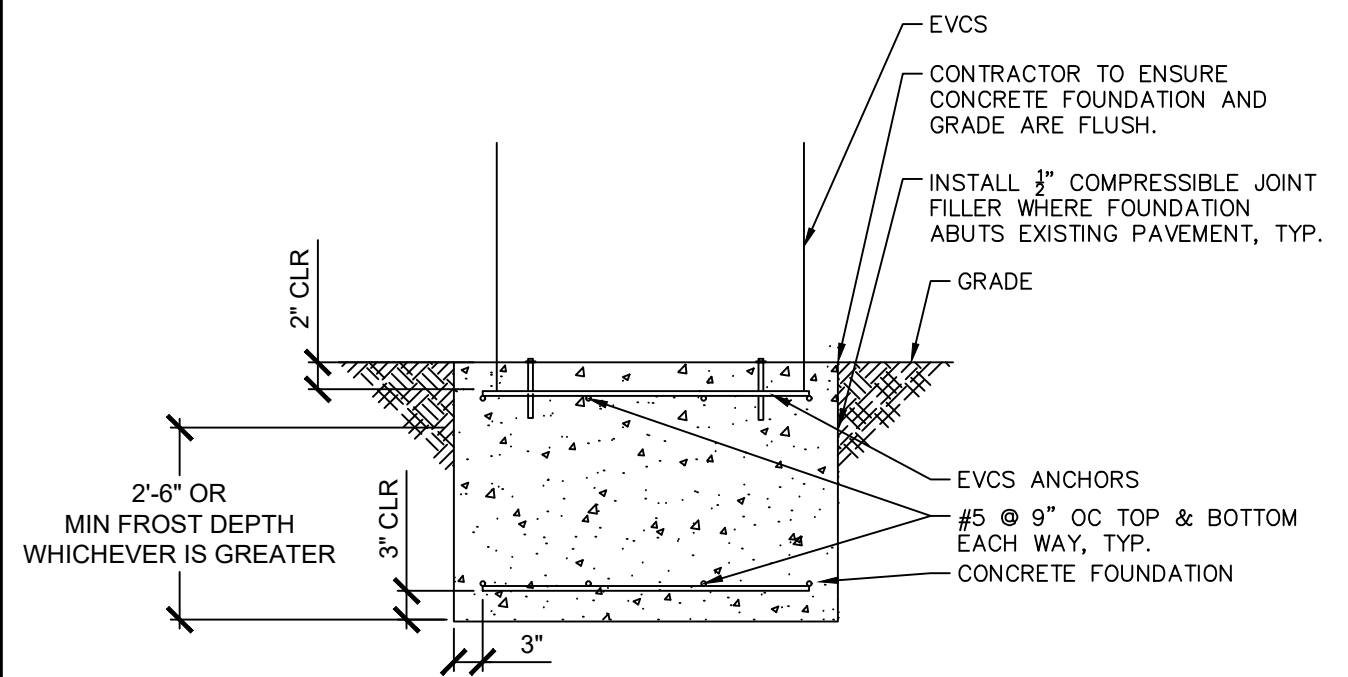
**ANCHOR NOTES:**  
CONTRACTOR TO VERIFY POST INSTALLATION OR CAST IN PLACE ANCHOR AS LISTED BELOW BASED ON FIELD MEASUREMENTS AND JURISDICTIONAL REQUIREMENTS.

#### CAST IN PLACE ANCHOR:

(6) 1/2" DIAMETER HOT-DIP GALVANIZED HEX HEAD ASTM F1554 GR. 36  
CAST-IN-PLACE ANCHORS WITH MINIMUM EFFECTIVE EMBEDMENT OF 3 1/4" OR ENGINEER APPROVED EQUAL

#### POST INSTALLATION MECHANICAL ANCHOR:

(6) 1/2" DIAMETER HILTI KWIK BOLT TZ-SS304 ANCHOR ROD WITH MINIMUM EFFECTIVE EMBEDMENT OF 3 1/4" OR ENGINEERING APPROVED EQUAL.



# VOLTA

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

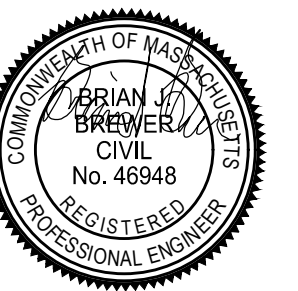
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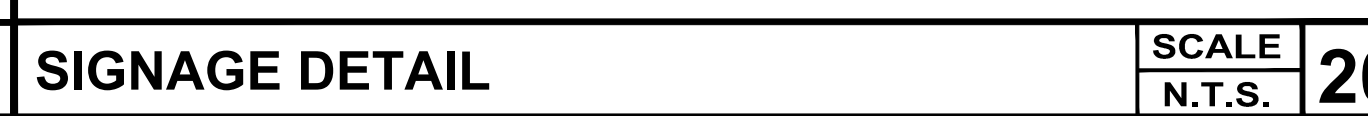
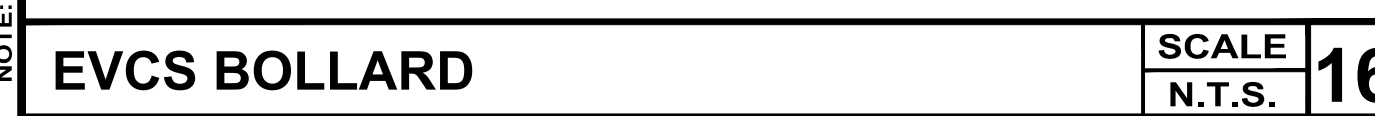
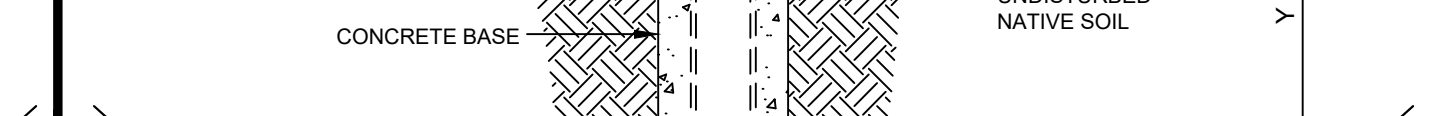
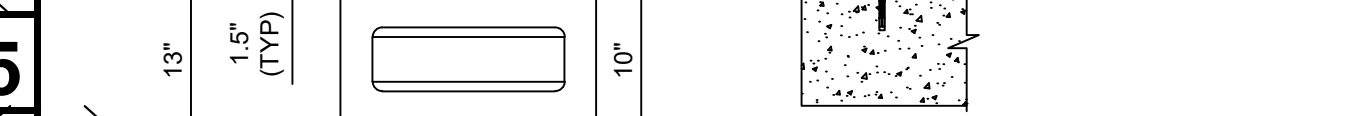
SHAW'S 65 MAIN  
STREET PHASE 1

65 MAIN ST  
MEDWAY, MA 02053

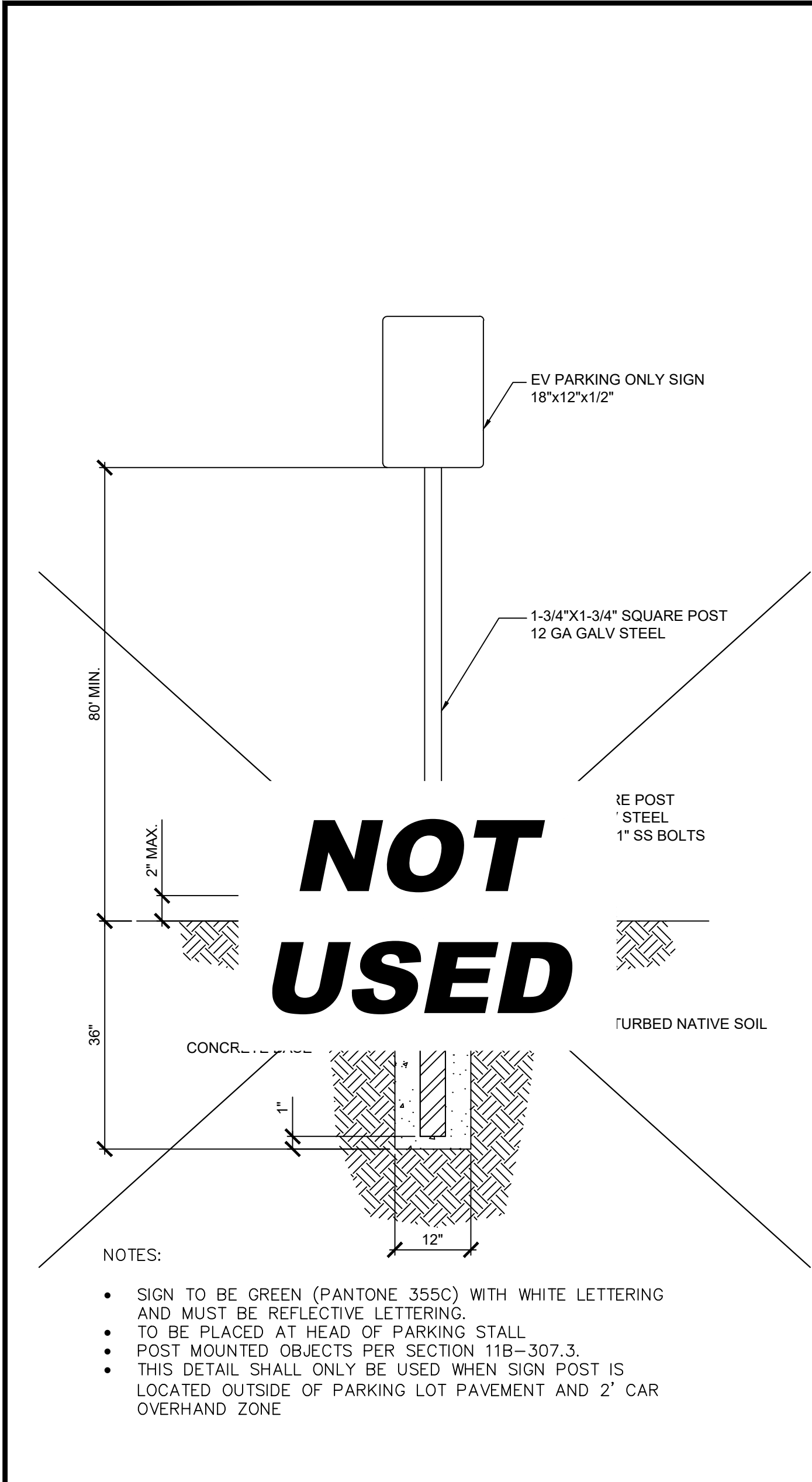
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**SITE DETAILS**

SHEET NUMBER  
**C3-00**

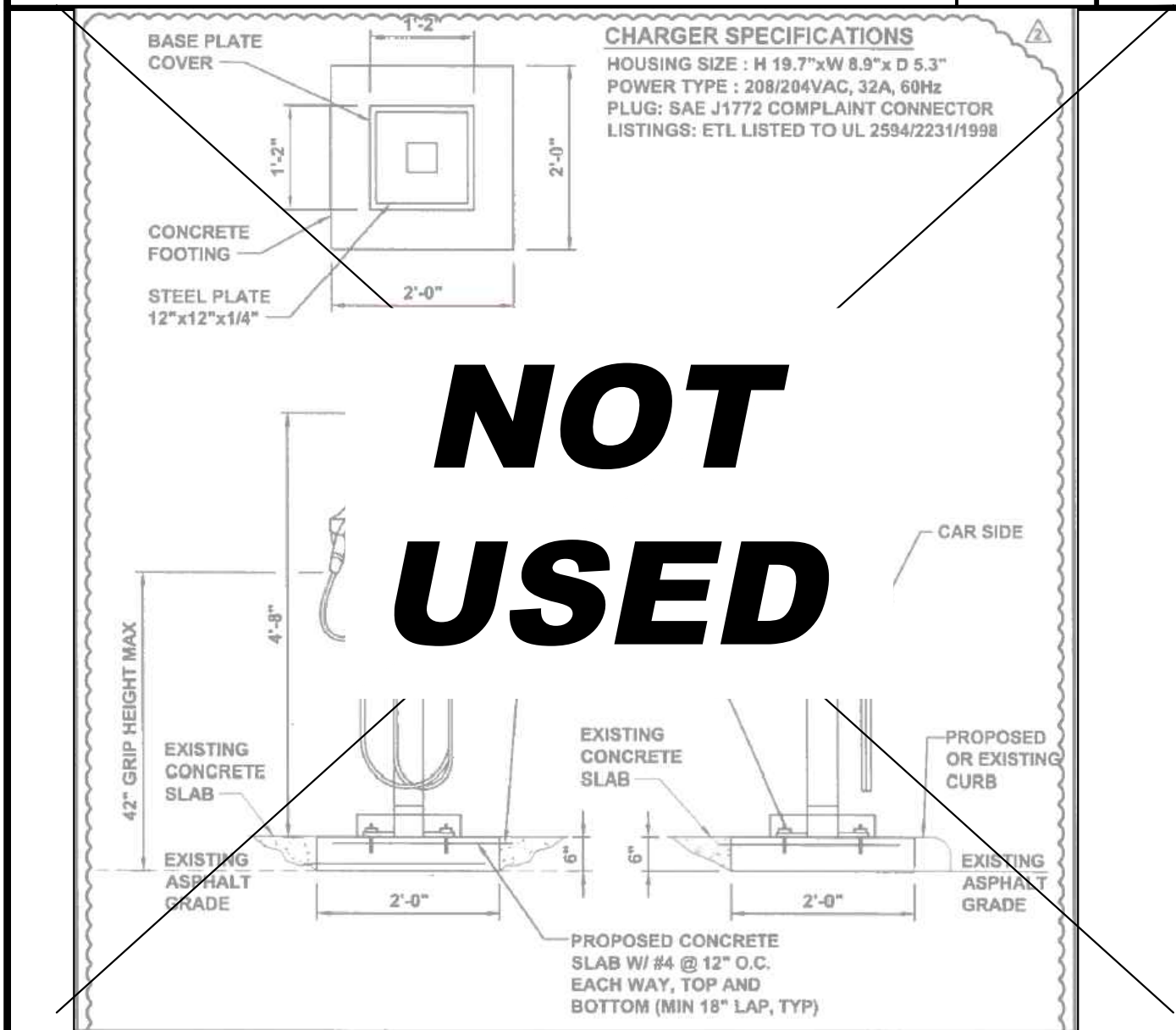
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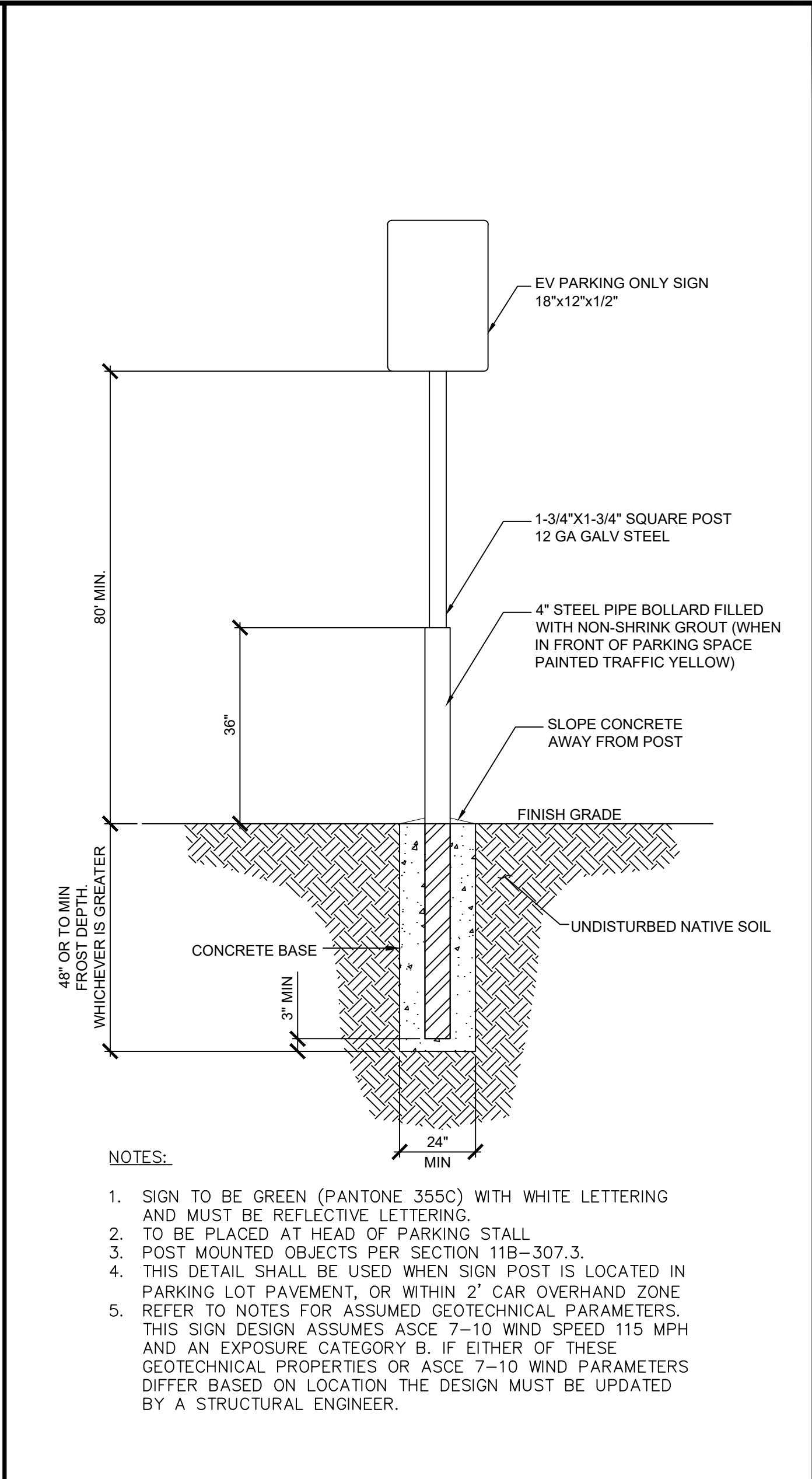
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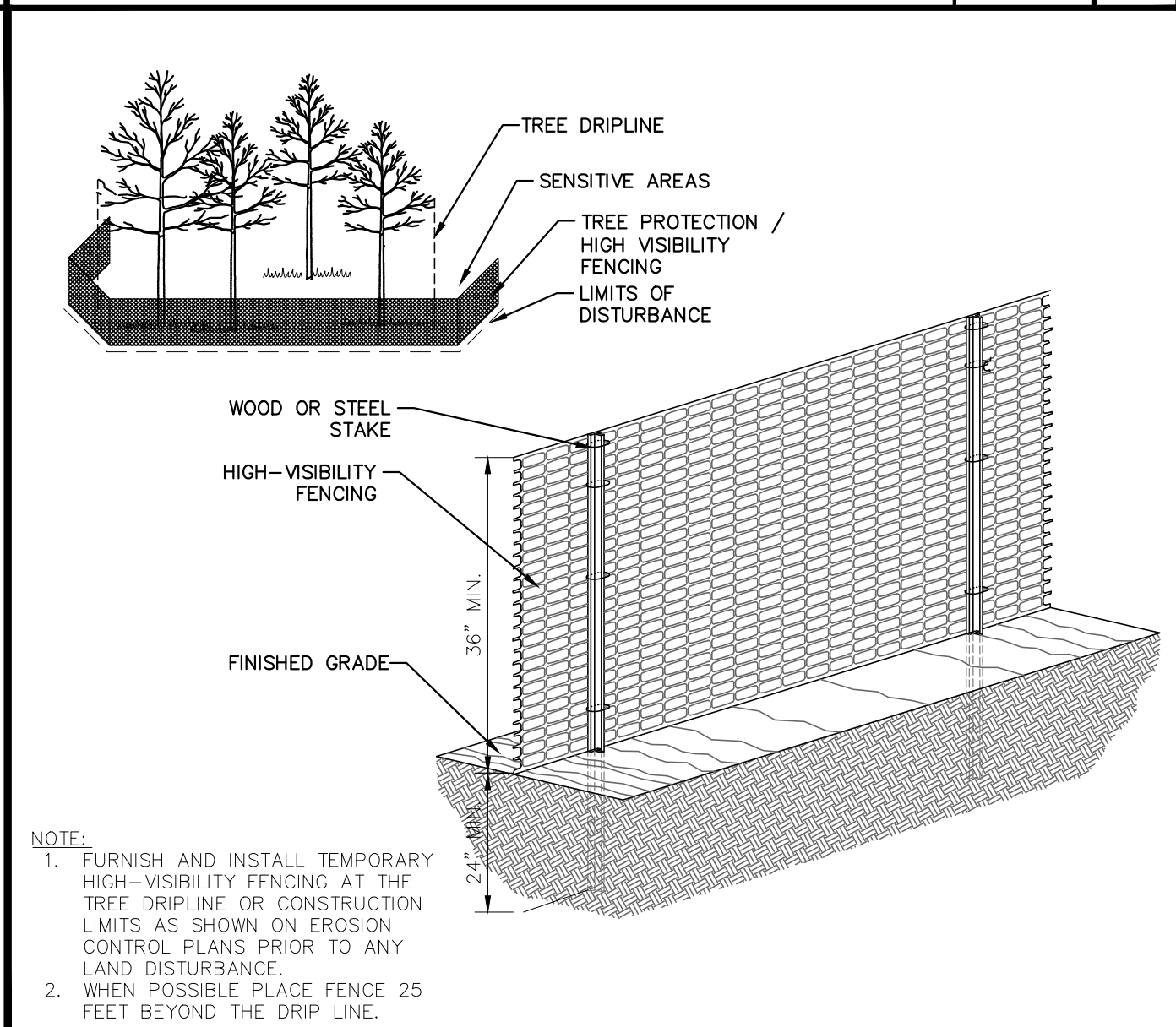
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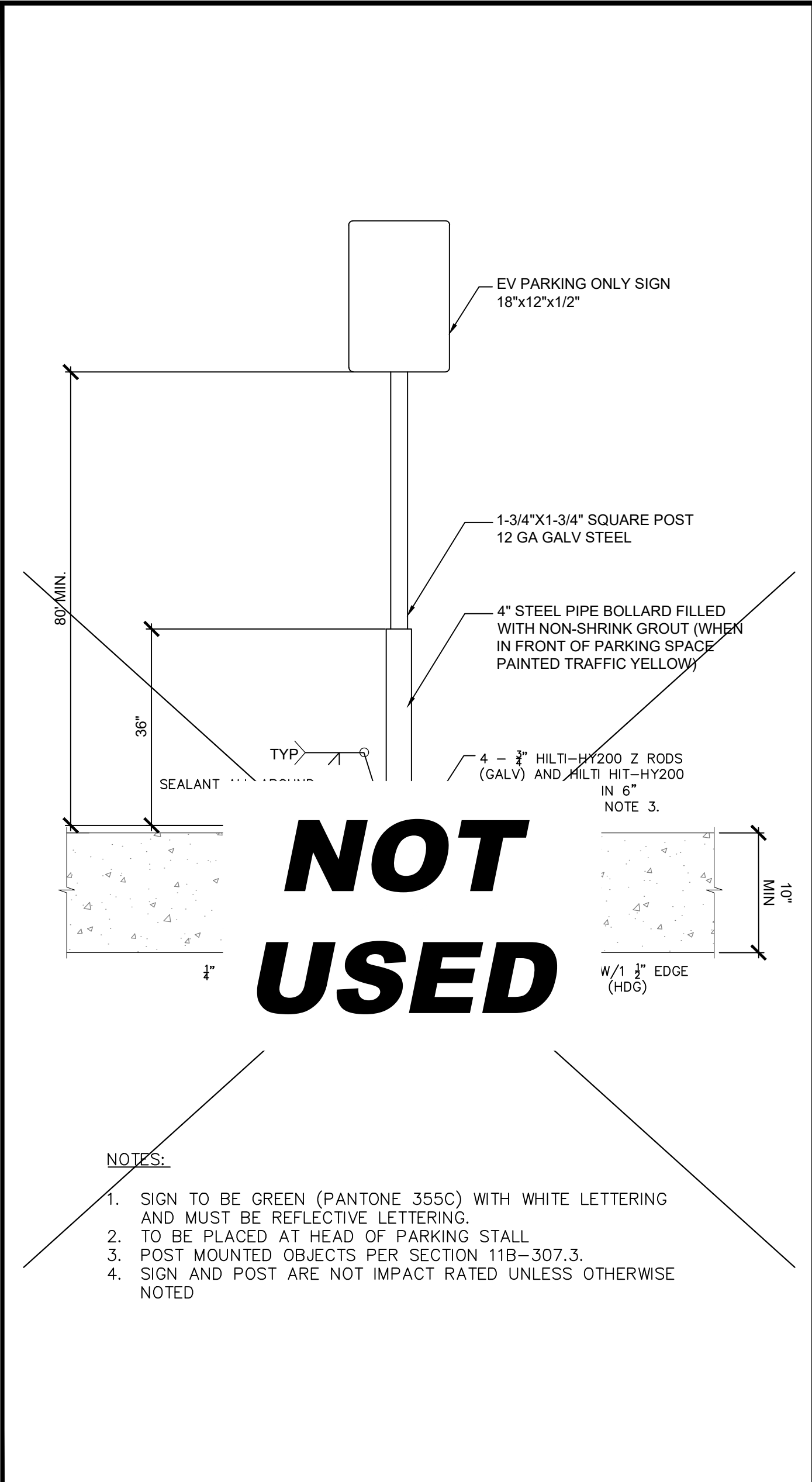
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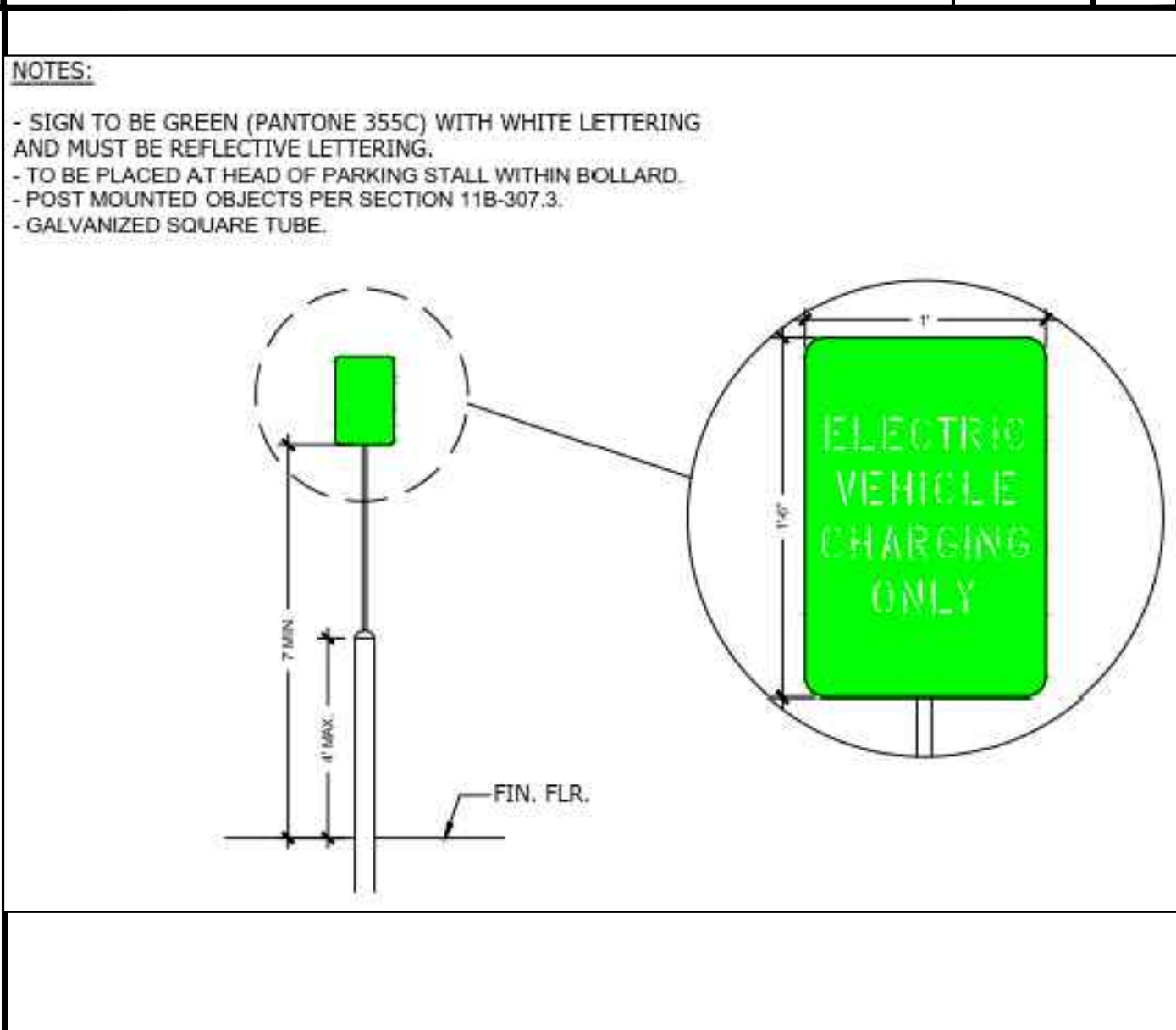
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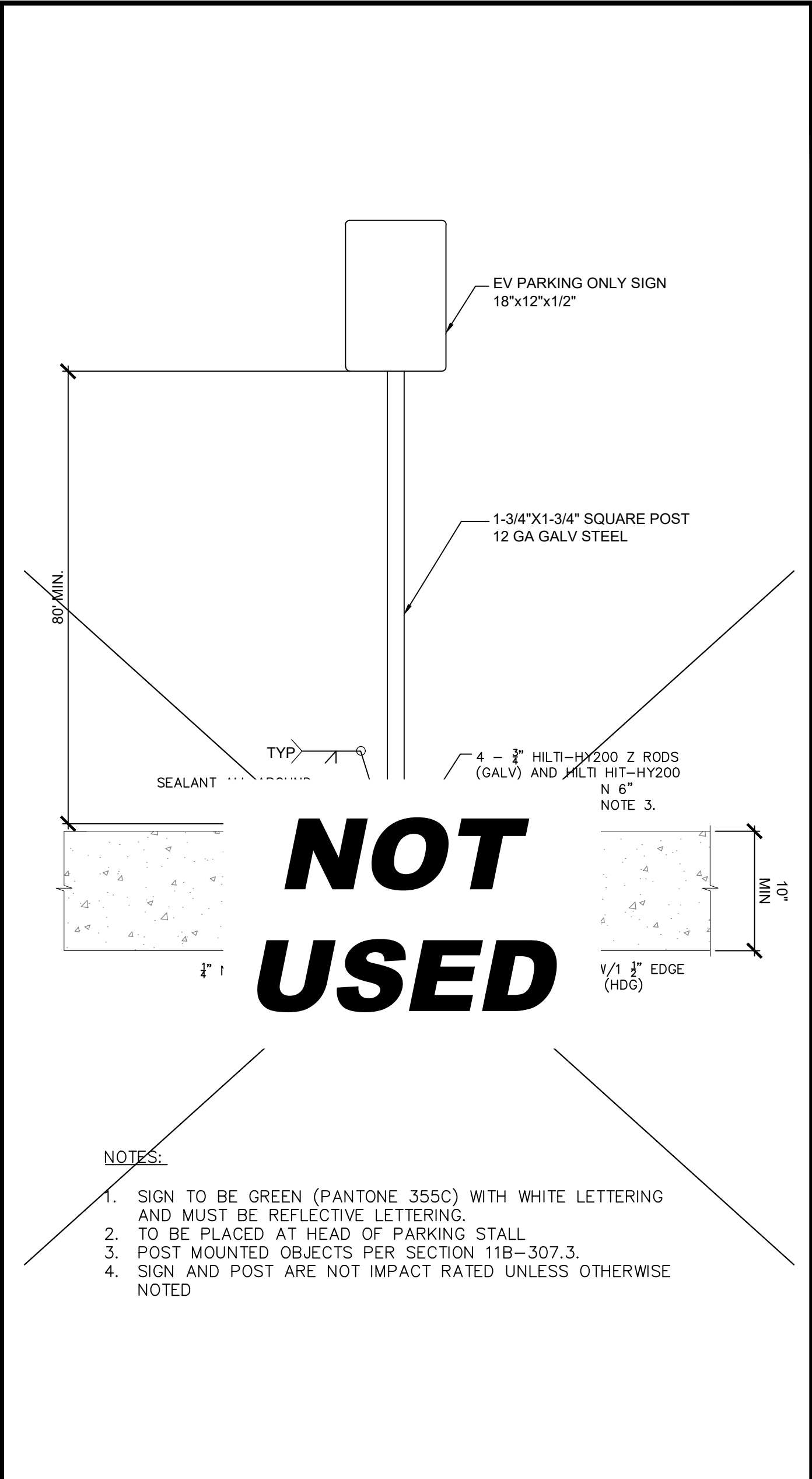
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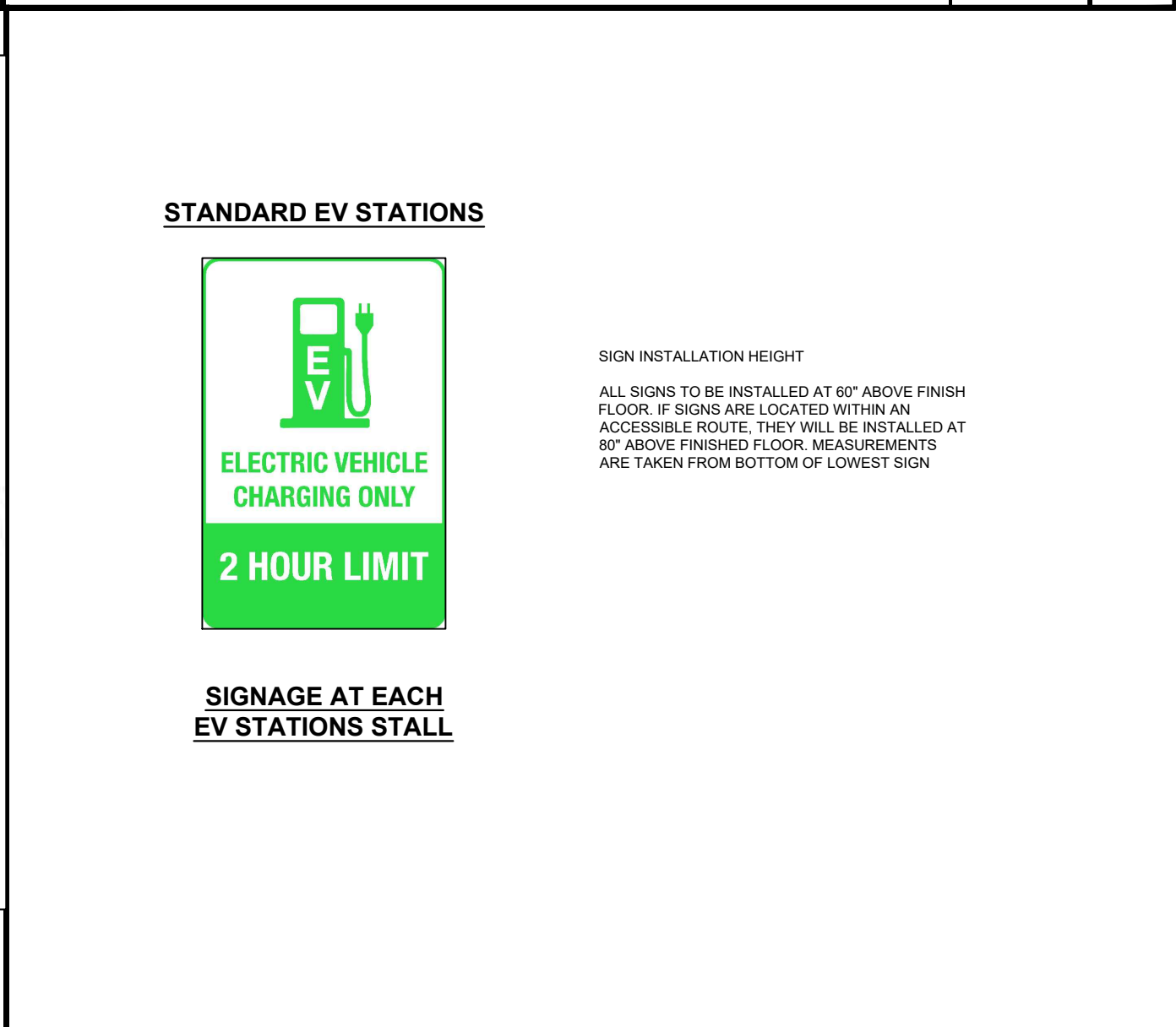
POST INSTALLED SIGN POST W/BOLLARD SCALE N.T.S. 23



CHARGING SIGN DETAIL SCALE N.T.S. 27



POST INSTALLED SIGN POST SCALE N.T.S. 24



SIGN REQUIREMENTS SCALE N.T.S. 28

**VOLTA**

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

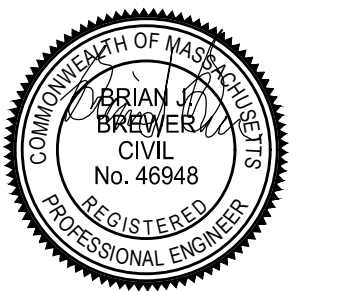
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SHAW'S 65 MAIN  
STREET PHASE 1

65 MAIN ST  
MEDWAY, MA 02053

SHEET TITLE

**SITE DETAILS**

SHEET NUMBER

**C3-02**

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## VOLTA CHARGING STATION CUT SHEET

At Volta we are on a mission to accelerate the adoption of the electric vehicle. To do this, we design, manufacture, install, and maintain city-wide public EV charging networks. Monetized through sponsored content, provided white-glove to site hosts, and offered free to the community, with Volta—everyone wins.

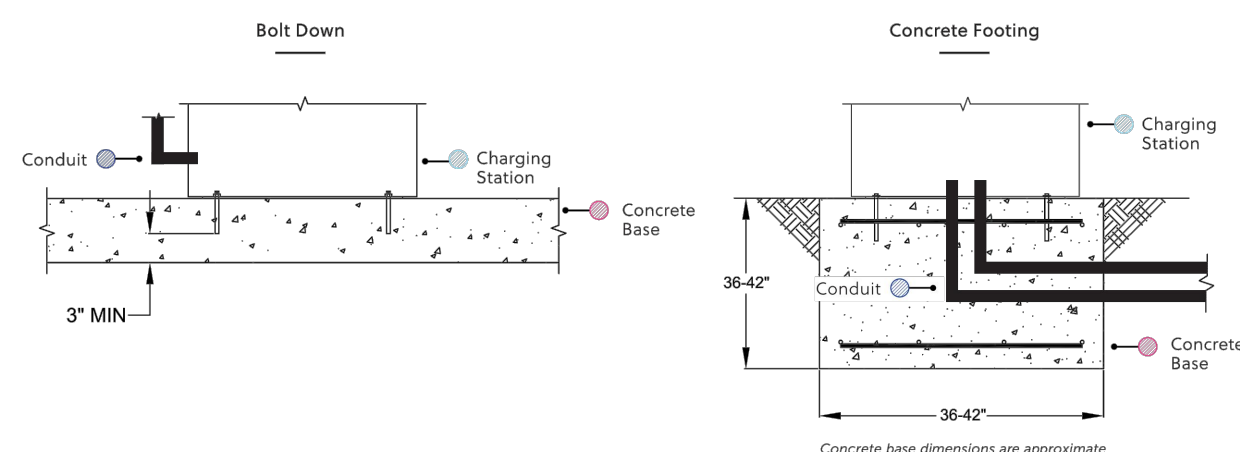
**CHARGING STATION INFORMATION**  
Single or dual charging units  
Size: H86.25" x W 32.5" x D 12.75"  
Cord Length: 20'  
Power Type: 208/240VAC, 40A, 10 kW max  
Plug: SAE J1772 compliant connector  
Listings: ULP E472556

**POWER REQUIREMENTS**  
Charging Unit: 50A/2P-208/240V breaker  
Station Aux Power: 20A/1P 120V breaker  
Cell signal or LAN access required

**INSTALLATION REQUIREMENTS**  
Wire Diameter: #6 AWG  
Larger for longer conduit runs  
Conduit Diameter: 1.5"  
2" for longer conduit runs  
Spare 1.5" conduit needed on all sites



### CHARGING STATION BASE FOUNDATION PLANS



**VOLTA** SAN FRANCISCO HEADQUARTERS 135 De Haro St, San Francisco, CA 94103, United States info@voltacharging.com

## CHARGING STATION CUT SHEET

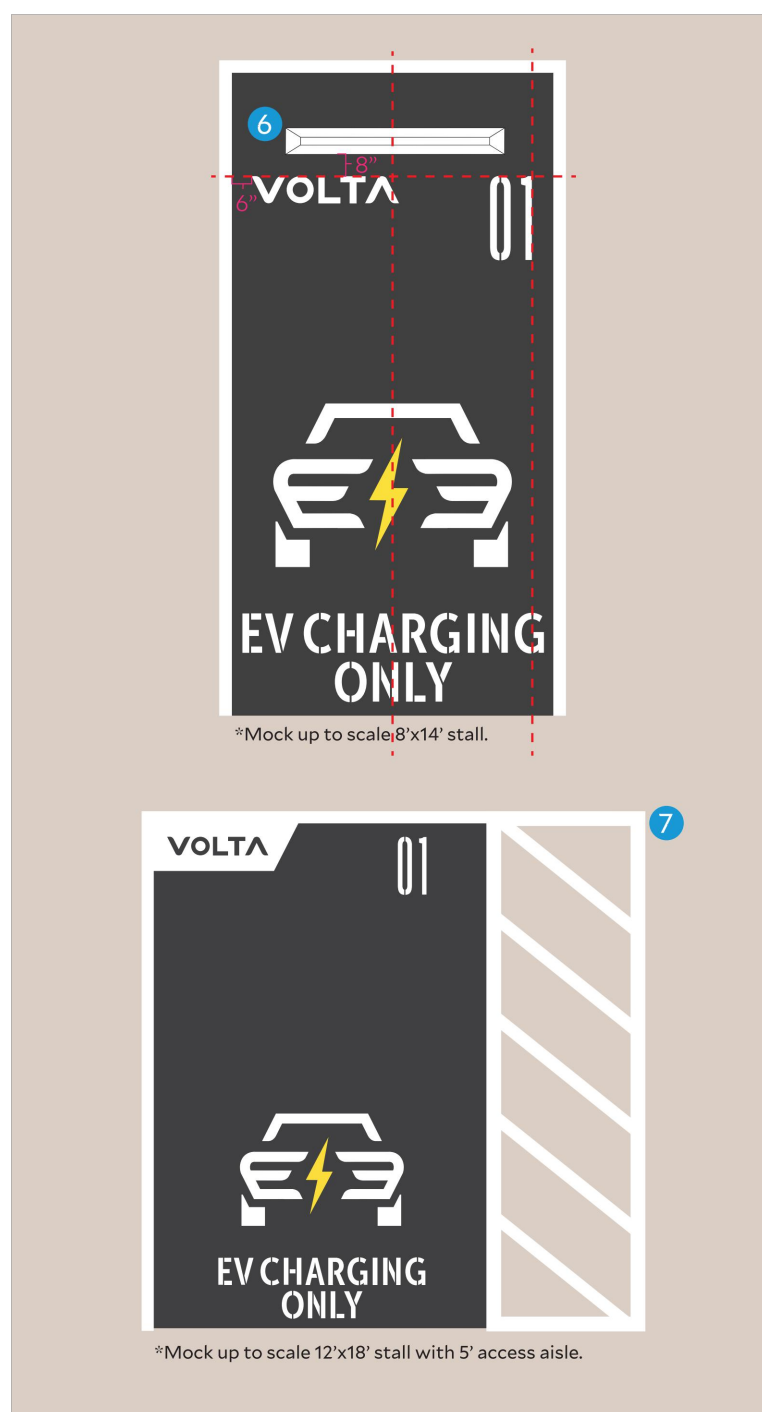
SCALE  
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Volta Charging

## STRIPING GUIDELINES



### ABSOLUTELY DO NOT

- Paint only a portion of the background (edge-to-edge or not at all)
- Paint the lightning bolt, any color but yellow or white
- Break EV CHARGING ONLY into 3 lines
- Only put 1 number in top right corner
- Paint the Volta logo any color other than white or Battleship Blue/Sealcoat

### ACCESSORIES

**6. WHEEL BLOCKS** Place 8 inches above the Volta logo, centered within the stall. Wheel Blocks should be painted white.

**7. ACCESS AISLE** Should be painted white.

**CURBS** No need to paint the curbs unless they are painted an existing or conflicting color. If this is the case, paint the curb white.

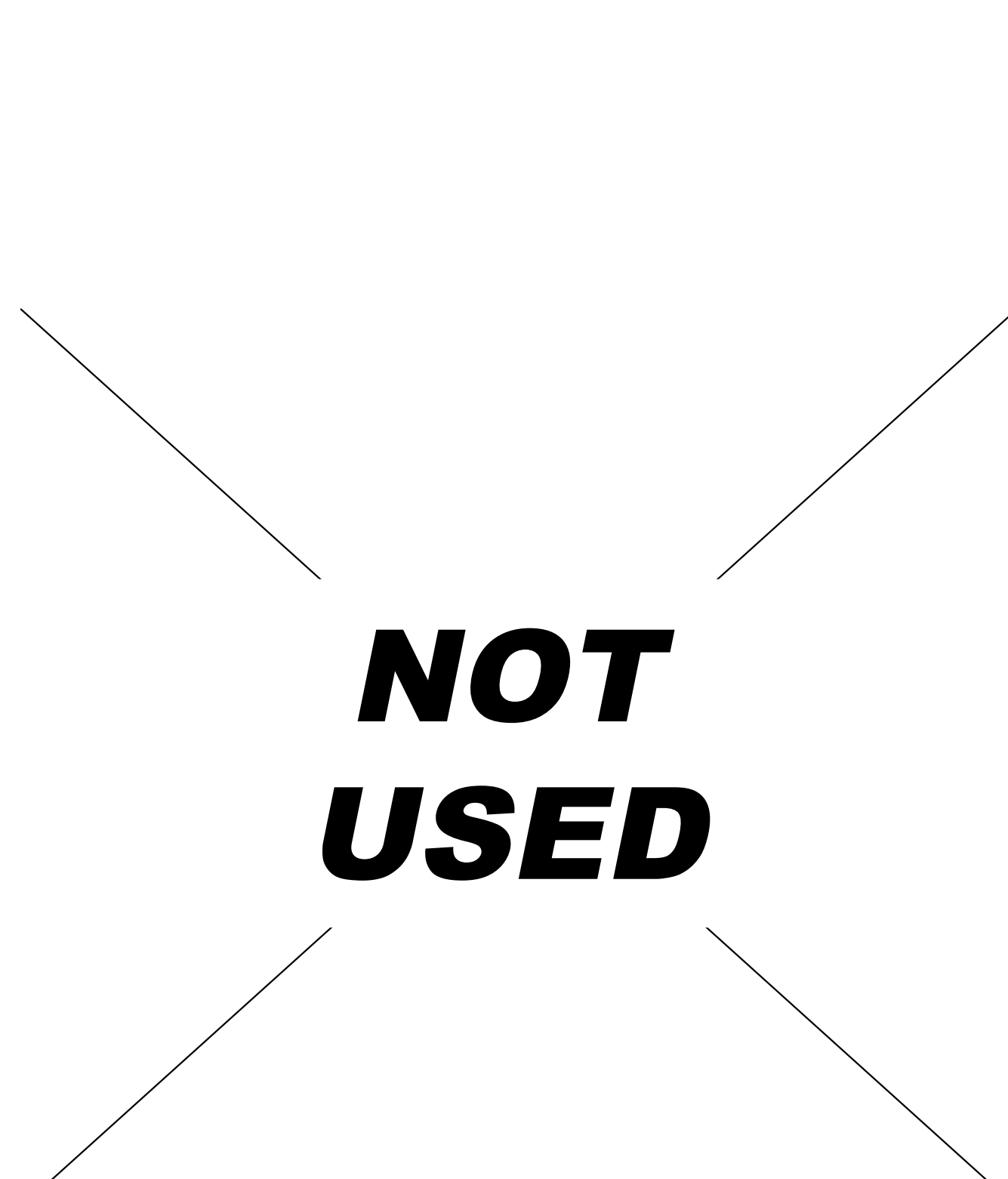
**VOLTA** Founded in 2010. Designed in San Francisco, built to last in the USA. info@voltacharging.com

## EV STRIPING GUIDELINES

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Missing or invalid reference  
File: K:\NSH\_LDEV\118278 - Volta\0\_Template New Job Folder\3-CADD\References\Details\VOLTA - Remote charging cutsheet - REV1 4.1 2019.pdf  
Sheet: 1

## REMOTE HOLSTER CUT SHEET

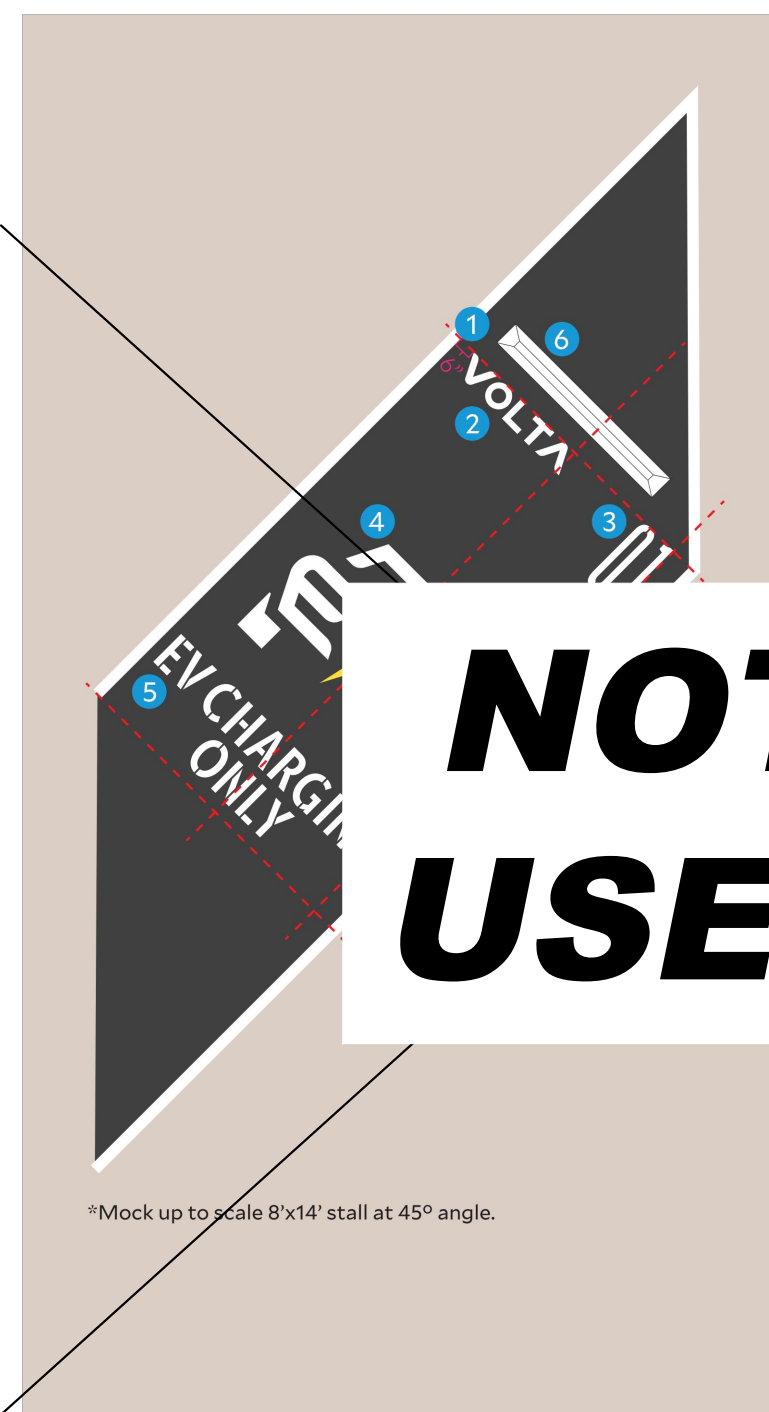
SCALE  
N.T.S.

30

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Volta Charging

## STRIPING GUIDELINES



### DIAGONAL STALLS

**1. SHAPE** (SEE PAGE 1) Omit in diagonal spaces.

**2. VOLTA LOGO** (WHITE) 6 inches from the top line at the same angle as the stall lines.

**3. NUMBERS** (WHITE) The right number lines up flush right to the "G" in "CHARGING" and flush top with the Volta logo at same angle as the stall lines. There should be 3 inches in-between the left and right numbers. If stall is less than 8 feet, align numbers with the middle of the "G" (See diagram)

**4. LETTERS** Place centered, 4 inches from the bottom of the stall according to the top line with 2.5 inches between the 2 lines.

**5. CAR** Place centered 14 inches from the top of the letters at the same angle as the stall lines.

**6. WHEEL BLOCKS** Place 8 inches above the he same angle as the stall lines. ing to the space left in angled locks should be painted white.

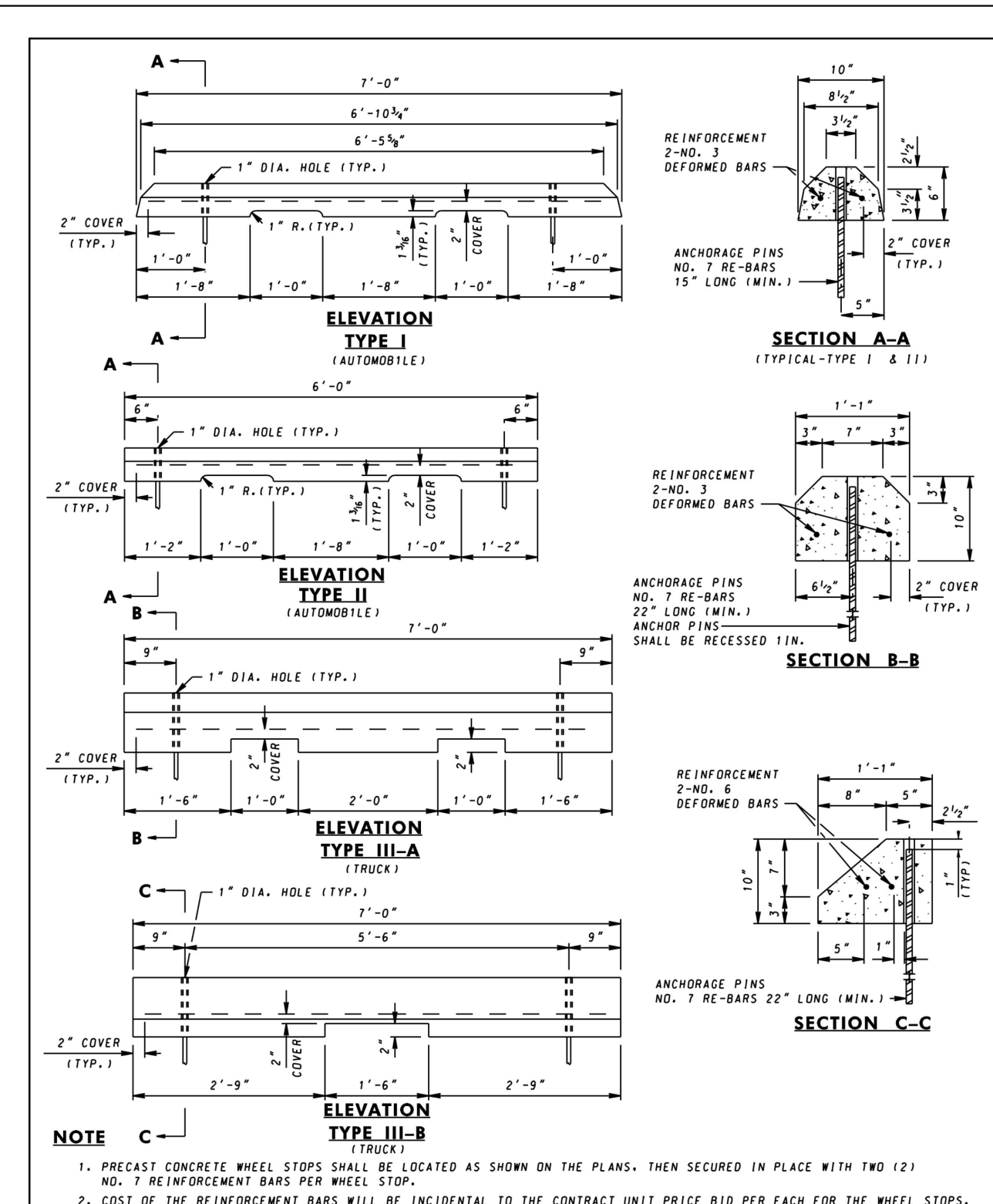
**VOLTA** Founded in 2010. Designed in San Francisco, built to last in the USA. info@voltacharging.com

## EV STRIPING GUIDELINES

SCALE  
N.T.S.

34

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Missing or invalid reference  
File: K:\NSH\_LDEV\118278 - Volta\0\_Template New Job Folder\3-CADD\References\Details\VOLTA - Remote charging cutsheet - REV1 4.1 2019.pdf  
Sheet: 1

## CONCRETE WHEEL STOP

SCALE  
N.T.S.

31

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## Electric Vehicle Charging Infrastructure Terra 53 Installation brief

This document covers the main details and site requirements for the installation of the Terra 53 DC fast charging station.

### Electrical Installation

- The electrical installation sho constructed according to loc regulations
- Over-voltage / surge protecti
- The components used in the circuit current of 10kA maxin

### Required

- Minimal required external fus
- Power limiting settings availa configuration
- Power connection max: 60kV
- Maximum diameter conducti
- Cable enters the charger vertically at the height of the recess shown in Figure 2
- Extra cable length for installation on charger side: ± 3 ft (1 m)
- Wires of the cable inside of the charger connected with M8 cable lugs to copper conductors
- PE connected to the main PE rail

### Recommended

- External switch / breaker on distribution board exclusive per charger

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## L3 CHARGER CUT SHEET

SCALE  
N.T.S.

