

Tuesday, September 14, 2021
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PRESENT VIA ZOOM:

- Steve Bouley, Tetra Tech

PUBLIC COMMENTS:

- There were no public comments.

Charles River Flood Plain Modeling Presentation:

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

- Memo dated 9-13-21 from Stephanie Carlisle, DPW Compliance Officer
- Presentation Slides

Conservation Agent Bridget Graziano and DPW Compliance Officer Stephanie Carlisle were present.

The Board was informed that the Town of Medway was one of 15 communities which received a Municipal Vulnerability Program (MVP) action grant for participated in the program. Weston and Sampson was the Consultant hired to build the model. This is a 5-year capital plan model. A presentation was provided to the Board to explain the climate science, project background, and the Charles River Flood Model Results. Development of the flood plain model was the chosen project of research.

Currently, the Town cannot handle the increased precipitation in certain areas of the community which results in flooding. This increased precipitation damage to people and property. Photos were shown of examples of flooding throughout town (ex. Shaw Street and Village Street). The areas of concern were identified. Another example shown was from the Applegate Road Subdivision. This showed issues with the overflowing of the forebays due to heavy rainfall and extensive tree removable. This made the sidewalks un-walkable. All agree that the subdivisions need more protection from flooding. A chart was shown noting the increase in precipitation rates from 6.5” to 8.4 which is a 70 % increase for a 24-hour period for a100-year event. The

precipitation formula rates used are from Noah Atlas 14. There was discussion that the rules and regulations throughout town will need to be updated based on new rainfall data.

The goal is to project where the numbers will be in nine years. The State is looking to accept the new precipitation rates. The project model included regional collaboration by several towns. A model of the climate change scenario was created. There was also research done on assessing the benefits from various types of mitigation measures. This needs to be implemented for future projects. The project was funded by the MA Executive Office of Energy and Environmental Affairs. The project will also involve looking at the outfalls, BMP's, drainpipes, catch basins manholes, etc. throughout town. The Resilient MA Action Team did analysis. The chart of this was shown. The goal is to keep water on site to replenish the aquifers. The drought occurring will be a different study. The Board was informed that the most conservative numbers were used. The inter-municipal team met on several occasions to determine which four categories should be researched. At this time, the dams were not one of the selected categories. This could be part of a second phase. The selected categories include: Green Stormwater Infrastructure, Reducing Impervious Cover, Land Conservation, and Increasing Tree Canopy. There are goals within each category which would be attainable.

There was discussion that the town needs to do a better job with maintenance. There was a question if there is a glossary of terms which the public can reference. The research has indicated that there will be a 23% increase in flooding at prone areas across the Watershed from a 10-year event. The model results demonstrate that nature-based solutions can mitigate the impacts of future flooding. It will take considerable investment and on-ground changes to mitigate the impacts. One step which should be taken would be to get financial support for the open space acquisition and plan for the land conservations. There could also be more efforts to preserve farming. This was done in the Town of Sherborn. There has been discussion about establishing a stormwater utility to fund some of these things. This is becoming a more common initiative by other communities. The Board asked if a list of recommendation could be provided to see how they can implement some of this within their rules and regulations. Some examples include rain gardens and grass grids, and green stormwater infrastructure, and salt tolerate plants near curbing. There will be a presentation next week at the Board of Selectmen meeting.

MEDWAY PLACE SITE PLAN – CONTINUATION PUBLIC HEARING:

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

- Public Hearing Continuation to 9-14-21
- Collection of emails dated 9-8-21
- Letter dated 9-8-21 from attorney Gareth Orsmond granting an extension

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted to continue the hearing to October 12, 2021 at 7:15 pm.

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted to extend the action for Medway Place to November 15, 2021.

WILLAM WALLACE VILLAGE – BOND ESTIMATE:

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

- Updated Tetra Tech letter dated 9-9-21 re: items remaining
- Updated Tetra Tech bond estimate dated 9-9-21
- Emails dated 9-9-21 between Susy Affleck-Childs and Jack Mee

The Board was informed that the bond estimate has been updated and was provided to Larry Rucki. The updated bond amount established by Tetra Tech is \$351,861.00. Larry Rucki has requested that the Board hold on acting on the proposed bond amount as his engineering representative Dan Merrikin was not able to be present to discuss.

Attorney Ryan Rucki was present via Zoom to discuss the issuance of further building permits. The permittee would like the Board to authorize building permits, noting that a certain section of the William Wallace Village decision did not specify that the minimum construction work had to be completed. Susy Affleck-Childs pointed out another section of the decision which makes it clear that the performance security has to be provided before additional building permits are issued. Chairman Rodenhiser suggested deferring action on this until the next meeting so this can be reviewed by counsel with the cost of doing so covered by the applicant. There was no action taken to authorize permits.

ROCKY’S HARDWARE – ADMINISTRATIVE SITE PLAN AND OUTDOOR DISPLAY SPECIAL PERMIT:

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

- Public Hearing Continuation Notice to 9-14-21
- Draft Decision dated 9-10-21
- Photometric plan by Highpoint Engineering dated 9-10-21
- Rocky’s Ace Hardware Garden Center Plan – Sheet C1, revised 9-9-21 by Sugrue and Associates.
- Rocky’s Ace Hardware Dumpster Fence Details – Sheet SK-1 dated 8-30-21

Attorney Joel Quick participated via Zoom and asked that the Board continue the hearing as the representative from Rocky’s could not be present.

On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board to continue the hearing to September 28, 2021 at 9:00 pm. (member Di Iulio voted nay)

DISCUSSION – TREE PRESERVATION BYLAW:

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

- Flyer about a possible tree preservation bylaw
- Draft bylaw dated 9-1-2021

The Conservation Commission has been discussing developing a tree preservation bylaw for Medway. Present for this discussion was Conservation Agent Bridget Graziano and Conservation Commission Chair David Travalini.

This idea for the tree preservation bylaw is to encourage the protection and preservation of trees in the existing zoning lot setbacks in the town. This would be a general bylaw with the Conservation Commission as permitting authority. A draft has been prepared and is being reviewed and refined by the Commission. The goal is to have something for the Spring town meeting. There will be an education component which will be done in trying to get support for this bylaw.

The benefits of tree preservation would be improved stormwater runoff, natural flood control, increased property values, and improved air quality. There was discussion from the Agent that if there is clearing of trees in the zoning setback areas, there would need to be contribution into a tree fund for the town to plant trees in needed areas. There would be a plan submitted to the Commission for approval prior to the commencement or demolition on a property where trees are located. There would need to be formal permission granted to remove a tree within the Tree Preservation Area which would be indicated in each zoning district with a minimum of 15 ft setback.

During discussion, a concern was brought up about taking away people's rights on their own property. Another concern is there are little neighborhoods such as Cottage Street where the setbacks could really limit a yard area.

Resident Paul Yorkis communicated that he is in support of saving trees and addressing the problem of clear cutting. He noted that the Planning Board would have the ability to address this through site plan review. His concern is for those sites which are preexisting.

The Board agrees that this warrants further discussion.

CONSTRUCTION REPORTS: (See attached)

- 274 Village Street Inspection Report – 9/1/2021
- Choate Trail Construction Observation Report – 9/9/2021
- 20 Board Street Field Report – 9/1/2021
- 22 Evergreen Street Field Report – 8/20/2021
- Choate Trail Field Reports – 8/25/21 and 8/26/2021
- Harmony Village Field Report – 8/20/2021
- William Wallace Village Field Reports – 8/13, 8/20, 8/24, 8/26, and 9/1/2021

William Wallace Village -274 Village Street:

The building interior finish work is ongoing. The catch basin and manholes that feed into the infiltration fields were in the process of being installed.

Choate Trail Subdivision - Copper Drive:

The site is dry throughout the limit of work. The tree has been removed from the abutters property. The silt fence has been installed along the western portion of the site. The curb has been installed.

20 Broad Street:

The fence has been installed along the perimeter of the site. The construction entrance off Broad

Street was inspected. It appears that there will be sufficient erosion measures in place to prevent sediment on Broad Street.

Evergreen Village/Balsam Way:

The silt fence barriers remain in place around the limit of work. It was recommended to have the construction entrance be installed as soon as possible to prevent sediment. There was a question about the basins being in the sunlight for over three months. The Consultant will follow-up on this item.

Harmony Village:

There has not been a lot of site work completed. The contractor will be providing an updated schedule.

Member Tucker left at 9:00 pm.

November 2021 Town Meeting Articles:

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

- Street Acceptance for Redgate and Hartney Acres Subdivision
- Housekeeping Article (Zoning)
- BESS (Zoning)
- Add definition of façade (Zoning)
- Add definition of Construction Equipment and Machinery Sales and Leasing (Zoning)
- Amend Use Table (Zoning) Add definition of Construction Equipment and Machinery Sales and Leasing (Zoning)

Add Definition of Construction Equipment and Machinery Sales and Leasing:

Resident Yorkis took part in the Zoom call. He is in support of the definition for Construction Equipment and Machinery Sales and Leasing as written.

The recommendation is to just consider this in the West Industrial area only at this time. The east industrial area can be added at another time.

Street Acceptance for Redgate and Hartney Acres Subdivision

The Board was made aware that Town Counsel is still working to review all the documentation to allow for the moving forward with the street acceptance of Redgate and Hartney Acres.

Member Di Iulio is not in support of the Redgate Subdivision acceptance.

Paul Yorkis is working to get Newton Lane on for street acceptance. There was an inspection completed by Tetra Tech. The bounds have been installed and the As-Built plans are being completed. The infrastructure meets all the requirements.

Housekeeping:

The Board was in receipt of the recommended housekeeping changes. These included clarification to the Main Street pedestrian zone, amending the definition out outdoor display, and adding language “except special permits under Section 5.5 Non-conforming Use and Structures.”

BESS (Zoning)

There will be the addition of a definition. Also inclusion of small battery energy storage facility with a capacity that does not exceed 5MW/10MWh would be allowed by special permit in the ER district. Anything larger would not be allowed at all. This was also changed within the Schedule of Uses.

Add definition of facade (Zoning)

There will not be a need to have this definition since it is already within another section. This will be withdrawn.

Energy District Uses:

There have been recommended changes to the allowed uses in the Energy Resource District. The table has been updated. There was a suggestion to have the article include the table to show which uses will no longer be allowed. this is allowed and prohibited.

Environmental Standards:

The Board was provided with an update on the Environmental Standards work. Member Gay continues working with the noise consultants to refine the environmental standards. There will be another working session on September 15, 2021. The goal is to have this ready for the public hearing and consideration for the November town meeting. The Board is in receipt of the recent email from John Lally. (See Attached). The information in the email will be discussed at the meeting tomorrow.

Resident Lally requested that he be provided with the most recent language prior to the September 21, 2021 meeting.

The warrant articles will be submitted next week to the Select Board's office.

OTHER BUSINESS:

- The Board was made aware that there will be an application for a modification to the Marzelli site plan for Trotter Drive. This will include 12 field changes. This applicant will be in front of the Conservation Commission next week.
- There will be a Master Plan Community event to be held on Sunday, October 3, 2021.
- Salmon Willows and Whitney Place held a great Open House event. Representatives from the town were present.

APPROVAL OF MINUTES:

AUGUST 17, 2021:

On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted to approve the minutes from August 17, 2021 as amended.

AUGUST 24, 2021:

On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted to approve

the minutes from August 24, 2021 as amended.

FUTURE MEETINGS:

- September 21, 2021
- September 28, 2021

ADJOURN:

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

The meeting was adjourned at 10:20 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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



September 14, 2021
Medway Planning & Economic Development Board
Meeting

Charles River Flood Plain Modeling
Presentation

- Memo dated 9-13-21 from Stephanie Carlisle, DPW Compliance Officer
- Presentation Slides

Check out the flood plain modeling project at:

<https://crwa.maps.arcgis.com/apps/webappviewer/index.html?id=4649d032ebb74cafb20767e4f3e369df>

NOTE – Both Stephanie Carlisle and Bridget Graziano will be presenting this project to you.



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

Medway DPW Office
45B Holliston Street
Medway, MA 02053
Phone (508) 533-3275
Fax (508) 321-4985
dps@townofmedway.org

DPW Director
Peter Pelletier

Deputy Director
Sean Harrington

September 13, 2021

RE: Charles River Watershed Flood Model Presentation

Dear Planning and Economic Development Board,

Medway is a member of the Charles River Climate Compact, which is a group comprised of DPW Directors, Conservation Agents, Sustainability Directors etc. throughout the Charles River Watershed. Through this group, Medway along with 15 neighboring communities, applied for a Municipal Vulnerability Preparedness Program (MVP) action grant to build a flood model based on current and projected precipitation rates.

In addition to modeling precipitation rates, the model also depicts six scenarios using different green infrastructure techniques and their affects on flooding across the watershed.

Bridget and I will share the results from the model and discuss how this tool can assist with land use planning, development, and design decisions.

Attached are the PowerPoint slides if you wish to review prior to the meeting. Also, if you would like to view the tool, you can access it here: [Charles River Flood Model Results Viewer](#).

Thank you for your continued support of environmental initiatives in Medway.

Sincerely,

Stephanie Carlisle
Compliance Coordinator

Building Resilience Across the Charles River Watershed



Photo credits: Tim Rice



Agenda

- Climate science
- Project background
- Charles River Flood Model Results
- Next Steps



Choate Pond flooding July 2021. Source credit: Tim Rice.