35

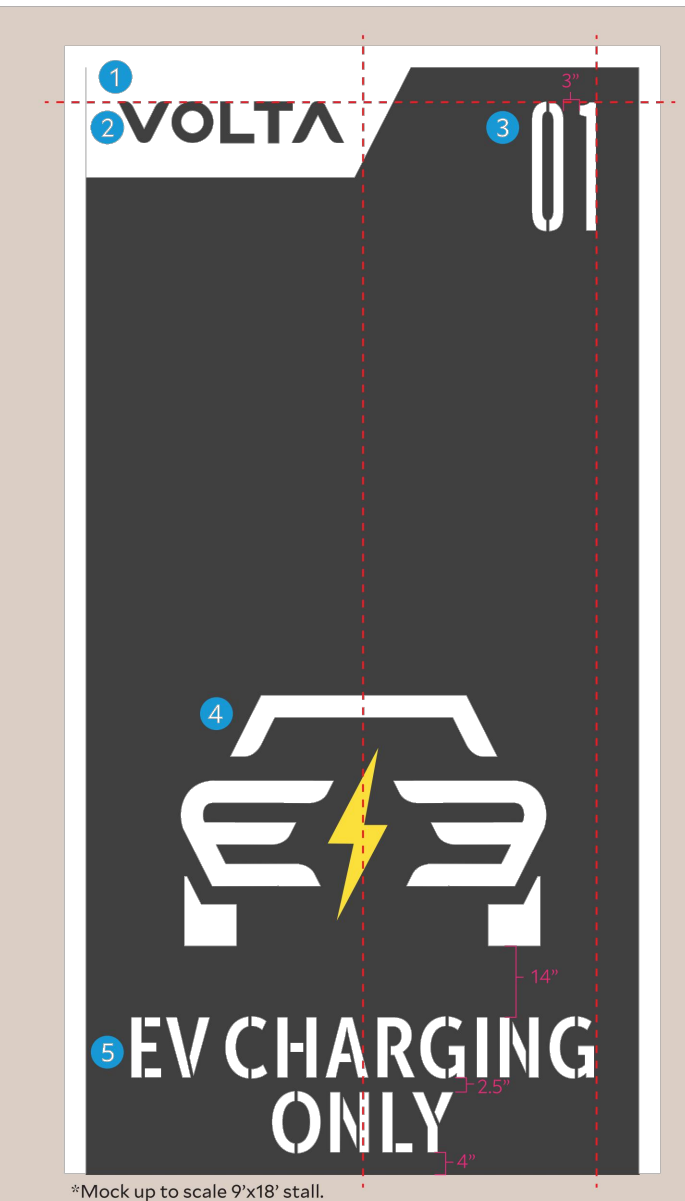
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Volta Charging

## STRIPING GUIDELINES

### PRODUCTS

Cement Background: Benjamin Moore Floor & Patio Battleship Blue N322 - 2X  
51x330.0 811x0.0 610x30.0  
Asphalt Background: Latex-tie 4.75 Gal. Ultra Shield Driveway Filler Sealer  
Traffic Paint: Sherwin Williams TM2153 LF Yellow TTP-1952D, TM2152 White TTP-1952D



### SURFACE PREP

Backgrounds are to only be painted for marquee locations or any location where the existing space has conflicting designations or is poor shape. For all other instances please proceed to branded striping.

**CEMENT BACKGROUND:**  
For cement backgrounds please use battleship blue. All backgrounds must run edge-to-edge across the entire parking space.

**ASPHALT BACKGROUND:**  
Asphalt should be ressealed with sealcoat. All backgrounds must run edge-to-edge across the entire parking space.

### BRANDED STRIPING

**VOLTA LOGO:**  
Should match the overall background color of the parking stall (unless you are omitting the container shape according to other specs, if so paint it white).

**LINE & STENCILS:**  
Use traffic grade yellow for the lightning bolt stencil. Use traffic grade white for all other lines and stencils.

**1. SHAPE (WHITE)** Place flush with the top left corner.

**2. VOLTA LOGO** Center within the shape.

**3. NUMBERS (WHITE)** The right number lines up flush right to the "G" in "CHARGING" and flush top with the Volta logo. There should be 3 inches in-between the left and right numbers. If stall is less than 8 feet, align numbers with the middle of the "G" (See page 2).

**4. LETTERS** Place centered, 4 inches from the bottom of the stall with 2.5 inches between the 2 lines.

**5. CAR** Place centered 14 inches from the top of the letters.

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## EV STRIPING GUIDELINES

SCALE  
N.T.S.

32

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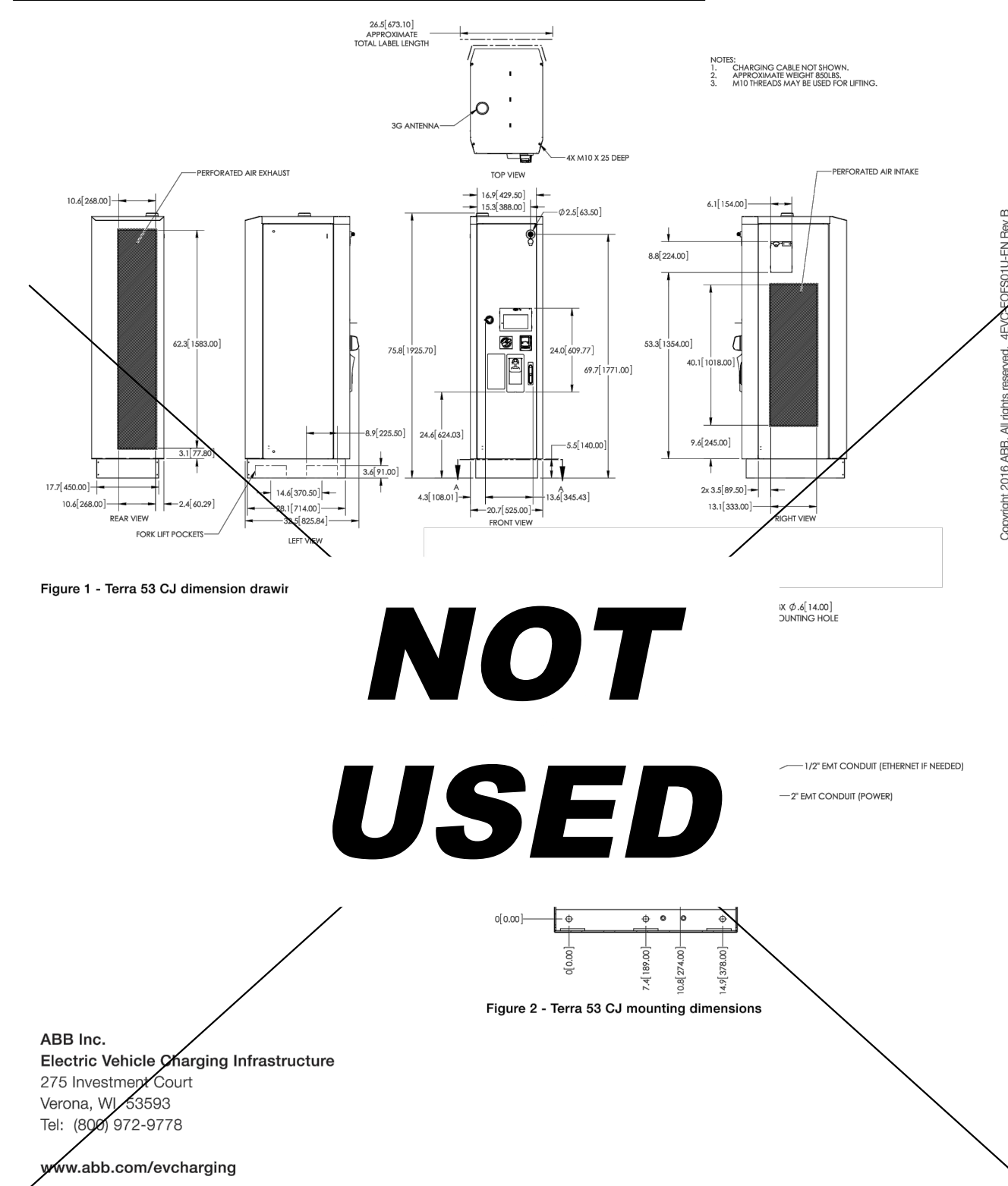


Figure 1 - Terra 53 CJ dimension drawl

**NOT USED**

Figure 2 - Terra 53 CJ mounting dimensions

ABB Inc.  
Electric Vehicle Charging Infrastructure  
275 Investment Court  
Verona, NJ 07093  
Tel: (800) 972-9778  
www.abb.com/evcharging

Power and productivity  
for a better world™ **ABB**

## EV STRIPING GUIDELINES

SCALE  
N.T.S.

35

**VOLTA**

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

**Kimley»Horn**

300 BAKER AVE SUITE 300  
CONCORD, MA 01742  
Main: 781.328.0676 | www.kimley-horn.com  
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REV	DATE	DESCRIPTION	BY
4	07/13/2022	CD100s - ZONING PERMIT	TAS
3	06/21/2021	CD100 REVISION PER VOLTA COMMENTS	TAS
2	07/01/2019	CD100s	CMN
1	06/13/2019	CD90s	CMN

ISSUE DATE

07/18/2019

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SHAW'S 65 MAIN  
STREET PHASE 1

65 MAIN ST  
MEDWAY, MA 02053

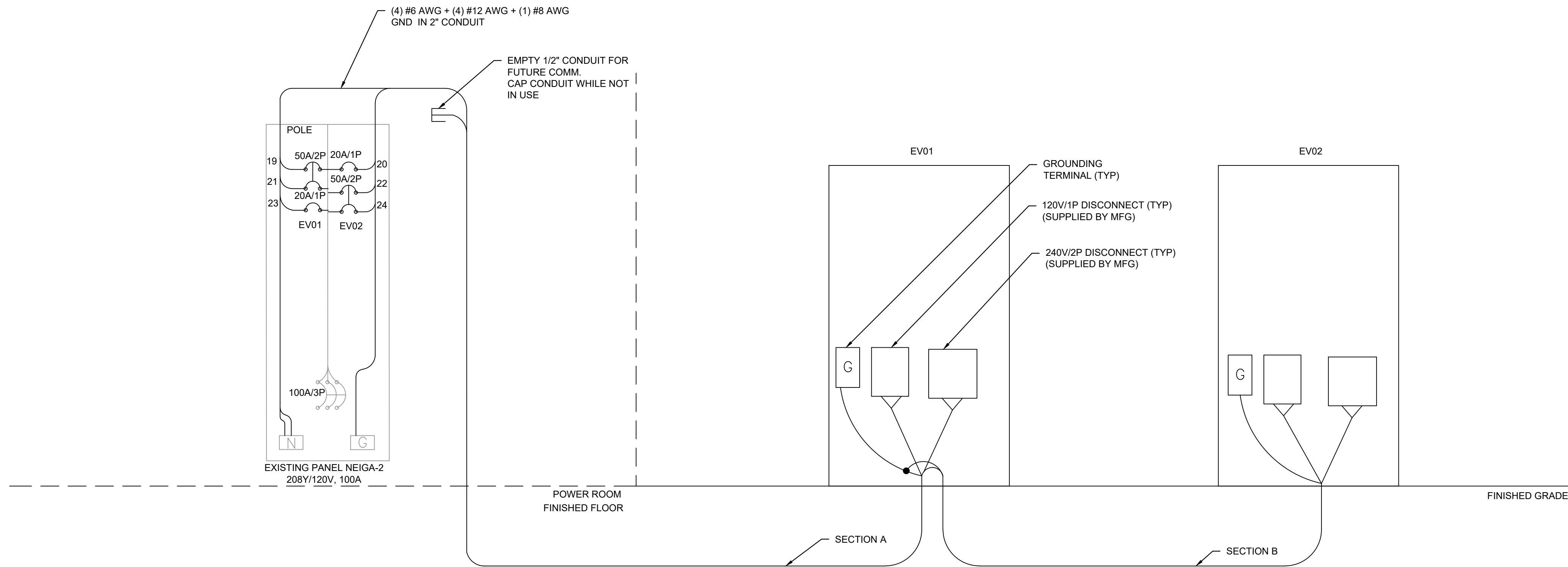
SHEET TITLE

**SITE DETAILS**

SHEET NUMBER

**C3-03**

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES



#### NOTES

- ALL ELECTRICAL WORK AND RELATED ACTIVITIES PERFORMED ON-SITE SHALL BE DONE IN ACCORDANCE WITH NATIONAL ELECTRIC CODE (NEC) STANDARDS BEING ENFORCED BY ALL APPLICABLE JURISDICTIONAL REQUIREMENTS AT THE TIME OF CONSTRUCTION.
- UTILITY EQUIPMENT INSTALLATIONS AND PREP WORK SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY ENGINEER AT TIME OF PRE-CONSTRUCTION MEETING TO ENSURE ACCURACY OF INSTALLATIONS.
- ANY PAVEMENT DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR TO PRE-CONSTRUCTION CONDITIONS OR BETTER.
- CONTRACTOR SHALL USE THWN CONDUCTORS.
- CONTRACTOR SHALL USE EMT INSIDE AND ABOVE GRADE, NOT SUBJECT TO DAMAGE INSIDE. CONTRACTOR SHALL USE RGS OUTSIDE AND ABOVE GRADE. CONTRACTOR SHALL USE PVC SCHEDULE 80 BELOW GRADE.
- ONE LINE DIAGRAM IS FOR INFORMATIONAL PURPOSES ONLY. SEE SHEETS C1-00 & C2-00 FOR EXISTING CONDUIT STUB UP LOCATIONS.
- ALL CONNECTED LOAD INFORMATION IS UNKNOWN. CONTRACTOR SHALL CALCULATE THE UNKNOWN LOAD VALUES BASED ON THE MAXIMUM DEMAND CONTINUOUSLY RECORDED OVER A MINIMUM 30 DAY PERIOD. MAXIMUM DEMAND SHALL BE RECORDED USING AN AMMETER OR POWER METER CONNECTED TO EACH PHASE OF THE FEEDER OR SERVICE. THE RECORDING SHALL REFLECT THE MAXIMUM DEMAND OF THE FEEDER OR SERVICE BEING TAKEN WHEN BUILDING OR SPACE IS OCCUPIED. RECORDING SHALL INCLUDE MEASUREMENT OR CALCULATION OF THE LARGEST EQUIPMENT LOAD(S) THAT MAY BE PERIODIC IN NATURE DUE TO SEASONAL OR SIMILAR CONDITIONS.
- THE CONTRACTOR SHALL SUBMIT CALCULATIONS AND COMPLETED LOAD SUMMARY TABLE FOR EXISTING PANEL 'NEIGA-2' TO THE ENGINEER FOR APPROVAL. THE CONTRACTOR SHALL NOT PROCEED WITH ANY MODIFICATIONS AND/OR ADDITIONS UNTIL WRITTEN APPROVAL IS RENDERED FROM THE ENGINEER. ENGINEER MAY RECCOMEND LOAD BALANCING ON PHASES BASED ON LOAD CALCULATION REPORT. CONTRACTOR NOT TO MAKE ADJUSTMENTS UNTIL GIVEN APPROVAL BY ENGINEER.

Panel Schedule																		
Panelboard NEIGA-2 Location: Electrical Room Volts: 208Y/120 Phase 3 Wire: 4 Hertz: 60																		
M. Breaker: 100A Main AIC: 10K Branch AIC: 10K ENCL. (NEMA): 1 MTG: Surface																		
110 Amp , Ground Bar, Locking Cover, Panel Card.																		
Description of Load Served	Breaker		Wire	A/Phase			CKT No.	CKT No.	A/Phase			Wire	Breaker		Description of Load Served			
	Amp	Pole		A	B	C			A	B	C		Amp	Pole				
EXISTING	20	1					1	2					20	1	EXISTING			
EXISTING	20	1					3	4					20	1	EXISTING			
EXISTING	20	1					5	6					20	1	EXISTING			
EXISTING	20	1					7	8					20	1	EXISTING			
EXISTING	20	1					9	10					20	1	EXISTING			
EXISTING	20	1					11	12					15	1	EXISTING			
EXISTING	20	1					13	14					20	1	EXISTING			
EXISTING	20	1					15	16					20	1	EXISTING			
SPARE	20	1					17	18					20	1	EXISTING			
CHARGING STATION EV01	50	2	6	40.0			19	20	5.0			10	20	1	CHARGING STATION EV02			
					40.0		21	22		40.0		4	50	2	CHARGING STATION EV01			
CHARGING STATION EV01	20	1	12			5.0	23	24			40.0							
SPACE							25	26						1	SPACE			
SPACE							27	28						2	SPACE			
SPACE							29	30						3	SPACE			
SPACE							31	32						4	SPACE			
SPACE							33	34						5	SPACE			
SPACE							35	36						6	SPACE			
SPACE							37	38						7	SPACE			
SPACE							39	40						8	SPACE			
SPACE							41	42						9	SPACE			
Total A/Phase				40.0	40.0	5.0				5.0	40.0	40.0	Total A/Phase					
Notes:				1. Connected KVA: NEW												2. Demand KVA: NEW		

PANEL SCHEDULE

Voltage Drop Calculations								
Start Point	End Point	Amperage (A)	Voltage	Distance	Conductor (AWG)	Conductor Resistance (ohm/kft)	V.D.	V.D. %
PANEL NEIGA-2	EV01	40	208	120	6	0.51	4.90	2.35
PANEL NEIGA-2	EV01	5	120	120	12	2.05	2.46	2.05
PANEL NEIGA-2	EV02	40	208	150	6	0.51	6.12	2.94
PANEL NEIGA-2	EV02	5	120	150	12	2.05	3.08	2.56

VOLTAGE DROP CALCULATIONS

Conduit Schedule				
Conduit Section	Conduit #	Conduit Size	Conductors	Installation Method
A	1	2"	(4) #6AWG + (4) #12AWG + (1) #8AWG GND	Directional Bore
	2	1/2"	Future Communications	
B	1	1-1/2"	(2) #6AWG + (2) #12AWG + (1) #8AWG GND	Directional Bore
	2	1/2"	Future Communications	

CONDUIT SCHEDULE

**VOLTA**

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

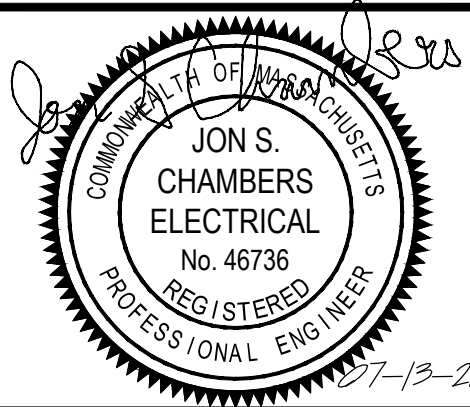
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REV	DATE	DESCRIPTION	BY
4	07/13/2022	CD100s - ZONING PERMIT	TAS
3	06/21/2021	CD100 REVISION PER VOLTA COMMENTS	TAS
2	07/01/2019	CD100s	CMN
1	06/13/2019	CD90s	CMN

ISSUE DATE  
**07/13/2022**

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**SHAW'S 65 MAIN  
STREET PHASE 1**

65 MAIN ST  
MEDWAY, MA 02053

SHEET TITLE  
**ELECTRICAL ONE LINE  
DIAGRAM**

SHEET NUMBER

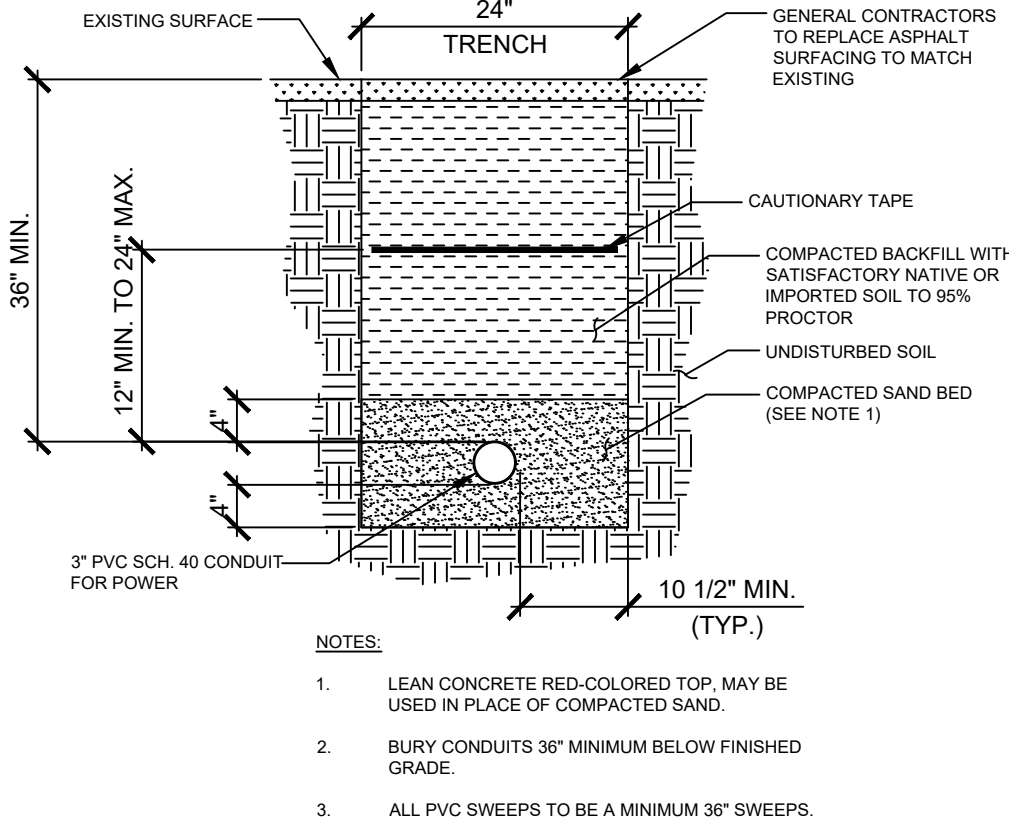
**E1-00**

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES

1. A NATIONALLY RECOGNIZED TESTING LABORATORY SHALL LIST ALL EQUIPMENT IN COMPLIANCE WITH ART110.3
2. ALL EXTERIOR EQUIPMENT SHALL BE RAIN TIGHT AND APPROVED FOR USE IN WET CONDITIONS
3. ALL CONDUCTORS SHALL BE PROVIDED WITH STRAIN RELIEF UPON ENTRY INTO ENCLOSURES.
4. EACH UNGROUNDED CONDUCTOR SHALL BE IDENTIFIED BY PHASE AND SYSTEM PER ART 210.5
5. ALL METALLIC COMPONENTS SHALL BE GROUNDED VIA ELECTRIC GROUNDING CONDUCTORS
6. CHARGING UNITS ARE EQUIPPED WITH AN INTEGRATED CONTACTOR TO PREVENT BACK FEEDING OF POWER TO THE SOURCE
7. CONTRACTOR TO FIELD VERIFY MAIN FEED BREAKER SUPPORTING DISTRIBUTION PANEL IS APPROPRIATELY SIZED TO SUPPORT THE LOAD. CONTRACTOR SHALL CONTRACT THE ENGINEERING TEAM IMMEDIATELY IF BREAKER IS FOUND TO BE INSUFFICIENT

ABBREVIATIONS	
A	AMPERE
AC	ALTERNATING CURRENT
AL	ALUMINUM
ART	ARTICLE
AUX	AUXILIARY
BLDG	BUILDING STRUCTURE
CONC	CONCRETE
CU	COPPER
DC	DIRECT CURRENT
EGC	EQUIPMENT GROUNDING CONDUCTOR
(E)	EXISTING
EMT	ELECTRIC METALLIC TUBING
EV	ELECTRIC VEHICLE
EVSE	ELECTRIC VEHICLE SUPPLY EQUIPMENT
GALV	GALVANIZED
GND	GROUND
HDG	HOT DIPPED GALVANIZED
I	CURRENT
KVA	KILOVOLT AMPERE
KW	KILOWATT
M	METER
MAX	MAXIMUM
MIN	MINIMUM
N	NEUTRAL
NEC	NATIONAL ELECTRIC CODE
NTS	NOT TO SCALE
(N)	NEW
OC	ON CENTER
PL	PROPERTY LINE
PVC	POLYVINYL CHLORIDE
RMC	RIGID METALLIC CONDUIT
SCH	SCHEDULE
SS	STAINLESS STEEL
TYP	TYPICAL
V	VOLT
W	WATT
XFMR	TRANSFORMER

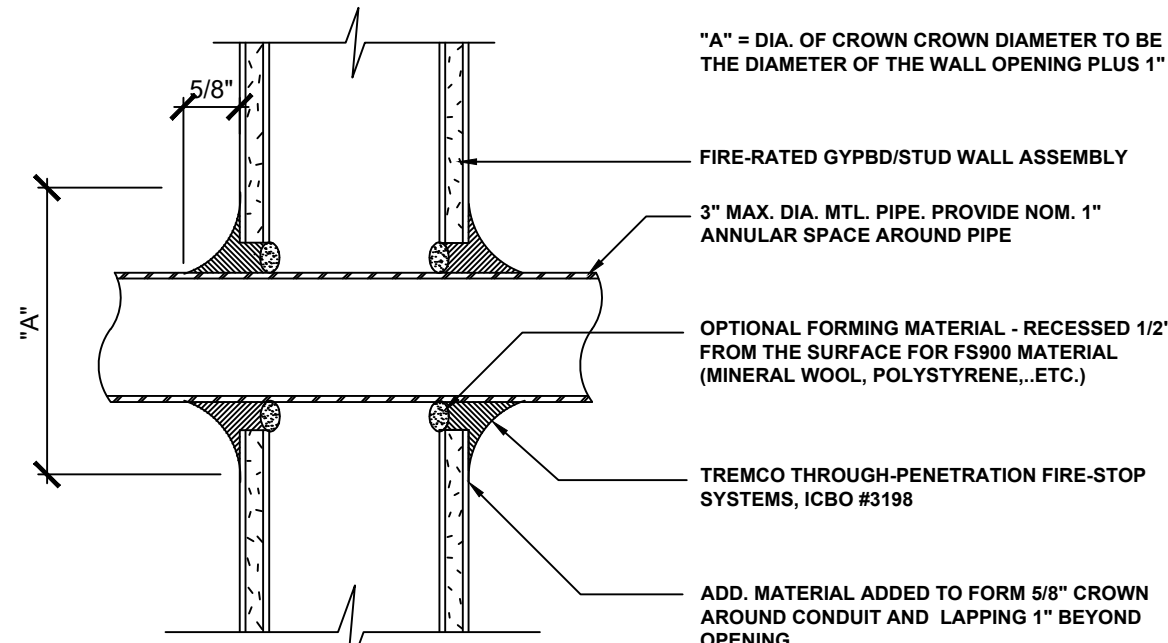
- ELECTRICAL NOTES:**
1. ALL ELECTRICAL WORK AND RELATED ACTIVITIES PERFORMED ON-SITE SHALL BE DONE IN ACCORDANCE WITH NATIONAL ELECTRIC CODE (NEC) STANDARDS BEING ENFORCED BY ALL APPLICABLE JURISDICTIONAL REQUIREMENTS AT THE TIME OF CONSTRUCTION.
  2. UTILITY EQUIPMENT INSTALLATIONS AND PREP WORK SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY ENGINEER AT TIME OF PRECONSTRUCTION MEETING TO ENSURE ACCURACY OF INSTALLATIONS.
  3. CONDUIT PATHS ARE REPRESENTATIVE ONLY. EXACT CONDUIT PLACEMENT TO BE DETERMINED ON SITE BASED ON FIELD CONDITIONS.



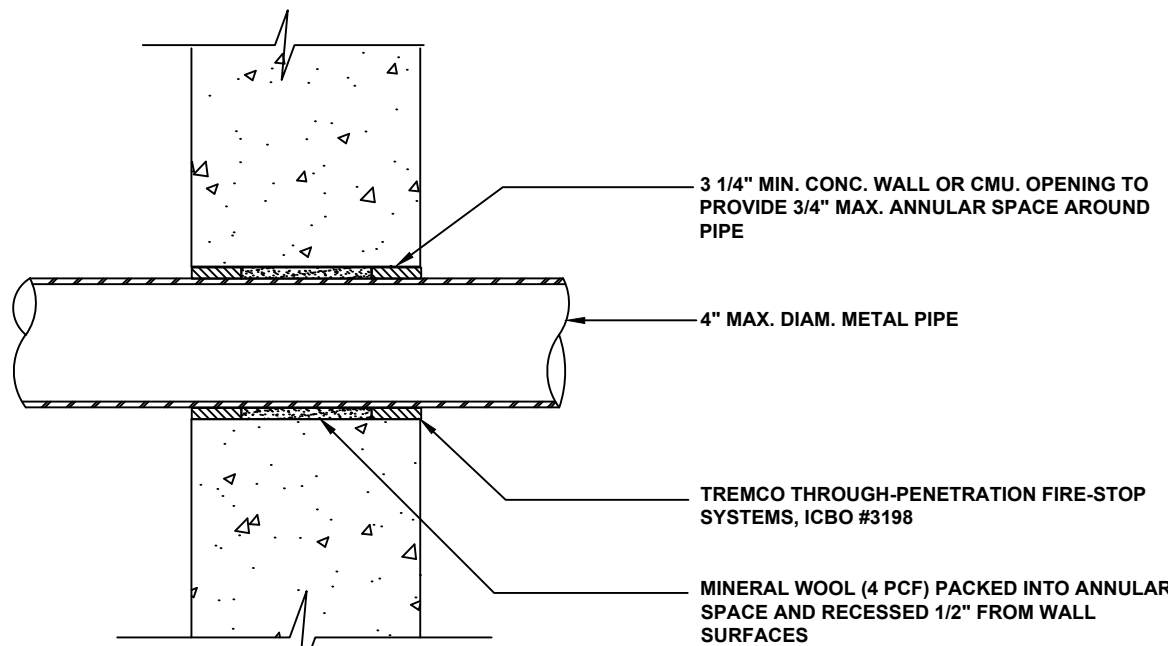
POWER TRENCH

SCALE  
N.T.S.

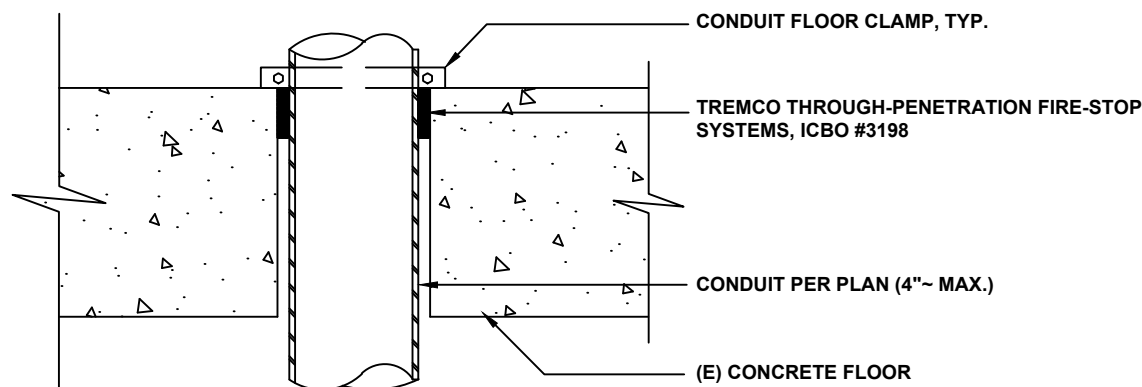
1



FRAMED WALL PENETRATION



CONCRETE WALL PENETRATION



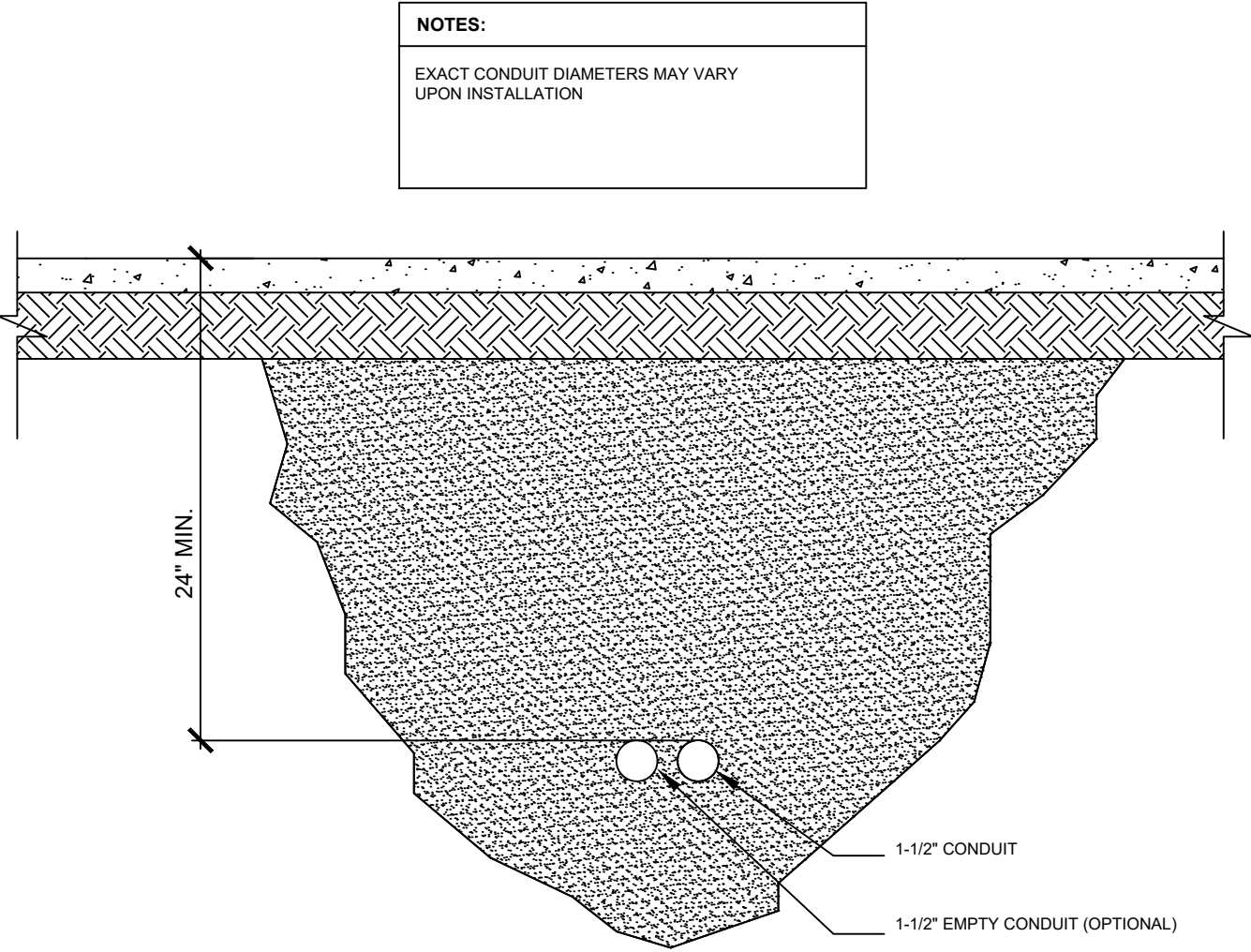
CONCRETE FLOOR PENETRATION

- NOTES:**
- NOTE: 1. CONTRACTOR TO X-RAY PRIOR TO DRILLING OR CORING TO LOCATE (E) RE-BAR. DO NOT CUT RE-BAR.
2. PENETRATIONS THRU WALLS SHALL COMPLY WITH T24, CBC SECTION 709.6.
- F RATING - PENETRATIONS 4" - OR LESS
- T RATING - PENETRATIONS LARGER THAN 4" - PENETRATIONS @ CORRIDOR CLGS. WHICH ARE NOT RATED, BELOW
3. PENETRATIONS THRU FLOORS/ CEILINGS SHALL COMPLY WITH T24, CBC SECTION 710.3.
- F RATING - PENETRATIONS 4" - OR LESS
- T RATING - PENETRATIONS LARGER THAN 4" - PENETRATIONS NOT CONTAINED WITHIN A WALL.

PENETRATION DETAIL

SCALE  
N.T.S.

4



BORE SECTION DETAIL

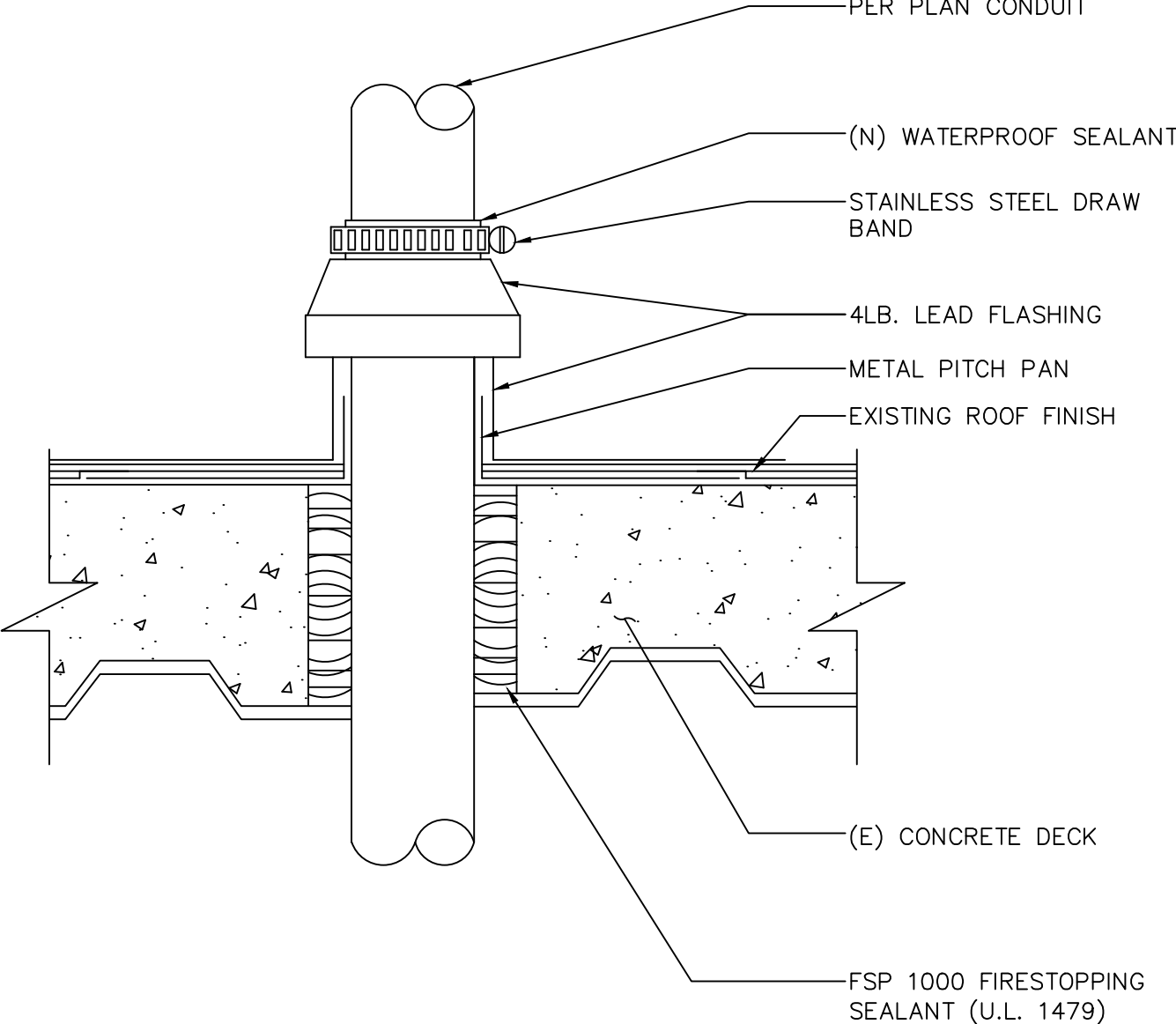
SCALE  
N.T.S.

2

NOT USED

SCALE  
N.T.S.

5



CORE DETAIL

SCALE  
N.T.S.

3

NOT USED

SCALE  
N.T.S.

6

NOT USED

SCALE  
N.T.S.

6

NOT USED

SCALE  
N.T.S.

7

NOT USED

SCALE  
N.T.S.

8

ELECTRICAL NOTES & ABBREVIATIONS

**VOLTA**

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

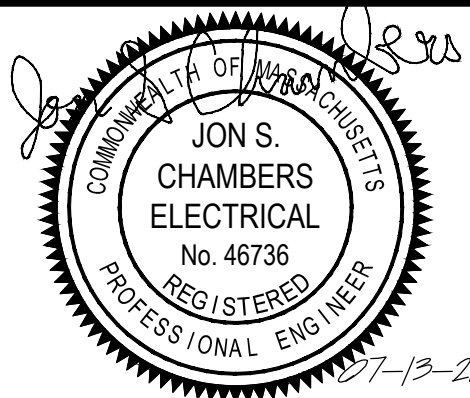
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4	07/13/2022	CD100s - ZONING PERMIT	TAS
3	06/21/2021	CD100 REVISION PER VOLTA COMMENTS	TAS
2	06/07/2019	CD100s	GBR
1	06/06/2019	CD90s	GBR

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SHAW'S 65 MAIN  
STREET PHASE 1

65 MAIN ST  
MEDWAY, MA 02053

SHEET TITLE  
**ELECTRICAL NOTES & DETAILS**

SHEET NUMBER

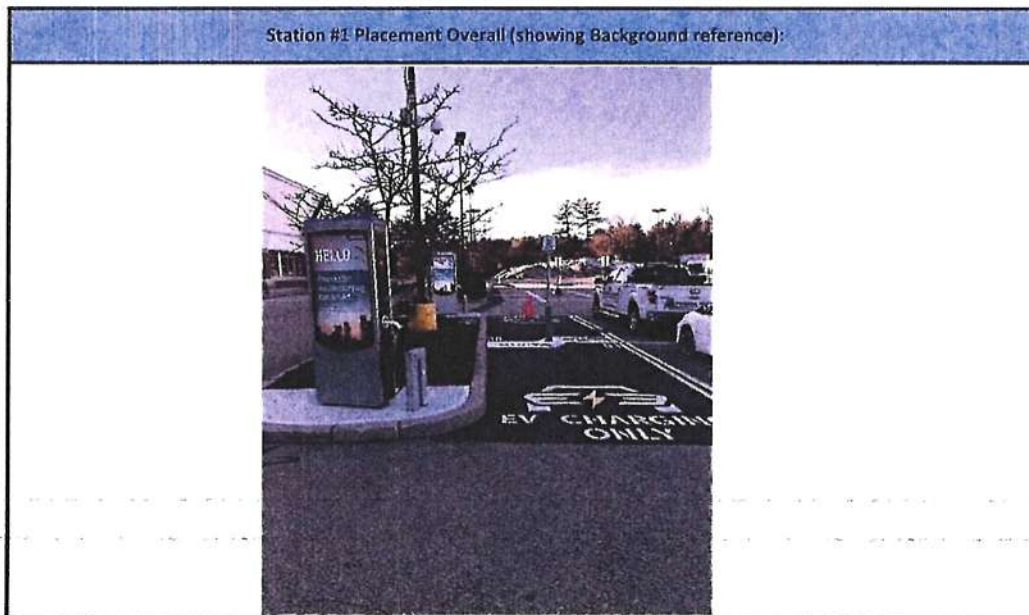
**E3-00**

# VOLTA

## CONSTRUCTION PROJECT: Medway, MA

Site Address:	65 Main Street	Date Completed:	
VOLTA Contact:	Paul Zagami	Contractor Contact:	Brian Sullivan
VOLTA Email:	<a href="mailto:paulzagami@voltacharging.com">paulzagami@voltacharging.com</a>	Contractor Email:	<a href="mailto:briansullivan@service.com">briansullivan@service.com</a>
Station 01 Azimuth:	35 NE	Station #01 S/N:	P1903VKDN55M513

### STATION #1 INSTALL PHOTO CHECKLIST:



Station Front & Back:



Station Serial Number & CSA sticker:



SUBJECT: ELECTRIC VEHICLE CHARGING SYSTEM  
MODEL: K1CSDIGT56SUB

SERIAL: P1903VK0N6BM613

CIRCUIT 1: 120 VAC, 0-60Hz, 0-10 A, 1 Phase

CIRCUIT 2: 208-220 VAC, 0-60Hz, 0-40 A, 1 Phase

## STATION #2 INSTALL PHOTO CHECKLIST:

Station 02 Azimuth:

0 N

Station #02 S/N:

P1903VKDN55M516

Station #2 Placement Overall (showing Background reference):



Station Front & Back:



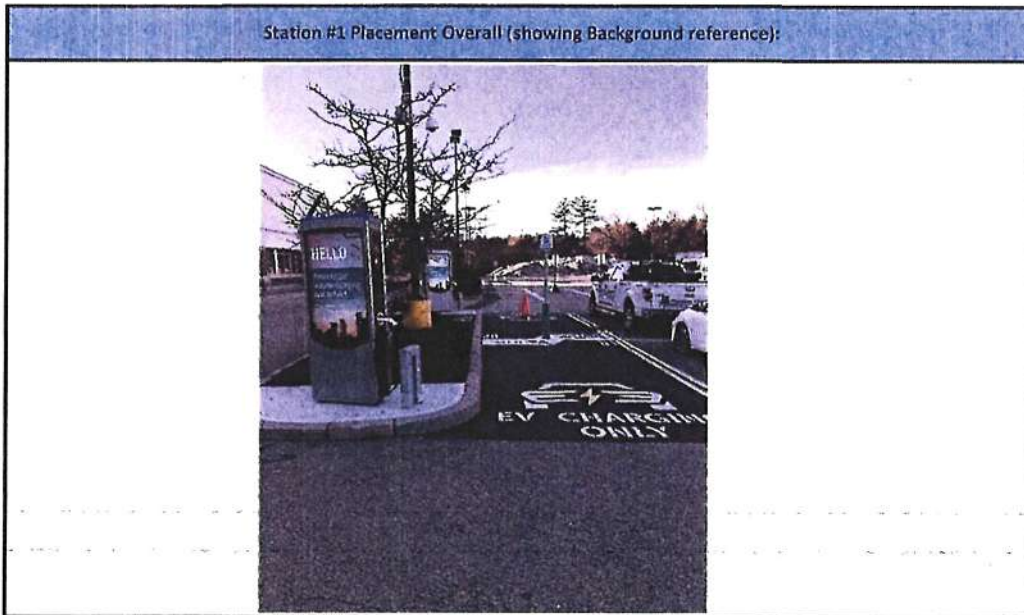
# VOLTA

## CONSTRUCTION PROJECT: Medway, MA

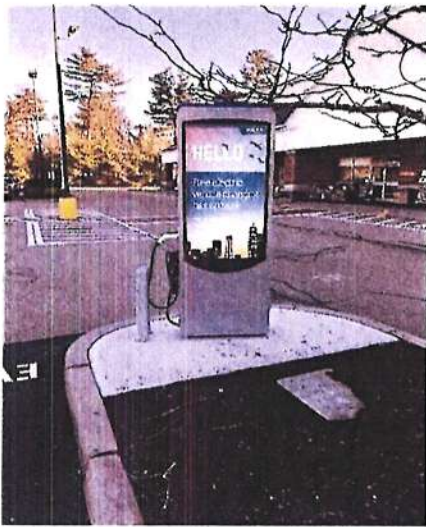
Site Address:	65 Main Street	Date Completed:	
VOLTA Contact:	Paul Zagami	Contractor Contact:	Brian Sullivan
VOLTA Email:	paulzagami@voltacharging.com	Contractor Email:	briansullivan@service.com
Station 01 Azimuth:	35 NE	Station #01 S/N:	P1903VKDN55M513

### STATION #1 INSTALL PHOTO CHECKLIST:

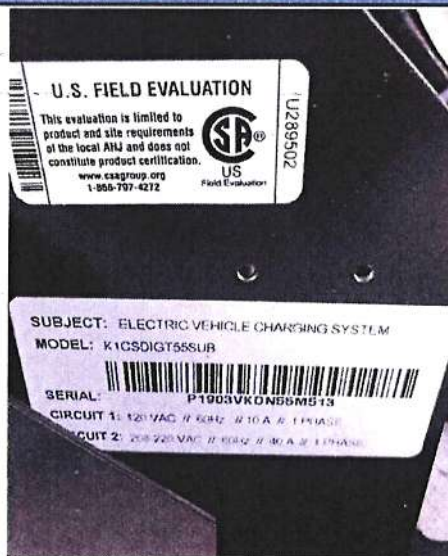
Station #1 Placement Overall (showing Background reference):



Station Front & Back:



Station Serial Number & CSA sticker:



**STATION #2 INSTALL PHOTO CHECKLIST:**

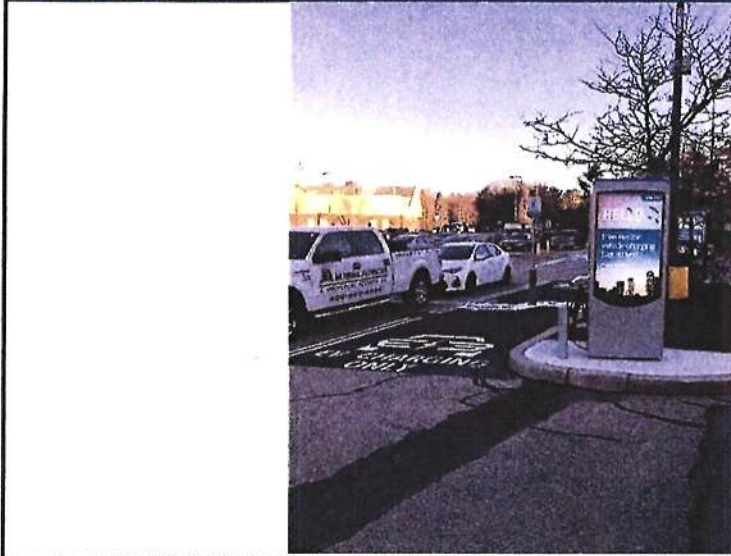
Station 02 Azimuth:

0 N

Station #02 S/N:

P1903VKDN55M516

Station #2 Placement Overall (showing Background reference):



Station Front & Back:



## **SECTION 5.4.2 OF THE MEDWAY ZONING BYLAW**

**5.4.2 Special Permits for Electric Vehicle Charging Station(s) with Digital Advertising** - The Planning and Economic Board may grant a special permit for Electric Vehicle Charging Station(s) with Digital Advertising Signage (“Charging Station”).

A. The charging service for such Charging Stations shall be provided at no cost to users. For each Charging Station, the sign surface area shall not exceed nine square feet per side, not to exceed two sides per Charging Station. No audio or video displays shall be permitted. Level 1 Charging Stations (those having a 120-volt connection) are not permitted. The display area and no part of the Charging Station may revolve, simulate motion, flash, blink, or include animation. Internal illumination of the display area is permitted. Advertising may include commodities or services which may not be found or available on the premises hosting the Charging Station. There shall be no reduction in handicap accessible and compact car parking spaces to accommodate installation of Charging Stations. The number of Charging Station spaces shall not exceed five percent of the total number of parking spaces on the premises. The Charging Station shall be capable of charging electric vehicles produced by multiple manufacturers.

B. In granting a special permit, the Board may impose limitations, safeguards, and conditions on but not limited to the following:

- quantity of Charging Stations with digital advertising signage on the premises;
- frequency of message changes (dwell time);
- Charging Station height;
- form of message transition;
- brightness of display illumination; number of charging ports per Charging Station;
- hours of operation for charging and digital advertising signage; visibility of display area from a public street;
- location and positioning of Charging Stations on the premises;
- other forms of signage to designate spaces for EV charging;
- handicap accessibility;
- impact or level of disruption of Charging Stations on business and tenant operations;
- ease and safety of accessibility to the Charging Stations; landscaping, buffering and screening; and

- type or charging level of the Charging Station.

This may also include correlating the amount of allowed digital advertising display space to the type and charging level of the Charging Station and correlating the number of allowed Charging Station spaces on the premises to the percentage of electric vehicles in Massachusetts (according to an appropriate state agency such as the Registry of Motor Vehicles or the Executive Office of Energy and Environmental Affairs).

## VOLTA - STATION OVERVIEW

Volta provides free, turnkey electric vehicle charging services. This modern amenity attracts the community as Volta's charging network draws 3x the number of visits to the property as compared to other charging networks.\* Our stations have been installed in over 140 different municipalities across the U.S.

\*Finn Research

### VOLTA STATION BENEFITS

- Installation, equipment and maintenance is paid by Volta
- Charges all electric vehicles
- Electricity to charge community members' electric vehicle is free
- Free electricity supported through third party content on displays
- Charges up to 2 hours free with software that discourages abuse
- Volta stations are occupied 80% of the retail day
- Volta has provided over 60 million miles of free charging, replaced approximately 2.3 million gallons of gasoline and eliminated over 45 million pounds of CO2

### CHARGING UNIT INFORMATION

Single charging units

Size: H 86.25" x W 32.5" x D 12.75"

Display Size: H 48" x W 27"

Cord length: 20'

Power Type: 208/240VAC, 40A, 10 kW max

Plug: SAE J1772 compliant connector

Listings: UL® E354307

### POWER REQUIREMENTS

Charging Unit: 50A/2P 208/240V breaker

Charging Aux Power: 20A/1P 120V breaker

Cell signal or LAN access required

### INSTALLATION REQUIREMENTS

Wire Diameter: #6 AWG\*

Larger for longer conduit runs

Conduit Diameter: 2"

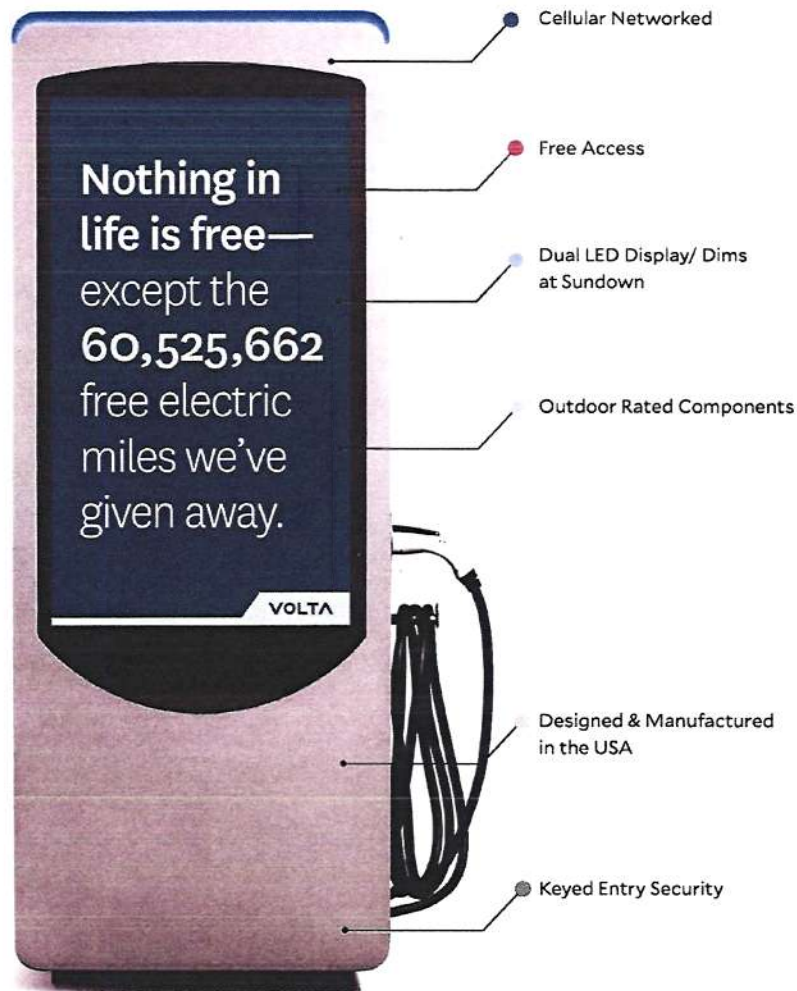
Two Volta stations can share one 2" conduit

Volta's mission is simple: Accelerate electric vehicle adoption by building cutting-edge, free and inspiring vehicle charging networks.



Above is a typical Volta installation showing one of our charging stations in a parking area.

**VOLTA**



**VOLTA**

155 DE HARO STREET  
SAN FRANCISCO, CA 94103

REV	DATE	DESCRIPTION	BY
1	01/15/19	CON	600

ISSUE DATE

ISSUED FOR  
PERMIT

\*A VIOLATION OF LAW FOR ANY PERSON  
UNLESS THEY ARE ACTING UNDER THE DIRECTION  
OF A LICENSED PROFESSIONAL  
ENGINEER TO ALTER THIS DOCUMENT

SHEET TITLE

SHEET NUMBER

VOLTA HEADQUARTERS: 155 De Haro St. San Francisco, CA 94103 WEBSITE: [voltacharging.com](http://voltacharging.com)



**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Milford Regional Hospital Public  
Hearing Continuation**

**UPDATED – August 22, 2022**

- Notice dated July 27, 2022 to continue public hearing to August 23, 2022
- Public Hearing Notice dated August 4, 2022 for additional special permits for Central Business District building type and parking location
- CBD special permit application with explanations
- Email dated 7-27-22 from DPW Director Pete Pelletier
- Noise review memo dated 8-8-22 from Jeff Komrower of Noise Control Engineering (NCE), the Board's noise consultant
- Emails dated 8-16-22 re: NCE noise comments
- Milford Hospital 3D renderings
- Conservation Commission Order of Conditions and Land Disturbance Permit dated 8-16-22
- DRAFT decision dated 8-19-22
- **DRC review letter dated 8-22-22**

## Board Members

Matthew Hayes, P.E., Chair  
Robert Tucker, Vice Chair  
Richard Di Iulio, Clerk  
Jessica Chabot, Member  
Sarah Raposa, A.I.C.P., Member  
Thomas Gay, Associate Member



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

# TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS


## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### MEMORANDUM

July 27, 2022

RECEIVED TOWN CLERK  
JUL 27 '22 AM 10:41

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 Milford Regional Hospital Medical Center Site Plan and Groundwater Protection Special Permit - 86 Main Street**  
Continuation Date – Tuesday, August 23, 2022 at 7:30 p.m.

At its July 26, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Lobisser Companies of Hopedale, MA for approval of a major site plan and a groundwater protection special permit for the proposed 21,900 sq. ft. medical office building to be constructed on a portion of 86 Holliston Street to the Board's meeting on Tuesday, August 23, 2022 at 7:30 p.m. at Medway Town Hall, 155 Village Street.

The proposed facility is to be located on approximately 2.2 acres on the eastern end of the subject property. The building will be accessed from the existing curb cut and driveway from Main Street currently used by Walgreens. Other planned site improvements include parking, utilities, grading, lighting, landscaping, and stormwater management. The facility will offer pediatric care, women's health, wellness, urgent care, lab & x-ray services.

The planned improvements are shown on *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2022, *LAST REVISED June 29, 2022*, prepared by Guerriere & Halnon, Inc. of Franklin, MA. The site is also under the jurisdiction of the Conservation Commission for an Order of Conditions and a Land Disturbance Permit.

The site plan and associated application documents are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall. Those documents and the above referenced revised site plan is also posted at Board's page at:

[https://www.townofmedway.org/sites/g/files/vyhlf8006/f/uploads/2022-06-30\\_milford\\_hospital\\_site\\_plan\\_set\\_rev1.pdf](https://www.townofmedway.org/sites/g/files/vyhlf8006/f/uploads/2022-06-30_milford_hospital_site_plan_set_rev1.pdf)

The Board welcomes your review of the revised site plan. Please provide any comments to me by August 5<sup>th</sup>. Please don't hesitate to contact me if you have any questions. Thanks.

**Board Members**

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



**TOWN OF MEDWAY**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

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

August 4, 2022

RECEIVED TOWN CLERK  
AUG 5 '22 AM 11:55

**Public Hearing Notice  
Milford Regional Medical Center  
Central Business District Special Permits  
86 Holliston Street**

In accordance with the *Medway Zoning Bylaw*, Sections 10.2 and 10.4 Central Business District Development Standards and certain provisions of Chapter 40A, Massachusetts General Laws, notice is given that the ***Medway Planning and Economic Development Board will conduct a public hearing on the application of Lobisser Companies of Hopedale, MA for approval of special permits for parking location and building type for the proposed medical office facility at 86 Holliston Street in the Central Business zoning district.*** The hearing will be held at 7:30 p.m. on Tuesday, August 23, 2022 in conjunction with the continued hearing on the previously proposed site plan and groundwater protection district special permit, in Sanford Hall at Medway Town Hall, 155 Village Street, Medway, MA. The meeting room is accessible via elevator for individuals with physical disabilities. The hearing will also be available via Zoom for public participation. Zoom access details will be included on the agenda for the August 23<sup>rd</sup> meeting.