CLIMATE CHANGES	RELATED NATURAL HAZARDS
Changes in precipitation 	<ul style="list-style-type: none">- Inland flooding- Drought- Landslide
Sea level rise 	<ul style="list-style-type: none">- Coastal flooding- Coastal erosion- Tsunami
Rising temperatures 	<ul style="list-style-type: none">- Average/extreme temperatures- Wildfires- Invasive species
Extreme weather 	<ul style="list-style-type: none">- Hurricanes/tropical storms- Severe winter storms/nor'easters- Tornadoes- Other severe weather

Climate Impacts in the Northeast

- Increased precipitation + impervious surfaces → flooding
- Rising temperatures → droughts and heat-related deaths
- Increasing extreme weather → damage to people & property

Climate impacts/threats to Medway

- Localized flooding
- Structural compromises to bridges & dams
- Downed trees
- Power service disruption

*Climate change will also lead to **significant social disruption** which will **not be felt equally** across the population.*

Source: mass.gov



Shaw Street 2005

Photo source: unknown



Village Street 2005

Photo source: unknown



HEAVY RAINFALL



Applegate Subdivision 9-18-19



Applegate Road Infiltration basin

Credit: Medway Conservation Agent

Historic Change in Precipitation



Charles River Watershed Association



CHANGES IN PRECIPITATION

MORE **INTENSE & FREQUENT** EXTREME RAIN EVENTS

PRECIPITATION DURING
HEAVY EVENTS IN THE
N O R T H E A S T

INCREASED
BY MORE THAN

70%

BETWEEN 1958-2010

- Medway currently uses NOAA Atlas 14 precipitation rates
 - Stormwater Bylaw Article XXVI
 - Wetlands Bylaw Article XXI
 - PEDB
 - Rules and Regulations
 - Site Plan Rules and Regulations

24 Hour Event	
Frequency	Inches
50% chance of occurring in any given year (2 Year Storm)	3.36
10% ... (10 Year Storm)	5.23
4% (25 Year Storm)	6.39
1%..... (100 Year Storm)	8.19

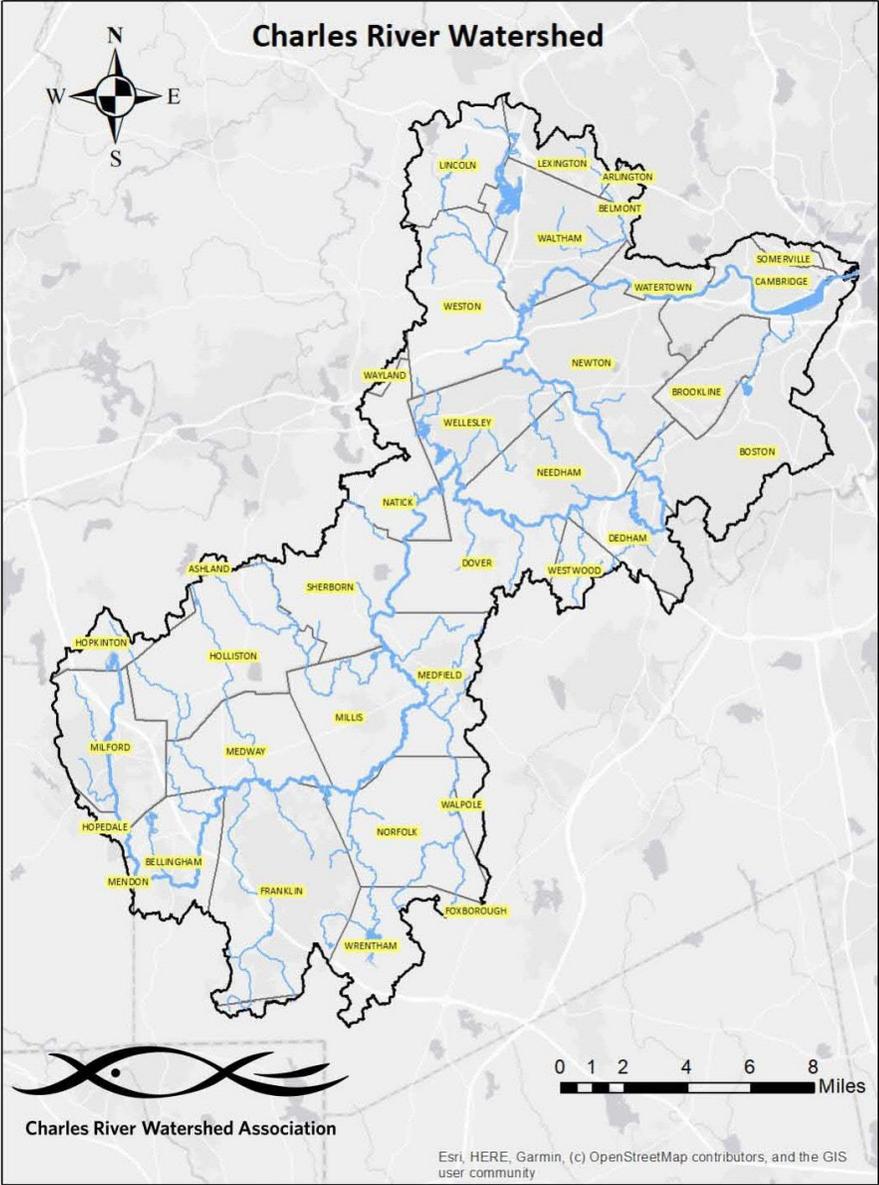
Project Overview

- Regional collaboration
- Model climate change scenarios
- Assess benefits from mitigation measures
- Funded by MA Executive Office of Energy and Environmental Affairs FY21 MVP Action Grant Program

Project Goals

- ✓ Develop a useful and accessible climate planning tool for the region
- ✓ Use the flood model to understand the impacts of climate change to Medway
- ✓ Engage watershed residents, particularly climate vulnerable residents, to build trust in this planning tool
- ✓ Build stronger regional ties





Participating Communities

Arlington
Dedham
Franklin
Holliston
Medway
Millis
Natick

Needham
Newton
Norfolk
Sherborn
Watertown
Wellesley
Weston
Wrentham

Medway's Data Contribution



Charles River Watershed Association



JUNE 15, 2020
REVISION

TOWN OF MEDWAY HAZARD MITIGATION PLAN 2018 PLAN UPDATE

FINAL PLAN
APPROVAL PENDING ADOPTION
ISSUED BY FEMA
SEPTEMBER 12, 2018

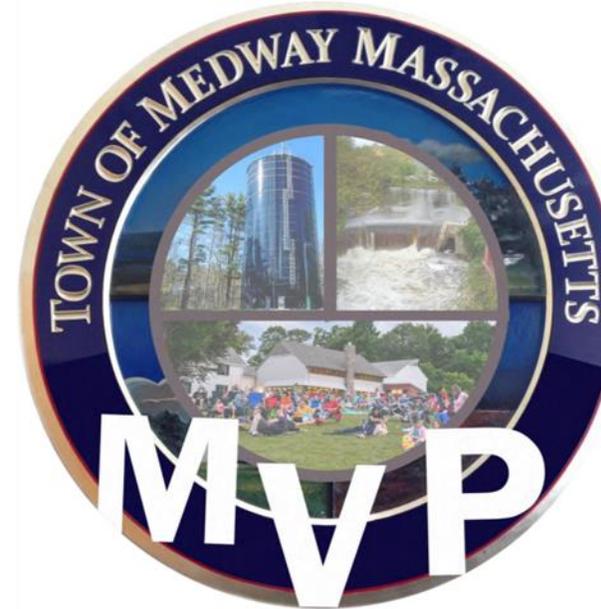
PREPARED FOR:
TOWN OF MEDWAY
155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

PREPARED BY:
METROPOLITAN AREA PLANNING COUNCIL
60 TEMPLE PLACE
BOSTON, MASSACHUSETTS 02111
TEL: 617.933.0700
WWW.MAPC.ORG



TOWN OF MEDWAY
OPEN SPACE AND RECREATION PLAN
2018-2025

Municipal Vulnerability Preparedness (MVP) Community Resilience Building Workshop: Summary of Findings



April 2020

Infiltration Feasibility Assessment of Town-owned Properties, Medway, MA

FINAL REPORT

DRAFT Final Report:
Water Management Act Grant
BWR 2020-01-WMA

Submitted to:
Department of Environmental Protection
One Winter Street, 5th Floor
Boston, MA 02116
ATTN: Jennifer D'Urso
Telephone: 617-654-6591

Submitted by:
Town of Medway
45B Holliston Street
Medway, MA 02053

June 30, 2020

- 5-Year Capital Plan projects
- GIS stormwater infrastructure data: outfalls, BMPs, drainpipes, catch basins, manholes, etc.
- As-Builts for bridges, dams, and culverts
- Dam inspection reports

Flood Model Precipitation Rates

- Resilient MA Action Team (RMAT)
 - NOAA Atlas 14 precipitation rates + a percentage increase over time

Design Storm	Mid-Century (2030/2050)	Late Century (2070/2090)
2-year, 5-year, 10-year, 25-year, and 50-year return periods	+8%	+20%
100-yr Design Storm	+11%	+27%
200-yr & 500-yr Design Storm	+15%	+36%

Recurrence Interval	Present (Watershed Average), inches	2030/2050 (using RMAT % increase estimates), inches	2070/2090 (using RMAT % increase estimates), inches
2-yr	3.34	3.60	4.00
10-yr	5.20	5.62	6.25
100-yr	8.17	9.07	10.37

*for 24-hour rainfall durations. RMAT = Resilient Massachusetts Action Team

Modeling Nature Based Solutions

The flood mitigation strategies that the team modeled in this phase of the project were selected with input from the project team and watershed residents from seven categories.

Green Stormwater Infrastructure	Reduce Impervious Cover	Dam removal	Floodplain Reconnection	Land Conservation	Wetland Restoration	Increase Tree Canopy
						
<ul style="list-style-type: none"> Store 2" storm runoff from up to 50% of all impervious cover town-wide with GI 20% of priority land area designated for GSI Storage on large (>5 acres) public properties 	Reduce impervious cover in the watershed by 10%	Not selected in this phase	Not selected in this phase	Conserve only highest priority unprotected and undeveloped land, allow rest to be developed	Not selected in this phase	Increase tree canopy by 25%