The subject property, shown on the Medway Assessors Map 41 as Parcel 8, is 8.027 acres in size. It is owned by Friel Realty II, LLC of Medway, MA. It is bounded on the north primarily by a residential subdivision, on the east by property occupied by Walgreens, and on the south by Main Street.

The proposed facility is to be located on approximately 2.2 acres on the eastern end of the subject property and includes construction of a one-story, 21,900 sq. ft. medical building to be accessed from the existing curb cut on Main Street for Walgreens. Other planned improvements include driveways, parking, utilities, grading, lighting, landscaping, site amenities, and stormwater management facilities. The facility will offer pediatric care, women's health, wellness, emergency care, lab, and x-ray services. The planned improvements are shown on *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2022, last revised June 29, 2022 prepared by Guerriere & Halnon, Inc. of Franklin, MA. ***The applicant seeks the noted additional special permits to allow off-street parking to be located in front of the building and to authorize a building type and size that does not conform to the building types allowed in the Central Business zoning district.***

The application materials are on file with the Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular office hours. The documents are also posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/milford-regional-medical-center>

Interested persons or parties are invited to review the special permit applications and associated documents, attend the hearing, and express their views. Written comments are encouraged and may be forwarded to [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org). All comments will be entered into the record. Any questions should be directed to the Planning and Economic Development office at 508-533-3291.

Matthew J. Hayes, Chair

RECEIVED

AUG 2 2022

Medway Planning and Economic  
Development Board



**Planning & Economic Development Board - Town of Medway, MA  
SPECIAL PERMITS**

**Application for Special Permit Approval**

**INSTRUCTIONS TO APPLICANT/OWNER**

*This Application is made pursuant to the Medway Zoning Bylaw. Certain special permits are issued by the Planning and Economic Development Board instead of the Zoning Board of Appeals.*

*The Town's Engineering Consultant may review the Application and associated submittals and provide review letters to the Planning and Economic Development Board.*

*A copy of those review letters will be provided to you in advance of the meeting.*

*You and/or your duly authorized Agent/Official Representative are expected to attend the Board meeting at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request.*

*Your absence may result in a delay the Board's review of the special permit application.*

August 2, 20<sup>22</sup>

**APPLICANT INFORMATION**

Applicant's Name: Lobisser Companies  
Mailing Address: 1 Charlesview Road  
Hopedale, MA 01747  
Name of Primary Contact: Kevin Lobisser  
Telephone: Office: 508-478-6235 Cell: 508-294-3177  
Email address: kevin@lobissercompanies.com

☐ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

**PROPERTY INFORMATION**

Location Address: 86 Holliston Street  
The land shown on the plan is shown on Medway Assessor's Map #41 as Parcel #8  
Size of Development Parcel(s): 2.3 acres  
Development Name: Milford Regional Medical Center  
General Description of Property: See Attached

Medway Zoning District Classification: Central Business District



**Planning & Economic Development Board - Town of Medway, MA**  
**SPECIAL PERMITS**

***Application for Special Permit Approval***

**INSTRUCTIONS TO APPLICANT/OWNER**

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August 2, 20<sup>22</sup>

**APPLICANT INFORMATION**

Applicant's Name: Lobisser Companies  
Mailing Address: 1 Charlesview Road  
Hopedale, MA 01747  
Name of Primary Contact: Kevin Lobisser  
Telephone: Office: 508-478-6235 Cell: 508-294-3177  
Email address: kevin@lobissercompanies.com

☐ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

**PROPERTY INFORMATION**

Location Address: 86 Holliston Street  
The land shown on the plan is shown on Medway Assessor's Map #<sup>41</sup> as Parcel #<sup>8</sup>  
Size of Development Parcel(s): 2.3 acres  
Development Name: Milford Regional Medical Center  
General Description of Property: See Attached

Medway Zoning District Classification: Central Business District

## TYPE OF SPECIAL PERMIT

Check all that apply:

- ☐ Auto body shop
- ☐ Assisted living residence facility
- ☐ Car wash
- ☒ Central Business District Development Standards (Section 10)
- ☐ Construction equipment/machinery sales, leasing or rentals
- ☐ Drive-thru facility
- ☐ Electric vehicle charging station with digital advertising
- ☐ Hotel
- ☐ Infill Dwelling Unit (Section 8.1)
- ☐ Lodge or club
- ☐ Mixed-Use Development or Mixed-Use Building in the Central Business District (Section 10.3)
- ☐ Motel
- ☐ Outdoor display
- ☐ Shopping center or multi-tenant development
- ☐ Reduced Parking (Section 7.1.1.J.)
- ☐ Retail store larger than 20,000 sq. ft.
- ☐ Vehicle fuel station with repair services
- ☐ Vehicle fuel station with car wash
- ☐ Vehicle fuel station with convenience store
- ☐ Vehicle repair
- ☐ Veterinary Hospital
- ☐ Other special permit uses, normally reviewed by the Zoning Board of Appeals, such as but not limited to a Groundwater Protection District Special Permit and a Flood Plain Special Permit, but which are reviewed instead by the Planning and Economic Development Board when the project also requires site plan review (Section 3.4 H)

PLEASE SPECIFY: \_\_\_\_\_

NOTE – There are separate application forms for the following special permits:

- Open Space Residential Development (OSRD)
- Adult Retirement Community Planned Unit Development (ARCPUD)
- Multi-Family Housing Overlay District (MHOD)
- Adaptive Use Overlay District (AUOD).
- Marijuana Facilities and Establishments (medical and adult recreational)
- Affordable Housing
- Oak Grove

Do not use this application form for the above noted types of developments. Please contact the Planning and Economic Development Board office.

## PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Freil Realty II, LLC

Mailing Address: 86 Holliston Street  
Medway, MA 02053

Primary Contact: David Cassidy

Telephone: Office: 508-533-8939 Cell: 508-493-8939

Email address: dcassidy518@gmail.com

### DESIGNATED REPRESENTATIVE INFORMATION

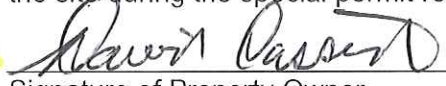

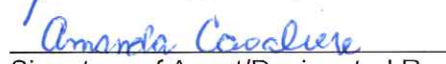
Name: Guerriere & Halnon, Inc.  
Address: 55 West Central Street  
Franklin, MA 02053  
Telephone: Office: 508-528-3221 Cell: \_\_\_\_\_  
Email address: acavalieri@gandhengineering.com  
Relationship to Applicant: Civil Engineer

### SIGNATURES

The undersigned, being the Applicant, herewith submits this application for a special permit(s) to the Medway Planning and Economic Development Board for review and action. I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize Guerriere & Halnon, Inc. to serve as my Agent/Designated Representative to represent my interests before the Planning & Economic Development Board with respect to this application.)

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee and other Town boards and committees to access the site during the special permit review process.

	David Cassidy	<u>8/1/22</u>
Signature of Property Owner	(printed name)	Date
Signature of Property Owner	(printed name)	Date
	Kevin Lobisser	<u>7/29/22</u>
Signature of Applicant (if other than Property Owner)	(printed name)	Date
	Amanda Cavaliere	<u>8/2/2022</u>
Signature of Agent/Designated Representative	(printed name)	Date

### **SPECIAL PERMIT APPLICATION/FILING FEES**

*There is no separate special permit application filing fee when a project also requires site plan review. If there is no requirement for site plan review, the special permit application filing fee is \$350.00.*

*Make check payable to: Town of Medway*

### **SPECIAL PERMIT APPLICATION CHECKLIST**

*The following items shall be submitted with the application.  
In most cases, the applicant shall also simultaneously file a corresponding application  
for Site Plan Review and Approval with all required submittals.*

- ☒ Special Permit Application (2 signed originals) – one for the Town Clerk and one for the Planning and Economic Development Board
- ☒ Project Description
- ☒ Detailed narrative on how the proposed project meets the special permit criteria included in the Medway Zoning Bylaw, SECTION 3.4 Special Permit Criteria AND any specific approval criteria included in the particular section(s) of the Zoning Bylaw for which a special permit is sought.
- ☒ Any additional information required by the specific section of the Zoning Bylaw for the requested type of special permit or as directed by Town staff.
- ☐ List of abutters, and abutters to abutters within 300' of the property as prepared by the Medway Board of Assessors.
- ☒ Electronic version of all documents, either emailed or provided on a flash drive.

Updated 7-28-22

**F-4516**  
**Special Permit Narrative**  
**Zoning Bylaw Section 10**  
**Central Business District Development Standards**  
**86 Holliston Street**  
**Medway, MA 02053**

**Project Description:**

The project area is located at 86 Holliston Street and consists of approximately 100,222 +/- sf. (2.30 +/- Ac.) of land owned by Freil Realty II, LLC and being developed by Lobisser Companies. The project area will be created from the larger parcel (8.02+/- acres), which is currently used as a farm, with livestock grazing within the project area. The property is bordered by a residential neighborhood to the north, a Walgreens pharmacy store to the east, Main Street and a commercial plaza to the south, and the remaining portion of the farm to the west. The site is located within the Central Business zoning district and has frontage along Main Street. Portions of the site lie within the jurisdictional buffers of bordering vegetated wetlands, FEMA flood zone X, and the site is located within the Medway Ground Water Protection District.

The topography is mainly grass and consists of slopes ranging from 0% to 10% grade. A 36" culvert, originating offsite, daylights on-site near the southwestern portion of the site adjacent to Main Street. The area that daylights was designated by Goddard Consulting, LLC as a regulated resource, or bank of intermittent stream channel and has a 100-ft jurisdictional buffer zone. A report and associated wetland data forms prepared by Goddard Consulting, dated December 14, 2021 is attached for your reference.

The Applicant is proposing to construct a one story 21,900 +/- sf medical building and associated driveways, parking lots, utilities, landscaping and grading. Drainage infrastructure associated with the new development will also be constructed. The proposed medical building will consist of pediatric care, women's health, family medicine, emergency/urgent care, laboratory and x-ray.

In accordance with the *Town of Medway Zoning Bylaw Section 10 – Central Business District Development Standards*, and on behalf of the Applicant, Guerriere & Halnon, Inc. is requesting the following Special Permits:

***Request for Special Permits approval: Section 10 §2.D.2.C – Parking Placement.***

To allow by Special Permit vehicular parking between the front building line and the street right-of-way line as shown on the Plan entitled: **"Site Plan 86 Holliston Street Medway Massachusetts dated April 14, 2022 and last revised June 29, 2022"** prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.

The parking placement consists of 88 parking spaces, of which 29 spaces are located within the front building-line and street right-of-way line, while the remaining parking spaces are located to the north and west of the proposed building. Parking and building placement were coordinated to align with the existing Walgreens site located to the east of the access way off Main Street (Route 109) as well as enhance traffic and pedestrian movement throughout the project site providing safer access/egress to the facility.

*Prepared by: Guerriere & Halnon, Inc.*  
*Date: August 2, 2022*

**F-4516**  
**Special Permit Narrative**  
**Zoning Bylaw Section 10**  
**Central Business District Development Standards**  
**86 Holliston Street**  
**Medway, MA 02053**

If the building was moved closer to the street right-of-way (Main Street) and parking was relocated to the rear in strict accordance with the Zoning Bylaws, accessibility to the main entrances of the (5) different medical disciplines within the building would be impacted by increasing the distance traveled to the main entrances located at the western and southern side of the building by patients arriving at the facility for medical purposes. In addition, relocating the parking to the rear of the building minimizes site maneuverability for emergency vehicles, limiting space available to make the necessary turning movements for them to navigate safely throughout the site, as well as, minimize accessibility to the main entrances of the building in the event of an emergency.

***Request for Special Permits approval: Section 10 §4.C.2 – Alternative Building Type***

To allow by Special Permit an alternative building type as shown on the Plan entitled: **“Site Plan 86 Holliston Street Medway Massachusetts dated April 14, 2022 and last revised June 29, 2022”** prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.

The proposed medical building located within the Central Business District consists of units associated with pediatric care, women’s health, family medicine, emergency/urgent care, laboratory and x-ray, which is not designated as a specific building type outlined in *Section 10 §4 Building Types and Design Standards of the Zoning Bylaws*. Therefore, on behalf of the Applicant, and in accordance with *Section 10 §4.C.2*, we are requesting a special permit for an alternative building type from the Planning & Economic Development Board to allow the proposed medical building consisting of approximately 21,900+/- sf within the Central Business District presented on the Plan entitled **“Site Plan 86 Holliston Street Medway Massachusetts dated April 14, 2022 and last revised June 29, 2022”** prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.

*Prepared by: Guerriere & Halnon, Inc.*  
*Date: August 2, 2022*

**F-4516**  
**Special Permit Application**  
**Town of Medway Zoning Bylaw**  
**Section 10 Central Business District §4.C.2 – Alternative Building Type**  
**86 Holliston Street**  
**Medway, MA 02053**

**Applicant:** Lobisser Companies, 1 Charlesview Road, Hopedale, MA 01747

**Owner:** Freil Realty II, LLC 86 Holliston Street, Medway, MA 02053

**Request for Special Permit approval: Section 10 §4.C.2 – Alternative Building Types**

To allow by Special Permit an alternative building type as shown on the Plan entitled: **“Site Plan 86 Holliston Street Medway Massachusetts dated April 14, 2022 and last revised June 29, 2022”** prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.

**SPECIAL PERMIT APPROVAL**

**1. Special Permit Approval Requirements under Section 10.3(E) of the Zoning By-Laws, states in part:**

*Criteria:*

*1. Special permits granted under this Section 10.3 are not subject to the special permit criteria under Section 3.4.*

*2. Before granting a special permit for a mixed-use development or flexible site design of a permitted use in the Central Business district, the PEDB shall find that all of the following criteria are met:*

- a. The proposed uses and site design represent the qualities of a traditional New England town center;*

**The proposed use and site design is consistent with the qualities of traditional New England Town Center and reflected in the proposed architectural renderings of the building.**

- b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;*

**The site design is environmentally sound and readily accessible to and useable by pedestrians. Sidewalks and outdoor amenities welcome the pedestrian traffic and business with picnic tables, benches and landscaping around the property.**

- c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;*

**The proposed site design is consistent with the Town of Medway Design Review Guidelines and Master Plan which includes redevelopment of key properties on Main Street (Route 109).**

- d. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided;*

**The proposed site design has incorporated areas within the site to allow for future vehicular connections.**

e. *Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;*

**Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner and in accordance the Town of Medway Design Review Guidelines and Site Plan Rules and Regulations.**

f. *Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and*

**Please refer to the Development Impact Statement enclosed for mitigation measures proposed to alleviate any detrimental impacts of the use on abutting properties.**

g. *The site design incorporates the site's existing topography and protects natural features to the maximum extent feasible.*

**The site design incorporates the site's existing topography and protects the natural features with native species and wetland protection measures to minimize impacts to the existing intermittent stream along with architectural features such as the split rail fence and building materials to enhance the agricultural history of the property.**

***WHEREFORE,** The Applicant respectfully requests that the Planning Board grant a SPECIAL PERMIT to allow an alternative building type as shown on the Plan entitled: "Site Plan 86 Holliston Street Medway Massachusetts dated April 14, 2022 and last revised June 29, 2022" prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.*

Dated: **July 12, 2022**

Respectfully Submitted,



---

Amanda K. Cavaliere  
Office Manager, Franklin  
Guerriere & Halnon, Inc  
55 West Central Street  
Franklin, MA 02038

(508) 528-3221

**F-4516**  
**Special Permit Application**  
**Town of Medway Zoning Bylaw**  
**Section 10 Central Business District §2.D.2.C – Parking Placement**  
**86 Holliston Street**  
**Medway, MA 02053**

**Applicant:** Lobisser Companies, 1 Charlesview Road, Hopedale, MA 01747

**Owner:** Freil Realty II, LLC 86 Holliston Street, Medway, MA 02053

**Request for Special Permit approval: Section 10 §2.D.2.C – Parking Placement.**

To allow by Special Permit vehicular parking between the front building line and the street right-of-way line as shown on the Plan entitled: **“Site Plan 86 Holliston Street Medway Massachusetts dated April 14, 2022 and last revised June 29, 2022”** prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.

**SPECIAL PERMIT APPROVAL**

**Special Permit Approval Requirements under Section 10.3(E) of the Zoning By-Laws, states in part:**

**Criteria:**

1. *Special permits granted under this Section 10.3 are not subject to the special permit criteria under Section 3.4.*
2. *Before granting a special permit for a mixed-use development or flexible site design of a permitted use in the Central Business district, the PEDB shall find that all of the following criteria are met:*

*a. The proposed uses and site design represent the qualities of a traditional New England town center;*

**The proposed use and site design is consistent with the qualities of traditional New England Town Center. The building and driveways have been strategically placed to blend with the existing Walgreens site as well as the potential for development connection points throughout the property.**

*b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;*

**The site design is environmentally sound and readily accessible to and useable by pedestrians. Sidewalks and outdoor amenities welcome the pedestrian traffic and business with picnic tables, benches and landscaping around the property.**

*c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;*

**The proposed site design is consistent with the Town of Medway Design Review Guidelines and Master Plan which includes redevelopment of key properties on Main Street (Route 109).**

*d. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided;*

**The proposed site design has incorporated areas within the site to allow for future vehicular connections.**

*e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;*

**Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner and in accordance the Town of Medway Design Review Guidelines and Site Plan Rules and Regulations.**

*f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and*

**Please refer to the Development Impact Statement enclosed for mitigation measures proposed to alleviate any detrimental impacts of the use on abutting properties.**

*g. The site design incorporates the site's existing topography and protects natural features to the maximum extent feasible.*

**The site design incorporates the site's existing topography and protects the natural features with native species and wetland protection measures to minimize impacts to the existing intermittent stream along with architectural features such as the split rail fence and building materials to enhance the agricultural history of the property.**

***WHEREFORE, The Applicant respectfully requests that the Planning Board grant a SPECIAL PERMIT to allow vehicular parking between the front building line and the street right-of-way line as shown on the Plan entitled: "Site Plan 86 Holliston Street Medway Massachusetts dated April 14, 2022 and last revised June 29, 2022" prepared by Guerriere & Halnon, Inc. 55 West Central Street Franklin, MA 02038.***

Dated: **July 12, 2022**

Respectfully Submitted,



Amanda K. Cavaliere  
Office Manager, Franklin  
Guerriere & Halnon, Inc  
55 West Central Street  
Franklin, MA 02038

(508) 528-3221

## Susan Affleck-Childs

---

**From:** Peter Pelletier  
**Sent:** Wednesday, July 27, 2022 10:47 AM  
**To:** Susan Affleck-Childs  
**Subject:** RE: Milford Hospital medical facility site plan

Hi Susy

I would like to see an added comment that they will restore the roadway per Street Opening Permit regulations and at the approval of the DPW Director or designee. Hopefully that is possible.

Thanks

Pete

---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Tuesday, July 26, 2022 5:02 PM  
**To:** Peter Pelletier <ppelletier@townofmedway.org>  
**Subject:** Milford Hospital medical facility site plan

Hi Pete,

Attached is the letter dated July 12<sup>th</sup> from Guerriere and Halnon in response to your May 25, 2022 review comments.

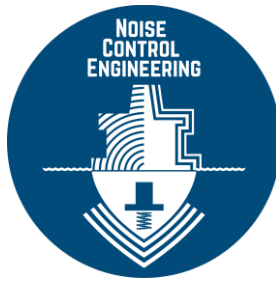
I have also attached the updated site plan.

Please let me know if you have any other comments or concerns. Thanks.

Cheers!

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





## NCE JOB MEMO 2022-032

**TO:** Susan Affleck-Childs

**CC:**

**COMPANY:** Town of Medway

**FROM:** Jeffrey Komrower, Noise Control Engineering LLC (NCE)

**DATE:** 8-August-2022

**SUBJECT:** Review of Sound Study for 86 Holliston Street Medical Building

---

### BACKGROUND

A medical building is being proposed at 86 Holliston Street in Medway, MA. The proposed Project is a one-story building that includes a 21,900 SF medical building which abuts to residential zoned property. An acoustic modeling study of the proposed facility was conducted by Tech Environmental to determine if the proposed Project will comply with the Town of Medway Zoning Bylaws related to noise (Section 7.3). For continuous noise, the applicable environmental standards pertaining to industrial or commercial zoned property to residential property are as follows:

- The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line or any Sensitive Receptor; and
- The introduction of any potential noise sources cannot result in overall noise levels that exceed the following:

	Daytime 7:00 a.m. - 7:00 p.m. @ any Residential Property Line	Evening 7:00 p.m. - 11:00 p.m. @ any Residential Property Line	Nighttime 11:00 p.m. - 7:00 a.m. @ any Residential Property Line	Evening & Nighttime 7:00 p.m. - 7:00 a.m. @ Sensitive Receptors
Maximum Overall Noise Level (dBA)	47	45	42	32

Additionally, the presence of any prominent discrete tones at any industrial, commercial, or residential property line as defined in the Table in Section 7.3 of the by-laws is considered a violation.

## NOISE MODEL

### Overview of Tech Environmental Model

CadnaA acoustical modeling software was used by Tech Environmental to predict sound pressure (noise) levels from the proposed facility as reported their letter report 4765 dated 6-July-2022. The primary noise source in the model consisted of six (6) 10-ton Carrier or equivalent rooftop-mounted HVAC units located in the center of the roof. The building location was placed in the center of the lot. The published sound power levels used in the model for a single generic Carrier 10-ton HVAC unit were follows:

	Sound Power Levels ( $L_w$ in dB)									
	31 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz	Overall (dBA)
Carrier HVAC Equipment	89	89	85	82	80	77	74	71	66	83

Using these inputs, along with an assumed attenuation of 5 dB from an acoustic blanket barrier, predictions were made for noise levels at the property lines of the nearest residences on Robin Circle and at the actual residences and were presented in Table 3 as follows:

Receptor ID	Address	Project Predicted Sound Level Impacts (dBA)		Complies?
		Property Line	Dwelling	
1	13 Robin Cir.	30	29	Yes
2	11 Robin Cir.	32	31	Yes
3	9 Robin Cir.	31	30	Yes
4	7 Robin Cir.	30	28	Yes
5	5 Robin Cir.	27	26	Yes
Medway Sound Limits		42	32	

These predictions showed that noise from the Project would meet the Town of Medway requirements of 42 dB(A) at the property lines and 32 dB(A) at the residences.

### NCE Review of Model

NCE concurs with the sound power levels used by Tech Environmental as input for the acoustic predictions and verified that the values in the table above are representative, for a single unit, of a typical Carrier 10-ton HVAC unit. To verify the predictions of the model used by Tech Environmental, simplified calculations based on spherical spreading were performed. Note that these calculations will typically *not* be as accurate as the CadnaA modeling because it does not take into account effects due to reflections off of hard surfaces, which could increase noise levels, or absorption by any soft surfaces (ground effects) which could reduce noise levels and a number of other effects or atmospheric conditions. These calculations were done as a basic check and for this situation, basic spherical spreading should yield results comparable to the CadnaA model.

The conversion from sound power level (SWL or  $L_w$ ) to sound pressure level (SPL or  $L_p$ ) is accomplished by the formula:

$$SPL = SWL - |10 \cdot \log(Q/4\pi r^2)|$$

where

$Q$  = 1 for full spherical propagation or 2 for hemispherical propagation

$r$  = distance from the source in meters

Since the equipment is mounted on a hard rooftop surface, the noise levels near the source will propagate based on hemispherical spreading, thus  $Q = 2$ . Using the formula above, at a distance of one meter, the source sound pressure level for a single HVAC unit with a SWL level of 83 dB(A) calculates to be 75 dB(A). In the Tech Environmental model, sound blankets were assumed to be installed directly on the compressor which resulted in a sound attenuation of 5 dB. This would lower the effective source level to 70 dB(A).

A basic formula for the reduction of sound pressure level as a function of distance (known as spherical spreading) is represented by the formula

$$SPL_2 = SPL_1 - 20 \cdot \log(R_2/R_1) \text{ dB}$$

where

$SPL_2$  = the sound pressure level at location 2

$SPL_1$  = the sound pressure level at location 1

$R_2$  = the distance from the source to location 2

$R_1$  = the distance from the source to location 1

Distances were estimated using the same assumptions presented in the Tech Environmental memo regarding position, which is the building is centered on the lot and the HVAC units are centered on the building rooftop. The SPL calculations using the above formula are shown below.

	Robin Circle Addresses (Tech Env Model Receptor #)				
	13 (1)	11 (2)	9 (3)	7 (4)	5 (5)
Noise Level at Loc 1 (dBA)-including 5 dB reduction for barrier	70	70	70	70	70
Distance from Source to Location 1 (ft)	3.28	3.28	3.28	3.28	3.28
Estimated distance from Source to Location 2 (ft)-Property line	330	300	280	300	460
Estimated distance from Source to Location 3 (ft)-Residence	400	340	330	360	500
Predicted Noise Level at Loc 2 (dBA)	30	31	31	31	27
Predicted Noise Level at Loc 3 (dBA)	28	30	30	29	26

As can be seen, predicted noise levels using these simplified formulas are within 1 dB of the CadnaA model predictions at all locations. However, this is for only one source unit. It is stated in the sound study that calculations were performed for six (6) units and that it was assumed that all units were operating at maximum load simultaneously. If this were the case, the effective source level would increase by 8 dB, thereby increasing all predicted values by 8 dB. The noise levels at all property lines would still meet the 42 dB(A) requirement, but the 32 dB(A) limit would not be met at any residence.

Regarding the pure tone requirement, the source level spectrum of the HVAC unit shows no evidence of a pure tone, thus it would not be expected that a pure tone would exist at any property line or residence location.

## CONCLUSIONS AND RECOMMENDATIONS

Simplified calculations were performed to check noise levels predicted by CadnaA acoustical modeling software as presented in the sound study presented by Tech Environmental. These calculations will *not* be as accurate as the CadnaA modeling because they do not take into account a number of possible factors such as reflections off of hard surfaces, absorption by any soft surfaces (ground effects) and, as may exist in the proposed 86 Holliston Street Project, possible shielding effects of the building edge. However, for this proposed site configuration, it would be expected that predictions would be comparable. When taking into account source levels based on six (6) HVAC units, noise levels from this simplified model predict significantly higher levels at the receptor locations. Since some details of the assumptions used in the CadnaA model were not presented in the Tech Environmental memo, there may very well be another explanation for this difference. This should be investigated.

If necessary, in addition to or instead of the acoustic blankets, barriers that provide more than 5 dB of attenuation could be explored. It should be possible to install barriers that will provide 6-8 dB or more of attenuation in the frequency ranges that are controlling the A-weighted noise levels which would emanate from the HVAC units. Also, when a final unit is chosen, it should be verified that the source SWL levels are comparable to those used in these predictions.

There is no evidence of pure tone in the source level spectrum of the HVAC unit and therefore it would not be expected, as concluded by Tech Environmental, that a pure tone would exist at any property line or residence location.

As was stated in their memo, Tech Environmental did not investigate the criteria that limits the increase in broadband sound pressure levels to 2 dB above the existing ambient conditions at the residential property lines or residences. The Medway PEDB can choose to waive this requirement. However, it is a requirement in the ordinance and as a minimum, if a background survey for this site will not be performed, a comparable background level from a similar site should be provided to Tech Environmental so that they can check if the Project will meet this section of the by-laws. If background noise levels from a comparable site are not available, then a background noise survey should be performed.

## Susan Affleck-Childs

---

**From:** Susan Affleck-Childs  
**Sent:** Tuesday, August 16, 2022 4:34 PM  
**To:** Amanda Cavaliere  
**Cc:** Kevin Lobisser; Michael Hassett  
**Subject:** RE: [External] 86 Holliston St Sound Study

Hi,

Thanks for your note.

I do not have the authority to allow you to undertake a noise study based on only 4 days of data collection instead of the 7 day monitoring program specified in the bylaw.

You will need to discuss that with the Board next Tuesday night.

I can include this correspondence in the packet for next week's hearing.

Susy

---

**From:** Amanda Cavaliere <ACavaliere@gandhengineering.com>  
**Sent:** Tuesday, August 16, 2022 4:20 PM  
**To:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Cc:** Kevin Lobisser <kevin@lobissercompanies.com>; Michael Hassett <MHassett@gandhengineering.com>  
**Subject:** [External] 86 Holliston St Sound Study

Hi susy

We received the email below from the sound study and would like to proceed with the study described below. Is this something you would allow is to proceed with?

See below:

I reviewed the August 8, 2022 Noise Control Engineering's peer review memo prepared by Mr. Jeff Komrower and I also spoke with Mr. Komrower on the phone yesterday to review his comments in his memo.

The two main comments in the peer report are related to the acoustic modeling results and compliance with property line (42 dBA) and sensitive receptor location (32 dBA) sound limits and compliance with the 2 dBA above background portion of the noise bylaw. Dealing with the first comment. Mr. Komrower performed a simple sound propagation calculation, which he concluded that his calculations were based on one (1) HVAC unit and that if he added the additional five (5) HVAC units that there could be an exceedance of the 32 dBA noise limits at the dwellings and that the predicted sound levels at all locations should be 8 dB higher. He requested that Tech further investigate this discrepancy. As he stated in his report, his calculations will not be as accurate as the CadnaA modeling because it does take into account a number of factors, such as reflections off of hard surfaces, absorption by and soft surfaces (ground effects) and possible building shielding effects of the building edge. Tech reviewed our CadnaA model and determined that site and nearby terrain, soft ground surfaces and the height of the HVAC units do in fact reduce the noise levels by 8 dB. The table below shows how much each of these factors reduce the sound levels at abutting residential property lines and dwellings.

Modeling Factors	Sound Reduction (dB)
Terrain	-4
Ground Absorption	-1
Source Height	-3

With regards to the second comment demonstrating compliance with the 2 dBA above background sound limit in the bylaw, the bylaw requires performing long-term monitoring over a 7 day period. In his letter, Mr. Komrower suggested that the Board provide comparable background sound levels from a similar site to represent background conditions at this site. Tech has used that approach on similar projects. In lieu of using comparable background sound levels from a similar site, Mr. Komrower and I agreed that a four (4)-day monitoring program that includes a weekend is acceptable. Tech would set up a sound analyzer at the site property line closest to Robin Circle and collect hourly measurements over the 4-day monitoring program. Upon completing the sound monitoring program, Tech will analyzed the data to determine the lowest ambient nighttime sound level and update the result of our sound study to compare the change sound levels to the 2-dBA above background sound limit in the bylaw.

Regards,

**Marc C. Wallace, QEP, INCE**

Vice President

#### **TECH ENVIRONMENTAL**

Focused Knowledge. Real Solutions.

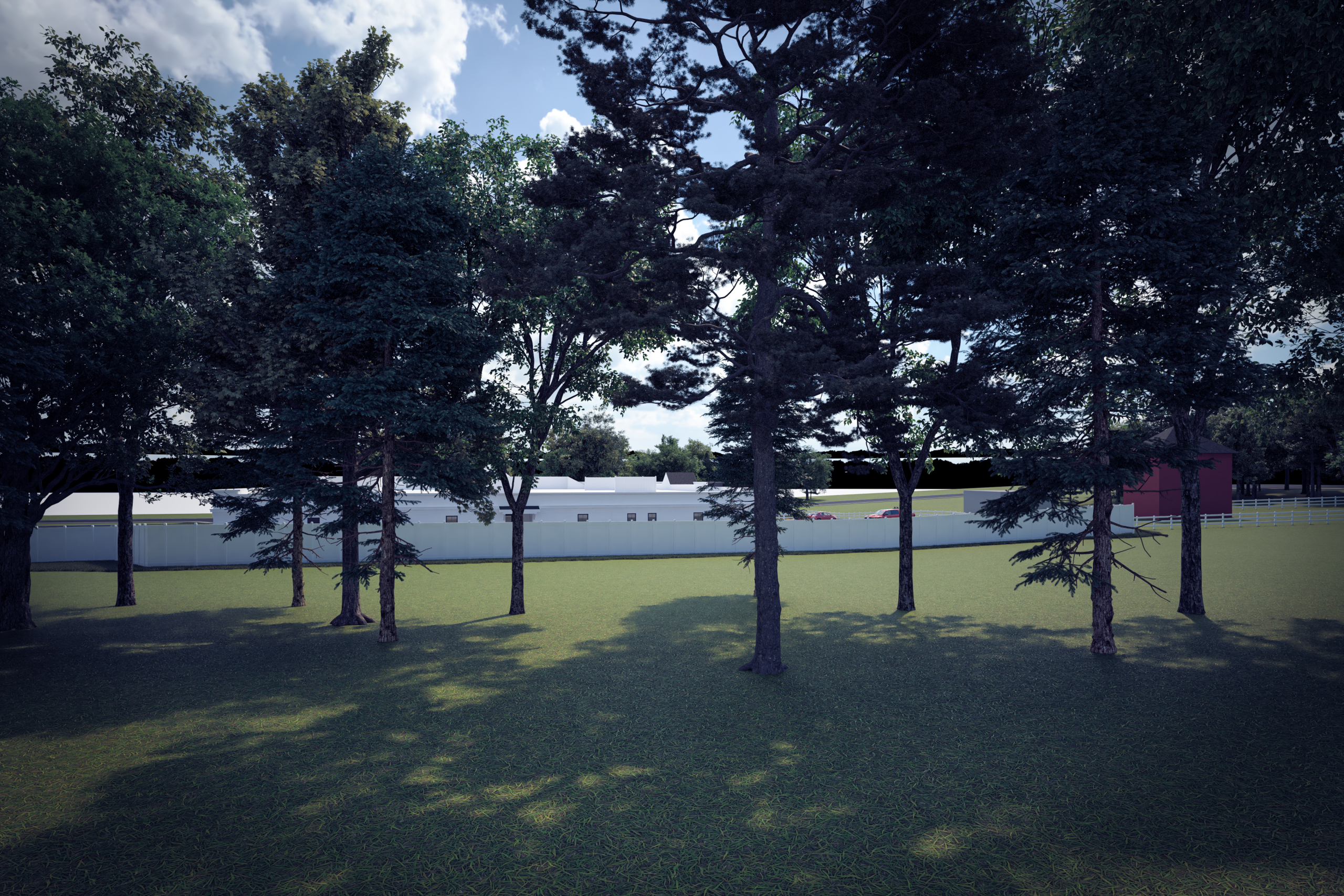
Hobbs Brook Office Park  
303 Wyman Street, Ste. 295  
Waltham, MA 02451

ph: (781) 890-2220 x30  
 fax: (781) 890-9451  
 email: mWallace@TechEnv.com  
 web: [www.TechEnv.com](http://www.TechEnv.com)

Sent from my iPhone









**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

216-1015

MassDEP File #

eDEP Transaction #

Medway

City/Town

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

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



1. From: Medway  
Conservation Commission

2. This issuance is for (check one):  
a. ☒ Order of Conditions      b. ☐ Amended Order of Conditions

3. To: Applicant:

Kevin

a. First Name

Lobisser

b. Last Name

Lobisser Companies

c. Organization

1 Charlesview Road

d. Mailing Address

Hopedale

e. City/Town

MA

f. State

01747

g. Zip Code

4. Property Owner (if different from applicant):

David

a. First Name

Cassidy

b. Last Name

Freil Realty II, LLC

c. Organization

86 Holliston Street

d. Mailing Address

Medway

e. City/Town

MA

f. State

02053

g. Zip Code

5. Project Location:

86 Holliston Street

a. Street Address

Medway

b. City/Town

41

c. Assessors Map/Plat Number

008

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d9m11.18s

d. Latitude

71d24m20.28s

e. Longitude



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**Medway**

City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
**Norfolk**  
 a. County **27992**  
 b. Certificate Number (if registered land) **300**  
 c. Book **27992**  
 d. Page **300**
7. Dates: **April 19, 2022** **August 11, 2022** **August 16, 2022**  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
**Site Plan 86 Holliston Street, Medway, MA**  
 a. Plan Title  
**Guerriere and Halnon**  
 b. Prepared By **Elizabeth Mainini PE No. 48096**  
 c. Signed and Stamped by  
**July 25, 2022**  
 d. Final Revision Date **1" = 20'**  
 e. Scale  
**Notice of Intent**  
 f. Additional Plan or Document Title **June 29, 2022**  
 g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat  
 g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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**B. Findings (cont.)**

**Denied because:**

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ **Buffer Zone Impacts:** Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 28  
a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection  
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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	0	0	0	0
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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Bureau of Resource Protection - Wetlands**

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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 8/16/25 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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Provided by MassDEP:

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City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            216-1015            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

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216-1015

MassDEP File #

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Medway

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
  - (1) ☒ is subject to the Massachusetts Stormwater Standards
  - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

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MassDEP File #

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City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See attached for Findings and Conditions adopted under the MA Wetlands Protection Act (MGL. Ch. 131 S. 40) & the Medway General Wetlands Protection Bylaw (Article XXI).**

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Medway Conservation Commission hereby finds (check one that applies):

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Medway General Bylaw

Article XXI  
and XXVI

1. Municipal Ordinance or Bylaw

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached for Findings and Conditions adopted under the MA Wetlands Protection Act (MGL. Ch. 131 S. 40) & the Medway General Wetlands Protection Bylaw (Article XXI and XXVI)..



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
216-1015  
MassDEP File #

eDEP Transaction #  
Medway  
City/Town

## E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

COVID - 19 Signature Authorization Bk . 37835 Pg 135



David A. Travolta  
Signature

David A. Travolta  
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

8/16/2022



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

216-1015

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Medway

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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

COVID - 19 Signature Authorization Bk . 37835 Pg 135

David Travalini

Digitally signed by David Travalini  
DN: cn=David Travalini, o=Massachusetts Department of Environmental Protection, email=David.Travalini@dep.state.ma.us, c=US  
Date: 2022.08.16 16:04:27 -0400

Signature

Dayna Gill

Digitally signed by Dayna Gill  
DN: cn=Dayna Gill, o=Massachusetts Department of Environmental Protection, email=Dayna.Gill@dep.state.ma.us, c=US  
Date: 2022.08.16 16:04:27 -0400

Signature

David Blackwell

Digitally signed by David Blackwell  
DN: cn=David Blackwell, o=Massachusetts Department of Environmental Protection, email=David.Blackwell@dep.state.ma.us, c=US  
Date: 2022.08.16 16:04:27 -0400

Signature

Michael Narducci

Digitally signed by Michael Narducci  
DN: cn=Michael Narducci, o=Massachusetts Department of Environmental Protection, email=Michael.Narducci@dep.state.ma.us, c=US  
Date: 2022.08.16 16:04:27 -0400

Signature

Sean Green

Digitally signed by Sean Green  
DN: cn=Sean Green, o=Massachusetts Department of Environmental Protection, email=Sean.Green@dep.state.ma.us, c=US  
Date: 2022.08.16 16:04:27 -0400

Signature

Signature

Signature

Signature

David Travalini

Printed Name

Dayna Gill

Printed Name

David Blackwell

Printed Name

Michael Narducci

Printed Name

Sean Green

Printed Name

Printed Name

Printed Name

Printed Name

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

8/16/2022



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

## **WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

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**Medway**

City/Town

### **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
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## WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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### G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

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

**A. Request Information**

1. Location of Project

a. Street Address \_\_\_\_\_

b. City/Town, Zip \_\_\_\_\_

c. Check number \_\_\_\_\_

d. Fee amount \_\_\_\_\_

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number: \_\_\_\_\_

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



**B. Instructions**

1. When the Departmental action request is for (check one):

☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)

☐ Superseding Determination of Applicability – Fee: \$120

☐ Superseding Order of Resource Area Delineation – Fee: \$120



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

## **Request for Departmental Action Fee Transmittal Form**

Provided by DEP

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

### **B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

**MEDWAY CONSERVATION COMMISSION**  
**ORDER OF CONDITIONS – PART II**  
**FINDINGS AND CONDITIONS UNDER THE MASSACHUSETTS WETLANDS PROTECTION**  
**ACT AND THE MEDWAY GENERAL WETLANDS PROTECTION BYLAW (ARTICLE XXI)**  
**PROJECT SITE: 86 Holliston Street Map 41 Lot 008**  
**DEP #216-1015**  
**MEDWAY, MASSACHUSETTS**  
**DATE OF ISSUANCE: August 16, 2022**

**Project Description:** The applicant (Town of Medway) proposal to construct a commercial medical building, parking area, landscaping and stormwater management system (with rain garden). A portion of the work will be within the 100' Buffer Zone to Bordering Vegetated Wetland. The applicant has submitted the following documents which have been accepted as part of the final record and decision for the proposed project referenced above.

**Approved Documents:**

1. Document titled, "Notice of Intent of 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 19, 2022
2. Plans titled, "Site Plan 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised July 25, 2022 (final)
3. Stormwater Management Report titled, "Stormwater Management Report for Medway Medical Building 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised June 29, 2022, final revision July 25, 2022
4. Document titled, "Construction Period Stormwater Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022
5. Document titled, "Long Term Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022

**Peer Review Documents:**

1. Letter from Tetra Tech titled, "Medical Office Building – Stormwater and Land Disturbance Review 86 Holliston Street, Medway, MA by Tetra Tech, dated May 20, 2022 revised, July 18, 2022

**Findings:**

The Medway Conservation Commission makes the following findings relative to the Order of Conditions File #216-1015:

- a) The boundaries of Wetland Resource Areas considered in this Notice of Intent were as follows:
  - Bordering Vegetated Wetlands
  - Intermittent Street
  - Zone II – public drinking water
- b) The Commission hereby finds that the work proposed to construct a commercial medical building, parking area, landscaping and stormwater management system (with rain garden). was presented at a public hearing where the applicant presented evidence sufficient to demonstrate that the proposed activity meets the provisions under 310 CMR 10.02 (2)(b), 310 CMR 10.05(6) (k-q) and (3), the Medway General Bylaw Article XXI with its Regulations for Section 23, 25, 26, 31, 33 and the Medway General Bylaw, Article XXVI Stormwater Management for Land Disturbance under Section 26.5.
- c) The Commission voted to grant a waiver of the 0-25' No Disturb Zone under Section 29 of the Regulations. The waiver is only for the restoration of the 0-25' No Disturb Zone and the placement of split rail fencing for agricultural proposes. The Commission finds that the proposed fencing (split rail) does not impact wildlife movement and the planting shall be an over all improvement of the buffer zone.

- d) It was noted that all conditions of this Order must be met in order to meet the above-mentioned provisions. The Commission additionally finds that the work must be conditioned to protect all interests of the MA Wetlands Protection Act and the Medway General Wetlands Protection Bylaw.
- e) Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions section of this Order.
- f) To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.
- g) Following review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the area in which work is proposed is significant to the following interests of the Medway Wetlands By-Law:
  - 1. Public Drinking Water
  - 2. Groundwater Supply
  - 3. Flood Control
  - 4. Storm Damage Prevention
  - 5. Prevention of Pollution
  - 6. Protection of Flora and Fauna and their Habitats
  - 7. Erosion Prevention
- h) Furthermore, the Medway Conservation Commission hereby finds that the proposed project is:

**Approved, subject to the findings and conditions contained herein.**

- A. The Medway Conservation Commission based its decision to approve the proposed project upon the information provided in the Notice of Intent referenced in the WPA Form 5 – Order of Conditions (“Part I”) issued concomitantly with this Part II OOC for the project, together with all of its contents and attachments, including the plans and documents identified in Part I, Sec. A, para. 8, the findings and conditions contained in this Part II, and the information presented and discussed at the public hearing.
- B. The Medway Conservation Commission further finds the following:
  - 1. Wetland Resource Areas and Boundaries: The site contains the following wetland resource areas protected by the Massachusetts Wetlands Protection Act and the Medway Wetlands By-Law:
    - i. 0-25’ No Disturb (restoration only and split rail, agricultural fencing)
    - ii. 25’- 100’ buffer zone of Bordering Vegetated Wetlands
    - iii. 25’ - 100’ intermittent stream
  - 2. Additional General Findings:
    - i. This Order protects the interests specified in the Wetlands Protection Act and the Medway Wetlands By-Law. The Wetland resource areas on the lot are identified on the Plan.
    - ii. The Commission accepts the resource areas as depicted on the above-referenced Plan and as described in the Notice of Intent Project Narrative.
  - 3. Wildlife Habitat: The Commission finds that the project area is currently not within an estimated habitat for state-listed rare wetland wildlife as depicted on the most recent Estimated Habitat Map provided by the Natural Heritage and Endangered Species Program. The Commission further finds that the project is not within an Area of Critical Environmental Concern.
  - 4. Stormwater Management: The Commission finds that the project is subject to the Department of Environmental Protection’s Stormwater regulation and policy where stormwater management is addressed.

In addition to the General Conditions and Findings stated in Parts I, II, and III of the Order of Conditions for this project, the General and Special Conditions below are necessary to comply with the Medway Wetlands By-Law, Article XXI and the Medway Conservation Commission Regulations, the Medway General Bylaw Article XXVI, and the MA Wetlands Protection Act and regulations.

#### **I. General Conditions**

1. A Conservation Commissioner, agent of the Commission or the Department of Environmental Protection reserves the right to enter and inspect the property at all reasonable times to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if a Commissioner, agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply and has so notified the applicant in writing.
2. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans, any successor in interest, title or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions.
3. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the proposed construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site. No mulch shall be placed in wetland resource areas.
4. With respect to all conditions, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
5. All work shall be conducted in accordance with the approved site Plans titled, "Site Plan 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised July 25, 2022 (hereafter referred to as the approved site plans), Stormwater Management Report titled, "Stormwater Management Report for Medway Medical Building 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised June 29, 2022 (hereafter referred to as Stormwater Report), and the document entitled, "Construction Period Stormwater Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022 (hereafter referred to as O&M Plan), document titled, "Long Term Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022 (hereafter referred to as LTPPP, and the conditions of this Order. Copies of the approved documents listed above shall be kept on site at all times while the site is under construction and the conditions of this Order. Copies of applicable documents listed above shall be kept on site at all times while the site is under construction.
6. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. The Applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this OOC's terms and conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this OOC.
7. If any changes are made in the approved plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act or any change(s) in activity subject to regulations under G.L. Ch. 131 §40 or the Medway General Bylaw Article XXI, the applicant shall inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent, or a Request to Amend this Order of Conditions. Any correction of errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. Should issuance of additional permits result in a change in the project, the provisions of this condition shall apply.
8. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
9. There shall be no underground storage of fuel, oil, or hazardous substance on the property within

the buffer zones or Wetland Resource Areas.

10. Erosion controls for the projects limit of work, unless otherwise stated by the Agent, shall be 10"-12" compost sock with trenched siltation fencing.
11. Removal and storage of hazardous substances, hazardous waste, or hazardous material if in an area subject to protection under Massachusetts Wetlands Protection Act:
  - a. Shall be conducted only when approved and directed by the Department of Environmental Protection, Environmental Protection Agency or other applicable state or federal agency under which removal or remedial activities are directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
  - b. All hazardous materials, hazardous substances, and hazardous waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the Order of Conditions and appropriate state and federal licensing and permitting agencies.
  - c. No hazardous materials, substances, or wastes shall be introduced or discharged into or toward wetland resource areas.
  - d. No hazardous materials, substances, or wastes shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, Board of Health, Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency.
  - e. Identification of all types of hazardous materials, hazardous substances, or hazardous wastes used, produced, or stored on the site shall be submitted to the Conservation Commission in writing.
12. Prior to any fill being brought onto the premises from any off property sources, the Medway Conservation Commission requires that any soil, including loam, brought into the resource areas, buffer zones, or other jurisdictional area should be free of trash and deleterious material and free of any chemical contaminants in excess of Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Soil should also be free of invasive species. While the MCP as a regulation at the State level may or may not apply to the project, soil characterization shall be completed in a manner consistent with this regulation. Prior to delivering to the project soil, material should be characterized by sampling the soil as outlined below and a certification shall be provided to the Conservation Commission or its agent. The certification shall include a letter signed by a Licensed Site Professional (see MCP) describing the Site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Soil containing concentrations of contaminants in Exemptions from reporting outlined in the MCP including but not limited to lead paint, emissions, arsenic, and ash, shall not be allowed in jurisdictional areas. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
- Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary
  - to properly characterize the soil for relocation.

Exceptions:

Washed Stone Materials (The Commission may elect to require sampling of these materials if materials are suspect when inspected by the Commission or its Agent)

Alternative Sampling Plans;

The Commission may consider alternative sampling plans or soil materials at its sole discretion. Approval of the Commission or its agent is required for alternate plans. These may include management of soils consistent with MassDEP WSC#-13-500, Similar Soils Provision Guidance. These may also include originating facilities that are known to the Commission based on previous certifications, historical operations, and sampling to produce soils below RCS-1.

13. The applicant shall supply all costs associated with services provided by a Consulting for the review and oversight related to, but not limited to, the following construction Services – Inspection of all site work related to the construction of the stormwater management system by the Town’s Consulting Engineer. The Consulting Engineer will document compliance with the OOC and report findings to the Commission. The Applicant shall pay a consultant peer review fee to the Town of Medway for such inspections. The amount shall be determined by the Medway Conservation Commission based on an estimate provided by the Town’s Consulting Engineer based on the scope of the project. The Applicant shall provide supplemental payments to the Town of Medway for reasonable additional consultant peer review services upon invoice from the Medway Conservation Commission, until the as-built and a Certificate of Compliance has been granted determining the infrastructure to be satisfactory in compliance with this Order. Funds for such account shall be replenished upon notice from the Conservation Commission and/or Agent. If funds are not replenished within fourteen (14) days of request all work within jurisdictional areas shall be suspended until such time when it is replenished.
14. The applicant shall stake out all proposed post locations for the split rail fencing for the agricultural field, prior to installation. The stakes for posts shall be reviewed and approved by the Agent and/or the Commission prior to installation. There shall be no impacts to Bordering Vegetated Wetland or the Intermittent Stream for the installation of fence posts. IF there are impacts the applicant shall apply for an amendment to the Order of Conditions and shall meet the provisions of 310 CMR 10.55 and 310 CMR 10.54 and/ or 10.57. The Commission reserves the right to require removal of any fencing that impacts the wetland resources, if not approved under this Order.
15. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of all or any part of or share (in fact) of the property.
16. The property owner shall ensure that the piping for the Intermittent Stream is viable and that no time during construction shall it be damaged. If at such time, during construction, the pipe is damaged and/or the stream, upstream or downstream wetland resources are impacted, the owners and its successors (Freil Realty) shall complete all required restoration and repairs to the pie and all impacted wetland resources. The applicant and/or its successors shall be responsible to ensure there are no impacts to wetlands resources from damages pipe within the limits of the property of 86 Holliston Street or Map 41 Lot 008. The pipe shall be maintained in working order. This condition shall remain in perpetuity.

## II. Prior to Construction

17. Prior to the Pre-Construction Meeting and any work commencing on the site, a sign of minimum size two-feet by two-feet shall be displayed so as to be clearly visible from the street showing DEP file No. 216-1015.
18. Emergency Contacts – The applicant shall provide to the Commission the identity and 24-hour contact information for one or more persons who will act as emergency contacts in the event of an environmental problem that occurs outside of normal working hours. The applicant shall be responsible for insuring that adequate, round-the-clock coverage including holidays, vacations, weekends, etc. is provided by an adequate number of persons so that a qualified person is always available, and that appropriate contact information has been provided to the Commission. The emergency contact person(s) shall have the

authority to expend resources, including necessary manpower, materials, and required subcontracted services, to alleviate any environmental problems at the site in short order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.

19. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the Pre-Construction Meeting, if necessary, in order to stake the approved erosion control and limit of work lines where required.
20. Prior to the commencement of any activity on this site other than the marking of locations for erosion controls and limits of work, there shall be a **PRE-CONSTRUCTION MEETING** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting to comply with the approved plans. The applicant shall contact the Conservation Commission office at 508-533-3292 at least three business days prior to any activity to arrange for the pre-construction meeting.
21. It is the responsibility of the applicant to procure and comply with all other applicable federal, state and permits, approvals, and guidelines associated with the project. A copy of the filed NPDES permit with approval shall be submitted to the Commission prior to the commencement of work. These regulations, guidelines, and permits may include but are not necessarily limited to the following:
  - a. EPA Phase II Stormwater Regulations and NPDES Permit
22. Prior to any work on site, the applicant shall submit to the Commission and/or its Agent the final Stormwater Pollution Prevention Plan or (SWPPP) for review by the Conservation Commission and/or its Agent.
23. Prior to the commencement of work the applicant and/or its successors shall provide information to the Commission that the SIS System located on the property of 68 Main Street (Map 41 lot 009), is operational and/or cleaned within the last year. The report shall show that the system is able to freely pass storm event due to the direct connection of the project to the infrastructure.
24. Immediately after the Pre-Construction Meeting, all erosion controls and limits of work lines shall be installed along the approved and staked line. Erosion controls and limits of work lines shall be installed with minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation, on the uphill side.
25. Immediately after installation of erosion controls (consisting of 10"-12") compost socks and trenched siltation fencing), the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls.
26. Prior to commencement of work the applicant shall install siltation sacks long the roadways during work, these shall be installed in catch basins within the entrance to Walgreens and on Main Street (only if required by the Agent)). Siltation sacks shall be installed in catch basins in conjunction with the erosion control installation and shall be checked by the Agent at the Pre-Construction Meeting.
27. Prior to commencement of construction on site, the Bordering Vegetated Wetlands and Intermittent Stream shall be flagged with surveyor's tape numbered to correspond to the wetland delineation on the approved plans and shall remain in place during construction.
28. The applicant shall notify the Conservation Commission in writing at least five business days prior to commencement of construction activity on the site and shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the on-site person responsible for compliance with the Order.
29. Prior to commencing any work on the site, the applicant shall submit the following to the Conservation Commission:
  - b. A set of **photographs** depicting the project site in pre-construction condition.
  - c. A **project/construction-sequencing plan**

- d. A statement signed by the Bid contractor, consulting Engineer and all persons responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the provisions of the Wetlands Protection Act and this Order.

### III. Erosion Control Inspection and Monitoring

30. It shall be the responsibility of the applicant and his successors to conduct monitoring, maintenance, and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site such that wetland impacts do not occur. The erosion control measures designated on the site plans and described in this Order of Conditions shall be considered a minimum standard for compliance. In addition, it shall be the responsibility of the applicant to take whatever measures are necessary to prevent any form of wetland impacts not approved within this Order. Additional requirements related to site monitoring and control are:

- A. Erosion Control Inspector. The applicant shall designate and identify to the Commission a qualified Erosion Control Inspector. This person shall have appropriate credentials in the field of engineering or environmental science, and erosion and sedimentation control.
- B. Erosion control inspections. At least once every two weeks and within 24 hours of a rain event of > 0.5" inch within any 24-hour period, the designated Erosion Control Inspector shall conduct a thorough inspection of the site. At a minimum, each inspection shall include a visual inspection of all erosion control barriers, visual inspection of all temporary sediment traps and other erosion control measures, inspection of all stockpile areas, inspection of intermittent stream.
- C. Precipitation Monitoring: The applicant shall obtain and maintain in good working order at the site a precipitation gauge. The applicant shall maintain a daily log of precipitation at the site, and make the log available for inspection.
- D. Inspection reports. Within one week of the completion of an inspection, the Erosion Control Inspector shall submit a report of findings to the Medway Conservation Commission. The contents of this report shall include, but are not limited to, the following:
  - a. Summary of site status with respect to construction phases and erosion control measures.
  - b. Summary of erosion control measure maintenance and additions conducted during the period since the last inspection.
  - c. A list of any and all recommended measures for maintenance, repair, or improvement of erosion control measures.
  - d. Each inspection report shall contain the following certification signed by the Erosion Control Inspector:

"With only the following exception(s) noted herein, it is my professional opinion that:

    1. Work on the site is being conducted in compliance with the Order of Conditions and other regulatory requirements and approvals related to environmental protection.
    2. The erosion control barriers and other erosion control measures are functioning as intended, are being maintained adequately, and are in a condition to continue to function as intended.
    3. I observed no impacts of sedimentation, physical disturbance, or other alteration of wetland resource areas, including open water areas and vegetated wetlands, on the site.

### IV. Phasing

31. Prior to the commencement of work, the Contractor/Project Supervisors shall submit the proposed Phasing and Construction sequence which shall comply with all approved plans and documents.
32. If it is determined that there is a violation of this Order and/or the Wetland Protection Act, the Medway Bylaw Article XXI or XXVI, work on a subsequent Phase cannot commence until said violation is cured to the satisfaction of the Commission and/or Agent.

## V. Staging Areas

33. Prior to construction the general contractor shall designate a **construction staging area**, located outside all resource areas and outside the 25' no alteration zone. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.
34. An **area for cleanup and or maintenance of construction equipment** shall be designated prior to construction.
- a. Applicant shall designate wash out areas which will be located over 100' from any wetland resource and/or dug lined location approved by the Agent, removed at the end of concrete work. Other protections may be requested but shall have approval of the Commission prior to use of alternative proposals.
  - b. Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped in, any on-site drainage system or in any area subject to protection under the Mass. Wetlands Protection Act. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
  - c. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off the site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The Commission shall be notified immediately in the event of any spillage.
35. Prior to commencing any work on the site, the applicant shall install a stone construction entrance (**tracking pad**) not less than 20' wide and not less than 30' in length of a stone size, on the average of 1" to 4".
36. All **construction equipment** employed in the resource areas or buffer zones thereto shall be **properly maintained** and precautions shall be taken to prevent any leakage or spillage of oil, gasoline, hydraulic fluids, etc. If this is not recommended based on the site conditions, it shall be agreed to remove this requirement by the Agent and/or the Commission and the Project Supervisor.
37. **No fuel, oil, or other pollutants shall be stored** in any resource area or the buffer zone thereto, unless specified in this Order of Conditions.

## VI. Stormwater Management

38. Prior to construction the contractor/project supervisor shall provide plans showing the proposed locations of the temporary sedimentation basins. These shall be approved by the Conservation Agent. Once approved the contractor shall construct temporary stormwater management basin as prescribed by the Stormwater Pollution Prevention Plan and/or the Towns National Pollutant Discharge Elimination System MS4 permit.
39. The property owner and its successors shall complete maintenance/cleaning and reporting of the existing stormwater management system at 68 Main Street, known as Walgreens (currently) as defined under the LTPPP. The Commission requires this system to be maintained, cleaned and reported as the proposed system under this Order has a direct connection to this system. This Condition shall remain in perpetuity.
40. Any proposed structures which are proposed to have a metal roof shall follow the requirements of the MA Stormwater Management Handbook, where all untreated infiltrated metal roof require filtration systems to be installed prior to infiltration. If a metal roof is proposed (not proposed or approved under this Order), the applicant shall seek an amendment to the Order of Conditions for the installation of such structure. There shall be no metal roof construction on the commercial building at 86 Holliston Street unless there is an amendment approved by the Medway Conservation Commission allowing this structure as allowed with mitigation under 310 CMR 10.05 (6) (k-q) and the MA Stormwater Management Standards, Standard 6.
41. All construction and post-construction stormwater management shall be conducted as prescribed on the Approved Documents, approved site plans, and the Approved Stormwater Report conforming to the Massachusetts Stormwater Management Standards. All Stormwater best management practices shall be maintained as specified in the approved O&M Plan and incorporated in the Order of Conditions.