Modeling Scenarios: Nature Based Solutions

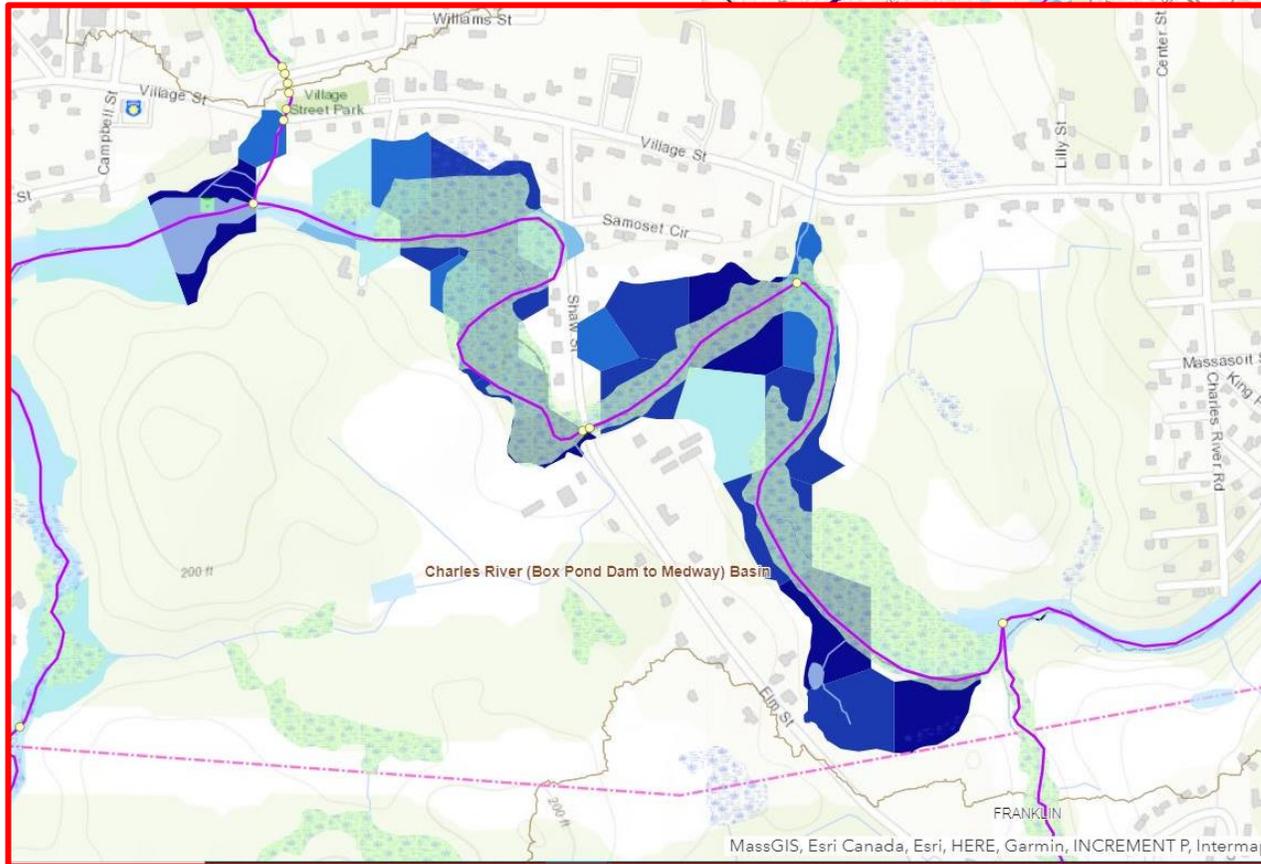
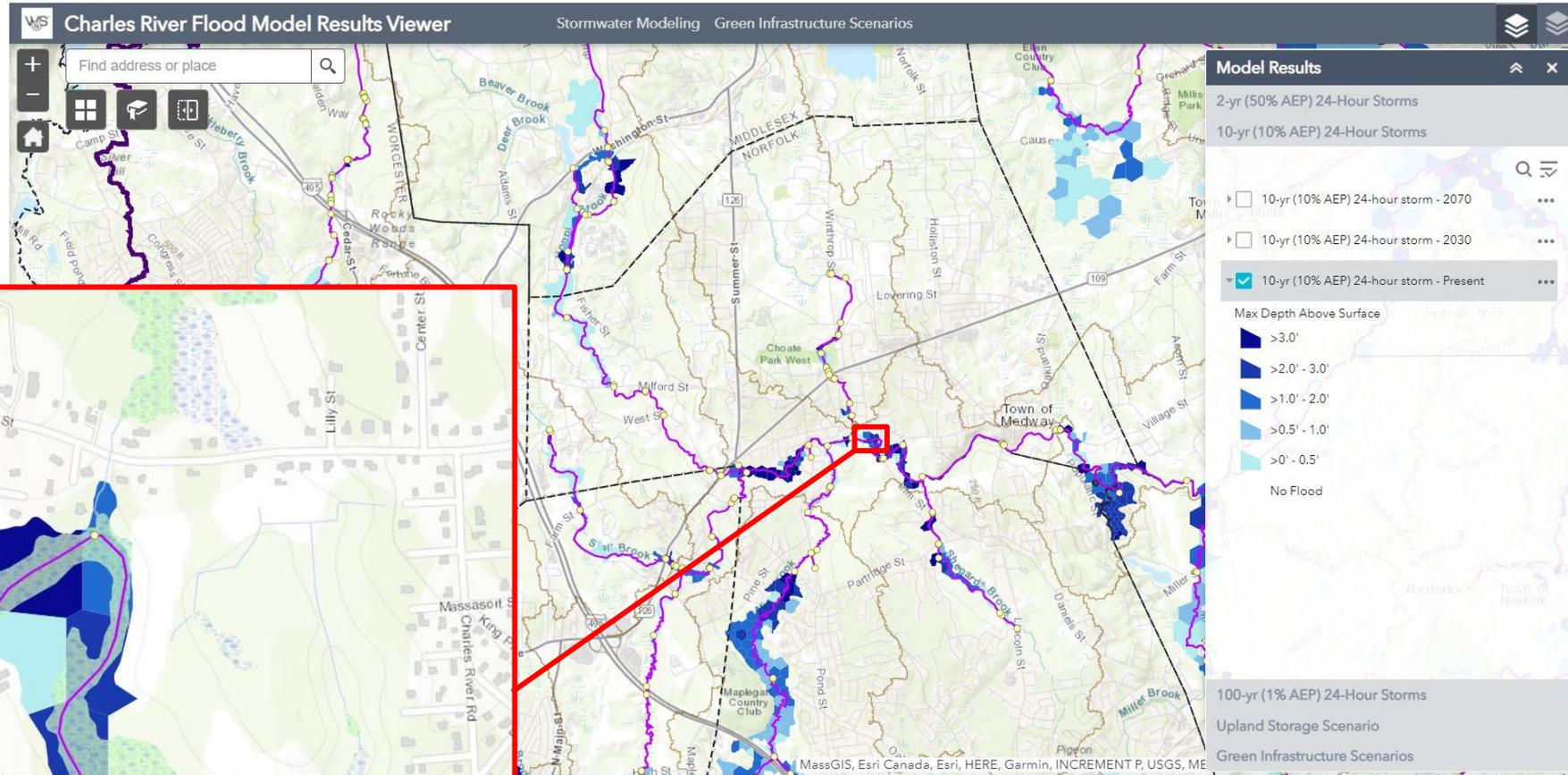
Category	Scenario Number	Strategy
Green Stormwater Infrastructure	1	Green Stormwater Infrastructure (GSI) stores 2” storm runoff from up to 50% of all impervious cover town-wide.
	2	20% of feasible/priority land area is GSI
	3	Storage on large(>5 acres) public properties (GSI, underground storage, “blue roofs”) (site specific strategy)
Reduce Impervious Cover	4	Reduce effective impervious cover watershed wide by 10% (for subbasins over 10%)
Land Conservation	5	Allow 50% of remaining undeveloped/unprotected land to become impervious
Increase Tree Canopy	6	25% public ROWS become green streets: Tree box filters/bioswales, connected to leaching catch basins (site specific strategy)

Summarized priority flood mitigation strategies that were selected to be modeled during this project phase.

10 Year Storm - Present



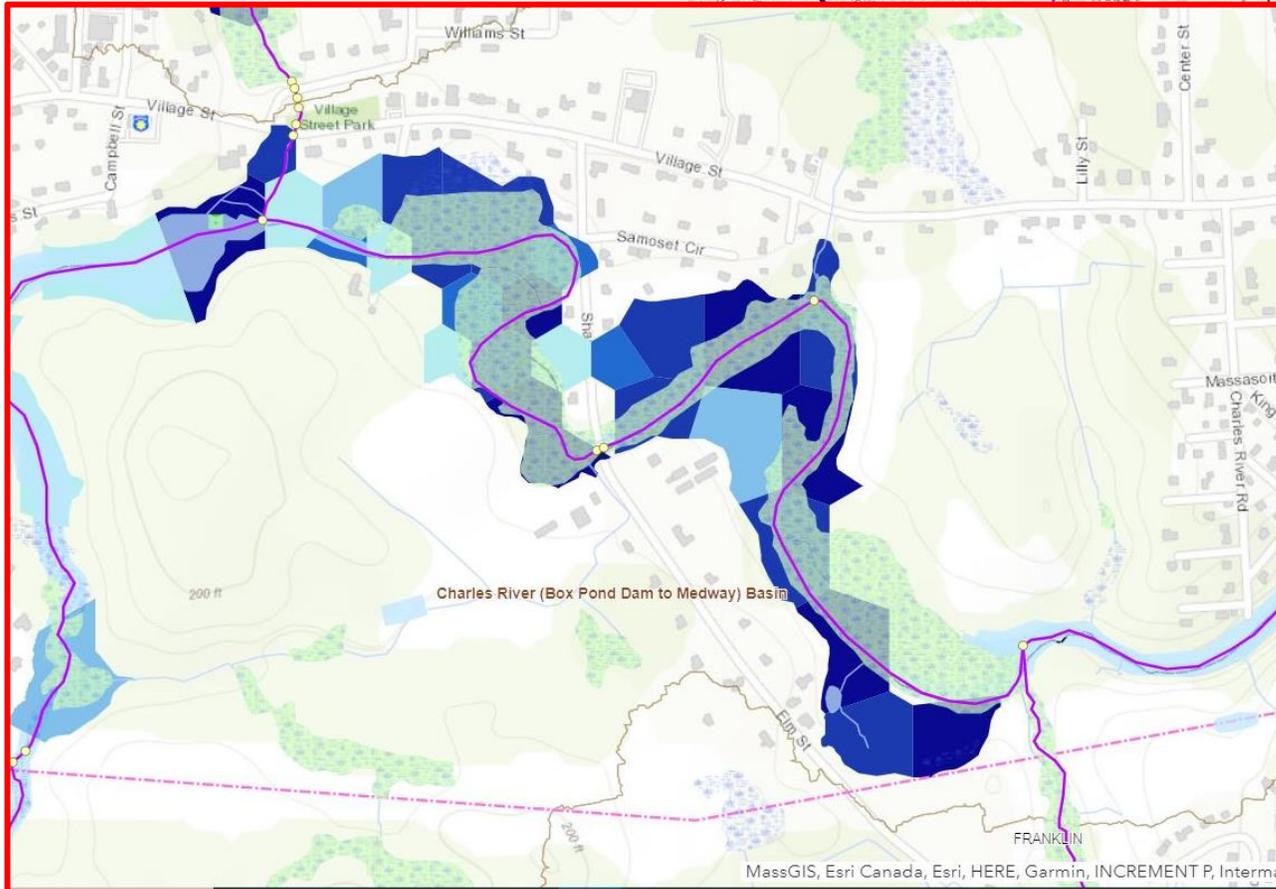
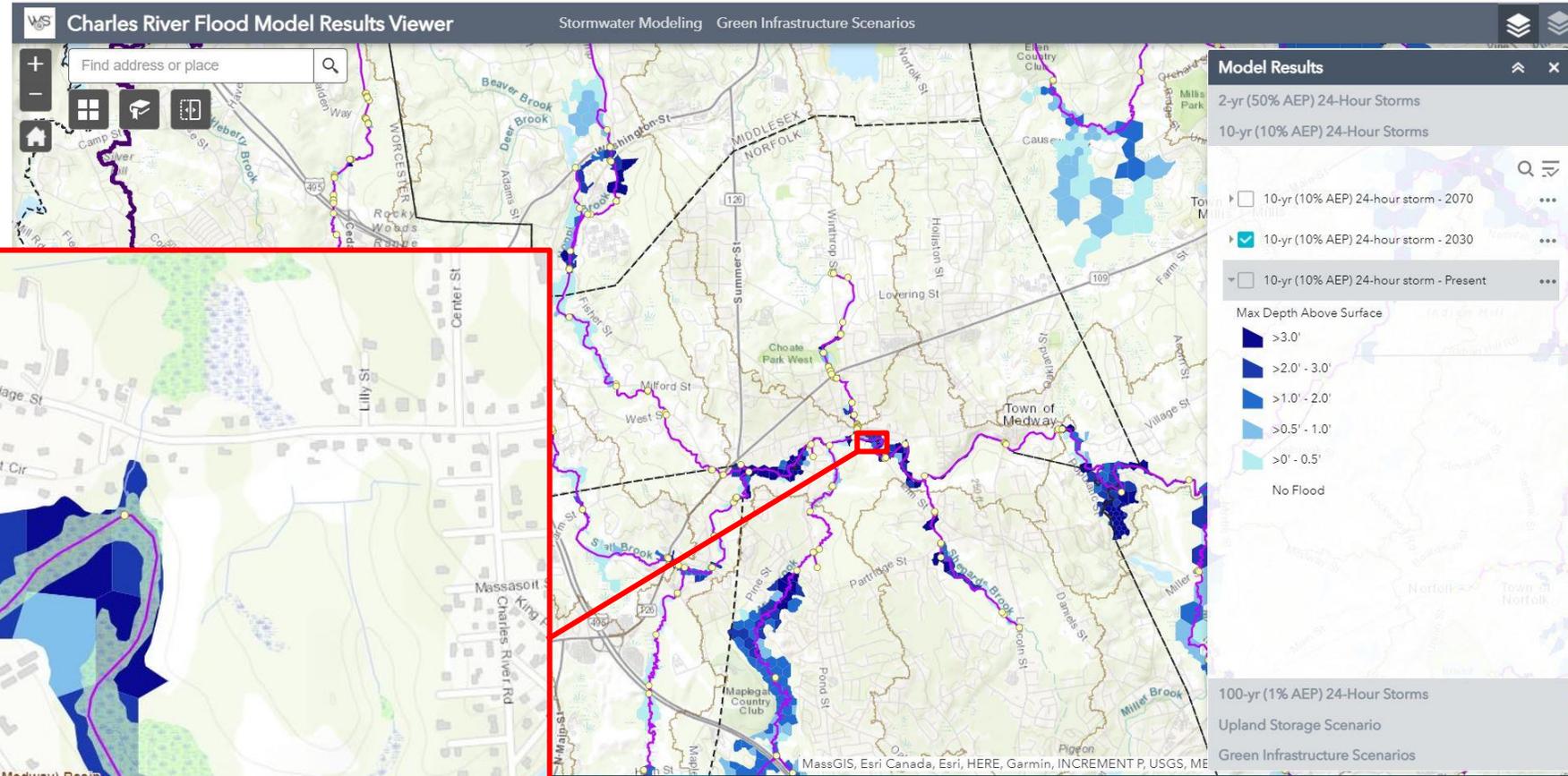
Charles River Watershed Association