42. The Agent and the Town Consulting Engineer shall be contacted with the appropriate time (no less than 5 business days) to schedule inspections for inspection of the bottom excavation for the sub-surface infiltration system and then once system is installed the open system with wrapping. The Commission reserves the right to require the information documenting or showing the system was installed as designed if the applicant did not follow the above requirement of. This may include excavation of the installed system.
43. The Town Consulting Engineer may require additional inspections of the stormwater management system. All inspections shall be scheduled per the requirements of the Town Consulting Engineer to ensure the system is installed and constructed as approved under the approved site plan and stormwater management report.
44. The applicant shall comply with all the requirements of the National Pollutant Discharge Elimination System (NPDES) any violation of the NPDES permit can be considered a violation of this Order by the Commission and/or the Agent.
45. The Stormwater Management System components for the project will be constructed as soon as possible in the construction sequence to allow for the capture and control of site runoff and treatment of stormwater discharges during the construction period.
46. Once the stormwater management system is installed all catch basins on the site shall have siltation sacks installed. The Agent shall be notified once this is complete.
47. During construction all stormwater management systems shall be inspected after a 0.5" rain fall and bi-monthly during construction. Structures shall be maintained and cleaned as prescribed within the approved O & M Plan and the LTPPP.
48. All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, Operation and Maintenance Plan, LTPPP, NPDES SWPPP, and the Department of Environmental Protection Stormwater Management Standards.
49. All Stormwater best management practices shall be maintained and inspected as specified in the Operation and Maintenance Plan
50. During construction, all drainage structures shall be inspected on the same schedule as the erosion controls and cleaned as necessary.
51. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.
52. All Stormwater best management practices shall be maintained as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a semi-annual basis during construction.
53. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of the property shall maintain the parking areas, driveways, and drainage system in accordance with the following schedule:
  - a. **Parking Lot sweeping and snow plowing** – Driveways, parking areas, and sidewalks shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt. Snow shall only be stored within the location noted on the approved plans.
  - b. **Deep Sump Catch basins** - Accumulated sediments shall be removed from sumps and floatable wastes shall be removed from the surface of every catch basin at least two times per year. Sediments and wastes shall be disposed of in accordance with all applicable federal, state, and local laws. Any component of a catch basin that becomes damaged shall be repaired or replaced immediately upon discovery.

- c. **Water Quality Units** – the units shall be inspected twice annually and sediments cleaned when it reached a depth of 2’.
- d. **Outlet Pipes** – The outlet pipes shall be inspected at least twice annually for evidence of clogging, scouring, slumping, erosion or other problems and shall be cleaned and repaired as needed to maintain proper functioning. . Any problems shall be corrected.
- e. **Sub-surface infiltration systems** – shall be inspected twice annually, approximately 2-4 days after rainfall event to ensure the water is not still in the field. If water fails to infiltrate sufficiently, the system shall be excavated and replaced. Written document from the applicants Professional Engineer shall be submitted stating the system was not installed within Estimated Seasonal High Groundwater and that the system is functioning as designed on the approved plan and the approved Stormwater Report.
- f. **Rain Garden** - shall be inspected monthly, and approximately 2-4 days after rainfall event to ensure the BMP is actively dewatering. If the BMP fails to sufficiently dewater, the BMP shall be excavated and replaced. Written documentation from the applicants Professional Engineer shall be submitted stating the system was not installed within Estimated Seasonal High Groundwater and that the system is functioning as designed on the approved plan and the approved Stormwater Report.
- g. **Stormwater Swales** – shall be inspected after every major storm event for the first 3 months of operation and then twice annually along with the removal of debris. Mow any grass swales twice annually.

All maintenance of stormwater management units shall be conducted as prescribed under O&M Plan and Long-Term Pollution Prevention Plan. The Conservation Commission members and the Commission Agent shall have the right to enter the property to inspect for compliance with all sub conditions of this condition. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

54. Catch basins shall be equipped with sumps, oil and gas traps, and shall be inspected and cleaned as outlined in the stormwater operation and maintenance plan submitted with the NOI. After each inspection and cleaning, the inspector shall provide to the Commission written confirmation that the inspection and cleaning were conducted.

- 54. All stormwater BMP's maintenance logs as prescribed under the LTPPP shall be kept on site and shall be provided to the Conservation Commission annually and upon request.
- 55. Deep Sump Catch Basins shall be inspected after a 0.5” storm event and on a weekly basis during construction. Post- construction all inspection and cleaning dates shall be provided to the Commission written confirmation that the inspections and cleanings were conducted, this shall be provided annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
- 56. Water Quality Units shall be inspected after 0.5” storm event and on a weekly basis during construction. Post -Construction shall be inspected once per year, cleaned as needed and reported in writing annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.

- 57. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
- 58. The applicant shall install No Snow Dumping signs per the Plans titled, “Site Plan 86 Holliston Street Medway, MA” by Guerriere and Halnon, dated April 14, 2022, revised July 25, 2022 (final).
- 59. The applicant shall not plow snow other materials into any wetland resource or buffer zone and shall not plow snow or other materials into the stormwater management components. This Condition shall remain in perpetuity.

60. The property owner and its successors shall submit annual reports of inspections and cleanings by December 1<sup>st</sup> of every year for all stormwater management structures as prescribed in Operation and Maintenance Plan and the Long-Term Pollution Prevention Plan to the Conservation Commission, Planning and Economic Development Board and DPW. The reports shall consist of the proposed system at 86 Holliston Street for the Medway Medical Building and the 68 Main Street for the Walgreen System, which the Medway Medical Building connects to.

- a. Walgreen Stormwater Management System (68 Main Street Map 41 Lot 009) – all components, but not limited to catch basins, water quality units, sub surface infiltration system, and the outfall, which extents to the property of 86 Holliston Street, Map 41 Lot 008
- b. Medical Building/ Facility (Map 41 Lot 008)- all components, but not limited to catch basins, water quality units, sub surface infiltration system, rain garden, stormwater swale, and the outfall

This condition shall remain in perpetuity.

61. The applicant and its successors, upon the completion of the entire project, prior to submitting a Request for Certificate of Compliance shall provide to the Commission and/or its Agent receipts of all inspections to the stormwater management system as prescribed under the O&M Plan and the Long Term Pollution Prevention Plan. These receipts shall refer to but are not limited to, catch basin cleaning, vegetation management, and inspection and cleaning of any components of the stormwater management system.

62. At the time of filing for a Request for Certificate of Compliance, there shall be no illicit discharges.

## **VII. During Construction**

63. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

64. All equipment shall be operated, parked, and maintained so as to limit impacts to resource area and buffer zone, and limited to those areas clearly identified on the plans and demarcated in the field by the flagging and construction barriers installed. No equipment is to enter or cross wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.

65. During construction, personnel shall exercise extreme care when onsite fueling is underway during construction or storms. Spill kits as required herein shall be maintained at the fueling system during all stages of construction. Any spill of fuel shall be immediately reported to the Medway Fire Department, Police Department and Conservation Commission.

66. All existing and proposed catch basins and water quality inlets on the site or within the parcel that receive runoff from or contributes runoff to the project site shall be cleaned of sediment prior to commencement of work and be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks and sumps shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.

67. All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.

68. A copy of this Order of Conditions, construction plans, and copies of the documents and reports cited in this Order shall be on the site upon commencement and during any site work for contractors to view and adhere to.

### **Erosion Control:**

69. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Commission of any breaches of the erosion control barriers by sediment or silt-laden water. The Commission reserves the right to impose

additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.

70. Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line. All debris, fill and excavated material shall be stockpiled far enough away from wetland resource areas, and at a location sufficient to prevent sediment from entering wetland resource areas.
71. Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any dewatering activity on the site. Dewatering activities shall be monitored daily to ensure that sediment laden water is not discharged toward the wetland resource areas. With the exception of dewatering effluent discharged into a detention basin, no discharge of water is allowed directly or indirectly into an area subject to jurisdiction of the Wetlands Protection Act. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission for approval, which provides for the pumped water to be contained in a settling basin, to adequately reduce turbidity prior to discharge into a resource area. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures.
72. An adequate covered stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction. At a minimum, this shall include erosion control blankets, 500 feet compost socks and 500 feet of siltation fence, this shall be stored under cover in specified location on site during construction for any issues that may arise requiring the maintenance of erosion controls.
73. The areas of construction shall remain in a condition that is protected by erosion control devices at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
74. Erosion control devices may be augmented based upon experience at the site. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place and in good working order until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure that maximum control has been provided after any rainfall. No portion of the erosion control barriers or mechanisms may be deleted without written authorization by the Commission or its Agent.
75. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil, or the proposed surface treatments as indicated on the approved plans to assure long-term stabilization of disturbed areas. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods may include, but are not limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method. A minimum of four to six inches of organic top soil, and a USDA Natural Resource Conservation Service-approved seed mixture should be used in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II", or other stabilization method the Commission deems acceptable. Continued maintenance of this area in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the applicant.
76. Subsequent to seeding, disturbed areas will be covered with a straw mulch, erosion control blanket or netting or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.
77. A temporary cover of rye or other grass shall be established on any soil stockpiles inactive for more than 60 days to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
78. All existing and proposed catch basins and oil traps on the site or within the portion of any street that receives runoff from the project site shall be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks shall be maintained and regularly cleaned of sediments until all

areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.

79. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any such deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed and all impacted areas restored to their original condition.
80. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary.
81. All stockpiles of soils existing for more than seven days shall be surrounded by a row of staked straw bales, compost socks or entrenched silt fence, and shall be covered (the Agent determines how stockpiles shall be protected during construction, based on the site conditions). The applicant shall cover and surround all soil piles with erosion controls prior to a rain event of 0.5 inches or greater. The Commission reserves the right to require any stockpiles be covered during rain events, as directed through the Agent and/or a Commissioner.

#### Grading/Landscaping/Slope:

82. Grading shall be accomplished so that runoff shall not be directed to the property of others outside the project area without mitigation as described in the project plans. This project shall not increase runoff, nor cause flood or storm damage, to abutters or the property of others outside the project area.
83. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.

#### Placement of Riprap and Stone:

84. Riprap and all stone aggregate material shall be clean and free of trash, tree stumps, roots, and other deleterious material.

### **VIII. Restoration**

85. The applicant and/or its successors shall complete all restoration as proposed on plans titled, Plans titled, "Site Plan 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised July 25, 2022 (final). The restoration shall consist of native plantings which shall be reviewed prior to installation by the Agent and/or the Commission and certified by the applicant's wetland scientist that all species planted in the buffer zone are native.
86. All locations proposed for native seed mix shall be applied within the areas as depicted on the Plans titled, "Site Plan 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised July 25, 2022 (final).

### **IX. After Construction / In Perpetuity**

87. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
  - (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A)
  - (2) A letter from a Registered Professional Engineer certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.
  - (3) An "As-Built" plan or plans signed and stamped by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act. This plan shall include at a minimum:
    - (a) All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plans approved in this Order of Conditions;

- (b) Locations and elevations of all stormwater management conveyances, structures and best management designs, including foundation drains, constructed under this Order within any wetland resource area or buffer zone;
  - (c) Distances from any structures constructed under this Order to wetland resource areas - "structures" include, but are not limited to, all buildings, subsurface stormwater infrastructure, utility lines, fences, and roads/driveways;
  - (d) A line delineating the actual limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation, whether or not approved under this Order;
  - (e) The limit of work approved under this Order.
- (4) Post-construction photographs demonstrating compliance with this Order, including established vegetation where required.
88. If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review, and if approved by the Commission, the applicant may request in writing a Certificate of Compliance as described above.

**FINDINGS AND CONDITIONS UNDER THE MEDWAY STORMWATER PROTECTION  
BYLAW (ARTICLE XXVI)  
PROJECT SITE: 86 Holliston Street Map 41 Lot 008  
DEP # 216-1015  
MEDWAY, MASSACHUSETTS  
DATE OF ISSUANCE: August 16, 2022**

**Project Description:** The applicant (Town of Medway) proposal to construct a commercial medical building, parking area, landscaping and stormwater management system (with rain garden). A portion of the work will be within the 100' Buffer Zone to Bordering Vegetated Wetland. The applicant has submitted the following documents which have been accepted as part of the final record and decision for the proposed project referenced above.

**Approved Documents:**

1. Document titled, "Notice of Intent of 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 19, 2022
2. Plans titled, "Site Plan 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised July 25, 2022 (final)
3. Stormwater Management Report titled, "Stormwater Management Report for Medway Medical Building 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised June 29, 2022, final revision July 25, 2022
4. Document titled, "Construction Period Stormwater Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022
5. Document titled, "Long Term Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022

**Peer Review Documents:**

1. Letter from Tetra Tech titled, "Medical Office Building – Stormwater and Land Disturbance Review 86 Holliston Street, Medway, MA by Tetra Tech, dated May 20, 2022 revised, July 18, 2022

The Medway Conservation Commission makes the following findings relative to the Land Disturbance Permit Application LD-22-03:

- a) The Commission hereby finds that the proposal to construct a commercial medical building, parking area, landscaping, and stormwater management system (with rain garden). was presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under Medway General Bylaw Article XXVI.
- b) It was noted that all conditions of this Order must be met in order to meet the above-mentioned provisions. The Commission additionally finds that the work must be conditioned to ensure that all the performances standards of the Medway General Stormwater Bylaw Article XXVI are met.

**I. General Conditions**

1. A Conservation Commissioner, agent of the Commission reserves the right to enter and inspect the property at all reasonable times to evaluate compliance with this Order of Conditions, the Medway Stormwater Bylaw Article XXVI and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if a Commissioner, agent determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
2. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest, title or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.
3. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.

4. With respect to all conditions, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
5. All work shall be conducted in accordance with the approved site Plans titled, "Site Plan 86 Holliston Street Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised July 25, 2022 (hereafter referred to as the approved site plans), Stormwater Management Report titled, "Stormwater Management Report for Medway Medical Building 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated April 14, 2022, revised June 29, 2022, final revision July 25, 2022 (hereafter referred to as Stormwater Report), and the document entitled, "Construction Period Stormwater Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022 (hereafter referred to as O&M Plan), document titled, "Long Term Pollution Prevention Plan for Medway Medical Building, 86 Holliston Street, Medway, MA" by Guerriere and Halnon, dated June 29, 2022, final revision July 25, 2022 (hereafter referred to as LTPPP), and the conditions of this Order. Copies of the approved documents listed above shall be kept on site at all times while the site is under construction and the conditions of this Order. Copies of applicable documents listed above shall be kept on site at all times while the site is under construction.
6. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Order's terms and conditions. Thereafter, the Applicant, the contractors, and subcontractors will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. The Applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this OOC's terms and conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this OOC.
7. Prior to commencement of work the applicant shall submit to the Commission a document "Site Preparation Plans" showing the disturbed area, earthwork volumes and other items required under the Article XXVI of the Stormwater Bylaw.

## II. Prior to Construction

8. Prior to the Pre-Construction Meeting and any work commencing on the site, a sign of minimum size two-feet by two-feet shall be displayed so as to be clearly visible from the street showing LD-22-03.
9. Emergency Contacts – The applicant shall provide to the Commission the identity and 24-hour contact information for one or more persons who will act as emergency contacts in the event of an environmental problem that occurs outside of normal working hours. The applicant shall be responsible for insuring that adequate, round-the-clock coverage including holidays, vacations, weekends, etc. is provided by an adequate number of persons so that a qualified person is always available, and that appropriate contact information has been provided to the Commission. The emergency contact person(s) shall have the authority to expend resources, including necessary manpower, materials, and required subcontracted services, to alleviate any environmental problems at the site in short order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the Emergency Contact persons.
10. Prior to the Pre-Construction Meeting and commencement of any activity on this site, the approved erosion control and limit of work lines shall be staked, by survey. The location of erosion controls shall be adjusted, if necessary, during the pre-construction meeting.
11. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the Pre-Construction Meeting, if necessary, in order to stake the approved erosion control and limit of work lines where required.
12. Prior to the commencement of any activity on this site other than the marking of locations for erosion controls and limits of work, there shall be a **PRE-CONSTRUCTION MEETING** between the project supervisor, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. The staked erosion control line shall be adjusted, if necessary, during the pre-construction meeting to comply with the approved plans. The applicant shall contact the Conservation Commission office at 508-533-3292 at least three business days prior to any activity to arrange for the pre-construction meeting.
13. Immediately after the Pre-Construction Meeting, all erosion controls and limits of work lines shall be installed along the approved and staked line. Erosion controls and limits of work lines shall be installed with

minimal disturbance to vegetation. Where possible, erosion controls should go *around* trees, shrubs, and other vegetation, on the uphill side.

14. Immediately after installation of erosion controls (consisting of 10"-12") compost socks and trenched siltation fencing), the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls and limits of work lines have been properly installed. No work shall be conducted in any jurisdictional area of the site until the Commission or its Agent has inspected and approved of the installation of the erosion controls.
15. Prior to commencement of work the applicant shall install siltation sacks long the roadways during work, these shall be installed in catch basins along the Walgreen entrance and Main Street (if required by the Agent). Siltation sacks shall be installed in catch basins in conjunction with the erosion control installation and shall be checked by the Agent at the Pre-Construction Meeting.
16. The applicant shall notify the Conservation Commission in writing at least five business days prior to commencement of construction activity on the site and shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. The applicant shall be responsible for immediately notifying the Commission of any change in the identity or contact information for the on-site person responsible for compliance with the Order.
17. Prior to any fill being brought onto the premises from any off property sources, the Medway Conservation Commission requires that any soil, including loam, brought into the resource areas, buffer zones, or other jurisdictional area should be free of trash and deleterious material and free of any chemical contaminants in excess of Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Soil should also be free of invasive species. While the MCP as a regulation at the State level may or may not apply to the project, soil characterization shall be completed in a manner consistent with this regulation. Prior to delivering to the project soil, material should be characterized by sampling the soil as outlined below and a certification shall be provided to the Conservation Commission or its agent. The certification shall include a letter signed by a Licensed Site Professional (see MCP) describing the Site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Soil containing concentrations of contaminants in Exemptions from reporting outlined in the MCP including but not limited to lead paint, emissions, arsenic, and ash, shall not be allowed in jurisdictional areas. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
- Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Exceptions:

Washed Stone Materials (The Commission may elect to require sampling of these materials if materials are suspect when inspected by the Commission or its Agent)

Alternative Sampling Plans;

The Commission may consider alternative sampling plans or soil materials at its sole discretion. Approval of the Commission or its agent is required for alternate plans. These may include management of soils

consistent with MassDEP WSC#-13-500, Similar Soils Provision Guidance. These may also include originating facilities that are known to the Commission based on previous certifications, historical operations, and sampling to produce soils below RCS-1.

18. The applicant shall supply all costs associated with services provided by a Consulting Engineer for the review and oversight related to, but not limited to, the following construction Services – Inspection of all site work related to the construction of the stormwater management system by the Town’s Consulting Engineer. The Consulting Engineer will document compliance with the OOC and report findings to the Commission. The Applicant shall pay a construction services/consultant peer review fee to the Town of Medway for such inspections. The amount shall be determined by the Medway Conservation Commission based on an estimate provided by the Town’s Consulting Engineer based on the scope of the project. The Applicant shall provide supplemental payments to the Town of Medway for reasonable additional construction services upon invoice from the Medway Conservation Commission, until the as-built and a Certificate of Compliance has been granted determining the infrastructure to be satisfactory in compliance with this Order. Funds for such account shall be replenished upon notice from the Conservation Commission and/or Agent. If funds are not replenished within fourteen (14) days of request all work within jurisdictional areas shall be suspended until such time when it is replenished.

### **III. Stormwater Management**

19. Prior to construction the contractor/project supervisor shall provide plans showing the proposed locations of the temporary sedimentation basins. These shall be approved by the Conservation Agent. Once approved the contractor shall construct temporary stormwater management basin as prescribed by the Stormwater Pollution Prevention Plan and/or the Towns National Pollutant Discharge Elimination System MS4 permit.
20. The property owner and its successors shall complete maintenance/cleaning and reporting of the existing stormwater management system at 68 Main Street, known as Walgreens (currently) as defined under the LTPPP. The Commission requires this system to be maintained, cleaned and reported as the proposed system under this Order has a direct connection to this system. This Condition shall remain in perpetuity.
21. Any proposed structures which are proposed to have a metal roof shall follow the requirements of the MA Stormwater Management Handbook, where all untreated infiltrated metal roof require filtration systems. If metal roofs are proposed (not proposed or approved under this Order), the applicant/Town shall seek an amendment to the Order of Conditions for the installation of such structure. There shall be no metal roof construction on the commercial building at 86 Holliston Street unless there is an amendment approved by the Medway Conservation Commission allowing this structure as allowed with mitigation under 310 CMR 10.05 (6) (k-q) and the MA Stormwater Management Standards, Standard 6.
22. All construction and post-construction stormwater management shall be conducted as prescribed on the Approved Documents, approved site plans, and the Approved Stormwater Report conforming to the Massachusetts Stormwater Management Standards. All Stormwater best management practices shall be maintained as specified in the approved O&M Plan and incorporated in the Order of Conditions.
23. The Agent and the Town Consulting Engineer shall be contacted with the appropriate time (no less than 5 business days) to schedule inspections for inspection of the bottom excavation for the sub-surface infiltration system and then once system is installed the open system with wrapping. The Commission reserves the right to require the information documenting or showing the system was installed as designed if the applicant did not follow the above requirement of. This may include excavation of the installed system.
24. The Town Consulting Engineer may require additional inspection of the stormwater management system these inspection shall be schedule per the requirements of the Town Consulting Engineer to ensure the system is install and construction as approved under the approved site plan and stormwater management report.
25. The applicant shall comply with all the requirements of the National Pollutant Discharge Elimination System (NPDES) any violation of the NPDES permit can be considered a violation of this Order by the Commission and/or the Agent.

26. The Stormwater Management System components for the project will be constructed as soon as possible in the construction sequence so as to allow for the capture and control of site runoff and treatment of stormwater discharges during the construction period.
27. Once the stormwater management system is installed all catch basins on the site shall have siltation sacks installed. The Agent shall be notified once this is complete.
28. During construction all stormwater management systems shall be inspected after a 0.5" rain fall and bi-monthly during construction. Structures shall be maintained and cleaned as prescribed within the approved O & M Plan and the LTPPP.
29. All construction and post-construction stormwater management shall be conducted in accordance with the plans and specifications approved by the Commission in this Order of Conditions, including final plans, Operation and Maintenance Plan, LTPPP, NPDES SWPPP, and the Department of Environmental Protection Stormwater Management Standards.
30. All Stormwater best management practices shall be maintained and inspected as specified in the Operation and Maintenance Plan
31. During construction, all drainage structures shall be inspected on the same schedule as the erosion controls and cleaned as necessary.
32. The Conservation Commission shall be notified in writing, when any maintenance functions that may impact the wetlands, such as, but not limited to, replacing backfill and repairing drains and terraces, are to be performed.
33. All Stormwater best management practices shall be maintained as specified in the Operation and Maintenance Plan submitted with the Notice of Intent and incorporated in the Order of Conditions. Evidence of maintenance of the Stormwater Management system shall be provided to the Commission on a semi-annual basis during construction.
34. Beginning with the construction of the drainage system, and continuing in perpetuity thereafter, the owner(s) of the property shall maintain the parking areas, driveways, and drainage system in accordance with the following schedule:
  - a. **Parking Lot sweeping and snow plowing** – Driveways, parking areas, and sidewalks shall be swept, preferably with a vacuum sweeper, in the early spring immediately after snow melt. Snow shall only be stored within the location noted on the approved plans.
  - b. **Deep Sump Catch basins** - Accumulated sediments shall be removed from sumps and floatable wastes shall be removed from the surface of every catch basin at least two times per year. Sediments and wastes shall be disposed of in accordance with all applicable federal, state, and local laws. Any component of a catch basin that becomes damaged shall be repaired or replaced immediately upon discovery.
  - c. **Water Quality Units** – the units shall be cleaned per the manufacturer's manual.
  - d. **Outlet Pipes and Level Spreader** – The outlet pipes and level spreader from the CMP detention system shall be inspected at least twice annually for evidence of clogging, scouring, slumping, erosion or other problems and shall be cleaned and repaired as needed to maintain proper functioning. . Any problems shall be corrected.
  - e. **Sub-surface infiltration systems** – shall be inspected twice annually, approximately 2-4 days after rainfall event to ensure the water is not still in the field. If water fails to infiltrate sufficiently, the system shall be excavated and replaced. Written document from the applicants Professional Engineer shall be submitted stating the system was not installed within Estimated Seasonal High Groundwater and that the system is functioning as designed on the approved plan and the approved Stormwater Report.
  - f. **Rain Garden** - shall be inspected monthly, and approximately 2-4 days after rainfall event to ensure the BMP is actively dewatering. If the BMP fails to sufficiently dewater, the BMP shall be excavated and replaced. Written documentation from the applicants Professional Engineer shall be submitted

stating the system was not installed within Estimated Seasonal High Groundwater and that the system is functioning as designed on the approved plan and the approved Stormwater Report.

- h. Stormwater Swales** – shall be inspected after every major storm event for the first 3 months of operation and then twice annually along with the removal of debris. Mow any grassswales twice annually.

All maintenance of stormwater management units shall be conducted as prescribed under O&M Plan and Long-Term Pollution Prevention Plan. The Conservation Commission members and the Commission Agent shall have the right to enter the property to inspect for compliance with all sub conditions of this condition. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

- 35. Catch basins shall be equipped with sumps, oil and gas traps, and shall be inspected and cleaned as outlined in the stormwater operation and maintenance plan submitted with the NOI. After each inspection and cleaning, the inspector shall provide to the Commission written confirmation that the inspection and cleaning were conducted.
- 36. All stormwater BMP's maintenance logs as prescribed under the LTPPP shall be kept on site and shall be provided to the Conservation Commission annually and upon request.
- 37. Deep Sump Catch Basins shall be inspected after a 0.5" storm event and on a weekly basis during construction. Post- construction all inspection and cleaning dates shall be provided to the Commission written confirmation that the inspections and cleanings were conducted, this shall be provided annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.
- 38. Water Quality Units shall be inspected after 0.5" storm event and on a weekly basis during construction. Post -Construction shall be inspected once per year, cleaned as needed and reported in writing annually. This condition shall be noted on the Certificate of Compliance and shall continue in perpetuity.

There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed boundaries as currently depicted in the notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.

- 39. There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the site.
- 40. The property owner and its successors shall submit annual reports of inspections and cleanings by December 1<sup>st</sup> of every year for all stormwater management structures as prescribed in Operation and Maintenance Plan and the Long-Term Pollution Prevention Plan to the Conservation Commission, Planning and Economic Development Board and DPW. The reports shall consist of the proposed system at 86 Holliston Street for the Medway Medical Building and the 68 Main Street for the Walgreen System, which the Medway Medical Building connects to.
  - a. Walgreen Stormwater Management System (68 Main Street Map 41 Lot 009) – all components, but not limited to catch basins, water quality units, sub surface infiltration system, and the outfall, which extends to the property of 86 Holliston Street, Map 41 Lot 008
  - b. Medical Building/ Facility (Map 41 Lot 008)- all components, but not limited to catch basins, water quality units, sub surface infiltration system, rain garden, stormwater swale, and the outfall

This condition shall remain in perpetuity.

- 41. The applicant and its successors, upon the completion of the entire project, prior to submitting a Request for Certificate of Compliance shall provide to the Commission and/or its Agent receipts of all inspections to the stormwater management system as prescribed under the O&M Plan and the Long Term Pollution Prevention Plan. These receipts shall refer to but are not limited to, catch basin cleaning, vegetation management, and inspection and cleaning of any components of the stormwater management system.
- 42. At the time of filing for a Request for Certificate of Compliance, there shall be no illicit discharges.

#### **IV. During Construction**

- 43. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its agent, or the applicant, the

Commission shall immediately be notified, and an immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

44. All equipment shall be operated, parked, and maintained so as to limit impacts to resource area and buffer zone to those areas clearly identified on the plans and demarcated in the field by the flagging and construction barriers installed. No equipment is to enter or cross wetland resource areas at any time unless the location of disturbance is marked on the plans referenced in this Order and flagged in the field.
45. During construction, personnel shall exercise extreme care when onsite fueling is underway during construction or storms. Spill kits as required herein shall be maintained at the fueling system during all stages of construction. Any spill of fuel shall be immediately reported to the Medway Fire Department, Police Department and Conservation Commission.
46. All existing and proposed catch basins and water quality inlets on the site or within the parcel that receive runoff from or contributes runoff to the project site shall be cleaned of sediment prior to commencement of work and be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks and sumps shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.
47. All equipment shall be inspected regularly for leaks. Any leaking hydraulic or other fluid lines, cylinders, containers of any kind, or any other components shall be repaired immediately.
48. A copy of this Order of Conditions, construction plans, and copies of the documents and reports cited in this Order shall be on the site upon commencement and during any site work for contractors to view and adhere to.

Erosion Control:

49. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Commission of any breaches of the erosion control barriers by sediment or silt-laden water. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
50. Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line. All debris, fill and excavated material shall be stockpiled far enough away from wetland resource areas, and at a location sufficient to prevent sediment from entering wetland resource areas.
51. Dewatering activities shall be conducted in accordance with best management practices and with a plan to be submitted for Commission approval prior to any dewatering activity on the site. Dewatering activities shall be monitored daily to ensure that sediment laden water is not discharged toward the wetland resource areas. With the exception of dewatering effluent discharged into a detention basin, no discharge of water is allowed directly or indirectly into an area subject to jurisdiction of the Wetlands Protection Act. If emergency dewatering requirements arise, the applicant shall submit a contingency plan to the Commission for approval, which provides for the pumped water to be contained in a settling basin, to adequately reduce turbidity prior to discharge into a resource area. Additional monitoring requirements may be imposed on any such discharge approved, to ensure adequacy of the sediment removal measures.
52. An adequate covered stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction. At a minimum, this shall include erosion control blankets, 500 feet compost socks and 500 feet of siltation fence, this shall be stored under cover in specified location on site during construction for any issues that may arise requiring the maintenance of erosion controls.
53. The areas of construction shall remain in a condition that is protected by erosion control devices at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.

54. Erosion control devices may be augmented based upon experience at the site. All such devices shall be inspected, cleaned or replaced during construction and shall remain in place and in good working order until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure that maximum control has been provided after any rainfall. No portion of the erosion control barriers or mechanisms may be deleted without written authorization by the Commission or its Agent.
55. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be permanently stabilized with rapidly growing vegetative cover, using sufficient top soil, or the proposed surface treatments as indicated on the approved plans to assure long-term stabilization of disturbed areas. Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of mulch hay until climate conditions allow for seeding. During construction, any area of exposed soils that will be left idle for more than 30 days shall be stabilized with a layer of mulch hay or other means approved by the Conservation Commission. Temporary stabilization methods may include, but are not limited to, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method. A minimum of four to six inches of organic top soil, and a USDA Natural Resource Conservation Service-approved seed mixture should be used in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II", or other stabilization method the Commission deems acceptable. Continued maintenance of this area in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the applicant.
56. Subsequent to seeding, disturbed areas will be covered with a straw mulch, erosion control blanket or netting or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.
57. A temporary cover of rye or other grass shall be established on any soil stockpiles inactive for more than 60 days to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosions control measures, firmly anchored, to prevent soils from being washed by rain or flooding.
58. All existing and proposed catch basins and oil traps on the site or within the portion of any street that receives runoff from the project site shall be protected by Silt Sacks or equivalent to prevent sediment from entering the drainage system. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or its Agent has formally approved their removal.
59. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any such deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed and all impacted areas restored to their original condition.
60. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any silt adjacent to the barriers shall be removed when it accumulates to two inches in depth.
61. All stockpiles of soils existing for more than seven days shall be surrounded by a row of staked straw bales, compost socks or entrenched silt fence, and shall be covered. The applicant shall cover and surround all soil piles with erosion controls prior to a rain event of 0.5 inches or greater. The Commission reserves the right to require any stockpiles be covered during rain events, as directed through the Agent and/or a Commissioner.

Grading/Landscaping/Slope:

62. Grading shall be accomplished so that runoff shall not be directed to the property of others outside the project area without mitigation as described in the project plans. This project shall not increase runoff, nor cause flood or storm damage, to abutters or the property of others outside the project area.
63. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.

Placement of Riprap and Stone:

64. All stone aggregate material shall be clean and free of trash, tree stumps, roots, and other deleterious material.

Grading/Landscaping/Slope:

65. Landscaping shall not include exotic invasive species identified on the most current listing of the Massachusetts Division of Fisheries and Wildlife.

**V. After Construction / In Perpetuity**

66. Upon completion of construction and final soil stabilization, the applicant shall submit the following to the Conservation Commission:
  - a. final As-Built Plan with a letter from the Engineering stating that all work was completed in conformance with the approved plans, this permit and the Medway Stormwater Bylaw Article XXVI.

## Board Members

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



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# TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

PRELIMINARY DRAFT – August 19, 2022

### **Major Site Plan, Parking Location Special Permit, Building Type Special Permit, and Groundwater Protection Special Permit**

**Decision Date:** \_\_\_\_\_

**Name/Address of Applicant/Permittee**

Lobisser Companies  
1 Charlesview Road  
Hopedale, MA 01747

**Name/Address of Property Owner:**

Friel Realty II, LLC  
86 Holliston Street  
Medway, MA 02053

**Location:** 86 Holliston Street

**Parcel Size:** 8.027 acres

**Assessors' Reference:** 41-08

**Zoning District:** Central Business District  
Groundwater Protection District (Mass DEP Zone II Wellhead Protection)

**Engineer:** Guerriere & Halnon, Inc.  
55 West Central Street  
Franklin, MA 02038

**Site Plan:** *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2021, last revised June 29, 2022, prepared by Guerriere & Halnon, Inc. to be further revised as specified herein before plan endorsement

The architectural drawings dated February 11, 2021, prepared by HPA Design, Inc. of Milford, MA

Architectural drawings, undated, prepared by DiGiorgio Associates, Inc., of Boston, MA.

**I. PROJECT DESCRIPTION** - The Applicant seeks major site plan approval, a groundwater protection special permit, a parking location special permit, and a building type special permit pursuant to Sections 3.5, 5.6.3, 10.2, and 10.4 of the Medway *Zoning Bylaw* for the development of a medical building for Milford Regional Medical Center, to be located on a 2.2 acre portion of the 8+ acre parcel known as 86 Holliston Street.

The proposed development includes construction of a one-story, 21,900 sq. ft. medical building for the Milford Regional Medical Center to be accessed from the existing curb cut on Main Street for Walgreens. Other planned improvements include driveways, parking, utilities, grading, lighting, landscaping, and stormwater management facilities. The facility will consist of pediatric care, women's health, wellness, emergency care, lab, and x-ray services. A total of \_\_\_ parking spaces are proposed. The planned improvements are shown on *Site Plan, 86 Holliston Street, Medway, MA*, dated April 14, 2022, last revised June 29, 2022, to be further revised as specified herein.

The property also includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission which issued an Order of Conditions and a Land Disturbance Permit pursuant to Article XXVI of the *Medway General Bylaws* on August 16, 2022.

It is noted that the Applicant and property owner intend to divide the subject property into 2 parcels, one for the medical office building with a new Main Street address, and the other to include the remaining property (86 Holliston Street).

## **II. VOTES OF THE BOARD**

**A. MAJOR SITE PLAN** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS and WAIVERS from the *Site Plan Rules and Regulations* as specified herein, a site plan titled *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2021, last revised June 29, 2022, prepared by Guerriere & Halnon, Inc. to be further revised as specified herein before plan endorsement with associated attachments including architectural plans by \_\_\_\_\_, to be further revised as specified herein.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

### **Planning & Economic Development Board Member**

### **Vote**

Jessica Chabot  
 Richard Di Iulio  
 Matthew Hayes  
 Sarah Raposa  
 Robert Tucker

**B. PARKING LOCATION SPECIAL PERMIT** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted

to \_\_\_\_\_ with CONDITIONS a parking location special permit for 86 Holliston Street pursuant to Section 10.2. D. 2. C. Parking Placement of the Zoning Bylaw.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Sarah Raposa	
Robert Tucker	

**C. BUILDING TYPE SPECIAL PERMIT** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS a building type special permit for 76 Holliston Street pursuant to Section 10.4 C. 2 of the Zoning Bylaw.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Sarah Raposa	
Robert Tucker	

**D. GROUNDWATER PROTECTION SPECIAL PERMIT** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS a groundwater protection special permit for 86 Holliston Street pursuant to Section 5.6.3 of the Zoning Bylaw.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Sarah Raposa	
Robert Tucker	

### **III. PROCEDURAL HISTORY**

- A. April 14, 2022 – Major site plan approval and groundwater protection district special permit applications were filed with the Board and provided to the Town Clerk on April 25, 2022

- B. April 25, 2022 - Public hearing notice was filed with the Town Clerk and posted at the Town of Medway web site.
- C. April 25, 2022 - Public hearing notice was mailed to abutters by certified sent mail.
- D. April 25 and May 3, 2022 - Public hearing notice was advertised in the *Milford Daily News*
- E. April 25, 2022 - Notice was distributed to Town boards and departments requesting review and comments
- F. May 10, 2022 - Public hearing commenced. The public hearing was continued to June 14, July 26, August 23, and to \_\_\_\_\_, 2022 when a decision was rendered, and the hearing was closed.
- G. August 2, 2022 – Special permit application for Central Business District standards for Building Type and Parking Location was filed with the Board and provided to the Town Clerk
- H. August 3, 2022 – Second public hearing notice was mailed to abutters by certified sent mail.
- I. August 5, 2022 - Second public hearing notice was filed with the Town Clerk and posted to the Town of Medway web site.
- J. August 8 and 16, 2022 – Second public hearing notice was advertised in the *Milford Daily News*.

#### **IV. INDEX OF DOCUMENTS**

- A. The following documents were provided at the time the site plan and groundwater special permit applications were filed with the Board:
  - Major site plan application dated 4-13-22 and groundwater protection special permit application both dated 4-13-22 with Project Narrative, submittal letter, property deeds, and abutters list.
  - *Site Plan, 86 Holliston Street, Medway, MA* dated April 14, 2022 by Guerriere & Halnon, Inc. of Franklin, MA
  - Photometric Plan dated April 15, 2022 by Holbrook Associated
  - Requests for Waivers from the *Medway Site Plan Rules and Regulations*, last revised October 8, 2019.
  - *Stormwater Report for Medway Medical Building, 86 Holliston Street, Medway, MA* dated April 14, 2022, prepared by Robert J. Duff, P.E., Guerriere & Halnon, Inc. of Franklin, MA.
- B. During the course of the review, the following additional materials were submitted to the Board by the Applicant and its representatives and consultants:
  - Ground floor plan of proposed medical facility dated April 7, 2022 prepared by The SLAM Collaborative
  - Architectural elevations dated April 18, 2022 by HPA Design, Inc.
  - *Transportation Impact Assessment, Proposed Medical Office Building, 86 Holliston Street, Medway, MA*, dated April 2022 by Vanasse & Associates, Inc. of Andover, MA
  - Letter from Jeffrey Dirk of Vanasse & Associates dated May 31, 2022 in response to the Tetra Tech review letter dated May 23, 2022
  - Underground Piping Inspection dated June 22, 2022 from DWD Engineering

- Letter from Jeffrey Dirk of Vanasse & Associates dated July 15, 2002 as a follow-up to the July 14, 2022 meeting with Town staff and Tetra Tech re: transportation improvement measures to be undertaken in connection with the medical office building project at 86 Holliston Street
- Updated site plan dated June 29, 2022 by Guerriere & Halnon.
- *Ladder Truck Turning Plan* for 86 Holliston Street dated April 14, 2022, last revised June 29, 2022 by Guerriere & Halnon.
- Additional Requests for Waivers from the *Site Plan Rules and Regulations*, dated July 2022
- Letter from Marc Wallace of Tech Environmental dated July 6, 2022 summarizing the results of an acoustic modeling study of the proposed medical building at 86 Holliston Street.
- Revised lighting plan and light fixture specifications dated July 6, 2022 by Holbrook Associated
- *Development Impact Statement* dated July 25, 2022 prepared by Guerriere & Halnon
- Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2022 in response to review comments dated April 27, 2022 from Community and Economic Development Director Barbara Saint Andre
- Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2022 in response to review comments dated May 25, 2022 from DPW Director Pete Pelletier
- Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2002 in response to review comments dated May 9, 2022 from Planning and Economic Development Coordinator Susy Affleck-Childs
- Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2002 in response to review comments dated May 10, 2022 from Police Safety Officer Sergeant Jeff Watson
- Letter from Amanda Cavaliere of Guerriere & Halnon dated July 25, 2002 in response to review comments dated May 23, 2022 from Tetra Tech
- Architectural elevations dated ????? by DiGiorgio Associates, Inc. of Boston, MA, received July 29, 2022
- Renderings undated, source not specified, received August 1, 2022
- Special permit application for parking location and building type, dated August 2, 2022, with associated narratives.
- Email communication dated August 16, 2022 from Amanda Cavaliere of Guerriere & Halnon forwarding an email from Marc Wallace of Tech Environmental in response to the sound study review memorandum issued on August 8, 2022 by Jeff Komrower of Noise Control Engineering, the Board's noise consultant.
- Xxx
- Yyy
- ZZZ

C. During the course of the review, additional materials were submitted to the Board by the Board's consultants and Town staff:

- Plan review letter from Steve Bouley, P.E. Tetra Tech, dated May 23, 2022

- *Road Safety Audit – Main Street (Route 109) at Medway Commons and Walgreens Driveways*, March 2022, prepared for Mass Department of Transportation by Vanasse & Associates, Inc. of Andover, MA
- Review comments dated April 27, 2022 by Medway Community and Economic Development Director Barbara Saint Andre
- Review comments dated May 9, 2022 from Fire Chief Jess Lynch
- Review comments dated May 9, 2022 from Planning and Economic Development Coordinator Susan Affleck-Childs
- Review comments dated May 10, 2022 from Police Safety Officer Sergeant Jeff Watson
- Review comments dated May 10, 2022 from the Medway Design Review Committee
- Review comments dated May 25, 2022 from Medway DPW Director Pete Pelletier
- Review comments dated July 21, 2022 from Building Commissioner Jack Mee re: building type within the Central Business District
- Review comments dated August 8, 2022 from Jeff Komrower of Noise Control Engineering, the Board's noise consultant, of the noise modeling study prepared for the applicant by Tech Environmental
- Plan review letter from Steve Bouley at Tetra Tech, dated July 19, 2022
- Email comments dated July 27, 2022 from Medway DPW Director Pete Pelletier
- Xxx
- Yyy
- Zzz

D. Abutter Comments

- Email dated May 11, 2022 from resident Andrew Page, 11 Applegate Road
- Email dated May 15, 2022 from Matthew and Courtney Fricker, 110 Village Street

E. Other Documentation

1. Mullins Rule Certification dated July 10, 2022 for Board member Jessica Chabot pertaining to the June 14, 2022 hearing.
2. Mullins Rule Certification dated June 29, 2022 for Board member Robert Tucker pertaining to the June 14, 2022 hearing.

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

- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Courtney Sudak, P.E. Tetra Tech – Commentary related to parking and traffic
- Kevin Lobisser, Applicant
- Amanda Cavaliere, Guerriere & Halnon, engineering consultant for the Applicant
- Mike Hassett, Guerriere & Halnon, engineering consultant for the Applicant
- Jeffrey Dirk, Vanasse and Associates, traffic consultant for the Applicant
- Resident Nicholas Fair, 3 Howe Street
- Abutter Jessica Collins, 9 Robin Circle
- Abutter Robin????

## VI. FINDINGS

- A. **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*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended October 8, 2019, and Section 3.5 of the *Bylaw*:
- 1) **Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?** *The site plan and traffic impact assessment study has been thoroughly reviewed by Town officials and the Board's Consulting Engineer. No access from minor streets is necessary or available, there is no backing onto a public way, and Main Street is adequate to safely handle the additional traffic from the new establishment. Based on input from the Board and Police Department, vehicular access to the parking area in front of the building has been adjusted so that the front parking area is not immediately accessible from the entry driveway into the site, so to avoid back-up out onto Main Street.*
  - 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 design of the proposed building has been positively reviewed by the Design Review Committee. There are no particularly distinguished buildings in the vicinity with which the proposed building renovation and new construction would conflict in terms of character, materials, and scale.*
  - 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 subject property is located within the Central Business zoning district and abutted on the east and south sides by other business properties. The dumpster is located within the rear parking area in the northwestern corner of the site, well out of public view from Main Street. The landscaping plan shows a fence and landscape buffer along the southern property line to screen the building for nearby residential properties. A robust landscaping plan has been developed for the open space area between Main Street and the front parking area and adjacent to wetland resources.*
  - 4) **Is adequate access to each structure for fire and service equipment provided?** *Access for fire and service equipment is provided with paved surfaces on four sides of the proposed building. The Fire Department has reviewed the proposed driveway and parking lot reconfiguration and the auto turn analysis provided by the Applicant's traffic consultant. MORE NEEDED HERE. 8-17-22 SAC requested another letter from FD about turning analysis and addition of fire hydrants.*
  - 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 site plan and proposed stormwater drainage system have been rigorously reviewed by the Town's Consulting Engineer and the Conservation Commission which issued an Order of Conditions and Land Disturbance Permit on August 16, 2022. Appropriate soil pollution and erosion controls have been incorporated into the plan. The building will be highly visible from Main Street. However, the robust landscaping plan and building design have been reviewed and positively recommended by the Design Review Committee. No stone walls are being removed. The site is already heavily disturbed; the existing industrial building on the property was constructed in 1973. Since the site is located within a Groundwater Protection District, this Decision also includes a groundwater protection special permit to ensure that the project will not adversely affect groundwater.*

**ADD INFO HERE ON NOISE**

- 6) **Is pedestrian and vehicular safety both on the site and egressing from it maximized?** *The entrances and egresses to the site and its parking facilities have been designed for safe operation and have been reviewed by the Board's consulting engineer. The site plan has been revised to adjust access to the parking area in front of the building. The site plan shows the provision of bicycle racks to accommodate employees who may wish to cycle to work. A sidewalk is planned on the three sides of the building with public access plus a connecting sidewalk to the Main Street sidewalk is included.*
- 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 site is presently undeveloped and functions as agricultural land for cow grazing. The prominent feature of the open field to the west of the proposed building will not be directly affected. The fencing design to separate the new commercial use from the agricultural use is in keeping with the agricultural character of the adjacent property.*
- 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 engineer and the Permittee is required to comply with Section 7.1.2 of the Zoning Bylaw regarding Outdoor Lighting.*
- 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 site plan has been vigorously reviewed by both the Conservation Commission and the Planning and Economic Development Board and their consulting*

*engineer and has been modified to address environmental concerns. The limit of work is reasonable. The location of the building and parking on the site has been repositioned northerly onto the site to protect environmental resources. The project has been reviewed by the Conservation Commission and an Order of Conditions has been issued.*

**Vote on Site Plan Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ voted to \_\_\_\_\_ the above noted **Site Plan Findings** regarding the major site plan application for the Milford Regional Medical facility (the "Property"). The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

B. **Groundwater Protection Special Permit Findings (Sub-Section 5.6.3 of the Zoning Bylaw)** – The subject property at 86 Holliston Street is located within the Town's Groundwater Protection District (MA Department of Environmental Protection Zone 2 recharge area). The scope of the project will increase the extent of impervious surface to more than 15% of the lot area. Accordingly, a groundwater protection special permit is required. Section 5.6.3 specifies that the following findings must be made in order to issue a groundwater protection special permit:

- 1) **Permitted Uses** – New construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned herein, the project will comply with those restrictions.
- 2) **Prohibited Uses** - The project includes an on-site emergency generator which is not allowed in the groundwater protection district unless required by statute, rule, or regulation. The Applicant has provided documentation that the Cannabis Control Commission requires marijuana facilities to maintain the ability to remain operational during power outages for a minimum of 4 hours, thus necessitating the installation of a generator.
- 3) **Uses and Activities Requiring a Groundwater Special Permit** – Specific to this project, the following activities are allowed only upon issuance of a special permit.
  - Any use which will render impervious more than 15% or 2,500 sq. ft. of any lot whichever is greater. The proposed building and site improvements planned for the new parcel increase the extent of impervious surface from 0% to 68.3% of the site, thus triggering the need for a Groundwater Protection special permit.
- 4) **Special Permit Granting Authority** - The Board of Appeals is the designated special permit granting authority for the Groundwater Protection District. However, the Bylaw (Section 3.5. Site Plan Review, 4. a.) provides that authority to the Planning and Economic Development Board when both site plan approval and a special permit are needed so as to consolidate the review process.
- 5) **Does the site design include a system for groundwater recharge which does not degrade groundwater quality? Does the recharge system use stormwater infiltration basins, or a similar system covered with natural vegetation? Are such basins preceded by oil, grease, and sediment traps to facilitate removal of contamination? Is there a plan for all recharge areas to be permanently maintained**

**in full working order by the owner?** *The proposed building and site improvements will render the site to be 68.3% impervious. The stormwater management plan*

*The Board's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality. The Conservation Commission is responsible for stormwater review on this site and has issued its Order of Conditions and a Land Disturbance permit which includes numerous conditions and protective measures. As part of its review, the Commission*

- 6) **Does the proposed use, during constructure or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District?** *The project has been reviewed by the Conservation Commission and the Town's Consulting Engineer to ensure that the planned stormwater management facilities and the associated groundwater recharge does not degrade groundwater quality. The Conservation Commission issued an Order of Conditions and Land Disturbance Permit on August 16, 2022 which specifies suitable measures to protect groundwater.*
- 7) **Is the proposed development designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed?** *The plan for the proposed development has been developed and revised such that the impact of the planned stormwater infrastructure on groundwater is minimized.*
- 8) **Has the applicant provided sufficiently detailed, definite, and credible information to supportive positive findings in relation to the standards given herein?** *The Board finds that the Applicant has provided sufficiently detailed, definite, and credible information to support positive findings in relation to the standards for a Groundwater Protection special permit as documented in the application materials and additional information provided during the course of the public hearing.*
- 9) **Were the submission requirements and hearing procedures conducted in accordance with Section 3.4 of the Zoning Bylaw?** *The submission requirements and public hearing procedures have been conducted in accordance with Section 3.4 of the Bylaw and the Board's Site Plan Rules and Regulations including the posting of a public hearing notice with the Town Clerk, abutter notification, and legal advertisement. In a local newspaper of general circulation. Information about the project has also been posted to the Board's web page and review and comments have been sought from the Board of Health, Conservation Commission, Sewer and Water Commission and the Department of Public Works.*
- 10) **Has the Board consulted with the Board of Health, Conservation Commission, Water and Sewer Commission and the Department of Public Works and referred this project to those entities for review and comment?** *The site plan has been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Works Services for review and consultation. The noted boards and*

*committees were kept apprised of the status of the Board's review of the project and were able to provide information and recommendations throughout the process.*

- 11) For further protection, the Board has included a series of conditions in this decision which require certain measures to address groundwater protection. See Specific Condition \_\_\_\_.

12) Accordingly, the Board finds that .....

**Vote on Groundwater Protection Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ voted to \_\_\_\_\_ the above noted Groundwater Protection Special Permit Findings for the Milford Regional Medical office facility (the "Property"). The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

- C. **Central Business District Building Type Special Permit Findings** – Section 10.4 Central Business District, C. Building Types, 1. specifies a series of building types allowed in the Central Business District by right.

- 1) Building Commissioner/Zoning Enforcement Office Jack Mee has determined that the proposed medical office building does not fit any of the specified building types allowed in the Central Business District. The proposed building with a footprint of 21,900 sq. ft. is larger than the maximum size allowed for a general commercial building.
- 2) Section 10.4.C.2. authorizes the Planning and Economic Development Board to issue a special permit for alternative building types.
- 3) The proposed uses of the medical office building include pediatric care, women's health, family medicine, urgent care, laboratory, and x-ray services. These uses are consistent with a general commercial building.
- 4) The larger size of the proposed building is minimally larger than the 20,000 sq. ft. allowed by right. The building design has been positively reviewed by the Design Review Committee and the Board finds that the scale is compatible and complimentary to the central business zoning district.

5) Accordingly, the Board finds that .....

**Vote on Central Business District Building Type Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ voted to \_\_\_\_\_ the above noted Building Type Findings for the Milford Hospital facility for 86 Holliston Street, (the "Property"). The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

- D. **Central Business District Parking Location Special Permit** - Section 10.2 Central Business District Site Development Standards, D.2.c. Parking Placement specifies that all off-street parking shall be located behind or beside buildings. Vehicle parking between the

front building line and the street right-of-way line is permitted only if the Board grants a special permit and the applicant can demonstrate that no other reasonable alternative exists.

- 1) The proposed parking plan as included in the June 29, 2022 plan update, includes 88 parking spaces, 29 of which are located between the front building line and the Main Street right-of-way line. The remaining parking spaces are to be located north and west of the proposed building.
- 2) Parking and building placement were coordinated to align with the existing Walgreens located to the east of the shared access driveway so has to provide a coordinated appearance from the street.
- 3) If the building were positioned on the site closer to Main Street and parking was relocated to the back of the building, customer accessibility to the main entrances of the various medical disciplines to be housed within the facility would be impacted by increasing the walking distance to the customer entrances on the south and western sides of the building.
- 4) The positioning of the building away from the frontage is dictated in great measure by the need to locate the building and parking area outside the 25' no disturb buffer and 50' no structure buffer under the Medway Wetlands Bylaw.

5) Accordingly, the Board finds . . . . .

**Vote on Central Business Parking Location Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ voted to \_\_\_\_\_ the above noted Parking Location Findings for the Milford Hospital facility for 86 Holliston Street, (the "Property"). The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

E. **Special Permit Decision Criteria Findings (Zoning Bylaw, Section 3.4 C. 1-9)**

Special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Bylaw, shall make findings on all of the applicable criteria. The Board makes the following Findings in accordance with Section 3.4 of the Bylaw.

- 1) **The proposed site is an appropriate location for the proposed use.** *The proposed use is a 21,900 sq. ft. medical office facility for Milford Regional Hospital to be located on Route 109, Medway's primary east/west travel route, in Central Business zoning district. It will offer a variety of medical services including pediatric care, women's health, family medicine, urgent care, and lab and x-ray services. Such a facility will be an asset to the community and provide additional health care services not presently available in Medway.*
- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** *As documented in the plans and associated materials, and conditioned herein, adequate, and appropriate facilities will be provided for the operation of the*

*proposed medical facility. Town officials and the Town's Consulting Engineer have reviewed the proposed facility and associated site improvements. The project will be serviced by Town water and sewer systems. The stormwater management system has been designed in accordance with the applicable local and State regulations.*

- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.** *The proposed use will be a valuable addition to the Medway business community and provide needed additional health care services. The site plan and traffic impact assessment study has been thoroughly reviewed by the Board and its Consulting Engineer. Sidewalk are included to provide pedestrian access to the site and within the site. The access driveway to serve the facility is shared with the adjacent Walgreen's property so no new curb cuts are needed. Parking areas are provided. The project has been reviewed by the Conservation Commission which issued an Order of Conditions on August 16, 2022.*
- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** *The project's use of the existing curb cut for Walgreens for access will be instrumental in avoiding congestion at the intersection Main and Holliston Street. The expected traffic to be generated by the planned facility can be accommodated by Main Street.*
- 5) **The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use.** *The Applicant has provided documentation reviewed by the Town's Consulting Engineer that its stormwater management plan is adequate to prevent flooding. The dumpster is located within the rear parking area in the northwestern corner of the site and will be fully screened from view. The photometric plan documents that there is no light trespass off the property. A substantial landscaping plan will be implemented to enhance the property's aesthetics and provide a buffer to the residential property to the north. A noise study was prepared and reviewed, and suitable noise mitigation measures have been incorporated into the project. **MORE NEEDED HERE...***
- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** *The site is abutted on the east and south by other business properties. The project will include substantial landscaping and fencing to buffer the residential property to the north. A robust landscaping plan has been developed, particularly for the frontage area along Main Street to enhance the property's aesthetics. The architectural design of the been thoroughly reviewed by the Design Review Committee and the Board and modified to further refine the building's agricultural style and character.*
- 7) **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** *The proposed use fulfills one of the purposes of the Zoning Bylaw which is to support the most appropriate use of land throughout the town. This presently vacant parcel is located in the Central Business District (CBD). As the town has limited areas for commercial development, it is important to utilize the land area within the CBD to help strengthen the community's business tax base.*

- 8) **The proposed use is consistent with the goals of the Medway Master Plan.** *The proposed medical office building use is consistent with the 2009 Master Plan goals of facilitating smart redevelopment of the Route 109 corridor and encouraging commercial and industrial development in the community.*
- 9) **The proposed use will not be detrimental to the public good.** *As documented in the plans and application, and the Findings and Conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts.*

*For all of the above reasons, the Board finds the adverse effects of the proposed Milford Regional medical facility use will not outweigh the beneficial impacts of the proposed development to the town or neighborhood.*

**VII. WAIVERS** - At its \_\_\_\_\_, 2022 meeting, the Board, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended* \_\_\_\_\_, 2019. The Board's action and reasons for granting 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.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Sarah Raposa	
Robert Tucker	

1. **Section 204-5 B. Site Context Sheet**

2. **Section 204-5 D. Landscape Plan, 8. 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 this requirement. Instead, a landscape plan has been prepared by personnel of Guerriere an Halnon with many years of experience and who has completed many such plans for other development projects. The landscape plan has been reviewed by both the Conservation Commission and the Design Review Committee and has been found to be acceptable. 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 207-9 B. 1. Pedestrian and Bicycle Access and Sidewalks – sidewalk width**

4. **Section 207-12 B. Parking, G. 3) a) parking shall not be located within 20' of building entrances or exits**

5. **Section 207-19 Landscaping, B. 2. Landscape Buffers**

6. **Section 207-19 Landscaping, C. Parking Areas**

**Additional Waiver requests needed for:**

- **Section 204-5 D. (14) Master Signage Plan** – to delay submittal until . . . . .

**NOTE – Check TT review letter to see what other waivers may be needed**

**VIII. CONDITIONS** The *Specific and General Conditions* included in this Decision are to assure that the Board's approval of the major site plan, groundwater protection special permit, and reduced parking special permit are consistent with the *Zoning Bylaw*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Permittee.

**SPECIFIC CONDITIONS OF APPROVAL**

A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:

1. The tract(s) of land on which this proposed development will be located is presently located at 86 Holliston Street. It is understood that the parcel will be divided ..... and such new parcel shall not be altered or used except:
  - a) as granted by this site plan and special permits decision;
  - b) substantially as shown on the site plan titled \_\_\_\_\_ including landscaping, lighting, and architectural plans, to be further revised as specified herein before plan endorsement
  - c) in accordance with any subsequently approved field changes, modified plans, or amendments to this site plan/special permit decision; and
2. The tract of land and buildings comprising the Milford Regional medical facility

Road shall not be used, sold, transferred, or leased except in conformity with this decision and approved site plan and shall not be further divided.

- B. **Plan Endorsement** - Within (60??) days after the Board has filed its *Decision* with the Town Clerk, the site plan \_\_\_\_\_ including building elevations, renderings, landscaping plan and lighting plan, shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee shall also provide a Certificate of No Appeal from the Town Clerk's office.
- C. **Recording** - No construction shall begin on the site and no building permit for any work shall be issued before this *Decision* and the *Plan* are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board within thirty days of recording.
- D. **Cover Sheet Revisions**  
1.
- E. **Other Plan Revisions**  
1.
- F. **Conditions Pertaining to CBD Parking Location Special Permit**
- G. **Conditions Pertaining to CBD Building Type Special Permit**

#### **H. Conditions Pertaining to Groundwater Protection District Special Permit**

1. Use and storage of toxic and hazardous materials is prohibited unless stored within a free-standing container located inside the building. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
2. Any commercial fertilizers, as defined in Massachusetts General Law, c. 128 §64, used for the growing of marijuana plants will be stored within containers and kept inside the Milford Regional medical facility building. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to minimize adverse impacts on groundwater.
3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
4. There shall be no outdoor storage of pesticides, herbicides, fungicides, or insecticides anywhere on the site. Any such products shall be stored inside.
5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin.
7. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
8. There shall be no earth removal within six feet of the historical high groundwater level.
9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.
10. Reference any conditions in the CC Order of Conditions and Land Disturbance Permit?

#### **I. Hours of Operation –**

- J. **Nuisance** – The Permittee shall construct and maintain the property and building so as to not create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the area. The Permittee shall comply with Section 7.3 of the *Zoning Bylaw*, as recently amended at the November 15, 2021 Town Meeting.
- K. **Noise Management** –
- L. **Tree Preservation** – Sheet \_\_\_\_\_ Landscape Plan of the site plan denotes the location of \_\_\_\_\_ trees which are specified to be retained. These include:
- 
1. The Permittee and its contractors shall not remove the \_\_\_\_\_ noted trees during site preparation and construction of infrastructure and the buildings.
  2. The \_\_\_\_\_ trees shall be clearly identified in the field and verified by the Board's consulting engineer before site preparation and construction commences.
  3. If any of the \_\_\_\_\_ identified trees are removed or damaged during site preparation or construction, the Permittee shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis within (1) year after the tree removal or damage has occurred. The one (1) square inch per two (2) square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved, and that square inch total is the amount of required square inches of the replacement tree(s). The location of the replacement trees shall be recommended by the Permittee and approved by the Planning and Economic Development Board (as a field change). The species of replacement tree(s) shall be from those listed in the Site Plan Rules and Regulations
- M. **Open Space** – At least 20% of the site shall be permanently retained as open space and/or yard in perpetuity. This is an on-going obligation of the Permittee. This area shall be unpaved but may be landscaped or left natural with the balance being trees, shrubs, and grass suitable for the site. The area may include communal gathering space for employees.
- N. **Signage** – Prior to \_\_\_\_\_, the Permittee shall provide a master signage plan for review by the Design Review Committee and approval of the Planning and Economic Development Board.

**O. Snow Storage and Removal**

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within [REDACTED] hours after the conclusion of the storm event.

**P. Water Conservation** – The development is relying on the Town’s public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures:

1. Any landscape irrigation system shall not be connected to municipal water supply. Irrigation wells must be permitted by the Board of Health.
2. rain-gauge controlled irrigation systems
3. low flow plumbing fixtures
4. water efficient appliances for toilets, etc.

**Q. Construction** – In conjunction with the pre-construction meeting (See General Condition \_\_\_\_), the Permittee shall provide the following:

1. Stormwater Pollution Prevention Plan (SWPPP) and documentation under the NPDES General Construction Permit program of the US EPA.
2. Construction Management Plan compliant with Section 204-3 H. Site Plan Submittals of the *Site Plan Rules and Regulations*

**R. Occupancy Permit**

**NOTE – Need to review TT review letters and comments from various departments, boards and committees for additional specific conditions.**

**GENERAL CONDITIONS OF APPROVAL**

**S. Applicability** – This Decision shall apply to any successor in control or successor in interest to the subject property

**T. Fees** - Prior to filing this Decision with the Town Clerk, the Board requires the Applicant to pay:

1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town’s engineering or other consultants;
2. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

**U. Compliance with Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses, and approvals. The Permittee

or agent shall apply for, obtain, pay for, and comply with all other required Town permits.

V. **Restrictions on Construction Activities** – During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

1. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
2. *Neighborhood Relations* – The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians, or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, SECTION 7.3 Environmental Standards.

9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with the Construction Period Pollution Prevention Plan included in
- 

**W. Construction Oversight**

1. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town’s Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, other Town officials as may be appropriate, and the Permittee’s project engineer and site contractors for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed. **CONSTRUCTION MANAGEMENT PLAN, SWPPP, what else?**
2. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board’s discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
  - b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town’s Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project’s construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee’s construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
3. Right to Enter Property - Board members, its staff, consultants or other designated Town agents and staff shall have the right to enter the property at reasonable times during construction and with advance notice to the Permittee to inspect the site for compliance with the terms and conditions of this decision and the Plan and while on site, may acquire any information, measurements, photographs, observations and/or materials deemed necessary for that evaluation.

4. DPW Inspections - The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
5. Monthly Reports - 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 and shall start immediately once any work begins on the property. The Permittee's engineer shall prepare a written report of each inspection and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.

**X. On-Site Field Changes**

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this *Decision* and the *Zoning Bylaw* nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout, or design of the endorsed *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 the Planning and Economic Development Coordinator and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**Y. Modification of Plan and/or Decision**

1. Proposed modifications, not including on-site field changes, to this *Decision* or the endorsed Plan shall be subject to review by the Board.
2. This site plan and special permit approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from the approved *Plan* or this *Decision* shall be a violation of the *Zoning Bylaw* unless the Permittee requests approval of a

modification pursuant to Section 208-4 of the *Site Plan Rules and Regulations* and such approval is provided in writing by the Board.

4. The request for a modification to a previously approved special permit and/or *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 modifications, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, 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 special permit documents and shall be shown on the final as-built plan

**Z. Compliance with Plan and Decision**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed *Plan* and this *Decision* any modifications thereto.
2. The Board or its agent(s) 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 decision and the foregoing Specific and General Conditions of Approval.
3. The Specific and General Conditions of Approval are enforceable under Section 3.1. F. of the *Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

**AA. Performance Security**

1. No occupancy permit shall be granted until the Board has provided a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.
2. The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
  - a) the date by which the Permittee shall complete construction
  - b) a statement that the agreement does not expire until released in full by the Board
  - c) procedures for collection upon default.

3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities, and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.
5. Something about reductions in performance security . . .
6. Final release of performance security is contingent on project completion.

**BB. Project Completion**

1. Site plan approval shall lapse after two years of the grant thereof if construction has not begun except for good cause. The work shown on the approved Plan shall be completed by the Permittee or its assignees within \_\_\_\_ years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and specify the additional length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing, and decision.
2. Prior to issuance of a final occupancy permit, the Permittee shall request a **Certificate of Site Plan Completion** from the Board. The **Certificate** serves as the Board's confirmation that, in its opinion, the completed work conforms to the approved 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.
  - a) Before issuing such Certificate, a Board member or the Board's Agent shall conduct a final inspection of the site and prepare a punch list to identify any remaining work to be completed. The Board may consult with its consulting engineer and various Town staff and boards or committees to determine whether the project is complete.

- b) To secure a Certificate of Site Plan Completion, the Permittee shall complete or provide the following items to the satisfaction of the Board.
  - i. receipts to document cleaning of the stormwater system
  - ii. a signed statement from the Permittee committing to the ongoing maintenance of the stormwater management facilities and replacement of landscaping.
  - iii. removal of erosion controls
  - iv. full stabilization of the site
  - v. a 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
  - vi. an electronic version of a final 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.

CC. ***Landscape Maintenance*** - 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 *Plan of Record*. Any shrubs, trees, bushes, or other landscaping features shown on the Plan that die shall be replaced by the following spring.

DD. ***Right to Enter Property*** – Board members, its staff, consultants, or other designated agents of the Town shall have the right to enter the property to ensure continued compliance with the terms and conditions of this special permit and the endorsed site plan.

EE. ***Conflicts*** –If there is a conflict between the Plan and the Decision's Specific and General Conditions, the Decision shall rule. If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

**IX. APPEAL** – The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the 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.

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

appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.

DRAFT

**Decision Date:** \_\_\_\_\_

**AYE:**

\_\_\_\_\_  
Jessica Chabot

\_\_\_\_\_  
Richard Di Iulio

\_\_\_\_\_  
Matthew Hayes

\_\_\_\_\_  
Sarah Raposa

\_\_\_\_\_  
Robert Tucker

**COPIES TO:** Michael Boynton, Town Manager  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Sean Harrington, Deputy DPW Director  
William Kingsbury, Police Chief  
Derek Kwok, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Christopher Pace, Assessor  
Pete Pelletier, DPW Director  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Steven Bouley, Tetra Tech  
Kevin Lobisser, Lobisser Companies  
Amanda Cavaliere, Guerriere & Halnon

## Board Members

Matt Buckley, Chair  
Janine Clifford, Vice Chair  
Jamie Ahlstedt, Member  
Susan Alessandri, Member  
Jessica Chabot, Member  
Thomas Gay, PEDB  
Representative



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# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### DESIGN REVIEW COMMITTEE

August 22, 2022

To: Medway Planning & Economic Development Board  
From: Design Review Committee  
Re: Milford Regional Medical Facility, 86 Holliston Street

Dear Members of the Medway Planning and Economic Development Board,

The Medway Design Review Committee [DRC] is pleased to provide a comment letter for the updated designs for the proposed Milford Regional Hospital medical building to be located on a portion of 86 Holliston Street. The DRC met with representatives of the project on Monday, August 1st, 2022. At this meeting, the DRC reviewed an updated site plan that addressed the recommendations provided by the DRC during previous meetings.

Those updates included the following:

- The building details (materials, colors, transformer screening, natural color vinyl fencing)
- Retaining wall was removed as it was deemed unnecessary for the new grading
- The building was shifted 10-15' north, removing the need for the retaining wall
- Additional grading and reduction of the impervious surface.
- Farm style abutting fence matching the existing.
- The landscaping plan is enhanced with more wetland replication areas, restoration areas, pocket park in the front with picnic tables and plantings.
- Added a rain garden.
- Dumpster area will be screened with natural colored non-glossy stockade wood fence. The enclosure height will be higher than the dumpster.
- Generator and transformer areas will be screened as well.
- Windows on parapet wall will be real as the ones proposed below but the glazing will be opaque.
- Natural field stone veneer is proposed at base of building.
- Fiberglass architectural roof shingles are proposed
- Hardie Board or similar composite product will be used for siding (not vinyl)
- Windows will be black frames and energy efficient.
- Master Signage plan is not included in this submission and will be submitted for review on a later date
- The HVAC system will be behind the parapet walls and the barn style doors on the west side will be repeated on the east side of the structure. Door color will be solid with black hardware (hinges and knobs) and composite material will be used.
- Proposed fence color is tan wood grained.
- A thin metal screen will be installed on the hospital side of the split rail fence to prevent cows from damaging the fence and coming onto the property.

- Plan includes six parking spots in the building entrance for compact cars so the 5ft sidewalk min. width can be maintained.
- Proposed benches will be steel frame and painted in black. Detail for the bike rack is included in the plan set.

Below are new or remaining comments for consideration discussed with the applicant:

- **Parking Lights** – The proposed height of 20’ for the parking lot light posts seems out of scale for the site and building. The DRC suggested 14’ for a post height (to be coordinated with vehicles that may enter the site, such as ambulance). The fixture head should have some shielding to prevent glare at the street and the LED light color rendering index (CRI) should be a little higher (>79), and correlated color temp (CCT) between 3200-3500 for both safety and aesthetics. The DRC also asked that a more decorative head for the post top be considered to coordinate with the decorative lighting on the building.
- **Barn Doors** - The proposed Barn Doors are shown as “white” on the rendering with black hardware. The Applicant desires a color and was looking to the DRC for a suggestion. The DRC suggests a dark red/burgundy color with some historical reference, such as Benjamin Moore HC-61 “New London Burgundy” to complement the teal-colored logo on the signage.
- **Perimeter Fence** - The proposed fence is a tan colored vinyl fence with wood graining to look like a painted wood fence. The supply chain issues have made a natural wood-look vinyl fence hard to obtain. DRC is accepting of the tan color; however, we suggest that the slight contrast between the pale tan fence color and white siding on building might look off. Applicant was going to check the availability of a gray color for the fence which would be preferred.
- **2-Rail Fence** - The proposed fence is a white vinyl fence to resemble the existing painted wood fence. It was asked the level of sheen for the finish, which is preferred, and a non-glossy finish was recommended for this material.
- **Signage** - It was understood that signage would not be submitted for review at this time and therefore, will be submitted for review by the DRC on a future date when the sign permit is being sought. Consideration of the sign design currently shown as flat panel “placeholders” on the south and west building facades shall need to be reviewed at that time.

It was a pleasure to review this proposed development and we would consider it to be a great addition to our community and landscape. The project appears to make good consideration of the local aesthetic and incorporates many design elements above and beyond the standards to maintain Medway’s community building vernacular.

Very truly yours,



Matt Buckley  
Chair



**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Wingate Farm Subdivision Modification  
– Public Hearing Continuation**

- Notice dated July 18, 2022 to continue the Wingate modification public hearing to August 23, 2022.
- Revised plan submittal letter dated August 18, 2022 from project engineer Dan Merrikin
- Revised modified subdivision plan dated August 18, 2022 by Legacy Engineering
- Email note from Dan Merrikin granting an extension of the Board's action deadline to September 30, 2022.

## Board Members

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



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

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### MEMORANDUM

July 18, 2022

TO: Stefany Ohannesian, Town Clerk  
Town of Medway Departments, Boards and Committees  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: ***Public Hearing Continuation for Wingate Farm Subdivision Modification***  
***168 Holliston Street and Wingate Farm Road***  
***Continuation Date – Tuesday, August 23, 2022 at 8:30 p.m.***

At its July 12, 2022 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 approved definitive subdivision plan for Wingate Farm to Tuesday, August 23, 2022 at 8:30 p.m. The Wingate Farm definitive subdivision 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 for the Board to consider the applicant's request for 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 as-built 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>

***The applicant may submit a revised plan for review. I will notify you of that revised plan upon receipt so that you can review and provide any comments you wish to the Board.***



[dan@legacy-ce.com](mailto:dan@legacy-ce.com)

508-376-8883(o)

508-868-8353(c)

730 Main Street

Suite 2C

Millis, MA 02054

August 18, 2022

Planning & Economic Development Board  
155 Village Street  
Town Offices  
Medway, MA 02053

Ref: Wingate Farm  
168 Holliston Street  
Definitive Subdivision Modification

Dear Members of the Board:

Please find enclosed the following revised documents for the Wingate Farm Subdivision:

- Three copies of a revised subdivision plan (two full size and one 11x17);
- One copy of a new stormwater report; and
- A fire truck turning plan.

Note the following changes that have been incorporated in addition to the items discussed below:

- Lot 2 has been removed from the layout sheets as the applicant does not intend to build a home on it in the near future. We have, however, considered the likely future development of Lot 2 in the grading plan and proposed stormwater management system design to illustrate the adequacy of the subdivision to accommodate it.
- The configuration of Lot 3 has been slightly revised to address the fact that it did not comply with the lot shape factor requirement.
- The cul-de-sac configuration has been revised based on consultation with the Fire Department. The approved design relied on a driveway looping through Lot 3 with an 18-foot wide gravel road. Given that Lot 3 is now going to be a house instead of a riding arena, looping a driveway through it is not optimal. The Fire Department has asked us to widen the gravel road to 20 feet and has further allowed us to incorporate a T-style turnaround area in lieu of the previously approved design. We have made the changes to the road width and turnaround accordingly. With respect to the location of the T-style turnaround, with approval from the Fire Department, we have positioned the turnaround in an easement on Lot 3 in an



area that is currently a gravel driveway (constructed with the previously installed infrastructure). To position the turnaround anywhere else would necessitate the removal of a significant number of additional trees in and around the cul-de-sac area, which the applicant would like to avoid.

- Given that it is likely that someone may want to pave this private road at some point in the future, we have designed the new stormwater management system assuming it is paved. Thus, the applicant could have the option of installing either the originally approved gravel surface or a paved surface.

As discussed below, the enclosed revisions seek to address the comments previously generated by Tetra Tech via a September 6, 2017 punch list letter and a March 23, 2018 comment letter addressing the subdivision modification request. While we did respond to each of these comments previously, the following sections restate those comments and provide updated responses based on our redesign efforts.

#### **2017-12-07 Tetra Tech (TT) Punch List:**

Based on our review of the site conditions and approved plan, we agree that the items noted in Tetra Tech's updated punch list need to be completed. Those items are summarized as follows:

1. Remove 2" of existing roadway gravel and install design finished course of recycled asphalt material (note that the roadway needs to be slightly widened as discussed above).
2. Install landscape plantings per approved plan (note that we have revised the plant list to meet the Conservation agent's current requirements).
3. Install electric utilities.
4. Sight distance improvements (see discussion below).
5. Note that the prior comments about the stormwater management system do not apply as the enclosed revised documents proposed new stormwater BMPs to supplement the existing constructed BMPs.



## **2018-03-23 Tetra Tech (TT) Memo (addressing requirements of current regulations):**

**General Response:** We recognize that there are several documentation requirements from the current subdivision regulations that are not reflected on the previously approved subdivision plan. It is our view, however, that most will not bring substantive value to the subdivision design and would only serve to incur unnecessary cost to the Applicant. Per our prior discussions with the Board, we have focused our efforts on the important, substantive questions raised, namely an upgrade to the stormwater management system design and reconfiguring the road in a manner acceptable to the Fire Department. See below for further discussion:

### **Stormwater Items:**

1. *Comment: Existing and proposed watershed maps have not been provided in the Stormwater Report.*
2. *Comment: A map of proposed drainage areas tributary to catch basins has not been included in the Stormwater Report.*
3. *Comment: A summary of soils types at the site has not been provided.*
4. *Comment: The applicant has not provided proposed catch basin grate calculations.*
5. *Comment: 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.*
6. *Comment: 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.*
7. *Comment: 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.*
17. *Comment: Applicant has included O&M Plan on the Plans. However, inspection and maintenance requirements do not meet current Stormwater Standards.*
19. *Comment: The Applicant has not provided a Stormwater Pollution Prevention Plan (SWPPP).*
20. *Comment: The Plans show house footprints at forty feet (40') by sixty feet (60'). Proposed houses should be shown with a footprint of forty (40') by eight feet (80').*
36. *Comment: Peak rate for the one-hundred (100) year event is greater in the post-development condition.*
37. *Comment: The applicant has not submitted a construction term erosion control plan or SWPPP.*
38. *Comment: The O&M Plan provided does not meet minimum criteria as stated in the Stormwater Standards.*
39. *Comment: The applicant has not submitted necessary documentation for prohibition of illicit discharges at the site.*
40. *Comment: We recommend provide a narrative and checklist of how the Project meets each of the ten (10) Stormwater Standards.*
41. *Comment: Post-development runoff and volume is greater than pre-development for the twenty-five (25) and one-hundred (100) year storm events.*



42. *Comment: 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.*

**Responses:** It is our understanding that the Town no longer prefers separate parcels for stormwater BMPs due to tax collection concerns. In addition, the prior approval did not require it. The enclosed plans propose easements so that the homeowners association for the development can maintain the stormwater system.

43. *Comment: The applicant is proposing using eight-inch (8") ductile iron pipe for driveway culverts, potentially due to cover issues. Regulations require reinforced pipe.*

**Response:** While the culvert in question has been eliminated, given that the subdivision will be a private way, we will seek an additional waiver to allow the use of HDPE pipe for the newly proposed stormwater BMPs.

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

45. *Comment: The applicant has not supplied drainage figures. Figures are essential to cross-referencing proposed HydroCAD analysis with areas on the site.*

46. *Comment: Discharge points from the site have not been shown. These points are essential to understanding and comparing pre- vs. post-development runoff analysis.*

**Overall Stormwater Response:** We have provided an entirely new stormwater analysis with the typically required contents, which should address the questions raised above. Based on discussion with Town staff, we have concluded that a Land Disturbance permit application will be submitted to the PEBD as part of this review process since there is no longer a need for a new Order of Conditions for subdivision infrastructure work. We will submit that application shortly.

It is important to note that the previously approved stormwater management system has been installed, including all catch basins, manholes, a stormceptor unit, piping and the previously designed stormwater basin. Unfortunately, however, those installed BMPs are not useful in meeting certain current design standards. Most notably, given the elevation of high groundwater on the site, the installed BMPs are generally too low to be able to provide any stormwater infiltration. We have therefore designed two new shallow swale and infiltration systems that will capture, treat and infiltrate runoff from the proposed road. Excess stormwater runoff is then routed into the existing piping infrastructure and will subsequently pass through the Stormceptor unit and the existing stormwater basin before being discharged to the nearby wetland area. We have also proposed on-site roof runoff infiltration systems for the three new houses.



**Sight Distance Items:**

8. *Comment: The applicant has not provided sight distance calculations for proposed intersection with Holliston Street.*
26. *Comment: Sight distances have not been shown on the Plans.*

**Sight Distance Response:** Based on our prior submissions addressing sight distance and discussion with the Board, it was determined that the applicant will install a 30" W2-2L (left intersection ahead sign) with a W16-4 below reading "250 feet" on the southbound approach. In addition, if not done prior to lot development, the applicant will install a speed display feedback sign on the southbound approach. These notes have been added to sheet C-4.

**Previously Waived Items:** It is noted that this subdivision is approved under a prior version of the subdivision regulations. Provided the Board were to agree to extend the time to complete the construction of the subdivision infrastructure, we do not believe that new waivers would be needed for the following items since they have already been waived. In general, it should be noted that most of the waivers revolve around accommodating the low-impact design of the proposed private way, which we believe to be a beneficial design feature.

11. *Comment: Vertical datum has not been noted on the Plans. The applicant requested a waiver from similar regulation and based on the waiver request it can be assumed vertical elevation are in the NGVD 29 datum, not the required NAVD 88 datum.*

**Response:** See the General Response above. Updating the datum of the plan would not result in any material improvement in the design. We have added a notation of the datum on the sheet C-1 along with a correction factor to convert to NAVD88 for reference.

18. *Comment: Street lights have not been proposed.*

**Response:** This item was previously waived in favor of light posts at driveways.

23. *Comment: 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.*

**Response:** The Fire Department has approved of widening the gravel road to 20 feet with a T-style turnaround in the location shown on the attached plan.



24. *Comment: The applicant has proposed minimum horizontal centerline radii of less than the required one-hundred fifty feet (150').*
25. *Comment: 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.*
27. *Comment: The applicant has proposed a private way that is less than the required fifty feet (50').*
30. *Comment: The applicant has proposed a gravel roadway, Regulations require hot mix asphalt paving.*
31. *Comment: The applicant has not proposed vertical granite curbing at intersection with Holliston Street.*
32. *Comment: The applicant has not proposed curbing along the entire length of the subdivision roadway.*
33. *Comment: Street trees have not been proposed. However, the applicant proposes to retain as many mature trees as possible as part of the Project.*
34. *Comment: The applicant has not proposed street lighting. This regulation has been waived in the past and driveway lights required at each driveway opening.*

#### **Other Items:**

9. *Comment: An ANRAD determination from Medway Conservation Commission has not been supplied by the applicant, wetlands exist on the site.*

**Response:** This development was previously approved, and an Order of Conditions was previously issued, which is equivalent to an ANRAD. While we believe this regulation requirement is technically met, it should be understood that the proposed roadway improvements that would result from the enclosed revised plan do not require a new Order of Conditions from the Conservation Commission because none of the infrastructure work falls within the buffer zone. The wetland and its buffer zone are shown on the revised plan. The applicant will seek a certificate of compliance from the Conservation Commission for the already constructed work in the buffer zone and future house lot construction will require a new Notice of Intent.

10. *Comment: 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.*

**Response:** See the General Response above. We do not believe the significant cost associated with adding this information to the plan would substantively improve the subdivision design. As has been noted above, the Applicant has asked us to configure new stormwater BMPs specifically to avoid disturbance of existing trees to the maximum extent practicable.

12. *Comment: Wetland buffer zones per the Massachusetts Wetlands Protection Act have not been shown on the Plans.*

**Response:** The buffer zone is depicted on the revised plan.



13. *Comment: Lot shape factor lines have not been included for each lot.*

**Response:** None of the lots utilize an imaginary line for lot shape factor compliance.

14. *Comment: List of waivers should include items related to the submission of a definitive subdivision plan.*

**Response:** If the Board were to extend the time to construct the subdivision after the resolution of the remaining technical questions, we do not believe that any further waivers would be needed.

15. *Comment: Sewage disposal system has not been shown for Lot 2.*

**Response:** A prospective on-site septic system location has been added to sheet C-4.

16. *Comment: The applicant has not supplied test pit data.*

**Response:** In addition to the previous test pit data in the original design, we have undertaken new test pits as described in the attached revised documents.

21. *Comment: The applicant shall provide a statement on plans that proposed septic facilities will be approved by Medway Board of Health prior to house construction, see regulation for wording.*

**Response:** This note has been added to sheet C-4.

22. *Comment: The applicant has not stated spare conduit on the "Typical Driveway Section" detail.*

**Response:** This note has been added to sheet C-7.

28. *Comment: The applicant has proposed portions of the proposed private way at less than minimum 2% grade.*

**Response:** The revised proposed profile specifies minimum 2% slopes.

29. *Comment: We recommend the applicant consult with the Medway Fire Chief to determine if proposed turnaround is sufficient for emergency vehicles.*

**Response:** As noted above, the Fire Department has reviewed and found the enclosed design acceptable. We will seek written confirmation for the PEBD files.

35. *Comment: Areas of snow removal should be shown on the Plans. Snow should not be placed in stormwater BMP's.*

**Response:** Sheet C-6 identifies that snow storage will be along the shoulders of the private way.



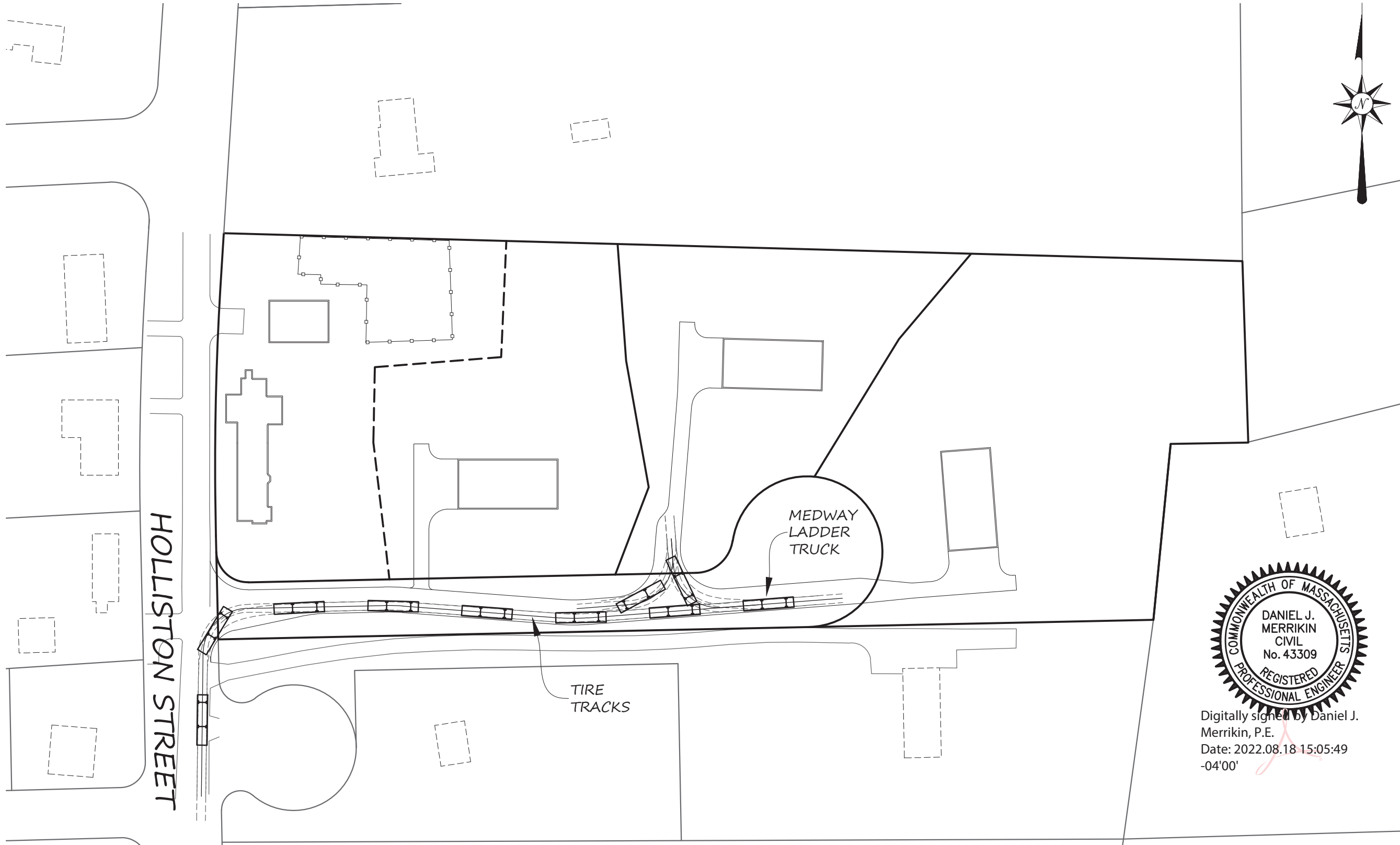
Do not hesitate to contact me should you have any questions or comments.

Yours Truly,

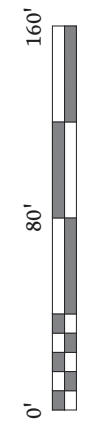
LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.  
President





PLAN SCALE: 1"=80'



PLAN DATE: AUGUST 18, 2022

REVISION	DATE	BY



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.08.18 15:05:49 -04'00'

WINGATE FARM  
FIRE TRUCK TURNING  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

SHEET 1 OF 1



LEGACY  
ENGINEERING



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.08.18 15:30:42  
-04'00'

FOR REGISTRY USE

SHEET C-0: COVER SHEET  
SHEET C-1: KEY SHEET  
SHEET C-2: EXISTING CONDITIONS  
SHEET C-3: LAYOUT  
SHEET C-4: GRADING & UTILITIES  
SHEET C-5: EROSION CONTROL  
SHEET C-6: PROFILES & PLAN VIEW  
SHEET C-7: CONSTRUCTION DETAILS  
SHEET C-8: CONSTRUCTION DETAILS  
SHEET C-9: CONSTRUCTION DETAILS

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
COVER SHEET  
PLAN OF LAND IN  
MEDWAY, MA

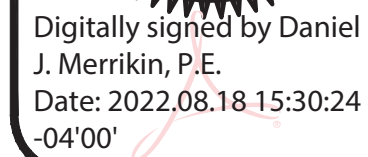
**LEGACY**  
ENGINEERING

1. SURVEY NOTES:
  - A. SURVEY BY COLONIAL ENGINEERING, INC.
  - B. DATUM: NAVD29 (TO CONVERT TO NAVD88, LOWER ELEVATIONS BY 0.77 FEET)
2. EXISTING UTILITY INFORMATION IS BASED ON BEST AVAILABLE RECORDS FROM THE TOWN OF NORWOOD AND OTHER SOURCES AND VISIBLE SURFACE FEATURES SUCH AS MANHOLES, CATCH BASINS, UTILITY POLES/HYDRANTS, VALVE BOXES, ETC.... EXISTING UTILITY INFORMATION DEPICTED ON THESE PLANS ARE NOT WARRANTED TO BE CORRECT AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL LOCATIONS PRIOR TO COMMENCEMENT OF WORK.
3. WINGATE FARM WAS ORIGINALLY APPROVED ON MAY 23, 2000. CONSTRUCTION BEGAN BUT HAS NOT YET BEEN COMPLETED. AS A RESULT, PORTIONS OF THE DEPICTED IMPROVEMENTS ARE INSTALLED AS OF THE DATE OF THIS PLAN.

1. THE CONTRACTOR SHALL CONTACT DISGAE AT 811 PRIOR TO ANY EXCAVATION ACTIVITIES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING THE REQUIRED STREET NAME AND STOP SIGNS.
3. UNLESS OTHERWISE AGREED, ALL CONSTRUCTION SHALL CONFORM TO THE SUBDIVISION REGULATIONS.
4. DETAILS HAVE BEEN PROVIDED ON THE LAST SHEETS OF THIS PLAN SET. MOST OF THE DETAILS INCLUDED THEREIN ARE INTENDED TO MATCH THE REQUIREMENTS OF THE TOWN OF MEDWAY LAND "SUBDIVISION RULES" AND REGULATIONS FOR ROADWAY AND UTILITY CONSTRUCTION. TO THE STANDARD DETAILS INCLUDED HEREIN DIFFER FROM THE SUBDIVISION RULES, THE SUBDIVISION RULES SHALL BE ADHERED TO UNLESS OTHERWISE AGREED BY THE PLANNING AND ECONOMIC DEVELOPMENT BOARD.

1. ALL PIPELINE LINEAR FOOTAGES REFERENCED IN THESE PLANS ARE HORIZONTAL DISTANCES AND DO NOT REFLECT THE SLOPED DISTANCE OF THE PIPELINE.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN OF ALL UNDERGROUND FIRE ALARM, GAS, ELECTRICAL, TELEPHONE, AND CABLE DISTRIBUTION SYSTEMS WITHIN THE ROADWAY. RIGHT-OF-WAY DESIGN SHALL INCLUDE THE APPROPRIATE CONDUIT RUNS AND JUNCTION BOX LOCATIONS. JUNCTION BOXES HAVE BEEN APPROXIMATELY SHOWN ON THE LOT CORNERS BUT SUCH LOCATIONS MAY BE CHANGED BY THE ELECTRIC COMPANY AT THE TIME OF CONSTRUCTION.
3. WATER MAINS SHALL BE CLASS 52 CEMENT LINED DUCTILE IRON PIPE AND BRASS VALVES. POTABLE WATER SYSTEMS TO BE LEAD FREE UNLESS OTHERWISE NOTED. DRAIN PIPING WITHIN THE STREET LAYOUT SHALL BE CLASS III REINFORCED CONCRETE PIPE (RCP) EXCEPT WHERE OTHERWISE NOTED. DRAIN PIPING ON INDIVIDUAL LOTS MAY BE HDPE SUITABLE FOR H2O LOADINGS.

- CB: SINGLE-GRADE CATCH BASIN
- CB: DOUBLE-GRADE CATCH BASIN
- PTU X'S: PROPRIETARY STORMWATER UNIT
- DM: DOWNSTREAM MANHOLE
- TR. DR.: DRENCH DRAIN
- INFIL. TR.: INFILTRATION TRENCH
- X'D: DRAIN PIPELINE
- RCP: REINFORCED CONCRETE PIPE
- PC: POLYV. CHLORIDE PIPE
- SMH: SEWER MANHOLE
- X'S: SEWER PIPELINE
- O.C.O.: SEWER SERVICE CLEANOUT
- X'W: WATER MAIN
- HYD. HYDRANT
- G.V.: WATER GATE VALVE
- C.S.: WATER SERVICE CURB STOP
- M.B.: WATER SERVICE METER BOX
- C: GAS PIPELINE
- E: ELECTRIC CONDUIT
- L.P.: LIGHT POLE
- U.P.: UTILITY POLE
- G.Y.: GUY WIRE
- S.P.: TRAFFIC SIGNAL POLE
- 252: EXISTING CONTOUR
- 252: PROPOSED CONTOUR
- E.O.P.: EDGE OF PAVEMENT
- C.B.B.: INTERLOCKED BIT. BERM
- F.B.B.: FERTILIZED BITUMINOUS BERM
- V.C.C.: SLOPED GRANITE CURB
- S.G.C.: VERTICAL GRANITE CURB
- V.C.C.: VERTICAL CONCRETE CURB
- C.S.C.: CONCRETE SLAB
- G.V.: GATE VALVE
- C.L.F.: CHAIN LINK FENCE
- W.S.F.: WOOD STOCKADE FENCE
- P.P.F.: PICKET FENCE
- G.R.: GUARD RAIL
- C.R.: HANDICAP CURB CUT



NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A  
MODIFICATION TO A PREVIOUSLY  
APPROVED SUBDIVISION BY  
CONSOLIDATED DESIGN GROUP INC.,  
RECORDED IN THE NORFOLK COUNTY  
REGISTRY OF DEEDS IN PLAN BOOK  
574 NO. 64 AND PLAN BOOK 575  
NO. 78.

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

PROFESSIONAL LAND SURVEYOR

APPROVED \_\_\_\_\_, SUBJECT  
TO COVENANT CONDITIONS SET FORTH IN A  
COVENANT EXECUTED BY TRUSTEES OF THE  
WINGATE FARM REALTY TRUST DATED NOVEMBER  
5, 2007 AND RECORDED AT NORFOLK REGISTRY  
OF DEEDS, BOOK NO. 25288, PAGE NO. 94.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE  
THE PLANNING BOARD APPROVAL AND NO  
APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK

DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

PLAN SCALE: 1"=200'

[illegible]

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
EXISTING CONDITIONS  
PLAN OF LAND IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



**LEGACY**  
ENGINEERING

- NOTES:
1. ON-SITE EXISTING CONDITIONS INFORMATION DEPICTED ON THIS SHEET REPRESENTS CONDITIONS PRIOR TO THE ONGOING SITE DEVELOPMENT AND IS TAKEN FROM THE PREVIOUS SUBDIVISION PLANS.
  2. OFF-SITE CONDITIONS TAKE FROM AERIAL PHOTOGRAPHS AND OTHER AVAILABLE INFORMATION.



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.08.18 15:30:07  
04'00"

FOR REGISTRY USE

FAIRWAY LANE  
(PUBLIC-50' WIDE)

N/F ROBERT  
HOWLETT

HOUSE  
# 171

N/F JOSEPH  
MARTINO

HOUSE  
# 169

N/F WILLIAM  
RICHARDS

HOUSE  
# 167

N/F TIMBER  
CREST LLC

HOUSE  
# 165

HOLLISTON STREET

HOUSE  
# 170

N/F JOHN TIGHE

TBM NAIL  
IN 14" OAK  
ELEV=258.68

TBM NAIL  
IN 12" PINE  
ELEV=269.61

EXISTING LOT  
239,923 S.F.  
5.5 ACRES

LIMIT OF  
BORDERING  
VEGETATED  
WETLAND

BORDERING  
VEGETATED  
WETLANDS

N/F MARC  
MCNULTY

HOUSE  
# 6

N/F SHELLY  
SEPULVEDA

HOUSE  
# 166R

N/F WILLIAM CHOATE

N/F H. PATRICIA  
BRESNAHAN TRUST

HOUSE  
# 166

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A  
MODIFICATION TO A PREVIOUSLY  
APPROVED SUBDIVISION BY  
CONSOLIDATED DESIGN GROUP INC.,  
RECORDED IN THE NORFOLK COUNTY  
REGISTRY OF DEEDS IN PLAN BOOK  
574 NO. 64 AND PLAN BOOK 575  
NO. 78.

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

PROFESSIONAL LAND SURVEYOR

APPROVED \_\_\_\_\_ SUBJECT  
TO COVENANT CONDITIONS SET FORTH IN A  
COVENANT EXECUTED BY TRUSTEES OF THE  
WINGATE FARM REALTY TRUST DATED NOVEMBER  
5, 2007 AND RECORDED AT NORFOLK REGISTRY  
OF DEEDS, BOOK NO. 25288, PAGE NO. 94.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE  
THE PLANNING BOARD APPROVAL AND NO  
APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

PLAN SCALE: 1"=40'



PLAN DATE: AUGUST 18, 2022

REVISION	DATE	BY

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
EXISTING CONDITIONS  
PLAN OF LAND IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



LEGACY  
ENGINEERING



PLAN SCALE: 1"=40'

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
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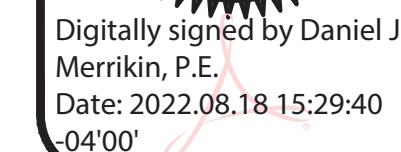
ZONE: AR-1  
 MIN. LOT AREA: 44,000 S.F.  
 MIN. FRONTAGE: 180'  
 SHAPE FACTOR: <22  
 MIN. FRONT SETBACK: 35'  
 MIN. SIDE SETBACK: 15'  
 MIN. REAR SETBACK: 15'  
 MAX. HEIGHT: 35'  
 MAX. LOT COVERAGE: 25%



**LEGACY**  
ENGINEERING

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
PROPOSED LAYOUT  
PLAN OF LAND IN  
MEDWAY, MA

1. NO DWELLING WILL BE CONSTRUCTED ON ANY LOT WITHOUT FIRST SECURING FROM THE BOARD OF HEALTH THE DISPOSAL WORKS CONSTRUCTION PERMIT REQUIRED BY TITLE 5 OF THE STATE ENVIRONMENTAL CODE.
2. INSTALL 30" W2-2L (LEFT INTERSECTION AHEAD SIGN) WITH W16-4 ("250 FEET"). IF NOT INSTALLED BY OTHERS PRIOR TO LOT DEVELOPMENT, INSTALL A SPEED DISPLAY FEEDBACK SIGN. SPECIFIC SIGN AND LOCATION TO BE APPROVED BY MEDWAY POLICE DEPARTMENT.



FOR REGISTRY USE

FAIRWAY LANE  
(PUBLIC-50' WIDE)

N/F ROBERT  
HOWLETT

N/F JOSEPH  
MARTINO

N/F WILLIAM  
RICHARDS

N/F TIMBER  
CREST LLC

N/F JOHN TIGHE

N/F MARC  
MCNULTY

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AR-1

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MAP 9 PARCELS 34, 35, 36, 37

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PROFESSIONAL LAND SURVEYOR

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TO COVENANT CONDITIONS SET FORTH IN A  
COVENANT EXECUTED BY TRUSTEES OF THE  
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APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED:

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT  
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WITH THE MIDWAY ZONING BY-LAW.

PLAN SCALE: 1"=40'

PLAN DATE: AUGUST 18, 2022

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
GRADING AND UTILITY  
PLAN OF LAND IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-4



**LEGACY**  
ENGINEERING



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.08.18 15:29:22 -04'00'

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ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

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NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

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

PROFESSIONAL LAND SURVEYOR

APPROVED \_\_\_\_\_ SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED NOVEMBER 5, 2007 AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. 25288, PAGE NO. 94.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK

DATE

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

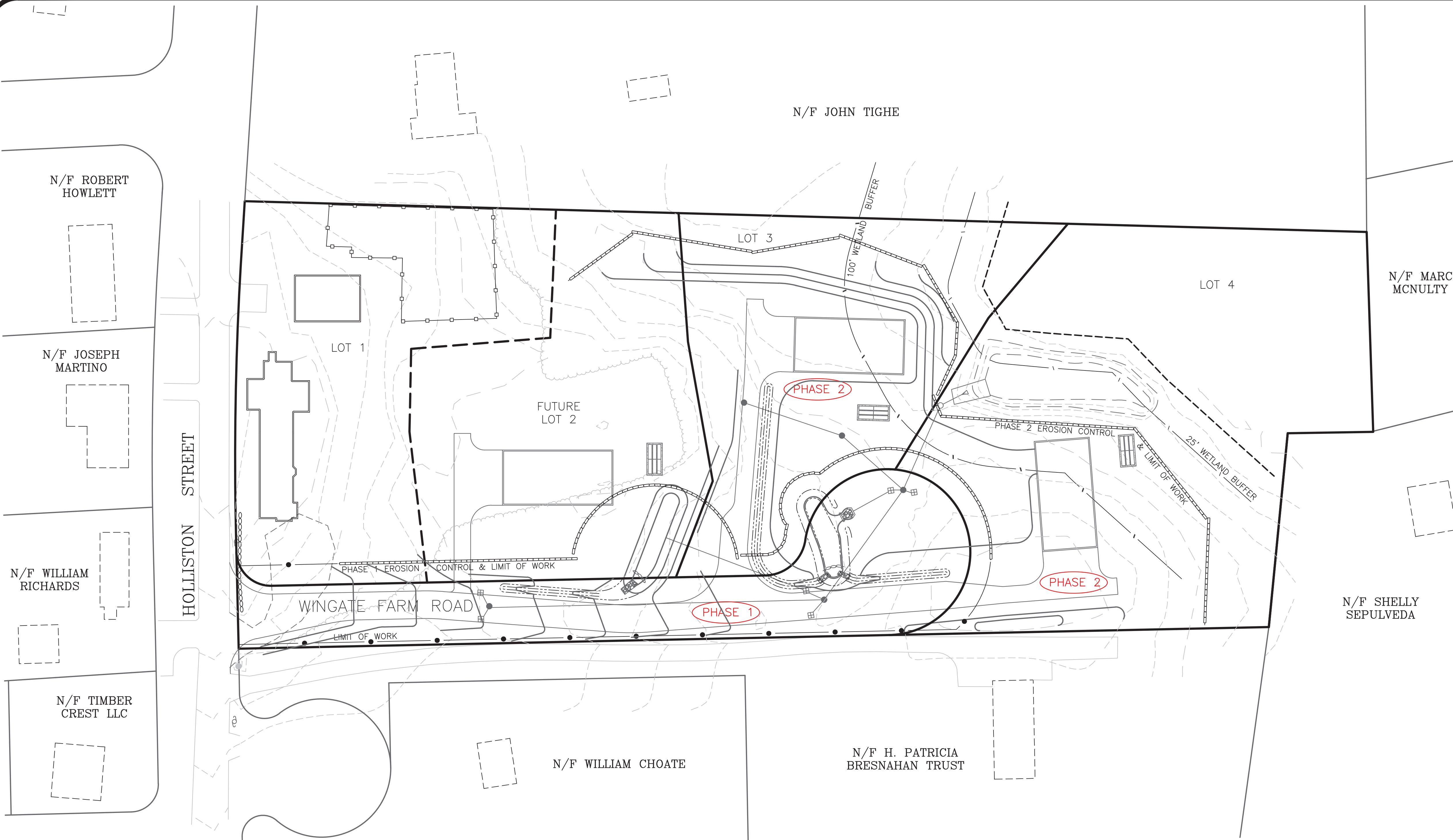
PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-5



LEGACY  
ENGINEERING



#### SEDIMENT & EROSION CONTROL NOTES

##### GENERAL

- IF APPLICABLE (I.E. >1 ACRE OF DISTURBANCE), FOR COMPLETE EROSION CONTROL AND CONSTRUCTION ACTIVITY GUIDANCE, REFER TO THE SWPPP. OTHERWISE FOLLOW THE SUBDIVISION PLAN.
- FOR SWPPP PROJECTS, A NOTICE SHALL BE POSTED VISIBLE FROM A PUBLIC RIGHT-OF-WAY WITH CONTACT INFORMATION AND INSTRUCTIONS TO FIND A COPY OF THE SWPPP.

##### PHASING AND CONSTRUCTION SEQUENCE

- PHASE 1 — INFRASTRUCTURE CONSTRUCTION SEQUENCE
  - STAKEOUT AND INSTALL EROSION AND PERIMETER CONTROLS (WHICH WILL DELINEATE THE LIMIT OF WORK FOR THE PROJECT);
  - DEMARCAT THE LOCATION OF EXISTING UTILITIES ON AND AROUND THE CONSTRUCTION AREA;
  - CLEAR THE PROPOSED ENTRY AREAS. THE EXISTING DRIVEWAY SHALL SERVE AS THE CONSTRUCTION CONSTRUCTION ENTRANCE APRON;
  - CLEAR AND GRUB THE REMAINING PORTIONS OF THE PHASE'S DEVELOPMENT AREA;
  - STRIP AND STOCKPILE TOPSOIL;
  - COMMENCE ROUGH GRADING TO SUB-GRADE ELEVATIONS;
  - INSTALL NEW SITE UTILITIES, INCLUDING THE STORMWATER MANAGEMENT SYSTEM.
  - PAVE/GRAVEL THE ROAD/DRIVEWAY TO BINDER COURSE;
  - LOAM, SEED, AND STABILIZE DISTURBED AREAS;
  - CLEANOUT ALL CATCH BASINS AND NEW STORMWATER BMPs IN THE PORTION OF THE SITE AFFECTED BY CONSTRUCTION ACTIVITIES AFTER THE SITE IS FULLY STABILIZED.
- PHASE 2 — BUILDING CONSTRUCTION SEQUENCE
  - INSTALL CONSTRUCTION ENTRANCE AND PERIMETER EROSION CONTROLS AROUND EACH BUILDING CONSTRUCTION AREA;
  - GRUB THE BUILDING DEVELOPMENT AREA
  - GRADE DEVELOPMENT AREA TO SUB-GRADE;
  - INSTALL BUILDING FOUNDATION(S) AND BEGIN BUILDING CONSTRUCTION;
  - INSTALL UTILITIES TO NEW BUILDING;
  - COMPLETE CONSTRUCTION OF NEW BUILDING(S) AND COMPLETE LANDSCAPING;
  - TOP COURSE PAVE THE ROAD/DRIVEWAY AND SIDEWALK (IF APPLICABLE);
  - TEMPORARY EROSION CONTROLS WILL BE INSTALLED AS NEEDED AND AS REQUIRED BY THIS PLAN;
  - CLEANOUT ALL CATCH BASINS AND NEW STORMWATER BMPs IN THE PORTION OF THE SITE AFFECTED BY CONSTRUCTION ACTIVITIES AFTER THE SITE IS FULLY STABILIZED.

##### PERIMETER EROSION CONTROL AND SEDIMENT CONTROLS

- PERIMETER EROSION AND SEDIMENT CONTROL BARRIERS WILL BE PROVIDED, INSTALLED, AND MAINTAINED DOWNSTREAM OF ALL PROPOSED CONSTRUCTION ACTIVITIES IN ACCORDANCE WITH THE SWPPP (IF APPLICABLE), THE SITE PLAN, AND ALL PERMITS ISSUED FOR THE SITE DEVELOPMENT. SUCH CONTROLS MUST BE INSTALLED BEFORE ANY EARTH-DISTURBING ACTIVITIES OCCUR ON THE SITE IN QUESTION. EROSION AND SEDIMENT CONTROLS MAY BE INSTALLED IN PHASES SO LONG AS IT PRECEDES ANY EARTH-DISTURBING ACTIVITIES WITHIN THE CONTROLS' UPSTREAM WATERSHED.
- SEDIMENT SHALL BE REMOVED ALONG SUCH CONTROLS ON A REGULAR BASIS. IN NO CASE, SHALL SEDIMENT BE ALLOWED TO REACH A DEPTH EQUAL TO ONE HALF OF THE ABOVE GROUND HEIGHT OF THE EROSION CONTROL DEVICE.

##### SITE ACCESS CONTROLS

- CONSTRUCTION VEHICLES WILL USE DESIGNATED ENTRY POINTS FOR EACH SITE. CRUSHED STONE OR RIP-RAP ENTRY APRON(S) WILL BE INSTALLED AND PROPERLY MAINTAINED DURING CONSTRUCTION UNTIL THE SITE IS PAVED. ALL CONSTRUCTION ACCESS WILL BE VIA THE FRONTAGE PUBLIC ROAD STREET, WHICH WILL BE KEPT CLEAN AND SWEEP AS NEEDED TO MINIMIZE THE TRACKING OF SOILS AND DUST FROM THE SITE.

##### STOCKPILED SOILS

- SOIL STOCKPILES TO BE LEFT IN PLACE MORE THAN 24 HOURS SHALL BE SURROUNDED WITH A LINE OF SILT FENCE OR COMPOST SOCK TO PREVENT THE PILES FROM ERODING INTO THE SITE AND TO DISCOURAGE ON-SITE RUNOFF FROM ERODING THE STOCKPILES. SOIL STOCKPILES TO BE LEFT IN PLACE MORE THAN 14 DAYS SHALL BE STABILIZED TEMPORARILY. DUST CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT WIND EROSION OF THE STOCKPILES.

##### DUST CONTROL

- DUST CONTROL MEASURES WILL BE IMPLEMENTED REGULARLY TO PREVENT THE OFF-SITE DEPOSITION OF WIND-ERODED SOILS. THE PRINCIPAL FORM OF DUST CONTROL WILL BE WATER APPLICATION.

##### DISTURBANCE OF STEEP SLOPES

- CONTRACTORS MUST PAY CAREFUL ATTENTION TO STEEP SLOPES AND MUST IMPLEMENT ADDITIONAL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES DURING WORK ON STEEP SLOPES TO PREVENT EROSION. INSTALL EROSION CONTROL BLANKETS IF NEEDED.

##### SOIL COMPACTION

- AREAS DESIGNATED FOR FINAL VEGETATIVE SURFACES OR CONSTRUCTION-STAGE OR FINAL STORMWATER INFILTRATION PRACTICES SHALL BE PROTECTED FROM EXCESSIVE COMPACTION BY RESTRICTING VEHICLE ACCESS AND THE TYPES OF EQUIPMENT THAT MAY BE USED IN SUCH AREAS. PRIOR TO SEEDING/PLANTING OF SUCH AREAS, EXPOSED SOIL THAT HAS BEEN COMPACTED SHALL BE LOOSENED BY TILLING OR OTHER SIMILAR METHODS. CONDITIONING SHALL CONSIST OF DEEP TILLING WITH A ROTARY TILLER, DISC HARRROWING, OR MANUAL LOOSENING AND RE-GRADEING WITH AN EXCAVATOR BUCKET. CONDITIONING SHALL EXTEND TO A DEPTH OF AT LEAST 12-INCHES.

##### PROTECTION OF STORM DRAIN INLETS

- ALL STORM DRAIN SYSTEM INLETS INSIDE OF PERIMETER CONTROLS SHALL BE PROTECTED WITH SEDIMENT CONTROL MEASURES DESIGNED TO REMOVE SEDIMENT FROM STORMWATER PRIOR TO ENTERING THE INLET. CATCH BASINS ALONG THE STREET FRONTAGE SHALL ALSO BE PROTECTED. SUCH MEASURES SHALL BE PERIODICALLY MAINTAINED AND REPLACED AS NEEDED TO ENSURE THEIR PROPER FUNCTIONALITY. SEDIMENT SHALL BE REMOVED DAILY WHERE FOUND.

##### TEMPORARY STABILIZATION

- FOR PERMANENTLY OR TEMPORARILY (14 DAYS) CEASED CONSTRUCTION ACTIVITIES, TEMPORARY SOIL STABILIZATION MEASURES WILL BE EMPLOYED AS SOON AS PRACTICABLE BUT NO LONGER THAN 14 CALENDAR DAYS AFTER STABILIZATION HAS BEEN INITIATED. WHERE APPLICABLE, SEE THE SWPPP FOR ADDITIONAL REQUIREMENTS.

##### MAINTENANCE OF EROSION & SEDIMENT CONTROL MEASURES

- EROSION AND SEDIMENT CONTROL MEASURES WILL BE MAINTAINED IN GOOD CONDITION FOR THE DURATION OF THE CONSTRUCTION ACTIVITY AND UNTIL SUCH TIME AS THE UPSTREAM AREAS ACHIEVE FINAL STABILIZATION. SEDIMENT WILL BE

REMOVED ALONG PERIMETER EROSION CONTROLS WHEN THE DEPTH EXCEEDS FOUR-INCHES. ALL CONTROL MEASURES WILL BE MAINTAINED IN EFFECTIVE OPERATING CONDITION. IF SITE INSPECTIONS IDENTIFY CONTROL MEASURES THAT ARE NOT OPERATING EFFECTIVELY OR FINDS OTHER PROBLEMS, THE CONTRACTOR MUST:

- INITIATE WORK TO CORRECT THE PROBLEM IMMEDIATELY UPON DISCOVERY AND COMPLETE THE WORK BY THE CLOSE OF THE NEXT WORK DAY IF THE PROBLEM CAN BE CORRECTED THROUGH ROUTINE MAINTENANCE;
- FOR MORE SIGNIFICANT REPAIRS OR WHERE INSPECTIONS DETERMINE THAT ADDITIONAL EROSION AND SEDIMENT CONTROLS ARE NEEDED, SUCH WORK MUST BE COMPLETED AND OPERATION NO LATER THAN 7 CALENDAR DAYS AFTER DISCOVERY OF THE PROBLEM.

##### POLLUTION PREVENTION

- CONSTRUCTION STAGING AREAS WILL BE LIMITED IN QUANTITY AND WILL BE MAINTAINED IN A NEAT AND ORDERLY FASHION. REFER TO THE SITE PLAN FOR STAGING AREA LOCATION(S).
- VEHICLES SHALL BE STORED IN FUELED IN DESIGNATED AREAS. MONITOR ALL EQUIPMENT FOR LEAKS. WHERE APPLICABLE, REFER TO THE SWPPP FOR ADDITIONAL VEHICLE STORAGE AREA REQUIREMENTS.
- VEHICLE OR EQUIPMENT WASHING IS NOT ALLOWED ON-SITE.
- MATERIALS AND EQUIPMENT SHALL BE STORED PROPERLY AND ORDERLY.
- WHERE APPLICABLE, REFER TO THE SWPPP FOR
- FURTHER INSTRUCTIONS ON PROPER MATERIAL AND EQUIPMENT STORAGE.
- REFER TO THE SWPPP FOR DISPOSAL OF WASTE, INCLUDING HAZARDOUS WASTE.
- REFER TO THE SWPPP FOR SPILL PREVENTION AND RESPONSE PROCEDURES.

##### DEWATERING PRACTICES

- THIS SITE IS NOT EXPECTED TO ENCOUNTER SIGNIFICANT QUANTITIES OF GROUNDWATER DURING CONSTRUCTION ACTIVITIES BUT IF IT DOES, THE FOLLOWING PRACTICES WILL BE IMPLEMENTED:
  - DO NOT DISCHARGE ANY FLOATING SOLIDS OR FOAM.
  - IF DEWATERING WATER IS FOUND TO CONTAIN OIL, GREASE, ETC... IT MUST BE FILTERED OR PASSED THROUGH AN OIL/WATER SEPARATOR PRIOR TO DISCHARGE;
  - WHEREVER POSSIBLE, DISCHARGE DEWATERING WATER TO VEGETATED UPLAND AREAS FOR INFILTRATION. WHERE THIS IS NOT POSSIBLE, DISCHARGE DEWATERING WATER INTO A FILTERING PIT CONSISTING OF A PERIMETER OF DOUBLE ROWS OF HAYBALES LINED WITH THREE LAYERS OF FILTER FABRIC. DO NOT DIRECT DEWATERING WATER INTO WETLANDS WITHOUT PRIOR TREATMENT;
  - VELOCITY DISSIPATION MEASURES MUST BE INCLUDED AT ALL DISCHARGE POINTS (RIP-RAP OR CRUSHED STONE APRON).

##### INSPECTIONS

- WHERE APPLICABLE, REFER TO SWPPP FOR INSPECTION & REPORTING REQUIREMENTS IN ADDITION TO THE FOLLOWING:
  - THE SITE SHALL BE INSPECTED AT LEAST ONCE EVERY 14 CALENDAR DAYS AND WITHIN 24 HOURS OF THE OCCURRENCE OF A STORM EVENT OF 0.25 INCHES OR GREATER. INSPECTIONS MAY BE REDUCED DURING THE WINTER AND IN STABILIZED AREAS.
  - ANY DEFICIENCIES SHALL BE REMEDIED IMMEDIATELY AND NO LATER THAN 7 DAYS AFTER DISCOVERY OF THE DEFICIENCY, AND IF POSSIBLE, PRIOR TO THE NEXT RAINFALL EVENT.