10 Year Storm - 2030



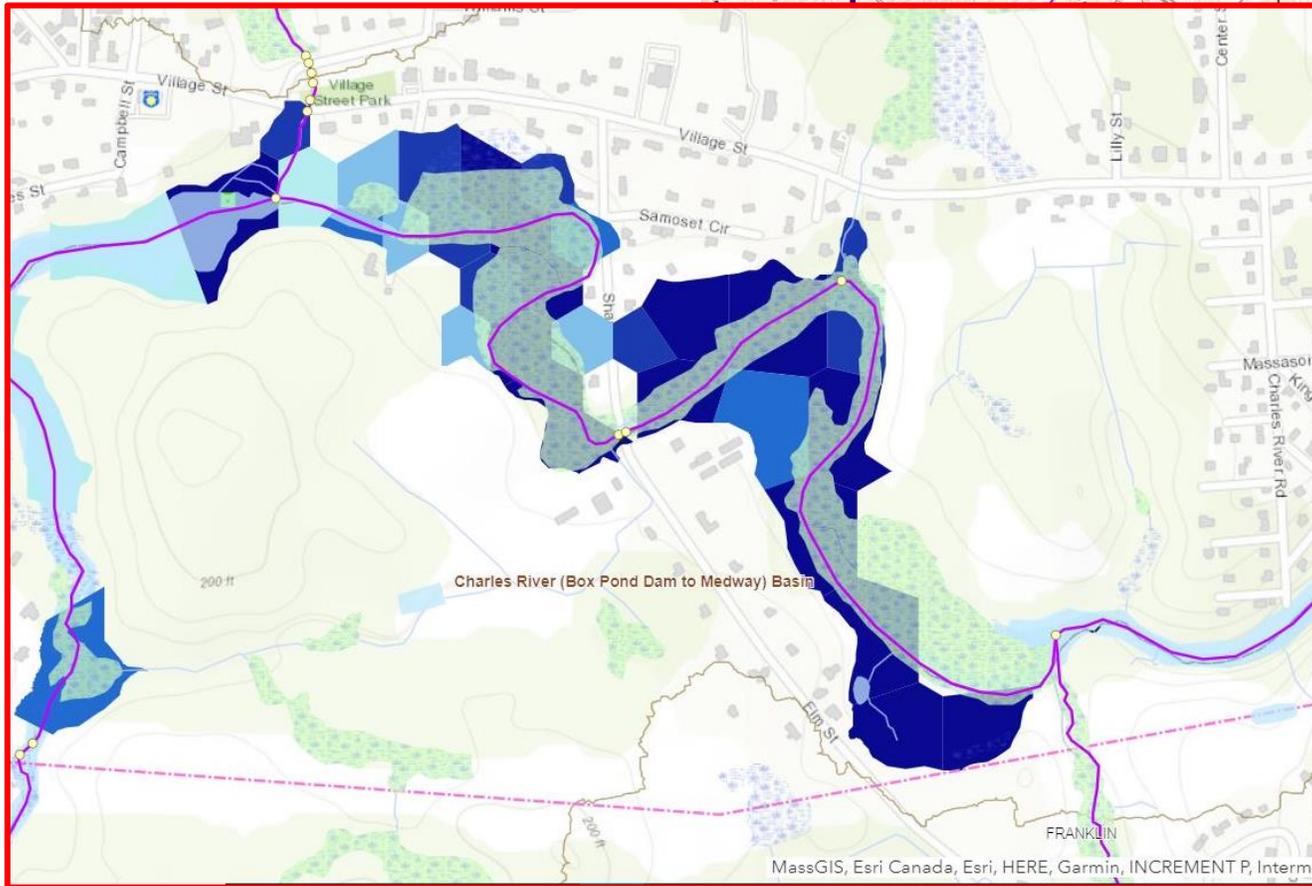
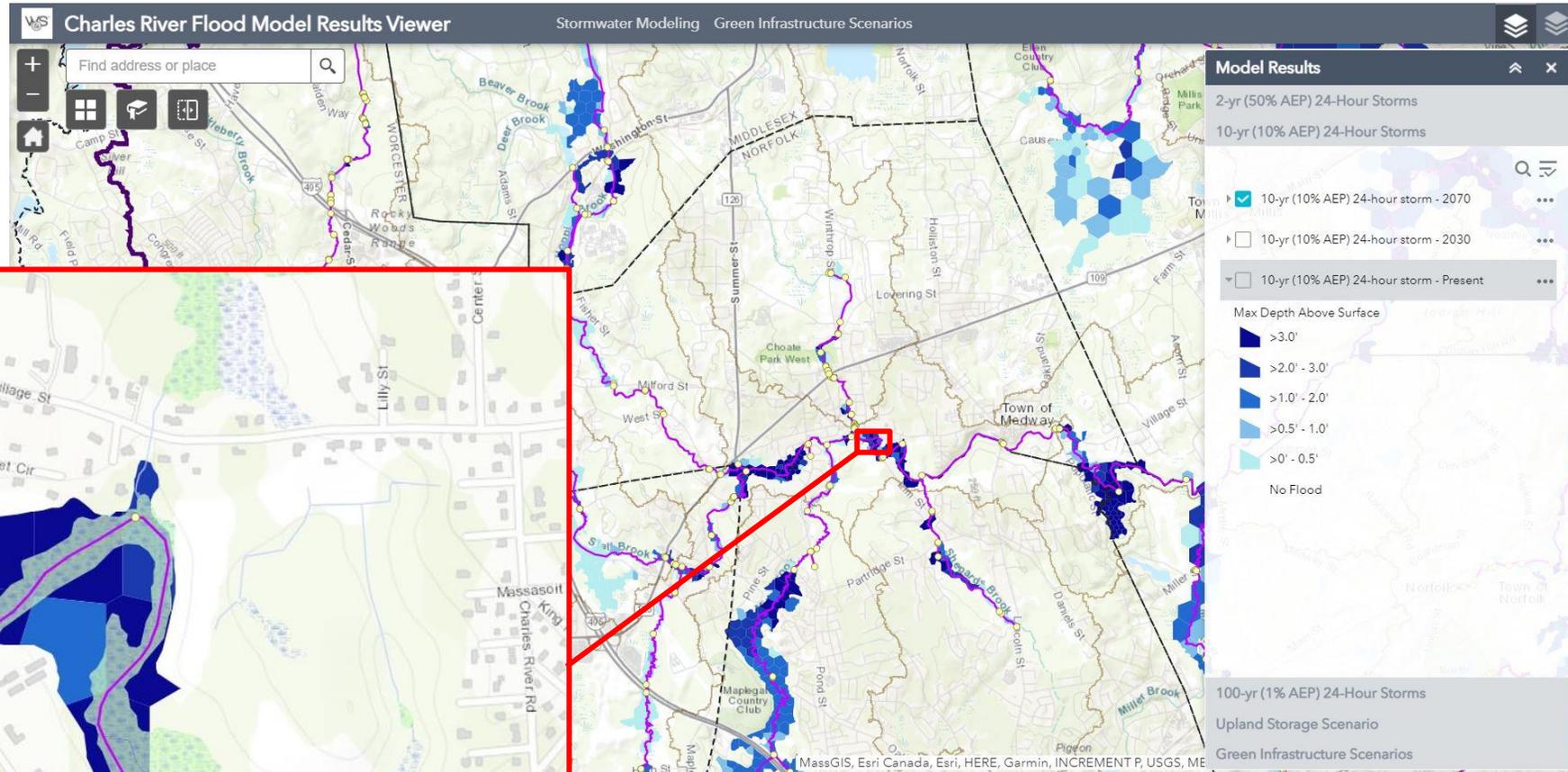
Charles River Watershed Association