PLAN SCALE: 1"=40'



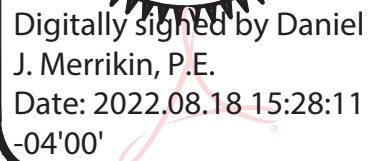
PLAN DATE: AUGUST 18, 2022

BY

DATE

REVISION

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
EROSION CONTROL  
PLAN OF LAND IN  
MEDWAY, MA

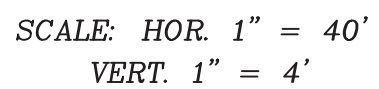
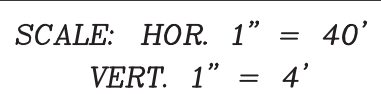
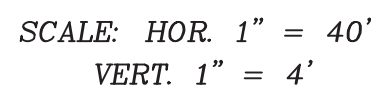
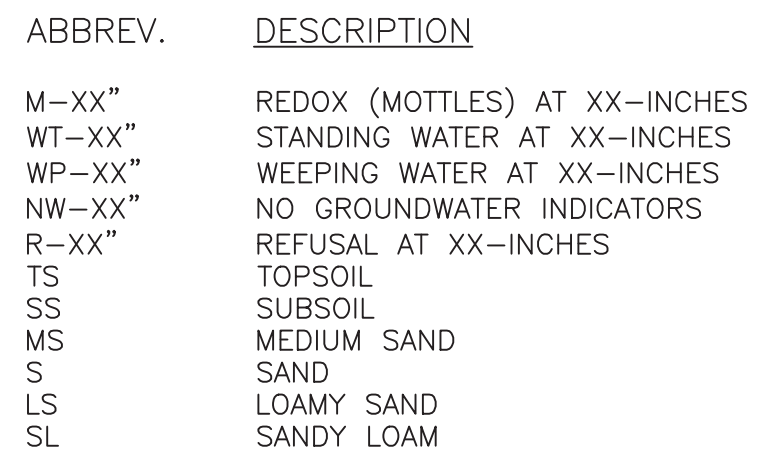


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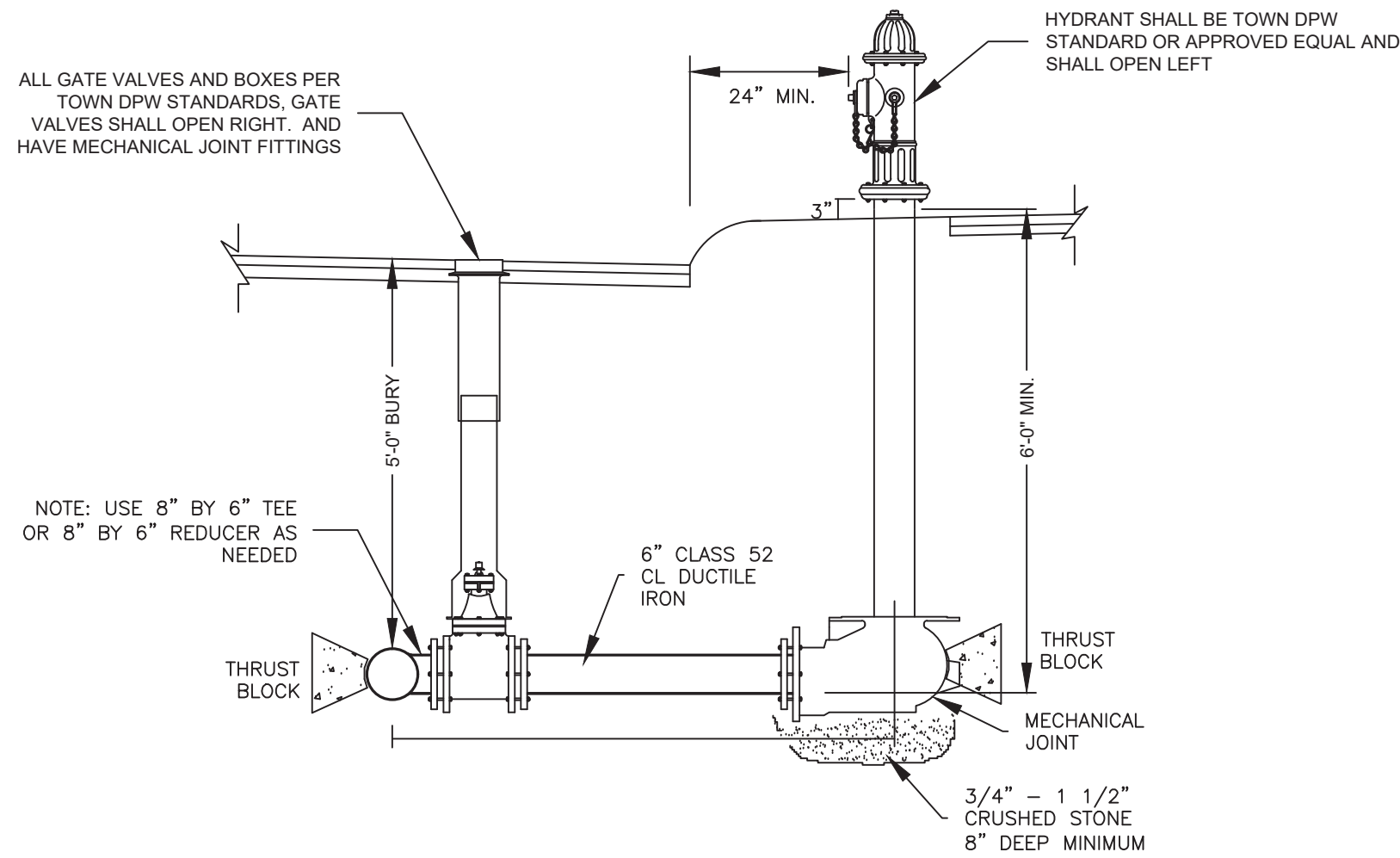
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**LEGACY**  
ENGINEERING

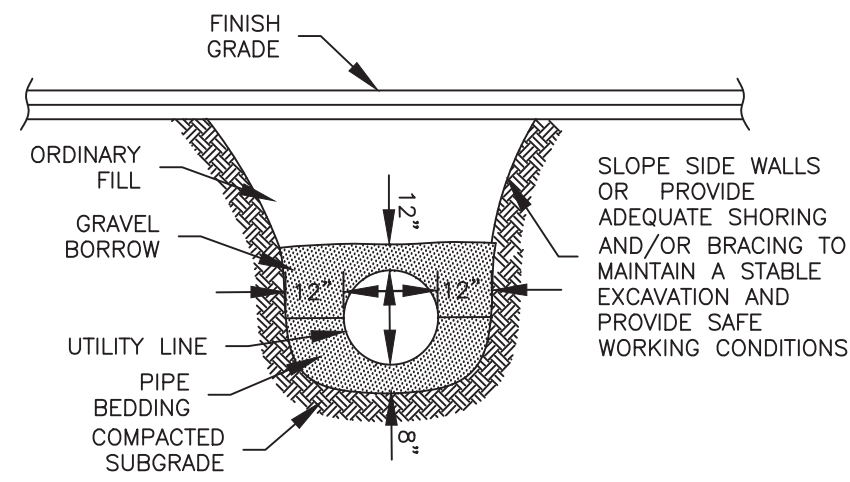
C-6



WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
PROFILES & PLAN VIEW  
PLAN OF LAND IN  
MEDWAY, MA

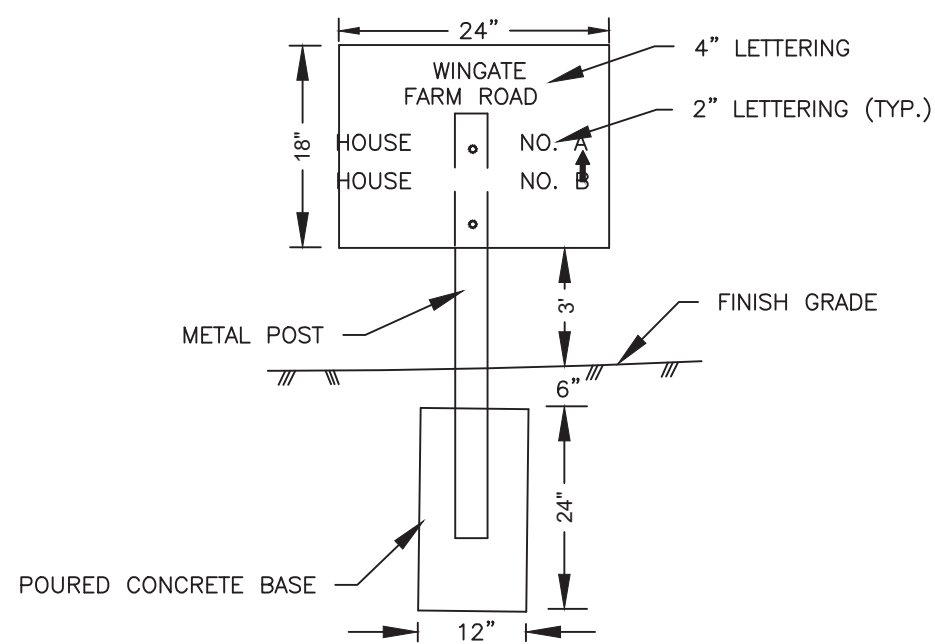


HYDRANT DETAIL  
NTS



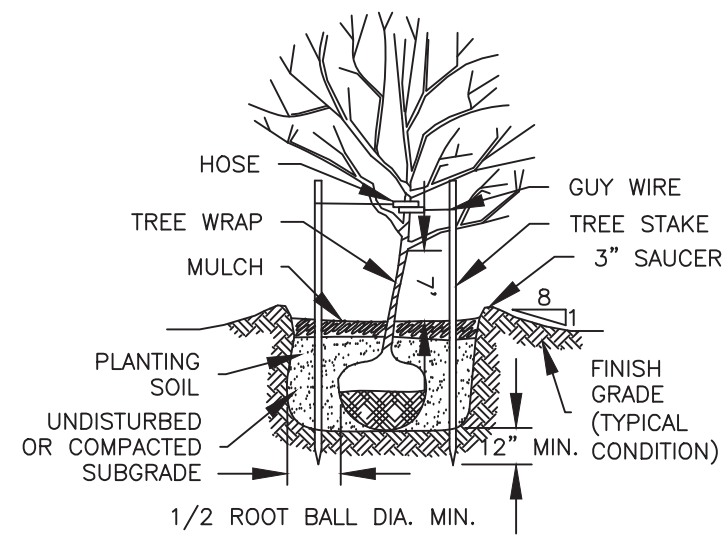
TYPICAL UTILITY TRENCH  
NTS

- NOTES:
1. 8" SAND CUSHION REQUIRED AT ALL LEDGE OR PIPE CROSSING.
  2. NO STONE GREATER THAN 6" TO BE PLACED OVER PIPE TO FINISH GRADE.
  3. NO STONE GREATER THAN 6" WITHIN 12" OF PIPE.
  4. ALL WATER PIPE SHALL BE CLASS 52, CEMENT LINED DUCTILE IRON PIPE.
  5. ALL DRAIN PIPE SHALL BE CLASS IV RCP PIPE.



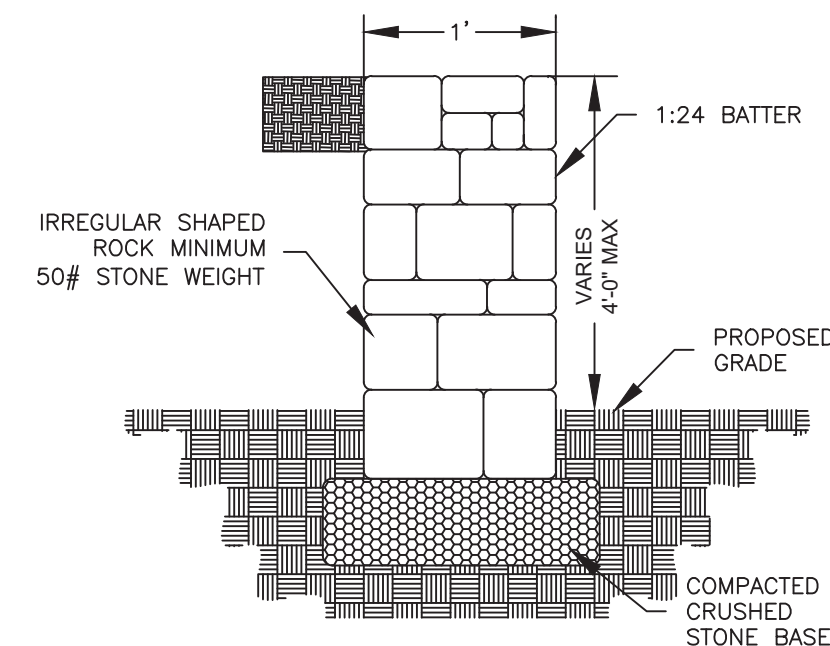
ACCESS SIGN DETAIL  
NTS

NOTE: ALL LETTERING TO BE BLACK ON A NON-REFLECTING WHITE BACKGROUND, HOUSE SIGNS TO BE A MINIMUM OF 12" x 12" WITH SIMILAR LETTERING & DIRECTIONAL ARROW.

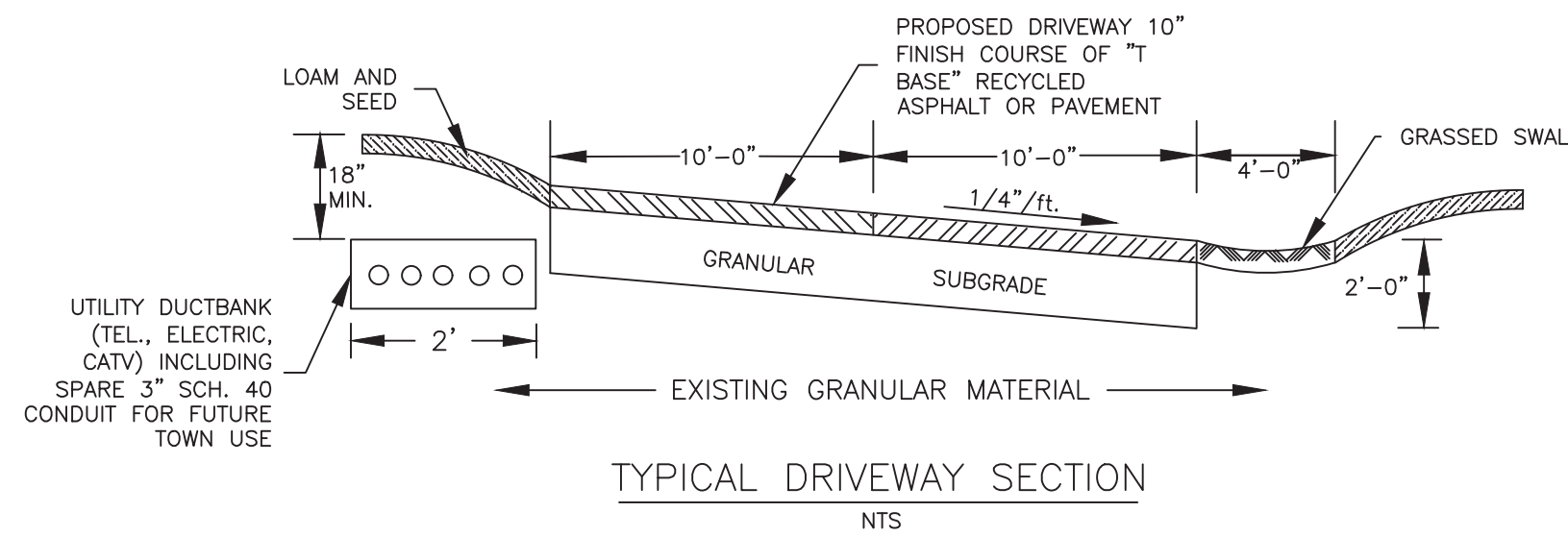


DECIDUOUS TREE PLANTING - STAKED  
NTS

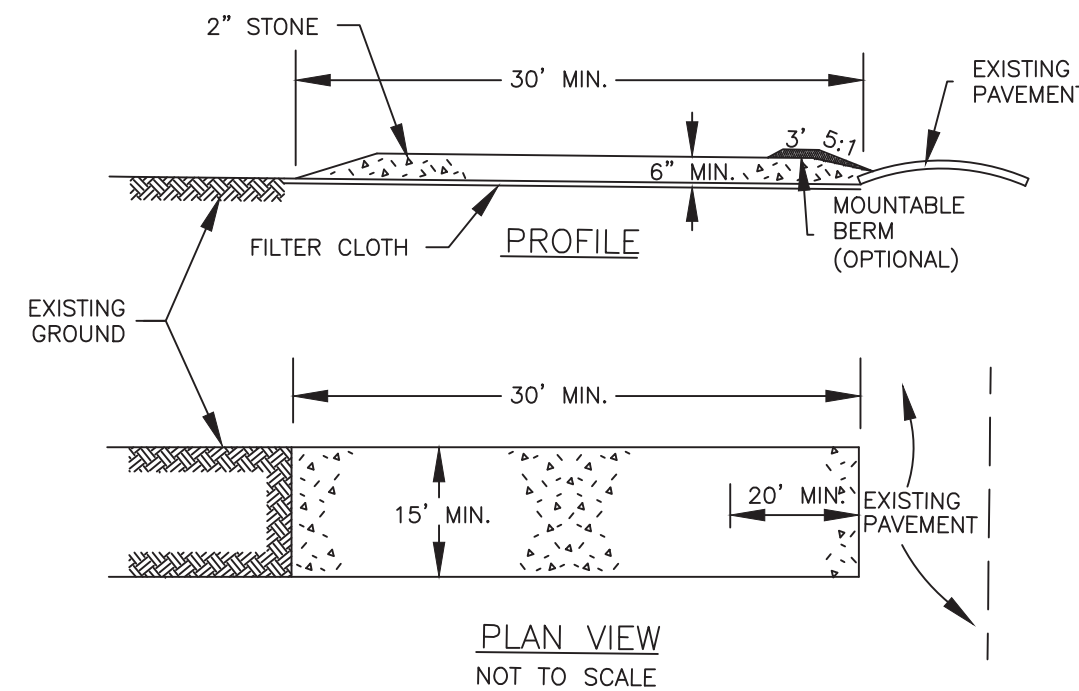
NOTE: ALL PROPOSED TREES SHALL BE A MINIMUM OF 12 FEET IN HEIGHT AND 3" CALIPPER (DIAMETER). DIAMETER OF TREES IS MEASURED AT A HEIGHT OF 12" TO 18" FROM FINISH GROUND.



FRONT RETAINING WALL DETAIL  
NTS



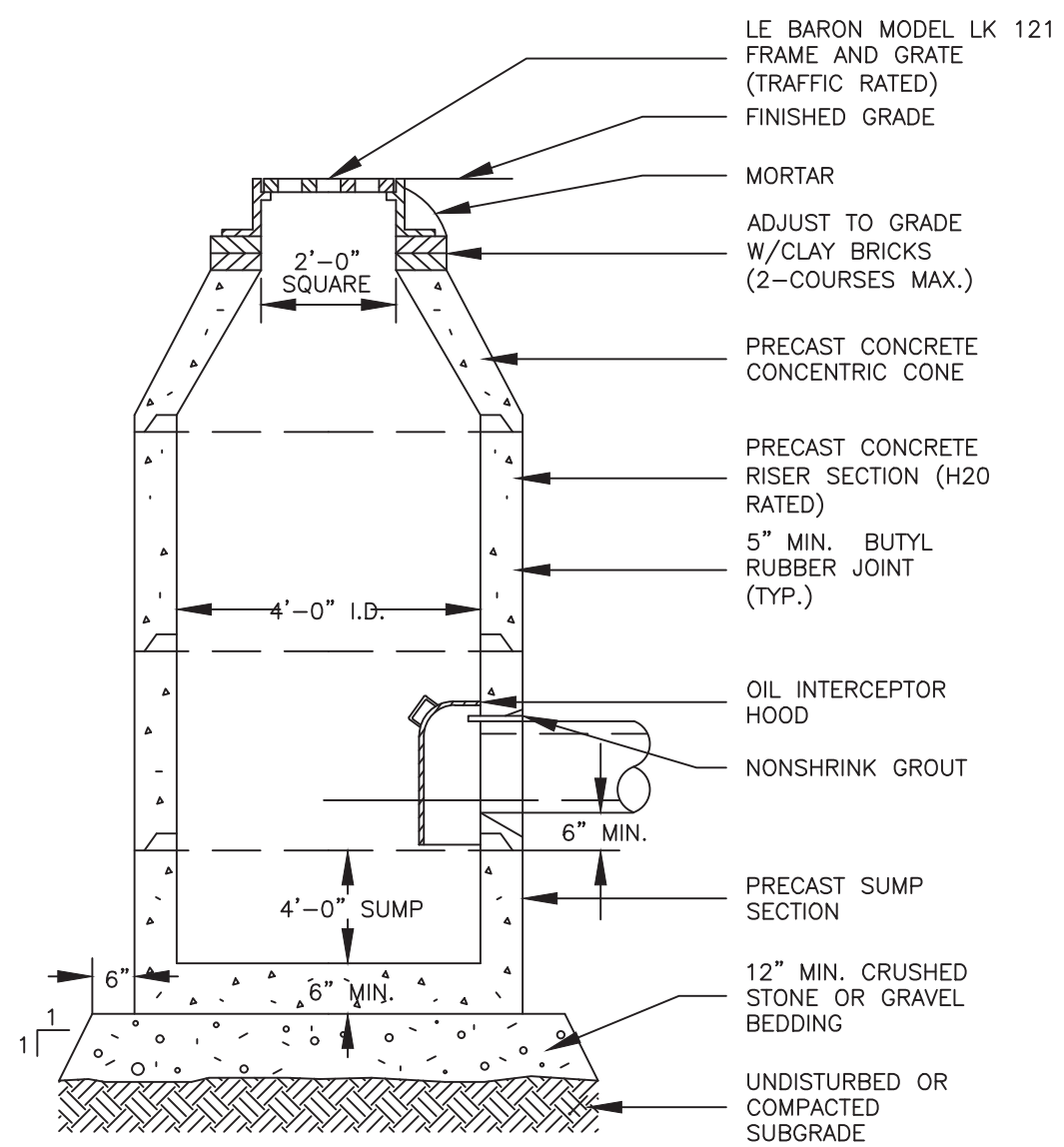
- NOTES:
1. COMPACT "T-BASE" MATERIAL TO 95% DENSITY, WITH VIBRATORY ROLLER.
  2. TO BE SUPERELEVATED TOWARDS SWALE



STABILIZED CONSTRUCTION ENTRANCE  
NTS

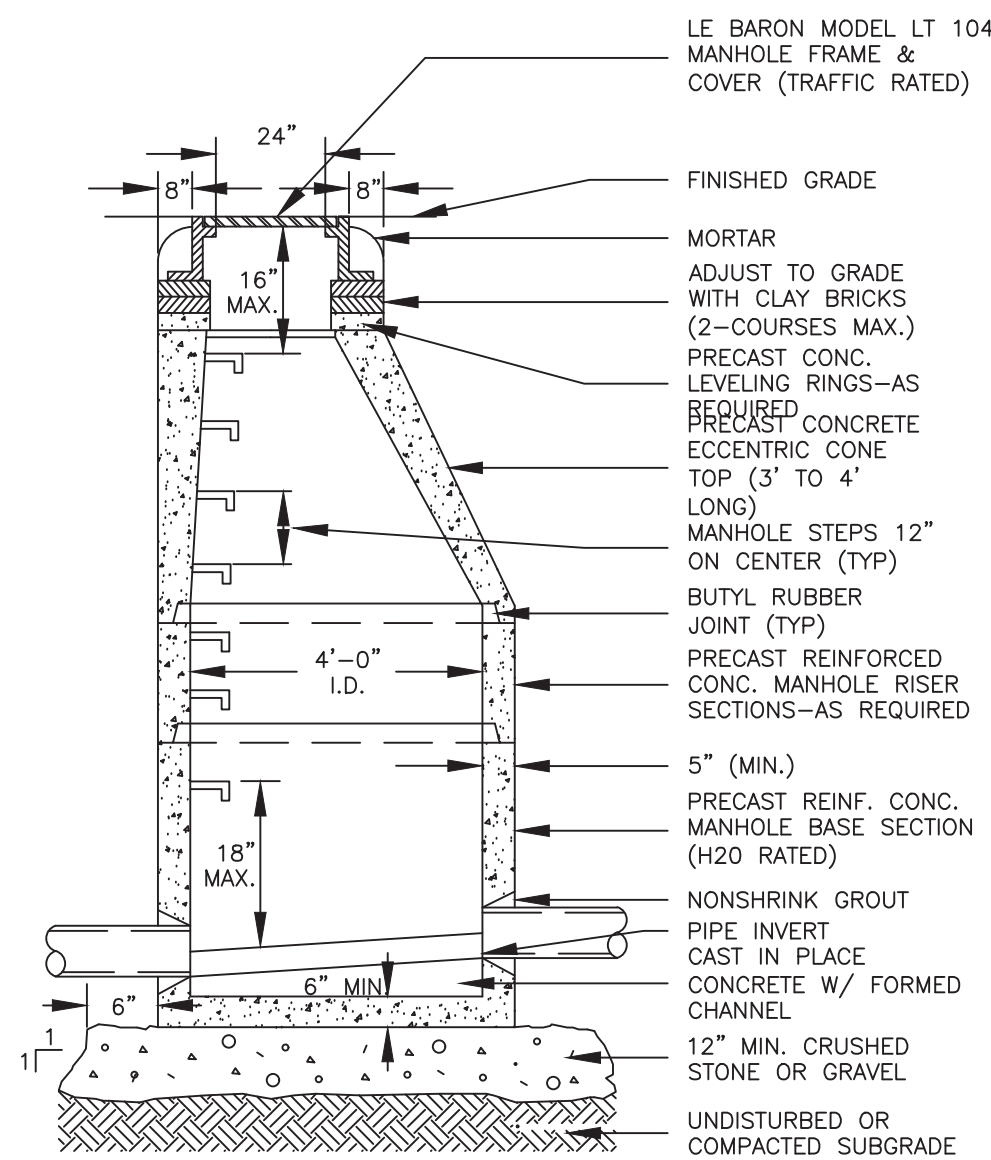
CONSTRUCTION SPECIFICATIONS:

1. STONE SIZE: USE 2" DIAMETER STONE OR RECLAIMED/RECYCLED CONCRETE EQUIVALENT.
2. LENGTH: RECOMMEND GREATER THAN 30 FEET WHERE PRACTICAL.
3. THICKNESS: NOT LESS THAN 6 INCHES.
4. WIDTH: 15 FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCUR.
5. FILTER CLOTH: SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACING OF STONE.
6. SURFACE WATER: ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WILL BE PERMITTED.
7. MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED.
9. REMOVE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO PLACEMENT OF BITUMINOUS BASE COURSE.



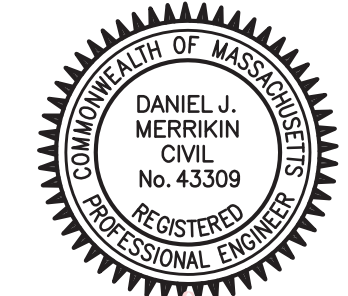
CATCH BASIN  
NTS

NOTE: STRUCTURE AND CASTINGS AS PER THE TOWN DPW STANDARD SPECIFICATIONS



PRECAST STORM DRAIN MANHOLE  
NTS

NOTE: STRUCTURE AND CASTINGS AS PER TOWN DPW STANDARD SPECIFICATIONS



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.08.18 15:27:09 -04'00'

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EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

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

PROFESSIONAL LAND SURVEYOR

APPROVED \_\_\_\_\_ SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED NOVEMBER 5, 2007 AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. 25288, PAGE NO. 94.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK

DATE

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-7



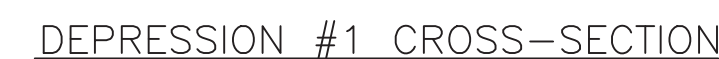
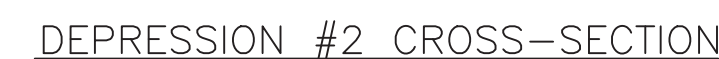
LEGACY  
ENGINEERING

PLAN SCALE: N.T.S.

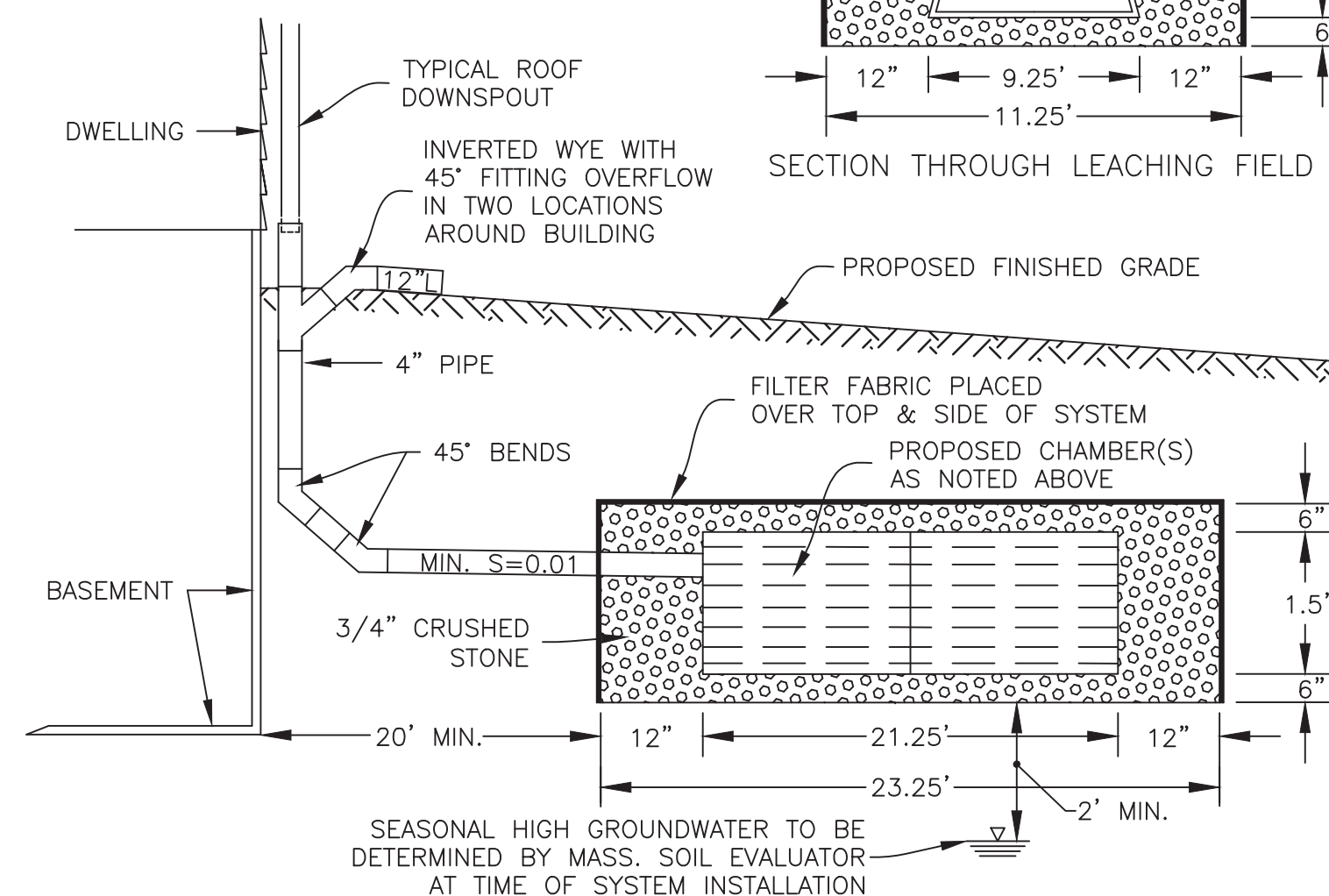
PLAN DATE: AUGUST 18, 2022

REVISION

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
DETAILS  
PLAN OF LAND IN  
MEDWAY, MA



- TYPICAL INFILTRATION DEPRESSION CROSS-SECTION



- DESIGN NOTES:
1. THE COMPLETED ROOF RUNOFF COLLECTION SYSTEM MUST COLLECT RUNOFF FROM THE ENTIRE ROOF AREA OF THE PROPOSED HOUSE. THE SYSTEM DESIGNED HAS A STORAGE CAPACITY OF 363 C.F.
  2. PIPING FOR THE ROOF DOWNSPOUT COLLECTION SYSTEM MAY BE SCHEDULE 40 PVC OR HDPE.

## ROOF RUNOFF INFILTRATION FIELD

NOT TO SCALE



NOTE: NON-BIODEGRADABLE SOCK SHELL FILLED WITH COMPOST MEDIA. JOINTS SHALL BE OVERLAPPED BY AT LEAST TWO FEET. ORANGE SNOW FENCE IS ONLY NEEDED IF THERE IS EVIDENCE OF THE COMPOST SOCK BEING BURIED BY CONSTRUCTION ACTIVITIES.

EROSION CONTROL  
DETAIL (COMPOST SOCK)

NOT TO SCALE



NOT TO SCALE



NTS



STORMCEPTOR DETAIL  
MODEL-STC900

- NOTE :
1. THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
  2. THE COVER SHOULD BE POSITIONED OVER THE OUTLET DROP PIPE AND THE OIL CLEANOUT PIPE.

PLAN SCALE: N.T.S.[illegible]

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
DETAILS  
PLAN OF LAND IN  
MEDWAY, MA

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
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NO. 78.

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AND REGULATIONS OF THE REGISTERS OF  
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MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED \_\_\_\_\_, SUBJECT  
TO COVENANT CONDITIONS SET FORTH IN A  
COVENANT EXECUTED BY TRUSTEES OF THE  
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5, 2007 AND RECORDED AT NORFOLK REGISTRY  
OF DEEDS, BOOK NO. 25288, PAGE NO. 94.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE  
THE PLANNING BOARD APPROVAL AND NO  
APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-8



**LEGACY**  
ENGINEERING

## Susan Affleck-Childs

---

**From:** Daniel Merrikin <dan@legacy-ce.com>  
**Sent:** Monday, August 15, 2022 4:15 PM  
**To:** Susan Affleck-Childs  
**Cc:** Karyl Walsh; Barbara Saint Andre; Matthew Hayes  
**Subject:** Re: [External] Re: Wingate Subdivision Modification

Hi Susy,

I spoke with Karyl and she grants and requests an extension on the time in which the Board must act on the application up to and including September 30, 2022.

Dan

Daniel J. Merrikin, P.E.  
President



Legacy Engineering LLC  
730 Main Street  
Suite 2C  
Millis, MA 02054

[www.legacy-ce.com](http://www.legacy-ce.com)

[dan@legacy-ce.com](mailto:dan@legacy-ce.com)  
508-376-8883(office)  
508-868-8353(cell)

On Mon, Aug 15, 2022 at 1:14 PM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi Karyl,

I am writing to follow up on my April 1<sup>st</sup> note to you about an extension of the deadline for the Board to act on the Wingate Farm subdivision modification past the current deadline of August 30<sup>th</sup>.

As you know, the Board does not vote on a plan without having a written decision to work from. Although the plan modification documents and stormwater report are forthcoming from Dan Merrikin this week, I do not expect that there will be sufficient time for Tetra Tech to review, the Board to review and discuss, and a draft

decision to be prepared by August 23<sup>rd</sup>, the date of your next hearing. Without an extension of the action deadline, the Board must act by August 30<sup>th</sup> and its only option is to not approve the modification application.

Kindly provide a deadline extension at your earliest convenience.

Thank you for your attention to this.

Best regards,

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291



---

**From:** Karyl Walsh <[wingatefarm@hotmail.com](mailto:wingatefarm@hotmail.com)>

**Sent:** Monday, August 8, 2022 1:35 PM

**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Cc:** Barbara Saint Andre <[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>; Matthew Hayes <[hayes7000@msn.com](mailto:hayes7000@msn.com)>; Daniel Merrikin

<[dan@legacy-ce.com](mailto:dan@legacy-ce.com)>

**Subject:** [External] Re: Wingate Subdivision Modification

Hi Susy, I was planning to stop by the office tomorrow afternoon, 8/9 with the payment for Tetra Tech's review account. I am anticipating Dan Merrikin to be submitting the plan for their review later this week but will touch base with him and get an update. Thank you -Karyl

---

**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Sent:** Monday, August 1, 2022 3:32 PM

**To:** Karyl Spiller-Walsh <[wingatefarm@hotmail.com](mailto:wingatefarm@hotmail.com)>

**Cc:** Barbara Saint Andre <[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>; Matthew Hayes <[hayes7000@msn.com](mailto:hayes7000@msn.com)>

**Subject:** Wingate Subdivision Modification

Hi Karyl,

Barbara Saint Andre and I spoke this afternoon about Wingate Farm. I understand you and she had a telephone conversation this morning about the timing of the anticipated plan modification documents being prepared by Dan Merrikin for submittal to the Board for review at the next Wingate hearing at the August 23<sup>rd</sup> PEDB meeting.

As you know, there is an action deadline of August 30, 2022 for the Board to act on your application.

In anticipation that the modified subdivision plan may not be filed with the Board with sufficient time for Tetra Tech to review before the August 23<sup>rd</sup> hearing, I do not expect that the Board will be in a position to make a decision on the modification by the August 30<sup>th</sup> action deadline. You may wish to send a separate email granting the Board an extension of the action deadline to provide the Board with time to consider the plan modification. I would suggest an extension to at least October 31<sup>st</sup>, if not later.

Please let me know if you have any questions.

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

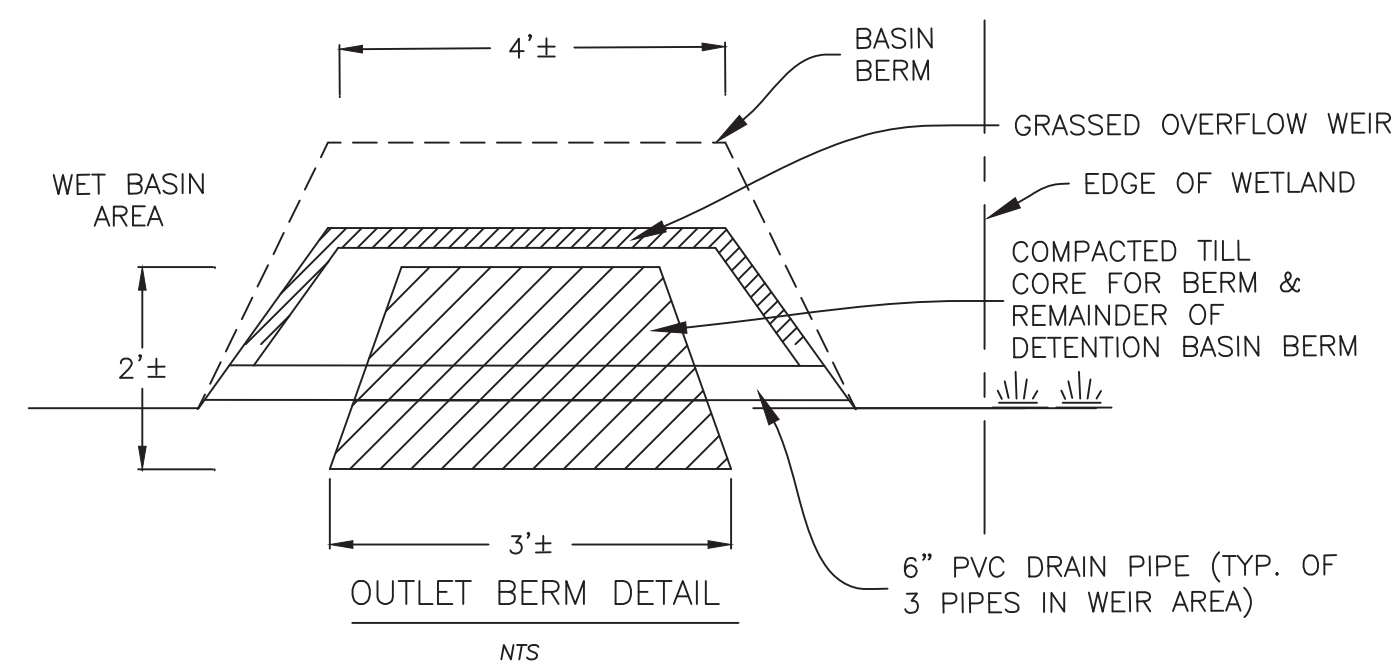
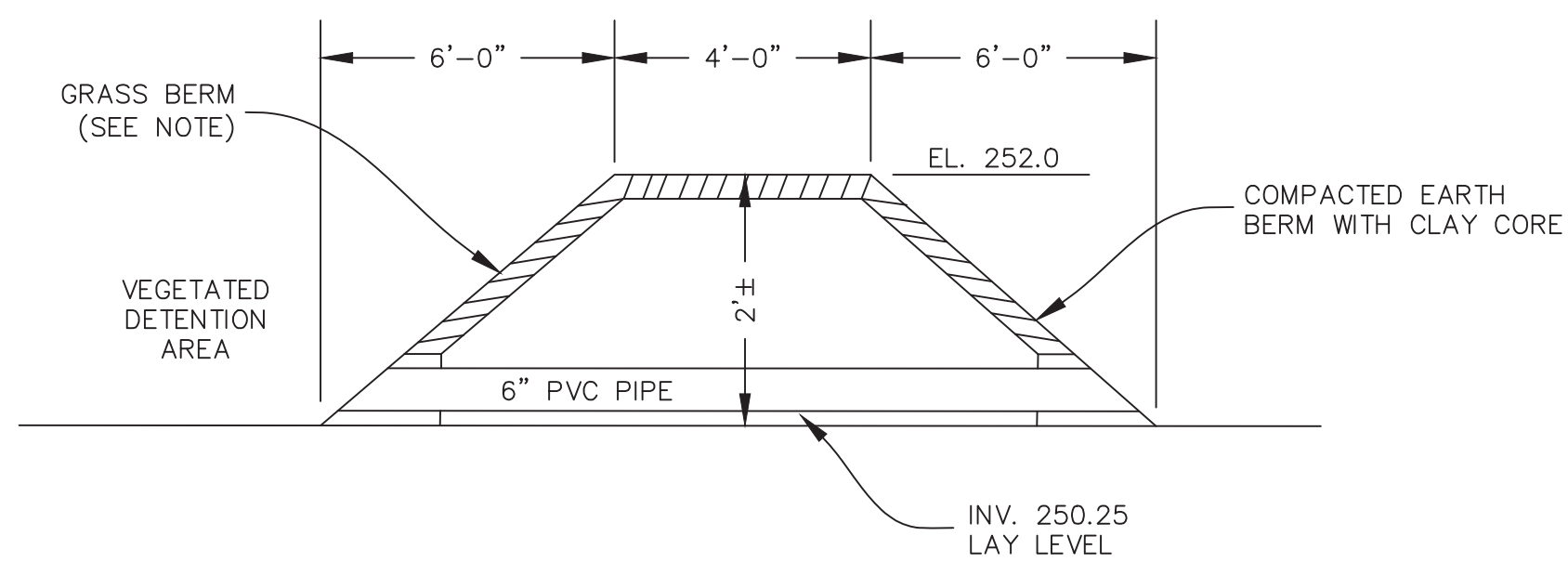
Town of Medway

155 Village Street

Medway, MA 02053

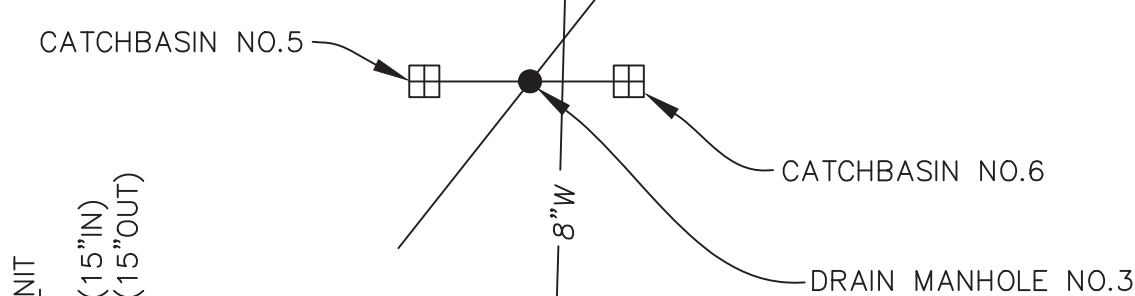
508-533-3291





NOTE: CONTRACTOR TO GRADE BERM  
2" BELOW GRADE AND LOAM & SEED  
ALL SIDES.

OVERFLOW WEIR DETAIL  
NTS

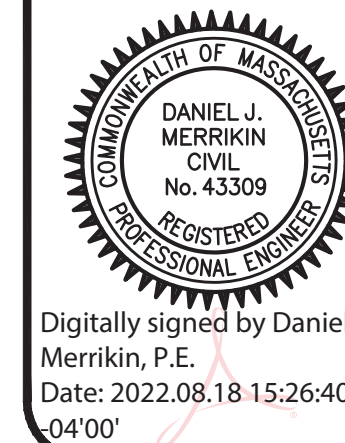


PARTIAL SITE PLAN

SCALE: 1"=20'

### STORMWATER BASIN PLANTING SCHEDULE

SS: SHADBLow SEVICEBERRY (A. CANADENSIS): THREE 5' B&B  
MS: MEADOWSWEET (SPIREA LATIFOLIA): FIVE #2 POT  
KL: MOUNTAIN LAUREL (KALMIA LATIFOLIA): FIVE 2-2.5' B&B  
EA: EARLY AZALEA (R. ROSEUM): TEN #3 POT  
HB: HIGHBUSH BLUEBERRY (VACCINIUM CORYMBOSUM): EIGHT #3 POT  
VA: MAPLEAF VIBURNUM (VIBURNUM ACERIFOLIUM): TEN 18-24" B&B



FOR REGISTRY USE

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
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168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
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TOWN CLERK

DATE

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

PLAN SCALE: N.T.S.

PLAN DATE: AUGUST 18, 2022

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
DETAILS  
PLAN OF LAND IN  
MEDWAY, MA

DETENTION BASIN SECTION

SCALE: HOR 1"=10'  
VERT 1"=2'

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-9



LEGACY  
ENGINEERING



**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Phytopia Public Hearing Continuation**

- Notice dated August 10, 2022 to continue public hearing to August 23, 2022
- DRAFT decision dated August 19, 2022. Note – Both this and an earlier version of this decision were provided to attorney Ted Cannon for review. Comments expected on Monday.
- DRC final review letter dated July 25, 2022
- Letter from attorney Ted Cannon dated August 9, 2022 regarding requirement by Cannabis Control Commission for a generator
- Sidewalk construction estimate dated August 16, 2022 by Tetra Tech
- Notes (8-11-22) from project engineer Chris Sparages re: construction phasing
- Notes (8-16-22) from project engineer Chris Sparages re: impervious surface
- Notes from project architect Anderson Porter Design about the various uses of the non-cultivation portions of the Phytopia building and addition.

## Board Members

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



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

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS


### PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK  
AUG 11 '22 AM 8:37

## MEMORANDUM

August 10, 2022

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

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

RE: **Public Hearing Continuation for Phytopia, Inc - Major Site Plan, Groundwater Protection Special Permit, and Reduced Parking Special Permit**  
**Continuation Date – Tuesday, August 23, 2022**

At its August 9, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Phytopia, Inc. of Peabody, MA for approval of a major site plan, a groundwater protection district special permit, and a reduced parking special permit for its proposed development at 6 Industrial Park Road to the Board's meeting on Tuesday, August 23, 2022 at 8:45 p.m. at Medway Town Hall, 155 Village Street. The meeting will also be available via Zoom.

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

The planned scope of work currently under review for site plan approval and for the groundwater protection and reduced parking special permits includes interior renovations to the existing building, construction of the addition, improvements to the access/egress driveways, installation of curbing, parking area improvements, landscaping, lighting, and installation of and improvements to stormwater drainage facilities. The project has also been reviewed by the Conservation Commission for an Order of Conditions and a Land Disturbance Permit.

The site plan titled *Industrial Park Road*, last revised dated May 13, 2022 prepared by Williams & Sparages Engineers, Planners and Surveyors of Middleton, MA. is posted at the Board's page at the Town's web site at: [https://www.townofmedway.org/sites/g/files/vyhlif8006/f/uploads/spindustrial6\\_r10stamped\\_signed.pdf](https://www.townofmedway.org/sites/g/files/vyhlif8006/f/uploads/spindustrial6_r10stamped_signed.pdf) Please review the revised site plan and provide any further comments to us by August 16, 2022. The Board plans to begin work on a decision on this project at the August 23<sup>rd</sup> meeting.

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

REVISED DRAFT – August 19, 2022

## ***Major Site Plan, Groundwater Protection Special Permit and Reduced Parking Special Permit DECISION***

---

***Decision Date:***

***Name/Address of Applicant/Permittee***

Phytopia, Inc.  
25 Newbury Street  
Peabody, MA 01960

***Name/Address of Property Owner:***

Medway Flower, LLC  
990 Paradise Road  
Swampscott, MA 01907

***Location:*** 6 Industrial Park Road

***Parcel Size:*** 4.24 acres

***Assessors' Reference:*** 33 – 004

***Zoning District:*** East Industrial  
Groundwater Protection District (Mass DEP Zone II wellhead protection area)

***Engineer:*** Christopher Sparages  
Williams and Sparages Engineers, Planners and Surveyors  
189 North Main Street – Suite 101  
Middleton, MA 01949

***Site Plan:*** *Industrial Park Road*, dated April 1, 2021, last revised May 13, 2022, prepared by Williams and Sparages Engineers, Planners and Surveyors to be further revised as specified herein before plan endorsement

The architectural drawings dated April 6, 2021, prepared by Anderson Porter Design of Cambridge, MA.

**I. PROJECT DESCRIPTION** - The Applicant seeks major site plan approval, a groundwater protection special permit and a reduced parking special permit pursuant respectively to Sections 3.5, 5.6.3, and 7.1.1 of the Medway *Zoning Bylaw* for the development of a marijuana cultivation, manufacturing, and processing business at 6 Industrial Park Road. NOTE – The Applicant previously applied for and received medical marijuana and adult use recreational marijuana special permits from the Board dated October 30, 2021. The subject property, located at 6 Industrial Park Road is located at the southeast corner of Industrial Park and Jayar Roads, is 4.24 acres (184,485 sq. ft.). The site presently includes an existing 53,128 sq. ft. industrial manufacturing building and paved areas which comprise 89,869 sq. ft. of the property (48.7% impervious).

The Applicant proposes to renovate and use the existing building and construct a 66,239 sq. ft., 2-story addition, both to be used for the cultivation, manufacturing, processing, and packaging of marijuana for medical use and adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities. The planned scope of work 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, installation of and improvements to stormwater drainage facilities, installation of noise and odor mitigation measures, and remediation of site contamination incurred by the previous owner. The planned work is shown on a plan titled *Industrial Park Road*, dated April 1, 2021, last revised May 13, 2022, prepared by Williams and Sparages Engineers, Planners and Surveyors of Middleton, MA.

The property also includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission which issued an Order of Conditions and a Land Disturbance Permit pursuant to Article XXVI of the *Medway General Bylaws* on June 27, 2022.

The Board has been briefed on the hazardous waste incident which occurred prior to the Applicant's ownership of the Property for which the Applicant is actively pursuing clean-up in accordance with State law and regulations. Environmental clean-up will be ongoing under the guidance of the Applicant's Licensed Site Professional with oversight by the Town boards and commissions with jurisdiction over the project, agreeing in writing in advance on each step in the clean-up process.

**Phasing Plan** – The Applicant intends to build out the project in two phases.

- **Phase 1** – Renovating the existing building, performing most of the site work, and installing most of the utilities
- **Phase 2** – Construction to begin within 24 months of the issuance of a certificate of occupancy for Phase 1 on the new addition and installing and performing the remaining utilities and site work

**Commented [SAC1]:**  
Perhaps provide more detail on the phasing

## **II. VOTES OF THE BOARD**

A. **MAJOR SITE PLAN** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS and WAIVERS from the *Site Plan Rules and Regulations* as specified herein, a site plan titled *Industrial*

Park Road, dated April 1, 2021, last revised May 13, 2022, prepared by Williams and Sparages Engineers, Planners and Surveyors of Middleton, MA with associated attachments including:

- Architecture plans by Anderson Porter dated April 6, 2021

to be further revised as specified herein.

The vote was by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Robert Tucker	

**B. REDUCED PARKING SPECIAL PERMIT** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS a reduced parking special permit for 6 Industrial Park Road, pursuant to Section 7.1.1 of the Zoning Bylaw.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Robert Tucker	

**C. GROUNDWATER PROTECTION SPECIAL PERMIT** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS a groundwater protection special permit for 6 Industrial Park Road pursuant to Section 5.6.3 of the Zoning Bylaw.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Robert Tucker	

### **III. PROCEDURAL HISTORY**

- A. May 12, 2021 – Major site plan approval and two special permit applications were filed with the Board, one for a Groundwater Protection Special Permit and one for a Reduced Parking Special Permit.

- B. May 19, 2021– Public hearing notice was filed with the Town Clerk and posted at the Town of Medway web site.
- C. May 19, 2021 - Public hearing notice was mailed to abutters by certified sent mail.
- D. May 24 and June 1, 2021 - Public hearing notice was advertised in *Milford Daily News*.
- E. June 8, 2021 - Public hearing commenced. The public hearing was continued to June 22, July 13, July 27, August 10, August 24, September 28, October 26, November 23, and November 30, 2021 and January 11, February 8, March 8, April 12, April 26, May 24, July 12, July 26, August 9, August 23, and \_\_\_\_\_, 2022 when a decision was rendered, and the hearing was closed.

#### IV. INDEX OF DOCUMENTS

- A. The following documents were provided at the time the site plan and special permit applications were filed with the Board:
  - Major site plan application dated 4-30-21 and groundwater protection special permit application and reduced parking special permit application both dated 5-1-21, along with special permit applications for Recreational (Adult Use) Marijuana Establishment and Non-Retail Registered Medical Marijuana Facility Special Permit applications dated 4-30-21 with Project Descriptions
  - Phytotherapy Odor Control Approach (undated), received 5-12-21, prepared by BLW Engineers
  - 4-12-21 Letter from Andy Carballeira of Acentech regarding the noise mitigation plan
  - 5-10-21 Letter from Kevin Doherty of Knoll Environmental regarding groundwater contamination
  - 4-9-21 Interest Disclosure Attestation for Phytopia
  - Site Plan dated 4-1-21 by Williams and Sparages Engineers Planners and Surveyors of Middleton, MA
  - Parking Evaluation dated 5-12-21 from MDM Transportation Consultants
  - *Stormwater Report for 6 Industrial Park Road*, dated April 1, 2021, prepared by Williams and Sparges, LLC of Middleton, MA
- B. During the course of the review, the following additional materials were submitted to the Board by the Applicant and its representatives and consultants:
  - Architectural drawings dated 4-6-21 prepared by Anderson Porter Design of Cambridge, MA.
  - Architectural drawings updated 6-6-21 prepared by Anderson Porter Design of Cambridge, MA.
  - Updated Noise Mitigation Plan by Acentech, dated 7-9-21
  - Parking Memorandum dated 7-8-21 from Attorney Ted Cannon in support of reduced parking special permit application
  - Letter from Attorney Ted Cannon dated 7-22-21 in response to the 7-1-21 Tetra Tech parking and traffic review
  - Memorandum from Erik Gath, BLW Engineers, Inc. dated 7-9-21 in response to the 6-16-21 Straughan Forensic odor mitigation review.

- Groundwater protection district special permit memorandum from Attorney Ted Cannon dated 8-5-21
  - Email from Andy Caballeria – 7-20-22 – FIND this – referenced by Jeff Komrower in his 8-2 memo
  - Memorandum dated 7-27-21 from Robert Michaud and Dan Dumais, MDM Transportation Consultants in response to Tetra Tech review letter dated 7-1-21
  - Email from Dan Dumais, MDM Transportation Consultants, dated 8-11-21 regarding the Fire Department's review of turning requirements on the site.
  - Letter dated 8-18-21 from Attorney Ted Cannon regarding chemical and materials expected to be used for business operation
  - Letter dated 9-21-21 from Attorney Ted Cannon re: disposal of plant waste
  - Updated site plan dated 10-12-21 by Williams and Sparages Engineers Planners and Surveyors
  - Letter dated 10-12-21 to the PEDB from Chris Sparages in response to the 6-8-21 technical review letter from Tetra Tech.
  - Email dated 10-18-21 from Attorney Ted Cannon regarding staff's request for information on the Applicant's policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMMF's in compliance with 105 CMR 725.105(b) (2).
  - Lease Agreement between Medway Flower, LLC (property owner) and Phytotherapy, LLC for use of the premises at 6 Industrial Park Road.
  - Email dated 11-30-21 from Attorney Ted Cannon re: draft marijuana special permit decision
  - Revised site plan dated 3-7-22 by Williams and Sparages Engineers Planners and Surveyors
  - Response letter dated 4-12-22 to the PEDB from Chris Sparages to address previously issued Tetra Tech site plan review comments dated 10-27-21.
  - Revised site plan dated 5-14-22 by Williams and Sparages Engineers Planners and Surveyors
  - Requests for Waivers from the *Site Plan Rules and Regulations* dated 4-30-21.
  - Email dated 5-17-22 from attorney Ted Cannon re: status report, with attachments
  - Letter dated 8-9-22 from attorney Ted Cannon re: Cannabis Control Commission's requirement for an on-site generator
  - Phasing Plan received 8-11-22 from project engineer Chris Sparages.
  - Impervious surface information received 8-16-22 from project engineer Chris Sparages.
  - Information on sizes of various uses within the buildings received 8-18-22 from project architect.
- C. During the course of the review, additional materials were submitted to the Board by the Board's consultants and Town staff:
- Plan review letter to the Board from Steve Bouley, P.E. Tetra Tech, dated 6-8-21
  - Odor mitigation plan review letter from Bruce Straughan, Straughan Forensic dated, 6-16-21
  - Reduced parking and traffic review letter to the Board from Courtney Sudak, P.E. Tetra Tech, dated 7-1-21

- Noise mitigation review letter to the Board from Jeff Komrower, Noise Control Engineering, dated 7-7-21
- Marijuana Cultivation Facility Parking Guidelines Summary prepared by Tetra Tech, dated 7-13-21
- Noise mitigation review letter to the Board from Jeff Komrower, Noise Control Engineering, dated 8-2-21
- Email from Fire Chief Jeff Lynch regarding Phytopia's security and emergency plans, dated 8-4-21
- Email from Fire Chief Jeff Lynch dated 8-11-21
- Plan review letter to the Board from Steve Bouley, P.E., Tetra Tech, dated 10-27-21
- Plan review letter to the Board from Steve Bouley, P.E. Tetra Tech, dated 4-22-22.
- Review letter dated 5-6-22 from Medway DPW Director Pete Pelletier
- Email dated 5-13-22 from Medway Building Commissioner Jack Mee
- Review letter dated 5-20-22 from Deputy Fire Chief Mike Fasolino
- Email dated 7-12-22 from Medway Building Commissioner Jack Mee
- Order of Conditions dated 6-27-22 from Medway Conservation Commission
- Design Review Committee letter dated 7-25-22

D. Abutter Comments

- Email dated June 7, 2021 (with attachments) from resident John Lally, 35 Coffee Street
- Email dated June 21, 2021 (with attachments) from resident Leigh Knowlton, 14 Green Valley Road
- Email dated November 29, 2021 (with attachments) from resident John Lally, 35 Coffee Street

E. Other Documentation

1. Mullins Rule Certification dated August 2, 2021 for Board member Matthew Hayes pertaining to the July 27, 2021 hearing.
2. Mullins Rule Certification dated August 24, 2021 for Board member Robert Tucker pertaining to the August 10, 2021 hearing.

**ARE THERE ANY OTHER MULLINS RULE CERTIFICATIONS??**

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

- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Courtney Sudak, P.E. Tetra Tech – Commentary related to parking and traffic
- Jeff Komrower of Noise Control Engineering LLC, the Town's acoustic sound consultant
- Andy Carballeira, Acentech Inc., acoustic sound consultant for the Applicant.
- Chris Sparges, Sparges Engineering Consultants, engineering consultant for the Applicant.
- Edward (Ted) Cannon, Doherty Dugan Cannon Raymond and Weil, P.C., attorney for the Applicant
- Brian Anderson of Anderson Porter Design, architect for the Applicant
- Kevin Doherty of Knoll Environmental LLC, environmental consultant for the Applicant

- Peter D’Agostino, Tenax Strategies, Inc. regulatory consultant for the Applicant
- Daniel Dumais, P.E. MDM Transportation Consultants, traffic consultant for the Applicant
- Former Norfolk County Sheriff Jerry McDermott and Retired State Police Major Pat Russolillo, security consultants for the Applicant
- Medway Conservation Agent Bridget Graziano
- Resident John Lally, 35 Coffee Street
- Resident Leigh Knowlton, 14 Green Valley Road
- Maria Walzer, 11 Green Valley Road

## VI. FINDINGS

A. **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*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended October 8, 2019. and Section 3.5 of the *Bylaw*:

- 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 plan has been thoroughly reviewed by Town officials and the Board’s Consulting Engineer. No access from minor streets is necessary or available, there is no backing onto a public way, and Industrial Park Road and Jayar Roads are adequate to safely handle the additional traffic from the new establishment.*
- 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 proposed building is in an industrial style; its scale and materials are suitable for the site and use. The design has been positively reviewed by the Design Review Committee and is acceptable for its location. There are no particularly distinguished industrial buildings in the vicinity with which the proposed building renovation and new construction would conflict in terms of character, materials, and scale.*
- 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 subject property is centrally located within the East Industrial zone and is abutted on all sides by other industrial and business properties. The dumpster is located adjacent to the building and within the rear parking area in the southeastern portion of the site, well out of public view from Industrial Park Road and Jayar Road. Suitable provisions have been made to screen the dumpster. The landscape plan shows a landscape buffer along the southern property line to screen the building for the adjacent property at 4 Industrial Park Road. The entrances to the front and rear parking areas will be landscaped.*
- 4) **Is adequate access to each structure for fire and service equipment provided?** *Access for fire and service equipment is provided with paved surfaces on three sides of the*

*combined existing building and planned addition. The Fire Department has reviewed the proposed driveway and parking lot reconfiguration and the provided auto turn analysis provided by the Applicant's traffic consultant. The Fire Department has determined that its fire apparatus will be able to maneuver throughout the site. Further, at the request of the Fire Department, an additional hydrant has been added on the east side of the building at the back and is shown on Sheet C4.1 of the May 13, 2022 plan set.*

**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 site plan and proposed stormwater drainage system have been rigorously reviewed by the Town's Consulting Engineer and the Conservation Commission which issued an Order of Conditions and Land Disturbance Permit on June 27, 2022. Appropriate soil pollution and erosion controls have been incorporated into the plan. The building will be highly visible from both Industrial Park Road and Jayar Road. However, the robust landscaping plan and building design have been reviewed and positively recommended by the Design Review Committee. No stone walls are being removed. The site is already heavily disturbed; the existing industrial building on the property was constructed in 1973. Since the site is located within a Groundwater Protection District, this Decision also includes a groundwater protection special permit to ensure that the project will not adversely affect groundwater.*

*The Applicant provided an initial (April 2021) and updated noise study and plan (July 2021) prepared by Acentech that were reviewed by the Board's noise consultant, Jeff Komrower of Noise Control Engineering for compliance with the Town's noise standards in effect at the time the project applications were submitted to the Town in May 2021. The updated noise predictions pertain only to Phase 1 of the project and do not consider any measure of acoustic shielding that would be provided from the Phase 2 building addition. The updated plan includes noise controls to meet the Town's noise limits at the property line nearest to the noise source for noise radiated continuously from the source between 10 PM and 7 AM. The projections also meet the MassDEP standards. The updated predicted noise levels at all adjacent residential receptors and property lines are at or below the Town of Medway's noise requirements and meet the Mass DEP requirements. At all industrial property lines, overall noise levels are predicted to meet the Town's daytime and nighttime requirements.*

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

*Because of its use as a marijuana cultivation facility, the building is not open to the general public. The entrances and egresses to the site and its parking facilities have been designed for safe operation and have been reviewed by the Board's consulting engineer. The site plan has been revised to have only one vehicular entrance from Industrial Park*

Road instead of two as originally proposed. A sidewalk connecting the rear parking area to the main entrance at the front of the building has been added to enable employees to walk safely from their cars to the building. The site plan shows the provision of bicycle racks to accommodate employees who may wish to cycle to work.

- 7) **Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?** *There are no visually prominent natural or historic features on site.*
- 8) **Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?** *The lighting plan was reviewed by the Board's consulting engineer and the Permittee is required to comply with Section 7.1.2 of the Zoning Bylaw regarding Outdoor Lighting.*
- 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 plan has been vigorously reviewed by both the Conservation Commission and the Planning and Economic Development Board and their consulting engineer and has been modified to address environmental concerns. The limit of work is reasonable, and the site design has evolved to protect sensitive environmental resources. The project has been reviewed by the Conservation Commission and an Order of Conditions has been issued. The installation of a stormwater management system reduces the current impacts of presently untreated stormwater discharge.*

**Vote on Site Plan Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ voted to \_\_\_\_\_ the above noted **Site Plan Findings** regarding the major site plan application for 6 Industrial Park Road (the "Property"). The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

- B. **Reduced Parking Special Permit Findings (Sub-Section 7.1.1.J. of the Zoning Bylaw)** - The Board may grant a special permit for reduced parking, not to exceed 30% of the minimum number of spaces required under Table 3 of the Zoning Bylaw for the specified use), only upon finding that:

- 1) The Applicant has provided a site plan showing parking areas to accommodate 92 vehicles including \_\_\_\_\_ handicapped spaces and \_\_\_\_\_ spaces for electric vehicle charging. Phase 1 of the project includes renovation of 53,128 sq. ft. existing building for use by approximately 53 employees. Phase 2 which includes the building addition will provide an additional 66,238+/- sq. ft of space. The project, when both phases are completed, will include 119,366 sq. ft. of space with 89,247 sq. ft. devoted to cultivation space, and the remaining 30,119 sq. ft. will be used as follows:

- 2) The Applicant expects to have up to 90 employees working at the location once both Phase 1 and Phase 2 of the project are complete. However, the number of employees would be spread out over two shifts once Phase 2 is constructed and occupied with

**Commented [SAC2]:**  
Requested breakdown of the remaining space (office, storage, processing, etc.)

approximately 53-65 employees on the first shift and the remaining employees on the later shift.

- 3) Table 3 of the Zoning Bylaw does not include a parking standard for a marijuana cultivation and processing facility. The closest, somewhat similar parking standard is for manufacturing which requires 2 parking spaces for each employee plus 1 parking space for every 1,000 sq. ft. of building space. At final buildout, the building would have 119,336 sq. ft. and 90 employees at any given time; the total required number of parking spaces required by strict adherence to this manufacturing standard is 165. With the maximum possible 30% parking space reduction cap specified in the Bylaw, the maximum number of parking spaces could be reduced to 105. The Applicant has requested that the Board determine that the Town's Parking Table does not include a suitable parking standard applicable to a marijuana cultivation facility and that therefore, the 30% parking cap is also not applicable. NOTE - Table 3 provides that industry parking standards or the most nearly comparable use in Table 3 may be used when a particular use is not specifically referenced in the Parking Table.
- 4) The Applicant, Town staff and traffic consultants have supplied information that the industry parking standard for marijuana cultivation facilities is 1 space per 1,000 sq. ft. of cultivation space. With this standard, 89 parking spaces would be needed for the cultivation portion of the building which the site can accommodate. The Board finds that the industry standard is the most appropriate measure for determining the minimum parking requirements for the cultivation use.
- 5) **NEED TO INSERT INFO here on parking needs for the remaining non-cultivation space**
- 6) The facility will not include retail sales, so there will be no customer traffic. Parking will be limited to employees only.
- 7) The Applicant has committed to coordinate shift times such that the parking limit is observed at all times and demand is eliminated during transition periods.
- 8) The parking information has been reviewed by Building Commissioner/Zoning Enforcement Officer Jack Mee who has provided an email dated 7-12-22 indicating that the proposed number of parking spaces should be adequate for this use
- 9) The reduced number of parking spaces is consistent with the general purposes of Section 7.1.1 of the Zoning Bylaw, the primary ones being to ensure the availability of safe and convenient parking and to minimize excessive off-street parking areas that result in unneeded paved impervious surfaces
- 10) The decrease in required off-street parking is supported by a parking analysis prepared by a registered professional engineer. The Applicant has supplied a parking report prepared by MDM Transportation Consultants, dated May 12, 2021 which has been reviewed by Tetra Tech's traffic consultant and a series of recommended parking management actions are included in Specific Condition \_\_\_ herein.

**Concluding Statement - .....**

**Vote on Reduced Parking Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ on a motion made by \_\_\_\_\_ and

**Commented [BSA3]:** How does this compare to CommCan, who is now looking for more parking?

seconded by \_\_\_\_\_ voted to \_\_\_\_\_ the above noted Reduced Parking Special Permit Findings for 6 Industrial Park Road (the “Property”). The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

C. **Groundwater Protection Special Permit Findings (Sub-Section 5.6.3 of the Zoning Bylaw)** – The subject property at 6 Industrial Park Road is located within the Town’s Groundwater Protection District (MA Department of Environmental Protection Zone 2 recharge area). The scope of the project with the building addition and site improvements will increase the extent of impervious surface to more than 15% of the lot area. Accordingly, a groundwater protection special permit is required. Section 5.6.3 specifies that the following findings must be made to issue a groundwater protection special permit:

- 1) **Permitted Uses** – Enlargement of an existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned herein, the project will comply with those restrictions.
- 2) **Prohibited Uses** - The project includes an on-site emergency generator which is not allowed in the groundwater protection district unless required by statute, rule, or regulation. The Applicant has provided documentation that the Cannabis Control Commission requires marijuana facilities to maintain the ability to remain operational during power outages for a minimum of 4 hours, thus necessitating the installation of a generator.
- 3) **Uses and Activities Requiring a Groundwater Special Permit** – Specific to this project, the following activities are allowed only upon issuance of a special permit.
  - Any use which will render impervious more than 15% or 2,500 sq. ft. of any lot whichever is greater. The proposed building expansion and site improvements planned for 6 Industrial Park Road increase the extent of impervious surface to from the current 48.7% of the site (89,869 sq. ft.) to 76.1% of the site, thus triggering the need for a Groundwater Protection special permit.
- 4) **Special Permit Granting Authority** - The Board of Appeals is the designated special permit granting authority for the Groundwater Protection District. However, the Bylaw (Section 3.5. Site Plan Review, 4. a.) provides that authority to the Planning and Economic Development Board when both site plan approval and a special permit are needed so as to consolidate the review process.

5) **Does the site design include a system for groundwater recharge which does not degrade groundwater quality? Does the recharge system use stormwater infiltration basins, or a similar system covered with natural vegetation? Are such basins preceded by oil, grease, and sediment traps to facilitate removal of contamination? Is there a plan for all recharge areas to be permanently maintained in full working order by the owner? The existing facility, proposed addition, and associated site improvements will render the site to be 76.1% impervious. The stormwater management plan includes construction of subsurface infiltration structures, subsurface pipe network, proprietary stormwater devices, and a rain garden to mitigate the rate of peak runoff, treat stormwater for water quality, and promote groundwater recharge.**

**Commented [SAC4]:**  
Pulled this from the revised 5-18-22 stormwater report. Ask Chris Sparages to confirm or update and correct.

*The Board's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality. The Conservation Commission is responsible for stormwater review on this site and has issued its Order of Conditions and a Land Disturbance permit which includes numerous conditions and protective measures. As part of its review, the Commission*

- 6) Does the proposed use, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District?** The project has been reviewed by the Conservation Commission and the Town's Consulting Engineer to ensure that the planned stormwater management facilities and the associated groundwater recharge does not degrade groundwater quality. The Conservation Commission issued an Order of Conditions and Land Disturbance Permit on June 27, 2022 which specifies suitable measures to protect groundwater. The comprehensive stormwater management system approved for this site is a considerable improvement over current conditions where stormwater
- 7) Is the proposed development designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed?** *The plan for the proposed development has been developed and revised such that the impact of the planned stormwater infrastructure on groundwater is minimized.*
- 8) Has the applicant provided sufficiently detailed, definite, and credible information to supportive positive findings in relation to the standards given herein?** *The Board finds that the Applicant has provided sufficiently detailed, definite, and credible information to support positive findings in relation to the standards for a Groundwater Protection special permit as documented in the application materials and additional information provided during the course of the public hearing.*
- 9) Were the submission requirements and hearing procedures conducted in accordance with Section 3.4 of the Zoning Bylaw?** *The submission requirements and public hearing procedures have been conducted in accordance with Section 3.4 of the Bylaw and the Board's Site Plan Rules and Regulations including the posting of a public hearing notice with the Town Clerk, abutter notification, and legal advertisement. In a local newspaper of general circulation. Information about the project has also been posted to the Board's web page and review and comments have been sought from the Board of Health, Conservation Commission, Water and Sewer Advisory Board and the Department of Public Works.*
- 10) Has the Board consulted with the Board of Health, Conservation Commission, Water and Sewer Commission and the Department of Public Works and referred this project to those entities for review and comment?** The site plan has been provided to the Board of Health, Conservation Commission, Water and Sewer Advisory Board, and Department of Public Works Services for review and consultation. The noted boards and committees were kept apprised of the status of the Board's review of the project and were able to provide information and recommendations throughout the process.

11) For further protection, the Board has included a series of conditions in this decision which require certain measures to address groundwater protection. See Specific Condition [REDACTED].

12) **Special Permit Decision Criteria (Zoning Bylaw, Section 3.4 C. 1-9)** Special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Bylaw, shall make findings on all of the applicable criteria. *See Special Permit Findings included in the previously issued Phytopia marijuana special permit issued by the Board dated October 30, 2021.*

**Concluding Statement - .....**

**Vote on Groundwater Protection Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ voted to \_\_\_\_\_ the above noted Groundwater Protection Special Permit Findings for 6 Industrial Park Road (the "Property"). The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**VII. WAIVERS** - At its \_\_\_\_\_, 2022 meeting, the Board, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended* \_\_\_\_\_, 2019. The Board's action and reasons for granting 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**

Jessica Chabot  
Richard Di Iulio  
Matthew Hayes  
Robert Tucker

**Site Plan Submittal Requirements**

1. **Section 204-3 F. Development Impact Statement** – The Applicant shall provide a written Development Impact Statement which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent, reduce, or mitigate adverse impacts. A Development Impact Statement shall consist of four elements: Traffic Impact Assessment, Environmental Impact Assessment, Neighborhood Impact Assessment and Parking Impact Assessment.

*The Applicant has requested a waiver from this requirement for a single Development Impact Statement and points to the submittal of separate professionally prepared documents to address traffic and parking, noise, and odor. The project and the site's pre-existing contamination issue have also been subject to intense environmental scrutiny by the*

Conservation Commission and are addressed in the Order of Conditions. 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.

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

The Applicant has requested a waiver from this requirement as the site has been used for many years by the previous owner and is already considerably disturbed. The site plan denotes the location of four trees along the property’s Industrial Park Road frontage which are specified to be retained and which is included as a condition of this decision (See Condition     ). 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. 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 this requirement. Instead, a landscape plan has been prepared by the Applicant’s project engineer who has completed many such plans for other development projects. The landscape plan has been reviewed by both the Conservation Commission and the Design Review Committee and has been found to be acceptable. 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.

**NOTE - Other waivers from the Site Plan Rules and Regs may be needed**

- Portions of the parking lot areas are located within 15’ of the property lines (Section 207-12-G. 3 b.)
- Master Signage Plan (Section 204-5 D. 14)
- Construction Management Plan (Section 204-3 H)

**VIII. CONDITIONS** The Specific and General Conditions included in this Decision are to assure that the Board’s approval of the major site plan, groundwater protection special permit, and reduced parking special permit are consistent with the Zoning Bylaw, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Permittee.

**SPECIFIC CONDITIONS OF APPROVAL**

A. **Limitations** - Notwithstanding any future amendment of the Bylaw, G.L. c.40A, or any other legislative act:

1. The tract(s) of land on which this proposed development will be located at 6 Industrial Park Road shall not be altered or used except:
    - a) as granted by this site plan and special permits decision;
    - b) as granted by the marijuana uses special permit granted November 30, 2021 and recorded on January 18, 2022 in Book 40248, Pages 330 – 350 at the Norfolk County Registry of Deeds.
    - c) substantially as shown on the site plan *Industrial Park Road*, dated April 1, 2021, last revised May 13, 2022, prepared by Williams and Sparages Engineers, Planners and Surveyors including landscaping, lighting, and architectural plans, to be further revised as specified herein before plan endorsement.
    - d) in accordance with any subsequently approved field changes, modified plans, or amendments to this site plan/special permit decision; and
  2. The tract of land and buildings comprising 6 Industrial Park Road shall not be used, sold, transferred, or leased except in conformity with this decision and approved site plan and shall not be further divided.
  3. The reduced parking and groundwater protection special permits are limited to the operation of the property for the cultivation, manufacturing and processing of medical and adult use recreational marijuana and marijuana products.
- B. All conditions included in the previously issued marijuana uses special permit approved by the Board on October 30, 2021 are incorporated herein.
- C. **Plan Endorsement** - Within (60??) days after the Board has filed its *Decision* with the Town Clerk, the site plan *Industrial Park Road*, dated April 1, 2021, last revised May 13, 2022, prepared by Williams and Sparages Engineers, Planners and Surveyors of Middleton, MA including building elevations, renderings, landscaping plan and lighting plan, shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee shall also provide a Certificate of No Appeal from the Town Clerk's office.
- D. **Recording** - No construction shall begin on the site and no building permit for any work shall be issued before this *Decision* and the *Plan* are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board within thirty days of recording.
- E. **Cover Sheet Revisions**
1. Revise the cover sheet to include a plan set title and date and a list of APPROVED waivers.
  2. Add a reference to the previously issued marijuana special permit with recording information.
  3. Add reference to architectural plans to index.
  4. xx

5. xx

**F. Other Plan Revisions**

1. Add the Long-Term Stormwater Operations and Maintenance plan to the plan set and include on the cover sheet plan index.
2. Designate and label the open space areas and note the amount of area included in each.
3. xx
4. xx

**G. Parking**

1. Because there are two separate parking fields served by three driveways, there is concern that employees may have to drive around the parking fields to locate vacant parking spaces. The Permittee shall develop an assigned parking program to minimize vehicle trips into and out of the site driveways. **RECOMMENDED BY TETRA TECH. Applicant is not keen on this condition.**
2. The Permittee shall require employees that on-street parking is not allowed on Industrial Park and Jayar Roads.
3. IDEA – Evaluate parking situation one year after occupancy on Phase 2 of the project.
4. Parking or use of the parking areas at 6 Industrial Park Road shall be limited only to vehicles for Phytopia employees, deliveries, and customers. The parking area shall not be leased or made available to any other businesses for any purposes.

**H. Conditions Pertaining to Groundwater Protection District Special Permit**

1. Use and storage of toxic and hazardous materials is prohibited unless stored within a free-standing container located inside the building. Any accidental spillage must be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
2. Any commercial fertilizers, as defined in Massachusetts General Law, c. 128 §64, used for the growing of marijuana plants shall be stored within containers and kept inside the 6 Industrial Park Road building. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate.

Application of fertilizers on site must be done in a manner to prevent adverse impacts on groundwater.

3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
  4. There shall be no outdoor storage of pesticides, herbicides, fungicides, or insecticides anywhere on the site. Any such products shall be stored inside.
  5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
  6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin.
  7. All vehicles shall be parked or stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
  8. There shall be no earth removal within six feet of the historical high groundwater level.
  9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.
  10. Reference any conditions in the CC Order of Conditions and Land Disturbance Permit?
- 
- I. **Nuisance** – The Permittee shall construct and maintain the property and building so as to not create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the area. The Permittee shall comply with Section 7.3 of the *Zoning Bylaw*, as recently amended at the November 15, 2021 Town Meeting.
  - J. **Noise Management** – See conditions included in the marijuana special permit decision dated October 30, 2021.
  - K. **Odor Management** – See conditions included in the marijuana special permit decision dated October 30, 2021.
  - L. **Tree Preservation** – Sheet #C7.1 Landscape Plan of the site plan denotes the location of four trees along the property's Industrial Park Road frontage which are

specified to be retained. These include: 16" maple, 18" maple, 10" maple club, **what is the fourth tree?**

1. The Permittee and its contractors shall not remove the 4 noted trees during site preparation and construction of infrastructure and the buildings.
  2. The 4 trees shall be clearly identified in the field and verified by the Board's consulting engineer before site preparation and construction commences.
  3. If any of the 4 identified trees are removed or damaged during site preparation or construction, the Permittee shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one square inch per two square inch replacement basis within one year after the tree removal or damage has occurred. The one square inch per two square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved, and that square inch total is the amount of required square inches of the replacement tree(s). The location of the replacement trees shall be recommended by the Permittee and approved by Planning and Economic Development Board (as a field change). The species of replacement tree(s) shall be from those listed in Section 207-19. F of the *Site Plan Rules and Regulations*
- M. **Open Space** – At least 20% of the site shall be permanently retained as open space and/or yard in perpetuity. This is an on-going obligation of the Permittee. This area shall be unpaved but may be landscaped or left natural with the balance being trees, shrubs, and grass suitable for the site. The area may include communal gathering space for employees.
- N. **Maintenance of that portion of the site where the building addition is planned until such time as it is constructed. DETAILS!!**
- O. **Signage** – Any business signage for this project shall comply with the sign regulations of the Zoning Bylaw (Section 7.2) and is subject to review by the Design Review Committee.
- P. **Sidewalk Construction on Industrial Park Road and Jayar Road** – Pursuant to Section 3.5.4. I.3. Procedures for Site Plan Review of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of properties along existing public ways. The Applicant has not proposed to provide sidewalks along the property's frontages on Industrial Park Road and Jayar Road. In lieu of sidewalk construction, the Applicant will make a payment to the Town's Sidewalk Fund in the amount of \$\_\_\_\_\_ as calculated by the Board's Consulting Engineer (Tetra Tech 8-15-22 estimate) as the amount needed for the Town to construct 775 linear feet of 5' wide asphalt sidewalk with Cape Cod berm and accessible ramps. The funds shall be held in the Town's Sidewalk Fund for use to construct sidewalks elsewhere in the community. **The funds shall be paid to the Town before an occupancy permit is issued by the Building Department.**

**Q. Snow Storage and Removal**

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within      hours after the conclusion of the storm event.

**R. Water Conservation** – The development is relying on the Town’s public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures:

1. Any landscape irrigation system shall not be connected to municipal water supply. Irrigation wells must be permitted by the Board of Health.
2. rain-gauge controlled irrigation systems
3. low flow plumbing fixtures
4. water efficient appliances for toilets, etc.

**S. Construction** – In conjunction with the pre-construction meeting (See General Condition     ), the Permittee shall provide the following:

1. Stormwater Pollution Prevention Plan (SWPPP) and documentation under the NPDES General Construction Permit program of the US EPA.
2. Construction Management Plan compliant with Section 204-3 H. Site Plan Submittals of the *Site Plan Rules and Regulations*

**T. Occupancy Permit**

1. **Phase 1** – The occupancy permit for Phase 1 shall not be issued until:
  - a. the following items, at a minimum, are installed in compliance with this decision, the Plan, and applicable bylaws and regulations and determined to be acceptable to the Board and the Board so notifies the Building Commissioner/Zoning Enforcement Officer.
    - i) driveways and parking areas gravel sub-base
    - ii) driveways and parking areas binder course
    - iii) drainage system completed
    - iv) as-built plan of each stormwater facility with all critical elevations and details
    - v) stop line pavement markings and traffic control signs
    - vi) provisions for fire prevention and protection
    - vii) xxxx
    - viii) xxxx; and
  - b. suitable performance security has been provided to the Town of Medway, to the Board’s satisfaction, to cover the cost of all remaining work for Phase 1 as shown on the Plan. See General Condition \_\_\_\_.
2. **Phase 2** – Prior to the final occupancy permit for Phase 2 being issued, the applicant shall obtain the Certificate of Site Plan Completion from the Planning and Economic Development Board. See General Condition \_\_\_\_.

**Commented [SAC5]:**  
 This list will need to be revised to match up with the Phase 1 scope of work.

**Commented [BSA6]:** Are the two phases separable? Not sure how this works.

## **GENERAL CONDITIONS OF APPROVAL**

- U. **Applicability** – This Decision shall apply to any successor in control or successor in interest to the subject property
- V. **Fees** - Prior to filing this Decision with the Town Clerk, the Board requires the Applicant to pay:
1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering or other consultants;
  2. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- W. **Compliance with Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses, and approvals. The Permittee or agent shall apply for, obtain, pay for, and comply with all other required Town permits.
- X. **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** – Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday through 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 and 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 *Zoning Bylaw*, SECTION 7.3 Environmental Standards.
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with the Construction Period Pollution Prevention Plan included in the *Stormwater Report for 6 Industrial Park Road*, dated April 1, 2021, last revised May 18, 2022, prepared by Williams and Sparges, LLC of Middleton, MA

Y. **Construction Oversight**

1. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, other Town officials as may be appropriate, and the Permittee's project engineer and site contractors for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed. **CONSTRUCTION MANAGEMENT PLAN, SWPPP, what else?**
2. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
  - b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be

determined by the Board based on an estimate provided by the Town's Consulting Engineer.

- c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
- 3. Right to Enter Property - Board members, its staff, consultants or other designated Town agents and staff shall have the right to enter the property at reasonable times during construction and with advance notice to the Permittee to inspect the site for compliance with the terms and conditions of this decision and the Plan and while on site, may acquire any information, measurements, photographs, observations and/or materials deemed necessary for that evaluation.
  - 4. DPW Inspections - The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
  - 5. Monthly Reports - 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 and shall start immediately once any work begins on the property. The Permittee's engineer shall prepare a written report of each inspection and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.

**Z. On-Site Field Changes**

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

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

**AA. Modification of Plan and/or Decision**

1. Proposed modifications, not including on-site field changes, to this *Decision* or the endorsed *Plan* shall be subject to review by the Board.
2. This site plan and special permit approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from the approved *Plan* or this *Decision* may be a violation of the *Zoning Bylaw* unless the Permittee requests approval of a modification pursuant to Section 208-4 of the *Site Plan Rules and Regulations* and such approval is provided in writing by the Board, or as provided in General Condition E.
4. The request for a modification to a previously approved special permit and/or *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 modifications, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, 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 special permit documents and shall be shown on the final as-built plan.

**BB. Compliance with Plan and Decision**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed *Plan* and this *Decision* any modifications thereto.
2. The Board or its agent(s) 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 decision and the foregoing Specific and General Conditions of Approval.
3. The Specific and General Conditions of Approval are enforceable under Section 3.1. F. of the *Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

**CC. Performance Security**

1. Prior to the grant of an occupancy permit, the Board must provide a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, substantially conforms to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable performance security has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.
2. The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector, and Town Counsel. The Board requires that the performance security be accompanied by an agreement which shall define the obligations of the Permittee and the performance security company including:
  - a) the date by which the Permittee shall complete construction
  - b) a statement that the agreement does not expire until released in full by the Board
  - c) procedures for collection upon default.
3. The amount of the performance security shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities, and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance security estimate is prepared if the developer failed to do so.
4. The performance security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.
5. Something about reductions in performance security . . .
6. Final release of performance security is contingent on project completion.

**Commented [BSA7]:** Do we really need to allow for reductions? This is not a subdivision. Not sure how some of the improvements are integrated into the phases.

**DD. Project Completion**

1. Site plan approval shall lapse after two years of the grant thereof as provided in Section 3.5.7 of the Zoning Bylaw if construction has not begun except for good cause. 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 specify the additional length of time requested. If no request for extension is filed and

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

2. The work shown on the approved Plan shall be completed by the Permittee or its assignees within [redacted] 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 specify the additional length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing, and decision.
2. Prior to issuance of a final occupancy permit, the Permittee shall request a **Certificate of Site Plan Completion** from the Board. The **Certificate** serves as the Board's confirmation that, in its opinion, the completed work conforms to the approved 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 performance security that has been provided to the Town of Medway.
  - a) Before issuing such Certificate, the Board's Agent shall conduct a final inspection of the site and prepare a punch list to identify any remaining work to be completed. The Board may consult with its consulting engineer and various Town staff and boards or committees to determine whether the project is complete.
  - b) To secure a Certificate of Site Plan Completion, the Permittee shall complete or provide the following items to the satisfaction of the Board.
    - i. receipts to document cleaning of the stormwater system
    - ii. a signed statement from the Permittee committing to the ongoing maintenance of the stormwater management facilities and replacement of landscaping.
    - iii. removal of erosion controls
    - iv. full stabilization of the site
    - v. a 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
    - vi. an electronic version of a final 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.

- EE. **Landscape Maintenance** - 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 *Plan of Record*. Any shrubs, trees, bushes, or other landscaping features shown on the Plan that die shall be replaced by the following spring.

Commented [SAC8]: How to handle the phasing of the project??

FF. **Right to Enter Property** – Board members, its staff, consultants, or other designated agents of the Town shall have the right to enter the property at reasonable times during construction to inspect the site to evaluate for compliance with the terms and Conditions of this special permit and endorsed site plan and while on site, may acquire any information, measurements, photographs, observations ~~and/or materials~~ deemed necessary for that evaluation.

GG. **Conflicts** –If there is a conflict between the Plan and the Decision’s Specific and General Conditions, the Decision shall rule. If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

**IX. APPEAL** – The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the 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.

In accordance with G.L c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner’s certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty-day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.

###

**Decision Date:** \_\_\_\_\_

**AYE:**

\_\_\_\_\_  
Jessica Chabot

\_\_\_\_\_  
Richard Di Iulio

\_\_\_\_\_  
Matthew Hayes

\_\_\_\_\_  
Robert Tucker

**COPIES TO:** Michael Boynton, Town Manager  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Sean Harrington, Deputy DPW Director  
William Kingsbury, Police Chief  
Derek Kwok, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Christopher Pace, Assessor  
Pete Pelletier, DPW Director  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Steven Bouley, Tetra Tech  
Edward Cannon, esq.  
Phytopia, LLC



Town of Medway  
DESIGN REVIEW COMMITTEE  
155 Village Street  
Medway MA 02053  
508-533-3291  
[drc@townofmedway.org](mailto:drc@townofmedway.org)

July 25, 2022

TO: Medway Planning and Economic Development Board  
FROM: Design Review Committee  
RE: DRC Comments, Site plan review -Phytopia  
6 Industrial Park Road, Medway, MA 02053

Dear Members of the Medway Planning and Economic Development Board

The Medway Design Review Committee [DRC] is pleased to provide a comment letter for the updated designs for the Phytopia building at 6 Industrial Park Road. The DRC met with representatives of the project on Monday, June 6<sup>th</sup>, 2022. At this meeting, the DRC reviewed an updated site plan that included each of the recommendations provided by the DRC during previous meetings. The DRC is satisfied that the design recommendations have been included to bring this site inline the *Medway Design Review Guidelines*. Those updates include.

- Architectural materials and forms that connect both phases of the project (renovation of the existing building and construction of a new addition) with a cohesive style.
- Developed landscape plans that naturalize the site and provide screening.
- Sidewalks that connect the front and back sides of the site
- Screening of electrical systems at front of site.
- Introduction of bike racks and EV charging stations.
- Inclusion of curb cuts to allow traffic flow through site.

Thank you for your time and again, thank you for allowing the DRC the chance to review this important site plan. The DRC remains available to review any updates and will gladly provide feedback in the most effective manner that will assist these proceedings.

Sincerely,

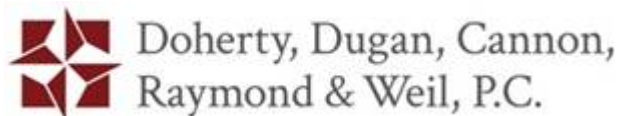
Matthew J. Buckley  
Chair

#### Design Review Committee Members

Matthew Buckley, Member & Chair  
Jessica Chabot, Member & Vice Chair

Tom Gay, Planning and Economic Development  
Board Representative

Janine Clifford, Member



Edward V. Cannon, Jr.  
[evc@ddcrwlaw.com](mailto:evc@ddcrwlaw.com)

124 Grove Street  
Suite 220  
Franklin, MA 02038  
TEL. NO. (508) 541-3000  
FAX NO. (508) 541-3008

August 9, 2022

Planning & Economic Development Board  
Town of Medway  
155 Village Street  
Medway, MA 02053

RE: 6 Industrial Park Road, Medway, MA  
Medway Flower LLC  
Site Plan & Special Permit Applications

Dear Susy:

Pursuant to the 935 CMR 500.100(5)(a)8 and 935 CMR 500.100(6)(a)8 a marijuana establishment must maintain the ability to remain operational during a power outage for a minimum of four hours, and if it appears likely the outage will last more than four hours, the establishment must take sufficient steps to ensure security of the premises in consultation with the Cannabis Control Commission.

Accordingly, a generator is required to keep the site operational for a least four hours in the event of a loss of power.

Thank you for your time and attention to this matter, and please contact me with any questions or if you need any additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read "Edward V. Cannon, Jr.", is written over a blue circular stamp or seal.

Edward V. Cannon, Jr.

cc: Angelo Frangoulidis  
Dale Buckman, MD  
Alex Athanas  
Peter D'Agostino  
Chris Sparages  
Brian Anderson

F19-039



**Sidewalk Estimate**  
**6 Industrial Park Rd**  
**Medway, Massachusetts**  
August 16, 2022

Estimate Item #	MA DOT Item #	DESCRIPTION	QUANTITY	UNIT	UNIT COST <sup>1</sup>	ENGINEERS ESTIMATE
1	748.	Mobilization	1	LS	\$1,600.00	\$1,600
2	120.	Excavation	248	CY	\$40.00	\$9,920
3	151.	Gravel Borrow	124	CY	\$50.00	\$6,200
4	170.	Fine Grading & Compacting	431	SY	\$7.25	\$3,125
5	470.	HMA Berm	775	FT	\$9.00	\$6,975
6	701.2	ADA Ramp	37	SY	\$110.00	\$4,070
7	702.	HMA Sidewalk	74	TON	\$262.50	\$19,425
8	751.	Loam	35	CY	\$75.00	\$2,625
9	765.	Seed	173	SY	\$2.00	\$346
<b>Total</b>						<b>\$54,286</b>

Notes:

<sup>1</sup>Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 08/2021 - 08/2022. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

<sup>2</sup>Sidewalk quantities based on estimated length of proposed sidewalk along frontage of the property, excluding the driveway openings. HMA Sidewalk Dimensions: Sidewalk Length: 775 ft., Excavation Depth/Width=12 in./7.5 ft., Gravel Depth/Width=9 in./5 ft., Curb Length=775 ft., Sidewalk Depth/Width=3 in./5 ft., Loam Depth/Width=6 in./2 ft., Seed Width=2 ft.

## **Construction Phasing for the Phytopia Project 6 Industrial Park Road, Medway Massachusetts**

The proposed Phytopia project will be built out in two phases. Phase one includes renovating the existing 53,128 square foot building and installing/ performing most of the utilities and site work shown on the approved site plan set. Phase two construction will begin within 24 months of the issuance of a certificate of occupancy for Phase one and includes constructing a proposed 33,119 square foot addition and installing/ performing the remaining utilities and site work. The following is a detailed breakdown of what will be completed as part of Phase one and two.

### **Phase 1**

- 1) Renovate existing building.
- 2) Install new water services for fire and domestic flow.
- 3) Install new 6-inch water line to new hydrant on east side of building.
- 4) Install new sewer service.
- 5) Install new electric service, transformer, utility meter & dual breaker station, and generator.
- 6) Install the following stormwater infrastructure: SWMA2P, SWMA1P, CDS1515-5, CDS1515-3, DMH6, DGCB2, DMH4, CB1, CB7, DMH10, DMH14, DGCB8, DGCB11, JFS10404-12, and JFS10406-9. This includes all connecting drainage piping.
- 7) The cooling tower concrete pad and cooling tower for the Phase 1 Building.
- 8) Install Landscape Improvements on the south side and west side of the Phase 1 Building.
- 9) Install binder course of pavement in all parking areas and sidewalks.
- 10) Install as much bituminous curbing as needed to ensure that stormwater is directed to the drainage structures. All rims of drainage structures to be set at binder course of pavement in Phase 1.
- 11) Install fencing along 24 Jayar Road shared property line.
- 12) Install Dumpster with fencing.
- 13) Install CO2/ storage tank enclosure with fencing.
- 14) Future additional building pad to be treated with temporary seeding.
- 15) Install parking lot light poles and building mounted lighting.
- 16) Complete all work within jurisdictional areas of the Conservation Commission, including loam, seed, and plantings.

### **Phase 2**

- 1) Install new building addition.
- 2) Install second cooling tower.
- 3) Install electric service to EV Parking Spaces and EV Charging Stations.
- 4) Install the following stormwater infrastructure: SWMA3P (Rain Garden), SWMA4P (subsurface infiltration basin for addition), and DMH13.
- 5) Raise all drainage structures and install finish pavement and remaining curbing.
- 6) Install remaining Landscape Improvements.
- 7) Install transformer and generator.
- 8) Install remaining building mounted lighting.

Received from Chris Sparages 8-11-22

## Susan Affleck-Childs

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**From:** Chris Sparages <csparages@wsengineers.com>  
**Sent:** Tuesday, August 16, 2022 1:13 PM  
**To:** Susan Affleck-Childs  
**Cc:** Ted Cannon  
**Subject:** [External] RE: Phytopia 6 Industrial Park Road

Dear Susy,

Looking at my notes from one of our previous meetings...

- 1) The total impervious surface in the existing condition is approximately 89,869 square feet.
- 2) The lot area is 184,685 square feet.
- 3) Therefore, the percent impervious area in the existing condition is approximately 48.7 percent.

Thank you.

**Chris Sparages, P.E.**



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(617) 981-5452 Mobile  
[www.wsengineers.com](http://www.wsengineers.com)

We invite you to follow us on Facebook [www.facebook.com/wsengineers](https://www.facebook.com/wsengineers)

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**From:** Susan Affleck-Childs [mailto:sachilds@townofmedway.org]  
**Sent:** Tuesday, August 16, 2022 8:55 AM  
**To:** Chris Sparages <csparages@wsengineers.com>  
**Subject:** Phytopia 6 Industrial Park Road

Hi Chris,

What is the current impervious surface % for the property?

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

508-533-3291



Project Name: Phytopia  
 Project Address: 6 Industrial Park Road, Medway, MA 02053

---

~30,089 sf is divided among the following program elements

Please note these are approximate and final numbers will vary.

ROOM #	ROOM NAME	AREA (SF)
101	ENTRY	112 SF
102	SECURITY OFFICE	117 SF
103	LOBBY (CORRIDOR)	784 SF
104	BREAK ROOM	464 SF
105	GENDER NEUTRAL 1	287 SF
106	GENDER NEUTRAL 1 LCK RM	225 SF
107	GENDER NEUTRAL 2 LCK RM	205 SF
108	GENDER NEUTRAL 2	220 SF
109	LOUNGE	237 SF
110	JANITOR 1A	21 SF
111	W/C	64 SF
112	CONFERENCE	408 SF
113	OPEN OFFICE	1,386 SF
114	STORAGE 1A	21 SF
115	HUDDLE	152 SF
116	MAIN OFFICE	149 SF
117	OFFICE	130 SF
118	OFFICE	127 SF
119	SEC. I.T. CLOSET	130 SF
120	ELECTRICAL	556 SF
121	SPRINKLER	215 SF
122	GOWNING	502 SF
124	MANUFACTURING CORRIDOR	1,191 SF
125	FOOD MANUFACTURING	742 SF
125A	FOOD PREP	204 SF
126	PANTRY	178 SF
127	WASHING	243 SF
128	SHREDDING	214 SF
129	POST EXTRACTION PROCESSING AREA	965 SF
130	HYDROCARBON AREA	244 SF
131	ETOH EXTRACTION AREA	263 SF
132	JANITOR 1B	49 SF
133	AIRLOCK	199 SF
134	MECHANICAL	1,113 SF
135	ETOH STORAGE	104 SF
136	EXTRACTION SUPPORT	167 SF
137	SHIPPING / RECEIVING	1,003 SF
138	DOCK OFFICE	124 SF
139	OUTBOUND PRODUCT INSPECTION	152 SF
140	FERTIGATION	715 SF

141A	QUARANTINE	318 SF
141B	PLANT QUARANTINE	130 SF
142	PACKAGING	905 SF
143	BUD PACKAGING	906 SF
144	FINAL VAULT	841 SF
145	SECURED W.I.P.	768 SF
	TOTAL	18,250 SF

119,366 gross  
89,247 – horticultural spaces  
30,089 - non-horticultural spaces

+/- 18,250 programmatic areas  
+/- 11,869 SF is allocated to circulation and wall thickness.



**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Construction Reports**

**6 Cutler Street Reports submitted by Tetra Tech:**

- **Field Report No. 1, dated June 14, 2022**
- **Field Report No. 2, dated June 21, 2022**
- **Field Report No. 3, dated July 19, 2022**
- **Field Report No. 4, dated July 20, 2022**
- **Field Report No. 5, dated August 3, 2022**

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

# FIELD REPORT

Project Cutler Place	Date 06/21/2022	Report No. 2
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 1 of 2
Contractor/Owner Anthony Varrichione (Applicant)	Weather A.M. P.M. CLEAR	Temperature A.M. P.M. 72°F

## FIELD OBSERVATIONS

### 1. OBSERVATIONS

- A. Temporary construction fencing has been installed at the southern side of the property adjacent to Cutler Street.
- B. Silt fence barrier (SFB) and compost filter socks are installed along the north and west side of the property as shown on the Plans and appear to be in good condition. The approved plans call for erosion controls to be erected around the entire northern, eastern, and western property boundaries. However, TT and the Contractor walked the site and determined that linear erosion controls are only necessary along the western and northern limits as the site slopes in that direction.
- C. Trees proposed to be preserved have SFB staked around them. Stockpiled construction materials for interior construction activities are present throughout the site.
- D. Current work is concentrated on interior construction of the existing building. Foundation and plumbing for the proposed addition on the east side of the site has been completed with some areas still needing backfill.

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	2	Loader		Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	1				
		Tri-Axle Dump Truck					
		Trailer Dump Truck					
Police Details:						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Tucker D. Paradee, EIT	4:45 P.M. – 5:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Cutler Place	Date 06/21/2022	Report No. 2
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 2 of 2

## **FIELD OBSERVATIONS CONTINUED**

### **2. SCHEDULE**

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

### **3. NEW ACTION ITEMS**

A. N/A

### **4. PREVIOUS OPEN ACTION ITEMS**

A. Install additional erosion controls on the eastern and northeastern side of the property as shown on the endorsed Plans. **TT Update: In our opinion this item is resolved. Site slopes toward the north and west, erosion controls not necessary on the northeastern and eastern portions of the site.**

### **5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION**

A. N/A

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

# FIELD REPORT

Project Cutler Place	Date 6/14/2022	Report No. 1
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 1 of 2
Contractor/Owner Anthony Varrichione (Applicant)	Weather A.M. P.M. CLEAR	Temperature A.M. P.M. 70°F

## FIELD OBSERVATIONS

### 1. OBSERVATIONS

- A. Temporary construction fencing has been installed at the southern side of the property adjacent to Cutler Street.
- B. Silt fence barrier (SFB) and compost filter socks are installed along the north and west side of the property as shown on the Plans and appear to be in good condition. Erosion controls along the eastern and northeastern side of the property have not been installed.
- C. Trees proposed to be preserved have SFB staked around them.
- D. Stockpiled construction materials for interior construction activities are present throughout the site.
- E. Current work is concentrated on interior construction at the existing building. Foundation and plumbing for the proposed addition on the east side of the site has been completed.

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	2	Loader		Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	1				
		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	1:30 P.M. – 1:50 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Cutler Place	Date 6/14/2022	Report No. 1
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 2 of 2

## **FIELD OBSERVATIONS CONTINUED**

### **2. SCHEDULE**

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

### **3. NEW ACTION ITEMS**

A. Install additional erosion controls on the eastern and northeastern side of the property as shown on the endorsed Plans.

### **4. PREVIOUS OPEN ACTION ITEMS**

A. N/A

### **5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION**

A. N/A

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

# FIELD REPORT

Project Cutler Place	Date 08/03/2022	Report No. 5
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 1 of 2
Contractor/Owner Anthony Varrichione (Applicant) Mark Muntz (General Contractor)	Weather A.M. P.M. MOSTLY CLOUDY	Temperature A.M. P.M. 95°F

## FIELD OBSERVATIONS

### 1. OBSERVATIONS

- A. Existing paved parking lot contains traces of sediment. Existing asphalt in the southern region of the site has been excavated for the proposed open space. Existing asphalt remains along the northern and eastern regions of the site.
- B. Temporary construction fencing has been installed at the southern limit of the property adjacent to Cutler Street.
- C. Silt fence barrier (SFB) and compost filter socks are installed along the northern and western property boundaries as shown on the Plans and appear to be in good condition.
- D. SFB tree protection is present around existing trees to the east and appear to be in good condition. Stockpiled construction materials for interior construction activities are present throughout the site.
- E. TT on-site to inspect rain garden. Corrugated plastic infiltration pipe of 8" diameter is placed at the approximate center of the rain garden and is to be cut to desired height upon completion of landscaping. Planting soil mix placed in the bottom of the rain garden, loam placed on side slopes.

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	1	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters	2	Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck	3			
		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
					George Sachs-Walor	1:25 P.M. – 1:30 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Cutler Place	Date 08/03/2022	Report No. 5
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 2 of 2

## **FIELD OBSERVATIONS CONTINUED**

### **2. SCHEDULE**

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

### **3. NEW ACTION ITEMS**

A. N/A

### **4. PREVIOUS OPEN ACTION ITEMS**

A. N/A

### **5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION**

A. N/A

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

# FIELD REPORT

Project Cutler Place	Date 07/20/2022	Report No. 4
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 1 of 2
Contractor/Owner Anthony Varrichione (Applicant) Mark Muntz (General Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 85°F P.M.

## FIELD OBSERVATIONS

### 1. OBSERVATIONS

- Existing paved parking lot contains traces of sediment. Existing asphalt in the southern region of the site has been excavated for the proposed open space. Existing asphalt remains along the northern and eastern regions of the site. Excavated asphalt is stockpiled in the southwest corner of the site.
- Temporary construction fencing has been installed at the southern limit of the property adjacent to Cutler Street. Silt fence barrier (SFB) and compost filter socks are installed along the northern and western property boundaries as shown on the Plans and appear to be in good condition.
- TT on-site to inspect rain garden. Contractor has wrapped previously placed  $\frac{3}{4}$ " stone with geotextile filter fabric as indicated on the Plans. Corrugated plastic infiltration pipe of 8" diameter placed at the approximate center of the rain garden and to be cut to desired height upon completion of landscaping. Planting soil mix as specified in the Plans detail is installed along the bottom of the rain garden at a depth of 2 feet.
- During inspection, contractor loading stockpiled asphalt debris into tri-axle dump truck to be removed from site.

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	1	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters	2	Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck	3			
		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	9:00 A.M. – 10:00 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Cutler Place	Date 07/20/2022	Report No. 4
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 2 of 2

## ***FIELD OBSERVATIONS CONTINUED***

### **2. SCHEDULE**

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

### **3. NEW ACTION ITEMS**

A. N/A

### **4. PREVIOUS OPEN ACTION ITEMS**

A. N/A

### **5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION**

A. N/A

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

# FIELD REPORT

Project Cutler Place	Date 07/19/2022	Report No. 3
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 1 of 2
Contractor/Owner Anthony Varrichione (Applicant) Mark Muntz (General Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 85°F P.M.

## FIELD OBSERVATIONS

### 1. OBSERVATIONS

- Existing paved parking lot contains traces of sediment. Existing asphalt in the southern region of the site has been excavated for the proposed open space. Existing asphalt remains along the northern and eastern regions of the site. Excavated asphalt is stockpiled in the southwest corner of the site.
- Temporary construction fencing installed at the southern limit of the property adjacent to Cutler Street. Silt fence barrier (SFB) and compost filter socks are installed along the northern and western property boundaries as shown on the Plans and appear to be in good condition. Additional compost filter sock placed against the construction fence and repositioned in front of the gates at the end of the day.
- SFB tree protection is present around existing trees to the east and appear to be in good condition. Stockpiled construction materials for interior construction activities are present throughout the site.
- Contractor has excavated to the bottom of the proposed rain garden while maintaining a 2:1 side slope. Virgin material appears to be sandy loam to a depth of approx. 2 feet, sand exists for the remainder of the open excavation. Field observations are consistent with the test pit logs provided during permitting.
- Contractor lined bottom and slopes of the rain garden with geotextile filter fabric followed by approx. 20" of  $\frac{3}{4}$ " double washed stone along the bottom and approx. 12" along the slopes. Contractor intends to continue work on the rain garden during the remainder of the week.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	
Foreman	1	Backhoe		Asphalt Reclaimer	
Laborers	1	Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.	
Carpenters	2	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		
		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	8:00 A.M. – 11:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Cutler Place	Date 07/19/2022	Report No. 3
Location 6 Cutler Street, Medway, MA	Project No. 143-21583-22003	Sheet 2 of 2

## ***FIELD OBSERVATIONS CONTINUED***

### **2. SCHEDULE**

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

### **3. NEW ACTION ITEMS**

A. N/A

### **4. PREVIOUS OPEN ACTION ITEMS**

A. N/A

### **5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION**

A. N/A



**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Sanderson View Multi-Family Special  
Permit and Site Plan  
(16 Holliston Street)  
Tetra Tech Plan Review Fee Estimate**

- Tetra Tech estimate dated August 22, 2022



August 22, 2022

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

**Re: Peer Review Proposal  
Major Site Plan Review  
16 Holliston Street  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

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

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

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

## **SCOPE OF SERVICES**

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

### **Task 1 Site Visit**

A. Perform one (1) site visit to review the site and its surroundings.

- Budget Assumption: 1 Visit  
3 hours @ \$172/hr = \$516  
Total = \$516

### **Task 2 Design Review**

A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.D below.

- Budget Assumption: 1 hour @ \$172/hr = \$172  
1 hour @ \$124/hr = \$124  
Total = \$296

B. Review one (1) set of proposed Plans against the above-mentioned regulatory documents and Bylaws and sound engineering practice and incorporate comments into review letter in Item 2.D below.

- Budget Assumption: 2 hours @ \$172/hr = \$344  
4 hours @ \$124/hr = \$496  
Total = \$840

- C. Review one (1) set of Proposed Plans and Stormwater Report for compliance with applicable stormwater regulations and good engineering practice and incorporate comments into review letter in Item 2.D below.
- Budget Assumption: 2 hours @ \$172/hr = \$344  
4 hours @ \$124/hr = \$496  
Total = \$840
- D. Prepare one (1) letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 2 hours @ \$172/hr = \$344  
4 hours @ \$124/hr = \$496  
Total = \$840
- E. Coordinate with Applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans and/or Stormwater Report will require additional funds.
- Budget Assumption: 4 hours @ \$172/hr = \$688  
Total = \$688

### Task 3 Meetings

- A. Participate in three (3) hearings/meetings with the Town of Medway PEDB by video conference, including time for preparation for each meeting.
- Budget Assumption: 6 hours @ \$172/hr = \$1,032  
Total = \$1,032

## BUDGET

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

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

The breakdown of this fee by task is as follows:

Task	Task Description	Budget
Task 1	Site Visit	\$516
Task 2	Design Review	\$3,504
Task 3	Meetings	\$1,032
	<b>Labor Subtotal</b>	<b>\$5,052</b>
	Expenses (5%)	\$253
	<b>Total</b>	<b>\$5,305</b>

## SCHEDULE AND CONDITIONS

We recognize that timely performance of these services is an important element of this proposal and will put forth our best effort, consistent with accepted professional practices to complete the work described within the Client's

schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway (CLIENT). The Agreement is subject to the existing contract Terms and Conditions between the Engineer and Client. The price is valid for 60 days from the date of this letter.

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

Very truly yours,



Steven M. Bouley, P.E.  
Project Manager



Sean P. Reardon, P.E.  
Vice President

Certified by:

\_\_\_\_\_  
Authorized Representative  
Town of Medway

\_\_\_\_\_  
Date

M:\SITE\BOULEY\MEDWAY\_PEDB\_16 HOLLISTON ST\_2022-08-22.DOCX



**August 23, 2022**

**Medway Planning & Economic Development Board  
Meeting**

**Articles for November Town Meeting**

**Zoning Bylaw Amendments**

- BESS
- Table of Uses – BESS
- Table of Uses – Other Changes
- Multi-Family
- Contractor's Quarters (new)
- Solar
- Housekeeping
- CBD/Oak Grove

**Other Warrant Articles**

- General Bylaw - Performance Security
- General Bylaw - Mitigation
- Street Acceptance – Newton Lane (Hartney Acres)

**DRAFT – BESS Bylaw**  
**August 17, 2022 bjs**  
**v.6**

**Article \_\_\_\_** To see if the Town will vote to amend the Zoning Bylaw by:

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

**Battery Energy Storage System (BESS):** One or more containers or cabinets containing batteries and related equipment, assembled together, capable of storing electrical energy in order to supply electrical energy at a future time. This includes all accessory equipment necessary for energy storage including but not limited to inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, and other power interconnection facilities and/or a project substation, but does not include a stand-alone 12-volt vehicle battery or an electric motor vehicle.

(2) Amending Table 1, Schedule of Uses to add Battery Energy Storage System as follows:

**Battery Energy Storage Systems [TBD: zones where BESS to be allowed]**

**Commented [BSA1]:** See separate document with proposed changes to Schedule of Uses.

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

Battery energy storage systems (as principal use)	2 spaces for Tier 1 3 spaces for Tier 2
---	--

(4) Amending Section 3.5 Site Plan Review as follows:

Amend Section 3.5.3.A.1 Major Site Plan Review by adding:  
“f. Tier 2 Battery Energy Storage Systems”

And amend Section 3.5.3.A.2 Minor Site Plan Review by adding:  
“h. Tier 1 Battery Energy Storage Systems”

(5) And to add a new Section 8.12 Battery Energy Storage Systems:

**Section 8.12 Battery Energy Storage Systems**

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

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

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

## **B. Definitions**

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

**ANSI:** American National Standards Institute

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

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

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

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

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

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

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

**NFPA:** National Fire Protection Association.

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

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

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

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

**This bylaw:** Section 8.12 of the Zoning Bylaw

**UL:** Underwriters Laboratory

**C. Applicability**

1. The requirements of this bylaw shall apply to battery energy storage systems permitted, installed, or modified after the effective date of this bylaw, excluding general maintenance and repair. BESS subject to this bylaw are only those that exceed the following capacities:
  - Lead-acid with a capacity of greater than 70 kWh
  - Nickel with a capacity of greater than 70 kWh
  - Lithium-ion with a capacity of greater than 20 kWh
  - Sodium nickel chloride with a capacity of greater than 20 kWh
  - Flow with a capacity of greater than 20 kWh
  - Other battery technologies with a capacity of greater than 10 kWh
  - BESS in one- and two-family dwellings with a capacity of greater than 1 kWh

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

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

- a). Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 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.

**D. General Requirements**

1. A building permit, an electrical permit, and a fire department permit per state codes shall be required for installation of all battery energy storage systems.

2. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

3. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

#### **E. Permitting Requirements for Tier 1 Battery Energy Storage Systems**

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

#### **F. Permitting Requirements for Tier 2 Battery Energy Storage Systems**

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

1. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles.

2. Signage. Signage shall comply with the requirements of Section 7.2 of this Zoning Bylaw and the following additional requirements; in the event of a conflict between the provisions of Section 7.2 and this section, the requirements of this section shall prevail.

a) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

b) As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

c) Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.

3. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall comply with Section 7.1.2 of this Zoning Bylaw.

4. Vegetation and tree-cutting. Areas within ten feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

6. Setbacks. Tier 2 Battery Energy Storage Systems shall be set back a minimum of 50 feet from all side, rear, and front lot lines; except that Tier 2 BESS shall be set back a minimum of 100 feet from side, rear, and front lot lines that abut or are across a street from residential zoning districts or existing single, two-family, or multi-family structures. The minimum setback areas shall include a Buffer Area at least fifteen feet wide along all property lines. Access drives and parking are allowed in these setbacks areas, but shall not intrude into the required Buffer Areas except where necessary to provide access or egress to the property. In addition, a minimum of 10 feet must be maintained between BESS components and all buildings, stored combustible materials, hazardous materials, high-piled storage, personnel means of egress, and other exposure hazards not associated with electrical grid infrastructure.

7. Dimensional. Tier 2 Battery Energy Storage Systems shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Section 6 of this Zoning Bylaw, unless otherwise provided in this bylaw.

8. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum eight foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Security barriers, fences, landscaping, and other enclosures must not inhibit required air flow to or exhaust from the BESS and components. Electrical equipment greater than 1,000V require a means to restrict access. NFPA 855 requires specialty safety systems to be provided based on the BESS chemistry and installed location.

9. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to or exhaust from the BESS and components.

10. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within the past year is proposed to be converted to a Tier 2 BESS, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to four times the total area of such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.

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

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

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

~~134.~~ Decommissioning Plan. The applicant shall submit with its application a decommissioning plan for Tier 2 BESS to be implemented upon abandonment and/or in conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Commissioner in writing at least twenty days prior to when a Tier 2 BESS will be decommissioned. Decommissioning of an abandoned or discontinued Tier 2 BESS shall be completed within six months after the facility ceases operation. The decommissioning plan shall include:

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

~~145.~~ Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the Planning and Economic Development Board and Town Counsel, for the removal of the battery

energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

~~165.~~ Proof of Liability Insurance. The applicant or property owner shall provide evidence of commercially liability insurance in an amount and type generally acceptable in the industry and approved by the PEDB prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with this bylaw.

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

1. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all State Electrical Code compliant disconnects and over current devices.
2. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
3. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
4. Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL 9540A fire test data must be made available to the Planning and Economic Development Board for review:
  - BESS systems with a capacity of greater than 50kWh
  - BESS systems with spacing between arrays of less than 3 feet
5. Commissioning Plan. The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the Building Code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to Zoning Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.
6. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with state codes, including documentation that BESS components comply with the safety standards set forth in subsection 8.12.1.
7. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing

Commented [BSA2]: Tier one?

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

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

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

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

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

**H. Ownership Changes.** If the owner of the battery energy storage system changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change. A new owner or operator must provide such notification to the Building Commissioner in writing.

**I. Safety**

1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- b) UL 1642 (Standard for Lithium Batteries),
- c) UL 1741 or UL 62109 (Inverters and Power Converters),
- d) Certified under the applicable electrical, building, and fire prevention codes as required.
- e) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

2. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

3. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

**K. Abandonment**

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

Or act in any manner relating thereto.

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
A. Agriculture, Conservation, Recreation Uses													
Agriculture, excluding piggeries and fur farms on less than 5 acres of land, and excluding livestock on less than 44,000 sq. ft. of land.	Y	Y	N	N	N	N	N	N	N	N	N	N	Y
Poultry on less than 1 acre. Minimum lot size for poultry is 5,000 sq. ft. subject to Board of Health regulations.	Y	Y	Y	N	N	N	N	N	N	N	N	N	Y
Commercial Greenhouse	SP	SP	N	N	N	Y	Y	N	N	N	N	PB	N
Nursery	SP	SP	N	N	N	Y	Y	N	N	N	N	N	N
Recreational facility	SP	SP	N	N	N	N	Y	Y	N	N	Y	Y	PB
Ski Area	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Golf course	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Livery riding stable	Y	Y	N	N	N	N	N	N	N	N	N	PB	PB
B. PUBLIC SERVICE													
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public utility	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	N	N	N
C.RESIDENTIAL USES													
Detached single-family house <small>(Amended 5-7-17)</small>	Y	Y	Y	N	Y	N	N	N	N	N	N	N	Y <sup>1</sup>
Two-family house/duplex, provided that the exterior of the dwelling has the appearance of a single-family dwelling. <small>(Amended 5-7-17)</small>	N	SP	SP	N	N	N	N	N	N	N	N	N	N
Infill dwelling unit, subject to Section 8.1.	N	PB	PB	N	N	N	N	N	N	N	N	N	N
Open space residential development, subject to Section 8.4	PB	PB	N	N	N	N	N	N	N	N	N	N	N
Assisted living residence facility	PB	PB	N	N	N	N	N	N	N	N	PB	N	N
Adult retirement community planned unit development, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N	N	N	N
Rowhouse subject to Section 10.0 <small>(Added 5-10-21)</small>	N	N	N	PB	N	N	N	N	N	N	Y <sup>2</sup>	N	Y

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Multi-Family Building, Apartment Building, and Multi-Family Developments <i>(Amended 11-18-19)</i>	Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E).										Y <sup>3</sup>	N	Y
Mixed-Use Development and Mixed-Use Building subject to Section 10.0 <i>(Amended 11-16-20 and 5-10-21)</i>	N	N	N	PB	N	N	N	N	N	N	Y	Y	N
Long-term care facility	SP	SP	N	N	N	N	N	N	N	N	PB	N	PB
<b>Accessory Uses</b>													
Accessory family dwelling unit, subject to Section 8.2	SP	SP	SP	N	SP	N	N	N	N	N	N	N	N
Home-based business, subject to Section 8.3 <i>(Amended 5-10-21)</i>	Y	Y	Y	Y	Y	N	N	N	N	N	Y	N	Y
Boathouse	Y	Y	N	N	N	N	N	N	N	N	N	N	N
Greenhouse	Y	Y	Y	N	N	N	N	N	N	N	Y	N	Y
<b>D. BUSINESS USES</b>													
<b>Retail Trade</b>													
Retail bakery <i>(Added 11-16-15)</i>	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Retail sales	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Retail store larger than 20,000 sq. ft. <i>(Amended 5-10-21)</i>	N	N	N	PB	N	N	SP	N	N	N	PB	PB	N
Retail sales, outdoors	N	N	N	N	N	N	Y	N	N	N	N	PB	N
Shopping center/multi-tenant development <i>(Amended 5-10-21)</i>	N	N	N	PB	N	SP	SP	N	N	N	PB	PB	N
Auto parts	N	N	N	N	N	N	Y	N	N	N	N	N	N
Florist	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	N	N	N	N	N	PB	N
<b>Hospitality and Food Services</b>													
Restaurant providing food within a building, which may include outdoor seating on an adjoining patio	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N

**TABLE 1: SCHEDULE OF USES**

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Restaurant providing live entertainment within a building, subject to license from the Board of Selectmen	N	N	N	Y	SP	SP	N	N	N	N	Y	Y	N
Brew pub	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Motel <i>(Amended 11-16-20 and 5-10-21)</i>	N	N	N	PB	N	N	N	N	N	Y	PB	PB	N
Hotel <i>(Amended 11-16-20 and 5-10-21)</i>	N	N	N	PB	N	N	N	N	N	Y	Y	Y	N
Bed and breakfast	SP	N	N	N	N	N	N	N	N	N	Y	N	PB
Inn	SP	SP	SP	SP	SP	N	N	N	N	N	Y	N	N
<b>Cultural and Entertainment Uses</b>													
Studio	N	N	SP	Y	Y	Y	N	N	N	N	Y	Y	N
Museum	N	N	N	Y	SP	SP	N	N	N	N	Y	PB	N
Movie theatre/cinema	N	N	N	SP	N	N	N	N	N	N	Y	PB	N
Gallery	N	N	N	Y	Y	Y	N	N	N	N	Y	PB	N
Commercial indoor amusement <i>(Amended 11-15-21)</i>	N	N	N	SP	N	N	Y	Y	N	Y	Y	Y	N
<b>Professional Uses and Financial Services</b>													
Financial institution	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Professional or business office	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
<b>Services</b>													
Personal care service establishments	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Service establishment <i>(Amended 11-13-17)</i>	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Doggie day care	N	N	N	N	N	N	SP	N	N	N	N	Y	N
Repair shop <i>(Amended 5-10-21)</i>	N	N	N	Y	Y	Y	Y	SP	N	N	Y	Y	N
Furniture Repair <i>(Amended 5-10-21)</i>	N	N	N	Y	Y	Y	Y	SP	N	N	N	Y	N
Educational/instructional facility, commercial	N	N	N	Y	Y	Y	Y	Y	N	N	Y	PB	N
Funeral home	SP	SP	N	SP	Y	Y	Y	N	N	N	N	N	N
Veterinary hospital <i>(Amended 5-10-21)</i>	SP	SP	N	PB	N	Y	Y	N	N	N	N	PB	N
Kennel	SP	SP	SP	N	SP	N	SP	SP	N	N	N	PB	N
Medical office or clinic	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Adult day care facility, subject to Section 8.5 (Amended 5-10-21)	PB	PB	N	PB	N	N	N	N	N	N	N	N	N
<b>Automotive Uses</b>													
Vehicle fuel station with repair services <sup>4</sup> (Amended 5-10-21)	N	N	N	PB	N	N	PB	N	N	N	N	N	N
Vehicle fuel station with car wash	N	N	N	N	N	N	PB	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	PB	N	N	N	N	PB	N
Vehicle fuel station with convenience store <sup>4</sup> (Amended 5-10-21)	N	N	N	PB	N	N	PB	N	N	N	PB	N	N
Vehicle repair	N	N	N	N	PB	N	PB	Y	N	N	N	Y	N
Auto body shop	N	N	N	N	N	N	PB	Y	N	N	N	Y	N
Parking Lot (Added 11-16-20)	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Other Business Uses: Unclassified</b>													
Adult uses	N	N	N	N	N	N	N	Y	N	N	N	N	N
Mixed-Use Development and Mixed-Use Building subject to Section 10.0 (Added 11-16-20 and 5-10-21)	N	N	N	PB	N	N	N	N	N	N	Y	Y	N
<b>Accessory Uses</b>													
Drive-through facility (Amended 11-16-20 and 5-10-21)	N	N	N	PB	N	PB	PB	N	N	N	PB	PB	N
Outdoor display	N	N	N	SP	SP	SP	SP	N	N	N	Y	Y	N
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw. (Amended 11-18-19)	N	N	N	N	N	N	Y	Y	N	Y	N	PB	N
Electric vehicle charging station (Added 5-10-21)	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Electric vehicle charging station with digital advertising signage, subject to Section 5.4.2 of the Zoning Bylaw (Added 5-10-21)	N	N	N	PB	N	N	N	PB	N	PB	N	N	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
E. INDUSTRIAL AND RELATED USES													
Warehouse/distribution facility	N	N	N	N	N	Y	N	Y	Y	Y	N	PB	N
Wholesale bakery <i>(Added 11-16-15; amended 11-15-21)</i>	N	N	N	N	N	N	N	Y	N	Y	N	Y	N
Wholesale showroom or office, including warehouse <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N
Manufacturing <i>(Amended 5-8-17; amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N
Light Manufacturing <i>(Added 5-8-17; amended 11-15-21)</i>	N	N	N	N	N	Y	Y	Y	N	Y	N	Y	N
Contractor's yard	N	N	N	N	N	N	Y	Y	N	N	N	PB	N
Construction Equipment/Machinery Sales, Leasing or Rentals <i>(Added 11-15-21)</i>	N	N	N	N	N	N	N	N	N	PB	N	N	N
Research and development <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N
Brewery <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N
Research and development and/or manufacturing of renewable energy products <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Bulk Storage <i>(Added 11-18-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Electric power generation which includes <del>large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more and other</del> Renewable Energy sources <u>other than solar</u> . <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	N	N	Y	N	N	N	N
<u>Large-scale ground-mounted solar electric installations, including those with a rated name plate capacity of 250 kW (DC) or more; but excluding battery energy storage systems as a principal use.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>
<u>Small-scale ground-mounted solar electric installations (as principal use)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>

[illegible][illegible]

**TABLE 1: SCHEDULE OF USES**

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
<b>G. MARIJUANA RELATED USES</b>													
Recreational Marijuana Establishment <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N
Registered Medical Marijuana Facility (Non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N

Footnotes:

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

NOTE – SP is ZBA and PB is PEDB

### TABLE 1: SCHEDULE OF USES

[illegible]

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[illegible]

Proposed TABLE of Use Changes in Special Permit Granting Authority

Draft 7-27-22 – bjs

NOTE – SP is ZBA and PB is PEDB

TABLE 1: SCHEDULE OF USES													
	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
<b><i>Hospitality and Food Services</i></b>													
Restaurant providing food within a building, which may include outdoor seating on an adjoining patio	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Restaurant providing live entertainment within a building, subject to license from the <u>Select Board</u> <del>of Selectmen</del>	N	N	N	Y	SP	SP	N	N	N	N	Y	Y	N
Brew pub	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Motel <i>(Amended 11-16-20 and 5-10-21)</i>	N	N	N	PB	N	N	N	N	N	Y	PB	PB	N
Hotel <i>(Amended 11-16-20 and 5-10-21)</i>	N	N	N	PB	N	N	N	N	N	Y	Y	Y	N
Bed and breakfast	SP	N	N	N	N	N	N	N	N	N	Y	N	PB
Inn	SP	SP	SP	SP	SP	N	N	N	N	N	Y	N	N
<b><i>Cultural and Entertainment Uses</i></b>													
Studio	N	N	SP	Y	Y	Y	N	N	N	N	Y	Y	N
Museum	N	N	N	Y	SP	SP	N	N	N	N	Y	PB	N
Movie theatre/cinema	N	N	N	SP	N	N	N	N	N	N	Y	PB	N
Gallery	N	N	N	Y	Y	Y	N	N	N	N	Y	PB	N
Commercial indoor amusement <i>(Amended 11-15-21)</i>	N	N	N	SP	N	N	Y	Y	N	Y	Y	Y	N
<b><i>Professional Uses and Financial Services</i></b>													
Financial institution	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Professional or business office	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
<b><i>Services</i></b>													
Personal care service establishments	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Service establishment <i>(Amended 11-13-17)</i>	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Doggie day care	N	N	N	N	N	N	SP	N	N	N	N	Y	N
Repair shop <i>(Amended 5-10-21)</i>	N	N	N	Y	Y	Y	Y	SP	N	N	Y	Y	N

[Proposed TABLE of Use Changes in Special Permit Granting Authority](#)

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**TABLE 1: SCHEDULE OF USES**

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Furniture Repair <i>(Amended 5-10-21)</i>	N	N	N	Y	Y	Y	Y	SP	N	N	N	Y	N
Educational/instructional facility, commercial	N	N	N	Y	Y	Y	Y	Y	N	N	Y	PB	N
Funeral home	SP	SP	N	SP	Y	Y	Y	N	N	N	N	N	N
Veterinary hospital <i>(Amended 5-10-21)</i>	SP	SP	N	<del>PBS</del> P	N	Y	Y	N	N	N	N	PB	N
Kennel	SP	SP	SP	N	SP	N	SP	SP	N	N	N	PB	N
Medical office or clinic	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Adult day care facility, subject to Section 8.5 <i>(Amended 5-10-21)</i>	PB	PB	N	PB	N	N	N	N	N	N	N	N	N
<b><i>Automotive Uses</i></b>													
Vehicle fuel station with repair services <sup>4</sup> <i>(Amended 5-10-21)</i>	N	N	N	PB	N	N	PB	N	N	N	N	N	N
Vehicle fuel station with car wash	N	N	N	N	N	N	PB	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	PB	N	N	N	N	PB	N
Vehicle fuel station with convenience store <sup>4</sup> <i>(Amended 5-10-21)</i>	N	N	N	PB	N	N	PB	N	N	N	PB	N	N
Vehicle repair	N	N	N	N	PB	N	PB	Y	N	N	N	Y	N
Auto body shop	N	N	N	N	N	N	PB	Y	N	N	N	Y	N
Parking Lot <i>(Added 11-16-20)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
<b><i>Other Business Uses: Unclassified</i></b>													
Adult uses	N	N	N	N	N	N	N	Y	N	N	N	N	N
Mixed-Use Development and Mixed-Use Building subject to Section 10.0 <i>(Added 11-16-20 and 5-10-21)</i>	N	N	N	PB	N	N	N	N	N	N	Y	Y	N
<b><i>Accessory Uses</i></b>													
Drive-through facility <i>(Amended 11-16-20 and 5-10-21)</i>	N	N	N	PB	N	PB	PB	N	N	N	PB	PB	N
Outdoor display	N	N	N	SP	SP	SP	SP	N	N	N	Y	Y	N

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[illegible]

Proposed TABLE of Use Changes in Special Permit Granting Authority

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	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Electric power generation which includes large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more and other Renewable Energy sources. <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	N	N	Y	N	N	N	N
Gravel/loam/sand or stone removal, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N
<b><i>Accessory Uses</i></b>													
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw <i>(Amended 11-18-19)</i>	N	N	N	N	N	N	Y	Y	Y	Y	N	PB	N
<b>F. INSTITUTIONAL USES</b>													
Community center	SP	SP	SP	SP	SP	SP	SP	N	N	N	Y	PB	PB
Lodge or club <i>(Amended 5-10-21)</i>	SP	SP	SP	PBSP	N	N	N	N	N	N	Y	Y	N
<b>G. MARIJUANA RELATED USES</b>													
Recreational Marijuana Establishment <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N
Registered Medical Marijuana Facility (Non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N

Footnotes:

## Proposed TABLE of Use Changes in Special Permit Granting Authority

Draft 7-27-22 – bjs

NOTE – SP is ZBA and PB is PEDB

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

## MULTIFAMILY HOUSING

### Proposed amendments – Revised August 19, 2022

**ARTICLE** : To amend the Medway Zoning Bylaw, Section 5.6.4 Multi-Family Housing, as follows. Proposed language is noted in **bold**.

By revising item 1. in C. Dimensional Regulations. Proposed language is noted in bold.

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

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

**5. The minimum lot size for a Multi-Family Building shall be ~~one-half acre~~ 30,000 sq. ft.**

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

1. For lots of one acre or more:
  - a. The density of a Multi-Family Building or a Multi-Family Development without an Apartment Building shall not exceed 8 dwelling units per whole acre **of Land Acres Available for Development**. For example, the maximum density of a ~~1.8 acre~~ **lot with 1.8 Acres of Land Available for Development** shall not exceed 8 dwelling units.
  - b. The density of an Apartment Building or a Multi-Family Development which includes an Apartment Building shall not exceed 12 dwelling units per whole acre **Acres of Land Available for Development**.
2. For lots under one acre, the density of a Multi-Family Building or a Multi-Family development shall not exceed its relative portion of an acre **Acres of Land Available for Development**.
3. **Acres Land Available for Development = Total area of the site minus the area subject to upland utility easements and minus 50% of all areas subject to protection under the Wetlands Protection Act, G.L. c. 131, §40, and the Town's General Wetlands Protection Bylaw, Article XXI of the General Bylaws.**
- ~~34.~~ An Applicant is not entitled to the maximum possible number of dwelling units described herein. The number of dwelling units for a Multi-Family Development and/or Multi-Family Building shall be determined by the Planning and Economic Development Board in accordance with the

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

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

By adding a new item 8 in E. Special Regulations

~~8. Architectural Character — The architecture of proposed new construction of a Multi-Family Building, Apartment Building, or Multi-Family development shall be compatible with the architecture of the surrounding neighborhood and comply with Section 4. C. Residential Zones Architectural Guidelines of the Medway Design Review Guidelines.~~

**Commented [BSA1]:** This seems unnecessary, see section F. which allows this to be in the Regulations, where there is more flexibility and the ability to grant waivers. Also see E.7.c. which provides similar standards for properties with buildings that are deemed historically significant and preferably preserved. "Compatible with the architecture of the surrounding neighborhood" is subjective and open to differing interpretations.

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

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

**Commented [SAC2]:**  
Proposed alternative language.

## **Contractor's Quarters**

DRAFT (sac) – August 17, 2022 – v.3

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

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

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

And to act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

## SOLAR ELECTRIC INSTALLATIONS

Proposed revisions 7.21.22 (bjs)

**Article \_\_\_\_:** To see if the Town will vote to amend the Zoning Bylaw by amending Section 8.11, Solar Electric Installations, as follows:

### SECTION 8.11 SOLAR ELECTRIC INSTALLATIONS

#### A. Purpose

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

#### B. Definitions

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

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

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

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

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

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

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

**Solar Parking Canopy:** An elevated structure that hosts solar panels installed over parking

lots or other hardscape areas.

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

### C. Applicability

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

### D. General Requirements

1. Compliance with Laws, Bylaws, and Regulations - The construction and operation of all Ground-Mounted Solar Electric Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements, and require Site Plan Review per Section 3.5.3.A.1.d of this Zoning Bylaw.
2. Mitigation for Loss of Carbon Sequestration and Forest Habitat - If land that is Forestland or has been Forestland within the past year is proposed to be converted to a Ground-Mounted Solar Electric Installation, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to four times the total area of such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until

**Commented [BSA1]:** Current ZBL requires Major Site Plan Review for all ground mounted solar.

**Commented [BSA2]:** Propose adding this section and sections 4 and 5 to special use provisions where it could be applicable.

such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.

3. Mitigation for Loss of Forest Habitat within the **Installation** - If Forestland is proposed to be converted to a Ground-Mounted Solar Electric Installation, the plans shall show mitigation measures that create a wildflower meadow habitat within and immediately around the Solar Electric System, and a successional forest habitat in the surrounding areas managed to prevent shading until such time as the installation is decommissioned. The wildflower meadow shall contain a wide variety of plants that bloom from early spring into late fall, that are planted in clumps rather than single plants to help pollinators find them, and that are native plants adapted to local climate, soil and native pollinators. At least 50% of the array footprint and perimeter shall be planned to have these flowering plants. Mowing shall be limited to no more than once annually. Plans for pollinator-friendly vegetation establishment and maintenance shall be compiled and written by a professional biologist or ecologist with relevant experience and expertise in pollinator habitat creation, grassland habitat restoration, and/or knowledge of native New England plant communities.
4. Mitigation for Disruption of Trail Networks - If existing trail networks, old roads, or woods or cart roads are disrupted by the location of the Ground-Mounted Solar Electric Installation, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.
5. Mitigation for Disruption of Historic Resources and Properties - Historic resources and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed, including clearing for shade management. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area shall be established on all sides of each historic resource.
6. All plans and maps shall be prepared, stamped and signed by a Professional Civil Engineer licensed to practice in the Commonwealth of Massachusetts.
7. Vehicular access for the purpose of construction shall be from paved streets.
8. Lots for Ground-Mounted Solar Electric Installations shall have the required frontage on a street.
9. The special permit may be conditioned to effectuate and make enforceable these requirements.

#### **E. Required Documents**

The project applicant shall provide the following documents.

1. Site Plan. A Site Plan additionally showing:
  - a. Locations of wetlands and Priority Habitat Areas as defined by the Natural Heritage & Endangered Species Program (NHESP).

**Commented [BSA3]:** I believe that this type of mitigation is unique to solar arrays, i.e. we can't ask someone who is building a warehouse to plant flowers under the building.

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

acceptable to the Board, to cover the cost of removal in the event the Town must remove the installation and remediate the site to its natural preexisting condition, in an amount and form determined to be reasonable by the Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein. The project applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

**Commented [BSA4]:** Same language in Section 8.8 small wind generation. I believe it reflects 100% cost plus 25% contingency.

7. Utility Notification - No Ground-Mounted Solar Electric Installation shall be constructed, nor building permit issued until evidence has been provided to the Building Commissioner that the utility company that operates the electrical grid where the installation is to be located has approved the solar electric installation owner or operator's intent to install an interconnected customer-owned generator and that the utility has approved connection of the proposed generator into their power grid. Off-grid systems shall be exempt from this requirement.
8. Proof of Liability Insurance. The applicant or property owner shall provide evidence of liability insurance prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with subsection K of this bylaw.

#### **F. Dimensional Requirements**

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

#### **G. Design and Performance Standards**

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

advertising except for reasonable identification of the manufacturer or operator of such installation.

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

Commented [BSA5]: Covered under H.2.a

## H. Safety and Environmental Standards

1. Emergency Services
  - a. Ground-Mounted Solar Electric Installations owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief.
  - b. The owner or operator shall cooperate with local emergency services to develop a written emergency response plan that is provided to police and fire departments
  - c. All means of shutting down the solar electric installation shall be clearly marked on the equipment.

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

## **I. Monitoring, Maintenance and Reporting**

1. Solar Electric Installation Conditions
  - a. The Ground-Mounted Solar Electric Installation owner or operator shall maintain the

facility in good condition.

- b. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
- c. Site access shall be maintained to a level acceptable to the Fire Chief.
- d. The owner or operator shall be responsible for the cost of maintaining the Solar Electric Installation and any access driveways.

2. Annual Reporting

- a. The owner or operator of a Ground-Mounted Solar Electric Installation shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan, the requirements of this Section 8.11 and the approved special permit, including but not limited to continued management and maintenance of vegetation, compliance with the approved plans and any special permit conditions, continuation of liability insurance, and adequacy of road access.
- b. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility.
- c. The report shall be submitted to the Department of Community and Economic Development and Building Commissioner, no later than 45 days after the end of the calendar year.

**K. Abandonment or Decommissioning**

1. Removal Requirements

- a. Any Ground-Mounted Solar Electric Installation which has reached the end of its useful life, has been abandoned, or taken off line shall be removed.
- b. The owner or operator shall physically remove the installation no later than 150 days after the date of discontinued operations.
- c. The owner or operator shall notify the Building Commissioner in writing at least sixty days in advance of the proposed date of discontinued operations and plans for removal.

2. Decommissioning shall consist of:

- a. Physical removal of all components of the Ground-Mounted Solar Electric Installation, including but not limited to structures, foundations, equipment, security barriers, and on-site above-ground transmission lines. Associated off-site utility interconnections shall also be removed if no longer needed.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Restoration of the site, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations and electric lines in order to minimize erosion and disruption to vegetation.

- 3. Decommissioning by the Town - If the owner or operator of a Ground-Mounted Solar Electric Installation fails to remove such installation in accordance with the requirements of this Section 8.11 within 150 days of discontinued operations or abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and physically remove the installation and stabilize the site, at the owner's expense, drawing upon the financial surety provided by the applicant.

or act in any manner relating thereto.

Amend Section 2 Definitions:

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

**Renewable Energy:** Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro and wave); organic plant materials (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable energy sources also include landfill gas, fuel cells, battery energy storage facilities, recharging stations for electric and hydrogen powered vehicles and biofuels.

2022 Fall Town Meeting  
bjs draft – 7-28-22

Article \_\_\_\_ Housekeeping

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

1. Amend Open Space Residential Development, Section 8.4.F.1 by changing the reference “Paragraph I” to “Paragraph J”

2. Add a new definition:

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

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

or act in any manner related thereto.

**Oak Grove and Central Business amendments v. 2 bjs**  
**August 19, 2022**

Article \_\_\_\_ To see if the Town will amend the Zoning Bylaw, Section 9 and 10, etc.

**Section 9: Oak Grove Park Districts**

**9.4 BUILDING TYPES, USE AND DESIGN STANDARDS**

**A. Allowable Uses**

Uses allowed by right and by special permit are identified in Section 5.4 Schedule of Uses and Table 1. The Planning and Economic Development Board (PEDB) shall be the special permit granting authority (SPGA) for all special permits required in the Oak Grove Park Zoning Districts.

**B. Determination of Building Type**

1. At the time any application is filed with the PEDB under this Section 9, the applicant shall file a written request with the Building Commissioner to classify any new principal structures that are proposed as part of the application, or any existing structures that are to be expanded or converted to new uses. The Building Commissioner shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Building Commissioner shall also classify existing structures that are being expanded or converted to new uses under this section. If the Building Commissioner is unable to classify an existing principal structure as one of the building types of this section, the structure is considered nonconforming. The Building Commissioner shall respond to such requests, in writing, within twenty days of receipt of the request.
2. If a new building is proposed that cannot be classified as one of the allowed building types of this section by the Building Commissioner, the building type is subject to special permit review by the PEDB under Section 9.9. The PEDB shall determine if the building type is appropriate for the Zoning District, and, if so, determine the building type under Tables 9.4.C.1.A through 9.4.C.1.C that most closely resembles the proposed new building, and apply the standards for that building type to the new building.
3. When granting a special permit for a building type that cannot be classified under Tables 9.4.C.1.A through 9.4.C.1.C., any such building shall not be used except for a use allowed by right or by special permit in Table 1 in Section 5.4 Schedule of Uses.

**C. Allowed Building Types.** See TABLES 9.4.C.1.A through 9.4.C.1.C below.

What dimensional requirements apply if it is not one of the building types?

**TABLE 9.4.C.1.A  
RESIDENTIAL BUILDING TYPES AND DESIGN STANDARDS**

<b>1. BUILDING TYPES AND DEFINITIONS</b>			
		<b>ROWHOUSE (RH) ON SEPARATE LOT</b>	<b>ROWHOUSE (RH) ON COMMON LOT</b>
<b>1. DEFINITION</b>		A small footprint attached single family residential building with narrow massing and located on an individual lot. Each dwelling unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space.	A small footprint attached single family residential building with narrow massing and located on a common lot with other units. Each dwelling unit is separated horizontally by common walls and groups of buildings may be separated by a common driveway or community space.
<b>2. LOT STANDARDS</b>			
2.1	Lot Size (S.F.) (Min.)	1,200 S.F.	1,200 S.F.
2.2	Frontage (Min./Max.)	18 Ft. / 24 Ft.	18 Ft. / 24 Ft.
2.3	Front Yard Build-To-Zone (Min./Max.)	5 Ft./15 Ft.	5 Ft./15 Ft.
2.4	Side Yard Setback (Min.)	0 Ft. (15 Feet if Detached)	0 Ft. (15 Feet if Detached)
2.5	Rear Yard Setback (Min.)	15 Ft.	15 Ft.
2.6	Outdoor Amenity Space Lot Coverage (Min.)	15%	15%
<b>3. DESIGN STANDARDS</b>			
3.1	Building Height (Max.)	2.5 Stories/35 Ft.	2.5 Stories/35 Ft.
3.2	Street Facing Wall Width (Min./Max.)	18 Ft. / 24 Ft.	18 Ft. / 24 Ft.
3.3	Street Facing Entrance	Not Required	Not Required
3.4	Maximum Building Footprint (SF)	Not Required	Not Required
<b>4. ADDITIONAL STANDARDS</b>			
4.1		Off-street parking is not allowed between the buildings.	Off-street parking is not allowed between the buildings.
4.2		A maximum of 8 units can be attached by a common wall before accessway of 20 feet is provided for pedestrians, vehicles or Outdoor Amenity Space.	A maximum of 8 units can be attached by a common wall before accessway of 20 feet is provided for pedestrians, vehicles or Outdoor Amenity Space.

**TABLE 9.4.C.1.A  
RESIDENTIAL BUILDING TYPES AND DESIGN STANDARDS**

**1. BUILDING TYPES AND DEFINITIONS**

	<b>COTTAGE (C)</b>	<b>MULTI-FAMILY BUILDING (MF)</b>
<b>1. DEFINITION</b>	A small detached single-family dwelling with narrow massing. Cottages are permitted on individual lots or as part of a Pocket Neighborhood Development.	A residential building type with three or more dwelling units vertically and horizontally integrated and accessed by common entrances and hallways. MF Buildings do not include non-residential uses.

**2. LOT STANDARDS**

2.1	Lot Size (S.F.) (Min.)	1,200 S.F.	8,000 S.F.
2.2	Frontage (Min./Max.)	25 Ft. / 40 Ft.	80 Ft. Min.
2.3	Front Yard Build-To-Zone (Min./Max.)	5 Ft. / 20 Ft.	10 Ft. / 30 Ft.
2.4	Side Yard Setback (Min.)	5 Ft.	15 Ft.
2.5	Rear Yard Setback (Min.)	10 Ft.	20 Ft.
2.6	Outdoor Amenity Space Lot Coverage (Min.)	15%	20%

**3. DESIGN STANDARDS**

3.1	Building Height (Max.)	1.5 Stories / 22 Ft.	4 Stories / 40 Ft.
3.2	Street Facing Wall Width (Min./Max.)	18 Ft. Min.	18 Ft. / 100 Ft.
3.3	Street Facing Entrance	Not Required	Not Required
3.4	Maximum Building Footprint (SF)	Not Required	Not Required

**4. ADDITIONAL STANDARDS**

4.1		Maximum of 1 Dwelling Unit per building.	
4.2		Maximum unit size is 1,400 GFA and 3 Bedrooms.	
4.3		See Section 9.5.B.5 for Pocket Neighborhood Development Standards. <i>(Amended 11-16-20)</i>	

**TABLE 9.4.C.1.B.  
MIXED-USE & COMMERCIAL BUILDING TYPES AND DESIGN STANDARDS**

1. BUILDING TYPES AND DEFINITIONS			
		MIXED USE BUILDING (MUB)	GENERAL COMMERCIAL BUILDING (GCB)
1.1 DEFINITION		A building that typically accommodates a variety of ground floor commercial uses and upper floor residential and/or office uses at a scale that is compatible and complimentary to its given district.	A building that typically accommodates a variety of ground floor commercial uses and upper floor office uses, or all office uses, at a scale that is compatible and complimentary to its given district. GC Buildings do not include residential uses.
2. LOT STANDARDS			
2.1	Lot Size (S.F.) (Min.)	Not Required	Not Required
2.2	Frontage (Min./Max.)	50 Ft. Min.	50 Ft. Min.
2.3	Front Yard Build-To-Zone (Min./Max.)	0 Ft. / 20 Ft.	0 Ft. / 20 Ft.
2.4	Side Yard Setback (Min.)	10 Ft. (0 Ft if Common Wall)	10 Ft. (0 Ft if Common Wall)
2.5	Rear Yard Setback (Min.)	20 Ft.	15 Ft.
2.6	Outdoor Amenity Space Lot Coverage (Min.)	15%	10%
3. DESIGN STANDARDS			
3.1	Building Height (Max.)	4 Stories /40 Ft.	3 Stories/40 Ft.
3.2	Street Facing Wall Width (Min./Max.)	30 Ft. / 150 Ft.	30 Ft. / 100 Ft.
3.4	Street Facing Entrance	Required	Required
3.5	Maximum Building Footprint (SF)	<del>20,000-SF</del> Not required	<del>20,000-SF</del> Not required
4. ADDITIONAL STANDARDS			
4.1		One-story buildings must have a minimum street facing façade height of 18 feet.	One-story buildings must have a minimum street facing façade height of 18 feet.
4.2		Where there is a side setback, a minimum of 8 feet is required to accommodate pedestrian access or 25 feet to accommodate vehicle access to the side and rear of the property.	Where there is a side setback, a minimum of 8 feet is required to accommodate pedestrian access or 20 feet to accommodate vehicle access to the side and rear of the property.

**TABLE 9.4.C.1.B.  
MIXED-USE & COMMERCIAL BUILDING TYPES AND DESIGN STANDARDS**

<b>1. BUILDING TYPES AND DEFINITIONS</b>			
		<b>HOTEL (HTL)</b>	<b>GAS STATION AND CONVENIENCE STORE (GCR)</b>
<b>1.1 DEFINITION</b>		A building type defined in Section 2 of the Zoning Bylaws.	This building type reverses the conventional site layout for gas stations with convenience store by placing the storefront along the street line and the gas pumps and canopy behind. This reverse layout highlights the building, shields the pumps and canopy and pulls the curbs-cuts away from the street, creating easier access.
<b>2. LOT STANDARDS</b>			
2.1	Lot Size (S.F.) (Min.)	Not Required	Not Required
2.2	Frontage (Min./Max.)	75 Ft. Min.	100 Min. / 150 Ft. Max. (Per Street)
2.3	Front Yard Build-To-Zone (Min./Max.)	20 Ft. Min.	5 Ft. Min./15 Ft. Max. (Per Street)
2.4	Side Yard Setback (Min.)	10 Ft.	20 Ft.
2.5	Rear Yard Setback (Min.)	20 Ft.	30 Ft.
2.6	Outdoor Amenity Space Lot Coverage (Min.)	15%	10%
<b>3. DESIGN STANDARDS</b>			
3.1	Building Height (Max.)	5 Stories /50 Ft.	1.5 Stories / 24 Ft.
3.2	Street Facing Wall Width (Min./Max.)	30 Ft. / 150 Ft.	30 Ft. / 60 Ft.
3.4	Street Facing Entrance	Required	Required
3.5	Maximum Building Footprint (SF)	<del>40,000 SF</del> Not required	4,000 S.F.
<b>4. ADDITIONAL STANDARDS</b>			
4.1			A maximum of 6 gas pumps are allowed and must be located behind the convenience store and have two means of access and egress.
4.2			Gas station canopies should be designed as an integral part of the store architecture whenever possible.

**TABLE 9.4.C.1.C.  
INDUSTRIAL AND COMMUNITY BUILDING AND DESIGN STANDARDS**

<b>1. BUILDING TYPES AND DEFINITIONS</b>			
		<b>FABRICATION OR FLEX BUILDING (FFB)</b>	<b>CIVIC OR COMMUNITY BUILDING (CB)</b>
<b>1.2 DEFINITION</b>		A building located and designed to accommodate a variety of fabrication, trades and general industrial uses and related support services such as office, storage, distribution, and sales. Flex buildings also support these uses and provide affordable space to small and creative business enterprises.	A building located and designed for public assembly such as for social, religious, educational, recreational, and similar civic uses.
<b>2. LOT STANDARDS</b>			
2.1	Lot Size (S.F.) (Min.)	Not Required	Not Required
2.2	Frontage (Min./Max.)	50 Min.	80 Min.
2.3	Front Yard Build-To-Zone (Min./Max.)	0 Ft. / 30 Ft.	20 Ft. Min.
2.4	Side Yard Setback (Min.)	20 Ft (0 Ft if Common Wall)	15 Ft
2.5	Rear Yard Setback (Min.)	20 Ft	20 Ft
2.6	Outdoor Amenity Space Lot Coverage (Min.)	10%	20%
<b>3. DESIGN STANDARDS</b>			
3.1	Building Height (Max.)	4 Stories / 60 Ft	3 Stories / 45 Ft
3.2	Street Facing Wall Width (Min./Max.)	60 Ft. / 100 Ft.	60 Ft. / 100 Ft.
3.4	Street Facing Entrance	Required	Required
3.5	Maximum Building Footprint (SF)	<del>20,000 S.F.</del> <u>Not required</u>	Not Required
<b>4. ADDITIONAL STANDARDS</b>			
4.1		Where there is a side setback, a minimum of 8 feet is required to accommodate pedestrian access or 25 feet to accommodate vehicle access to the side and rear of the property.	

## SECTION 10 CENTRAL BUSINESS DISTRICT DEVELOPMENT STANDARDS

### 10.1. PURPOSES

- A. To further the goals of the Medway Master Plan.
- B. To encourage mixed-use development in the Central Business District with a balanced and vibrant mix of compatible business uses and multi-family residential development.
- C. To encourage revitalization and economic investment in the Central Business District in a manner which represents the qualities of a traditional New England town center.
- D. To encourage greater variety of housing to meet the needs of a diverse population with respect to income, ability, household types, and stage of life.
- E. To improve walkability within the district and provide better access between housing, shops, services, and employment.

### 10.2. GENERAL SITE DEVELOPMENT STANDARDS. Uses which are allowed in the Central Business District by right or by special permit shall be required to meet the following performance standards.

- A. **Vehicle Fuel Station With Convenience Store.** New vehicle fuel stations are prohibited in the Central Business District. A special permit from the Planning and Economic Development Board is required for substantial redevelopment or renovation of an existing Vehicle Fuel Station with Repair Service or Vehicle Fuel Station with Convenience Store in the Central Business District as a Gas Station and Convenience Store under the development standards on Table 9.4.C.1.B.

#### B. Main Street Pedestrian Frontage Zone.

- 1. The Main Street Pedestrian Frontage Zone includes all properties in the Central Business District with frontage on Route 109 (Main Street). These frontages are prioritized for pedestrian-oriented ground floor uses. Buildings fronting on the designated Pedestrian Frontage Zone shall be subject to the following requirements: \*Amended 11-15-21\*
  - a. Ground floor uses shall be reserved for retail, restaurant, and other non-residential uses open to the public on an appointment or walk-in basis, including but not limited to personal service, office, repair, and municipal uses ("Publicly Oriented Uses").
  - b. Residential uses and non-residential uses that are not Publicly Oriented Uses shall be allowed to have access through the front of a building in the Pedestrian Frontage Zone by an entrance that leads to the upper floors of the building, or by an entrance to the rear of the building.
  - c. Residential uses and non-residential uses that are not Publicly Oriented Uses shall be allowed on ground floors only where:
    - 1) The use is within a building with frontage on the street and the use is set back a

minimum of sixty feet from the street right-of-way line; or

- 2) The PEDB has waived this requirement after determining that street-front residential and/or other non-Publicly Oriented Uses on the ground floor will not have an adverse impact on the continuity and vitality of the Pedestrian Frontage Zone.

### C. Building Placement and Orientation.

1. Building Lot and Type. The minimum lot size in the Central Business District is identified on Table 2 - Dimensional and Density Regulations in Section 6.1 of the Zoning Bylaws. For specific building types, there are alternative dimensional standards for building lot and for building design that apply under Section 10.4 below.
2. Number of Buildings. There is no limit on the number of principal buildings allowed on a building lot except as limited by dimensional requirements and other site development standards in this section.
3. Building Step-back. Buildings in the Central Business District shall be setback or stepped back from the street right-of-way line in accordance with Table 9.3.B.6 for the Village Center Street Type. Therefore, a building may have to be set back or stepped back further from the street right-of-way line in order to achieve the maximum height allowed. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive enclosure and shadowing on Main Street. The space created by building setbacks is referred to as the Building Frontage Zone. The Building Frontage Zone is regulated under Sections 10.2.E.2 and 10.5.B below.
4. Facade Orientation. Buildings located within sixty feet of a street right-of-way line must be built parallel to the street, with the front facade and entrance of the building oriented to the public sidewalk.

### D. Parking Requirements.

1. Purpose and Intent. The purpose and intent in applying parking standards in the Central Business District are as follows:
  - a. To improve walkability by minimizing sidewalk interruptions and conflict points between pedestrians, cyclists, and vehicles on Main Street and on site.
  - b. To ensure adequate parking for existing and new development while minimizing excessive and inefficient off-street parking areas that result in lost opportunities to develop new buildings that expand business and the tax base. (Amended 11-15-21)
  - c. To encourage the use of public transportation, bicycling, and walking as an alternative to motor vehicle use when a choice of travel mode exists.
2. Applicability. The parking requirements in Section 7.1.1 shall apply to the Central Business District with the following adjustments:
  - a. Off-Street Parking Requirements. In the Central Business District (CB) the minimum number of off-street parking spaces required by use on Table 3 in Section 7.1.1.D. shall be interpreted to be both the minimum and the maximum amount of parking spaces

What does "alternative dimensional standards" mean? Does Section 6.1 apply or not?

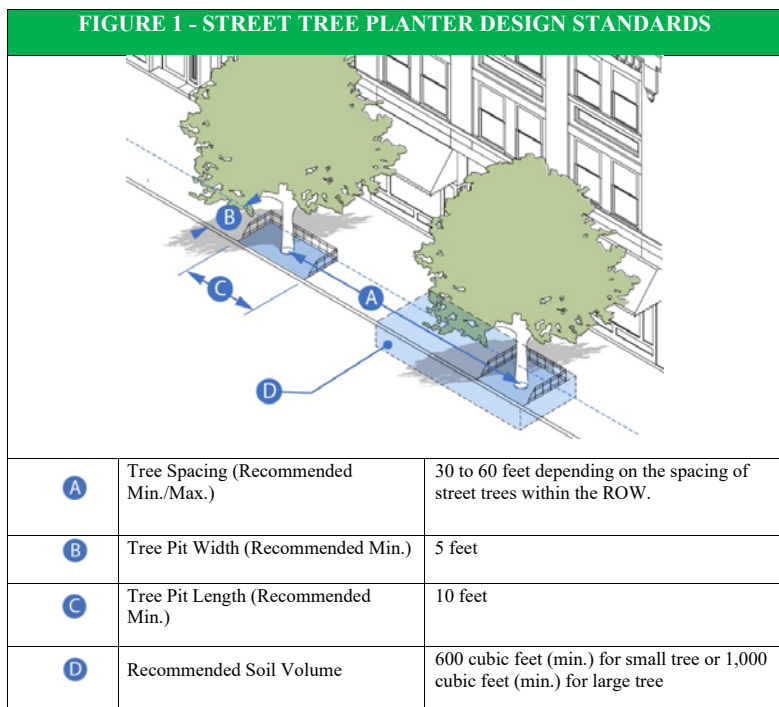
required. A reduction of parking may be allowed by special permit under Section 7.1.1.J. Additional off-street parking spaces shall require a waiver from the PEDB and the applicant shall demonstrate sufficiently that additional parking is necessary.

- b. Parking Area Design. In addition to the standards provided in Section 7.1.1.F., the following standards shall be required in the Central Business District:
  - 1) Parking Area Plantings. In parking areas containing thirty or more spaces, a minimum of one deciduous tree and two shrubs exclusive of any required perimeter plantings must be planted for every three-thousand square feet of parking areas. When planted, deciduous trees must be a minimum height of ten feet and/or two and one half inches in caliper. Planting areas must each contain not less than fifty square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.
  - 2) Internal Pedestrian Access. In parking areas with more than seventy-five spaces, the expanse of pavement shall be interrupted by separating rows of parking spaces from each other with a combined planting strip and sidewalk at least eight feet in width. Design of these planting strips/sidewalks shall take into account the need to store snow, locate light poles, install deciduous trees, and allow safe pedestrian movement. In addition, if an existing parking area is expanded to over seventy-five spaces, the combined planting strip and sidewalk requirement shall apply to the entire parking area. All proposals to construct or modify parking areas with more than seventy-five spaces are subject to site plan review.
- c. Parking Placement. As an exception to Section 7.1.1.G., all off-street parking shall be located behind or beside buildings located in the Pedestrian Frontage Zone and within sixty feet of the Main Street right-of-way line. Vehicular parking between the front building line and the street right-of-way line is permitted only if the Planning and Economic Development Board grants a special permit and the applicant can demonstrate that no other reasonable alternative exists.
- d. Temporary Use of Off-Street Parking. In addition to provisions for reduced parking in Section 7.1.1.J., excess parking spaces may be reprogrammed and utilized for temporary commercial uses such as for seasonal retail sales, food trucks, farmers' markets, craft shows, live entertainment, auxiliary space for one or more restaurants, and similar commercial uses. Such temporary use of excess parking spaces requires a special permit from the PEDB, and the applicant shall demonstrate that the excess parking spaces are not necessary to support existing businesses on site, and that the temporary commercial use provides a sufficient level of safety for users.

#### **E. Streetscaping, Landscaping and Screening.**

- 1. General Standards. Landscaping shall comply with the Planning and Economic Development Board Rules and Regulations, Chapter 200 - Site Plans – Rules & Regulations for Submission and Review of Site Plans, Section 205-9. In the event of any conflict between the provisions of this bylaw and the provisions of said Regulations, the provisions of this bylaw shall apply.

2. **Streetscape Treatments.** In the Building Frontage Zone between the Main Street right-of-way line and the front facade of the building, streetscape treatments should be coordinated and complimentary to the public sidewalk and streetscape treatments within right-of way.
  - a. **Sidewalk Expansion.** A concrete walkway or terrace may be installed adjacent to the public sidewalk within the Building Frontage Zone where no landscaping has been installed on the outer edge of the right-of-way, in effect, expanding the public sidewalk. This expansion is required along the entire length of the frontage, connecting to existing or future sidewalk extensions on adjacent lots.
  - b. **Street Trees.** Deciduous street trees may be installed in the Building Frontage Zone that compliment street trees within the street right-of-way. Trees shall be a minimum of three and one-half inch caliper at least four feet above grade and of native species common to the area. They should be planted in accordance with the recommended standards set forth below in Figure 1. The trees should be drought and salt tolerant. They should be regularly trimmed to provide clear visibility into the site from the street and provide shade over the walkway.



	Minimum soil surface area for alternate tree pit dimensions	≥50 square feet

- c. Ground Cover. Low lying and low maintenance grasses, shrubs, bushes, flowers, and similar vegetative ground cover may be planted adjacent to the street right-of-way line. All ground cover must be maintained at a height of no more than thirty inches to avoid blocking visibility for drivers entering or exiting the site.
  - d. Other Enhancements in the Building Frontage Zone. Additional treatments and design standards are identified in Section 10.5.B.
3. Transitional Buffer Requirements. Transitional buffers are required between properties in the Central Business District and abutting properties in residential districts to create a compatible transition with the surrounding neighborhoods. Transitional buffers may include any combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum height of eight feet above the ground installed along the property boundary line. Where transitional buffers are required, all buildings, accessory structures, and loading areas shall be set back a minimum of seventy-five feet, and parking shall be set back a minimum of fifty feet, from the property line where the transitional buffer is to be installed.
  4. Public Utilities. All new public utilities (except structures and other facilities that require above-grade access) shall be installed underground.
  5. Trash and Service Areas.
    - a. All service, loading, trash, and recycling storage areas viewable from a public right of way or from an adjacent residential district shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.
    - b. Loading and service areas shall not be visible from any public street or any property in a residential district unless no other location is feasible. Sufficient landscaping and screening of loading and service areas shall be required.
    - c. Garage doors and loading spaces are prohibited on the street facing façade of any commercial, mixed-use, or multi-family building unless no other location is feasible.
  6. Sustainable Site Design Standards. Sustainable Design and Low Impact Development (LID) techniques shall be used in the Central Business District to reduce stormwater runoff, improve water quality, maintain canopy tree cover, protect natural landscapes, install appropriate planting materials, and encourage the production of local food. In achieving the requirements of this section, applicants shall comply with sustainable and low impact development techniques provided in the Planning & Economic Development Board Rules and Regulations, Chapter 200 - Site Plans – Rules & Regulations for Submission and Review of Site Plans, Section 205-4; Massachusetts Stormwater Management Standards; and Town of Medway General Bylaws Article XXVI, Stormwater Management and Land Disturbance.

#### F. Outdoor Amenity Space

1. General Standard. The amount of outdoor amenity space provided within a site development shall be at least fifteen percent of the lot or development site. Up to fifty percent of the required minimum amount of open space required in Section 6, Table 2 – Dimensional and Density Regulations may be used for Outdoor Amenity Spaces. Outdoor amenity space shall not include transitional buffer areas, landscaping within parking areas, or general landscaping alongside yard setbacks.
2. Permitted Outdoor Amenity Spaces. The outdoor amenity spaces and associated design standards identified in Table 9.6.B.1. and permitted in the Central Business District are listed below. The total amount of required outdoor amenity space may include any combination of the following:
  - a. Dooryard (Residential Buildings Only)
  - b. Forecourt
  - c. Community Garden (Residential Buildings Only)
  - d. Courtyard
  - e. Plaza or Square
  - f. Pocket Park or Playground (Residential Buildings Only)
  - g. Outdoor Dining Terrace
  - h. Rooftop Terrace
3. Building Outdoor Amenity Spaces. Outdoor amenity spaces for individual buildings include rooftop gardens and terraces, decks, porches, stoops, balconies, pedestrian passages, and similar accessory spaces where outdoor seating can be provided.
4. Other Outdoor Amenity Space Types. Permitted by special permit by the PEDB.

G. **Signs.** The sign regulations in Section 7.2 shall apply to the Central Business District except for the variations under Public Realm Interface in Section 10.5.B below.

### 10.3. MIXED-USE DEVELOPMENT STANDARDS

#### A. Applicability

1. The PEDB may grant a special permit for a Mixed-Use Development or a Mixed-Use Building in the Central Business District to include any combination of uses allowed by right and uses allowed by special permit as specified in Table 1 – Schedule of Uses.
2. The provisions of this Section are available by special permit from the Planning and Economic Development Board for uses permitted by right in order to achieve a flexible site design.

**B. Definitions:** See definitions of Mixed-Use Development, Mixed-Use Building, and Multi-Family Building in SECTION 2 DEFINITIONS.

#### C. Dimensional Requirements.

Are these in addition to other standards in CBD?  
Or does it replace them?

1. Mixed-Use and Residential Development. The dimensional requirements for the Central Business District are provided in Section 6.1. Schedule of Dimensional and Density Regulations. For residential and mixed-use development, however, the following standards apply.

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

#### **D. Residential Uses in a Mixed-Use Development.**

1. Combination of Uses in a Mixed-Use Building. A mixed-use building shall include multi-family residential units and one or more retail, municipal, service, office, commercial or other business uses allowed in the zoning district (hereinafter referred to as “business uses”) in at least the minimum percentages as set forth in Subsection D.2 below.
2. Percentage and Location of Uses in a Mixed-Use Building. Except as provided in Section D.4 below, in a two-story building at least fifty percent of the gross floor area shall be comprised of business uses, and no more than fifty percent of the gross floor area shall be comprised of multi-family dwelling units and any common areas and support facilities associated with those multi-family dwelling units. In a three-story building, at least thirty-three percent of the gross floor area shall be comprised of business uses, and no more than sixty-seven percent of the gross floor area shall be comprised of multi-family dwelling units and any common areas and support facilities associated with those multi-family units. In a building of four stories or more, at least twenty-five percent of the gross floor area shall be comprised of business uses, and no more than seventy-five percent of the gross floor area shall be comprised of multi-family dwelling units and any common areas and support facilities associated with those multi-family units. The gross floor area comprised of business uses may include hallways, lobbies, maintenance areas, security areas, closets, and other areas which serve exclusively the business uses in that building.
3. Residential Use On Ground Floor Exception. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
  - a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
  - b. The residential portion of the ground floor is located behind the business uses within

Or is it by building type?

Transitional Buffer requirements when abutting a residential zone. So does this mean in addition to the requirements in 10.2.E.3?

Is this right? Build to the lot line?

the same building which has a front façade that faces a public way or primary access drive.

4. Residential Buildings in Mixed-Use Development. A mixed-use development may include a stand-alone building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units provided that the multi-family building shall meet the requirements of Section 10.3.D.5 below and shall be set back at least two hundred feet from the Main Street right-of way line on the north side and one hundred feet from the Main Street right-of-way line on the south side.
5. Ratio of Residential to Business GFA in a Mixed-Use Development. A stand-alone building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units shall be permitted in a Mixed-Use Development only as part of a Mixed-Use Development that complies with the business use potential. The business use potential of a Mixed-Use Development shall be the total percentage of gross floor area of all existing and/or proposed buildings in the Development that is required to be comprised of business uses pursuant to Section D.2 above.
6. Affordability Requirements. The provisions of Section 8.6. Affordable Housing shall apply to Mixed-Use Developments.

#### **E. Special Permit Review Criteria.**

1. Special permits granted under this Section 10.3 are not subject to the special permit criteria under Section 3.4.
2. Before granting a special permit for a mixed-use development or flexible site design of a permitted use in the Central Business district, the PEDB shall find that all of the following criteria are met:
  - a. The proposed uses and site design represent the qualities of a traditional New England town center;
  - b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;
  - c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;
  - d. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided;
  - e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
  - f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
  - g. The site design incorporates the site's existing topography and protects natural features to the maximum extent feasible.

#### 10.4. BUILDING TYPES AND DESIGN STANDARDS

##### A. Building Façade Composition and Architectural Features.

1. Building Transparency. Street facing façades shall have windows and doors with highly transparent, low reflectivity glass measured on the ground floor between two feet and twelve feet. Upper floor transparency may vary with use.
2. Building Articulation and Modulation. Street-facing building façades should be vertically articulated with architectural bays to create an equal, central, or end articulated façade composition. Street-facing building façades should be horizontally articulated with a clearly defined base, middle, and top. See Diagram 9.3.C.2.
3. Surface Relief with Architectural Features. Street-facing building façades should provide surface relief through the use of bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other architectural features that either recess or project from the average plane of the façade by at least four inches. See Diagram 9.3.C.3.

##### B. Exterior Treatments.

Unless otherwise required by the State Building Code, Fire Code, or other regulation, traditional construction materials such as brick, stone, clapboard, and shingle are suggested construction materials. Other contemporary construction materials such as glass, metal, block, and other siding materials may be appropriate in certain instances when compatible with more traditional materials. The main elements of the architectural treatment of the building's street-facing façade, including the materials used, should be continued around all sides of the building that are visible from existing streets or Outdoor Amenity Spaces.

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

1. Building Design Standards. The building types and associated design standards permitted in the Central Business District are identified below:
  - a. Rowhouse (RH) on Separate Lot as set forth in TABLE 9.4.C.1.A.
  - b. Rowhouse (RH) on Common Lot as set forth in TABLE 9.4.C.1.A.
  - c. Multi-Family Building as set forth in TABLE 9.4.C.1.A.
  - d. Mixed-Use Building as set forth in TABLE 9.4.C.1.B.
  - e. General Commercial Building as set forth in TABLE 9.4.C.1.B.
  - f. Hotel as set forth in TABLE 9.4.C.1.B.
  - g. Gas Station and Convenience Store as set forth in TABLE 9.4.C.1.B, applicable only to substantial redevelopment or renovation of existing vehicle fuel stations with repair or vehicle fuel stations with convenience store pursuant to Section 10.2.A.
  - h. Civic or Community Building as set forth in TABLE 9.4.C.1.C.

2. At the time any application is filed with the PEDB under this Section 10, the applicant shall file a written request with the Building Commissioner to classify any new principal

What about 6.1?

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

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

See comments above. What dimensional requirements apply if it is not one of the building types? Should we copy the provisions of Section 9.4.B. in their entirety?

## **10.5. PUBLIC REALM STANDARDS**

### **A. Access Street Design Standards.**

Access streets provide internal site access from existing public streets in the Central Business District. Access streets shall be engineered and constructed in accordance with the design standards in Section 7 of the Medway PEDB Land Subdivision Rules and Regulations. In the event of any conflict between the provisions of this bylaw and the provisions of said Regulations, the provisions of this Bylaw shall apply. Access streets must have a minimum cross section of twenty-four feet with two travel lanes and at least one sidewalk connecting the public sidewalk with the front entrance of a primary building on site. Access streets may also include sidewalks on both sides, on-street parking, street trees, curb extensions, and crosswalks under the design standards in Section 9.7.B and as illustrated in DIAGRAM 9.7.B.5.

### **B. Public Realm Interface.**

1. Building Frontage Zones. A Building Frontage Zone is the setback space between the street facing façades of the building and the street right-of-way line (See DIAGRAM 9.7.C.1.). Utilization of the Building Frontage Zone should provide a compatible transition and interface between the private realm (on site buildings and uses) and the public realm (sidewalks, streets, and civic spaces). The Building Frontage Zone must be improved with Outdoor Amenity Spaces, streetscape treatments, and/or Building Interfaces. Outdoor Amenity Spaces are strongly encouraged and may be required in the Building Frontage Zone, and building interfaces are also encouraged within the Central Business District.
2. Building Interface with Main Street ROW Line. Selected building interfaces and related

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

## **Section XXXI Security Posted in Connection with Licenses, Permits and Approvals**

### **Section 31.1 Purpose**

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

### **Section 31.2 Scope**

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

### **Section 31.3 Handling of Funds.**

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

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

### **Section 31.4 Performance Standards**

**Commented [BSA1]:** Do we want to give the interest to the applicant or put in general fund? Is keeping track of interest on these accounts relatively straightforward or is it a nightmare? Need to ask Carol and Joanne.

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

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

#### **Section 31.5 Default**

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

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

#### **Section 31.6 Procedure for Return of Surety**

(a) At any time, and from time to time, an applicant whose surety is being held by the Treasurer on behalf of a Town officer, board, committee or commission may give written notice to such officer, board, committee or commission that in such applicant's opinion the work or performance that such surety was intended to secure has been fully and satisfactorily completed. Such notice shall contain a demand for the return of surety and the full name and address of the applicant. If such officer, board, committee or commission determined that such work or performance has been fully and satisfactorily completed, then he, she or it shall release the surety, or so much of it as may then remain, including any accrued interest, as set forth in §31.4(b), above. If such officer, board, committee or commission determines that such work or

performance has not been fully and satisfactorily completed, then he, she or it shall specify in a written notice to the applicant the details wherein such work or performance remains incomplete or unsatisfactory within forty-five days after the receipt by such officer, board, committee or commission of the said notice and demand from the applicant. In the event that such forty-five-day period expires without such specification, then the applicant shall be entitled to the return of all surety then remaining, including any accrued interest. Any notice under this Bylaw by an applicant to a Town officer, board, committee or commission shall be given by certified mail, return receipt requested, or by hand delivery with a signed receipt.

#### **Section 31.7 Severability**

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

Or act in any manner related thereto.

interactive components on TABLE 9.7.C.2. may be permitted with a special permit from the PEDB in the Building Frontage Zone (BFZ) when they contribute to vibrant spaces for the enjoyment of the public and do not interfere with the public sidewalk. Standards for permissible building interfaces are set forth in TABLE 9.7.C.2. and allowed in the Central Business District as follows:

- a. Sidewalk Dining (BFZ only)
- b. Storefront Display (BFZ only)
- c. Sidewalk Sign (BFZ only)
- d. Projecting Sign (BFZ and over the public sidewalk)
- e. Awning (BFZ only)
- f. Balcony (BFZ only)
- g. Bay Window (BFZ only)
- h. Gallery (BFZ only)

Or take any action relative thereto.

STREET ACCEPTANCE – Hartney Acres Subdivision  
SAC draft – August 12, 2022

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

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

As shown on *Street Acceptance & As-Built Plan for Hartney Acres II Definitive Subdivision* (Newton Lane), Medway, MA dated November 24, 2021, last revised [REDACTED] prepared by O'Driscoll Land Surveying, Inc. of Medway, MA and CMG Engineering Services, of Sturbridge, MA,

And further to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said street and any associated drainage, utility or other easements for said streets, and for any trail or public access easements, and to appropriate a sum of money for this purpose and any related expenses;

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

# # # # #

2022 Fall TM proposed ZBL amendment for Mitigation v. 1 bjs  
7-15-22

Article \_\_\_\_ To see if the Town will vote to amend the Zoning Bylaws, Section 2, Definitions, by adding the following new definition:

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

And by amending Articles 8.4 Open Space Residential Development (OSRD); 8.5 Adult Retirement Community Planned Unit Development; 8.7, Wireless Communication Facilities; 8.8 Small Wind Generation; 8.9 Registered Medical Marijuana Facilities; and 8.10 Recreational Marijuana, to include the following provisions:

1. Mitigation for Loss of Carbon Sequestration and Forest Habitat – If land that is Forestland or has been Forestland within the past year is proposed to be converted to development, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to four times the total area of such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.
2. Mitigation for Disruption of Trail Networks – If existing trail networks, old roads, or woods or cart roads are disrupted by the location of the development, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.
3. Mitigation for Disruption of Historic Resources and Properties - Historic resources and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed, including clearing for shade management. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area shall be established on all sides of each historic resource.

Or act in any manner relating thereto.

**Commented [BSA1]:** I think we could add this to general definitions Section 2, either here or in Housekeeping amendments.

**Commented [BSA2]:** If PEDB agrees with this approach, I will provide detail as to where the language will be added in each by-law. Will need to take into consideration existing provisions in each bylaw on open space.