10 Year Storm - 2070



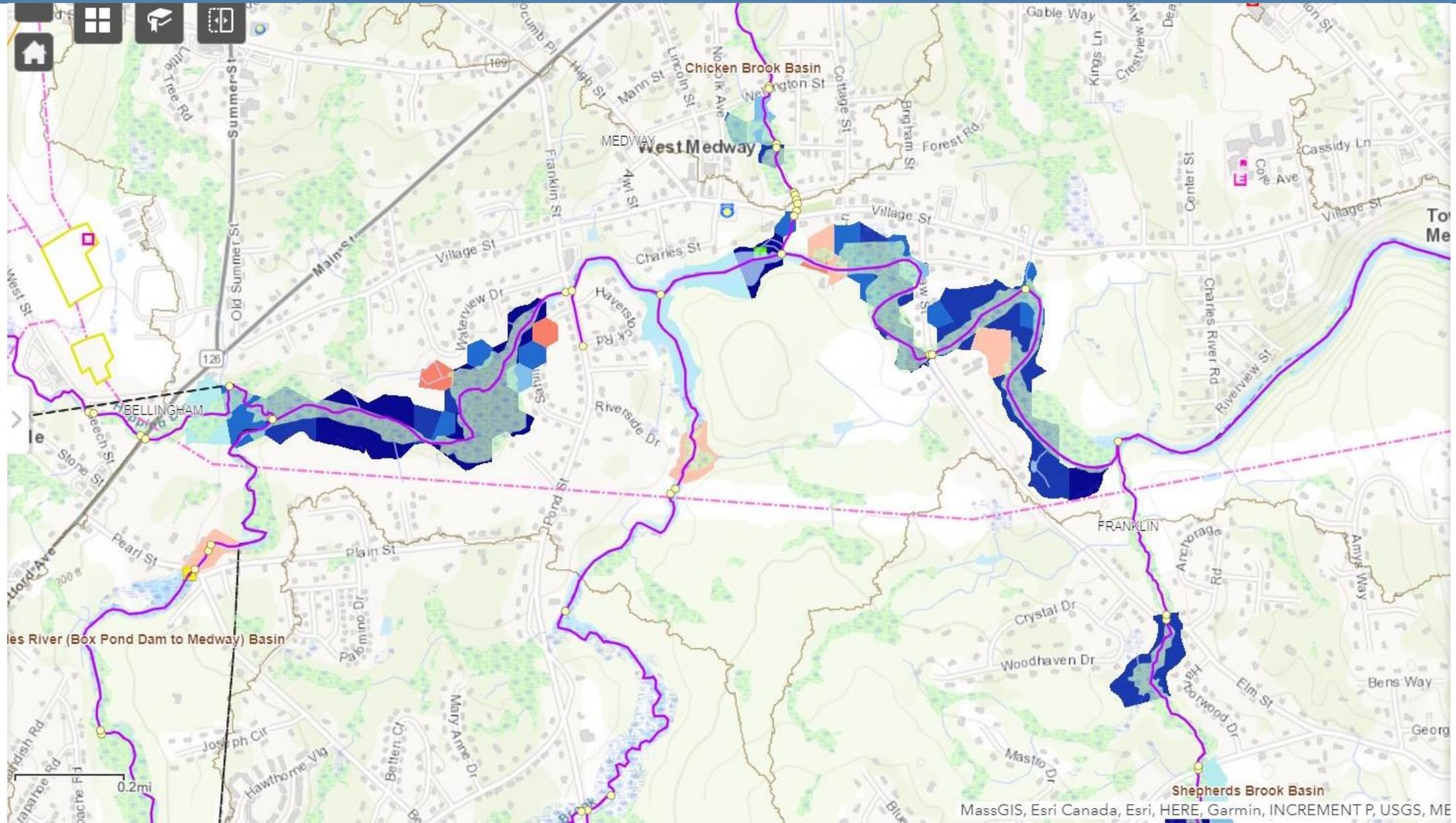
Charles River Watershed Association



GSI #1: Store 2" runoff on 50% impervious



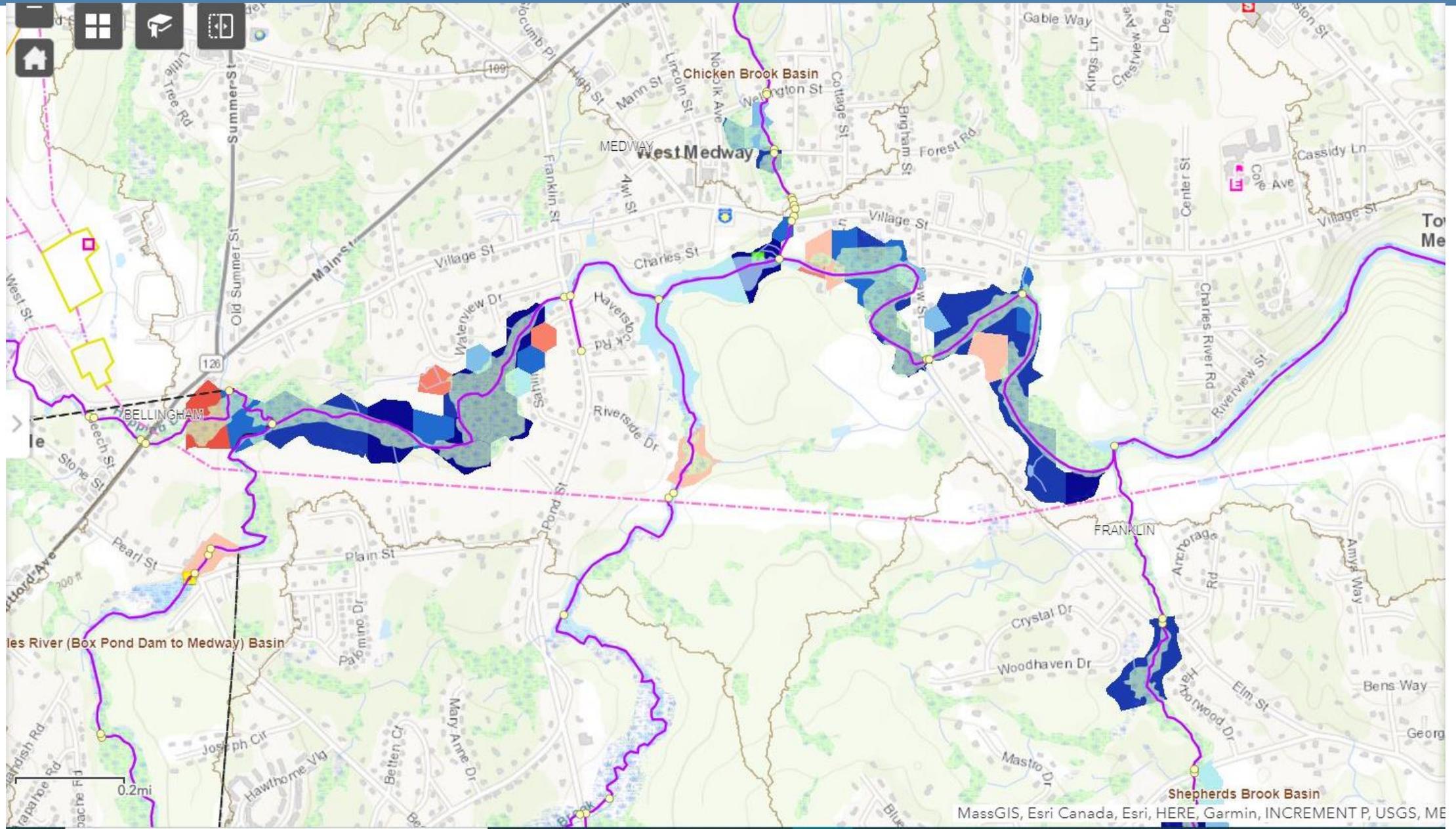
Charles River Watershed Association



GSI #2: 20% feasible/priority land area is GSI



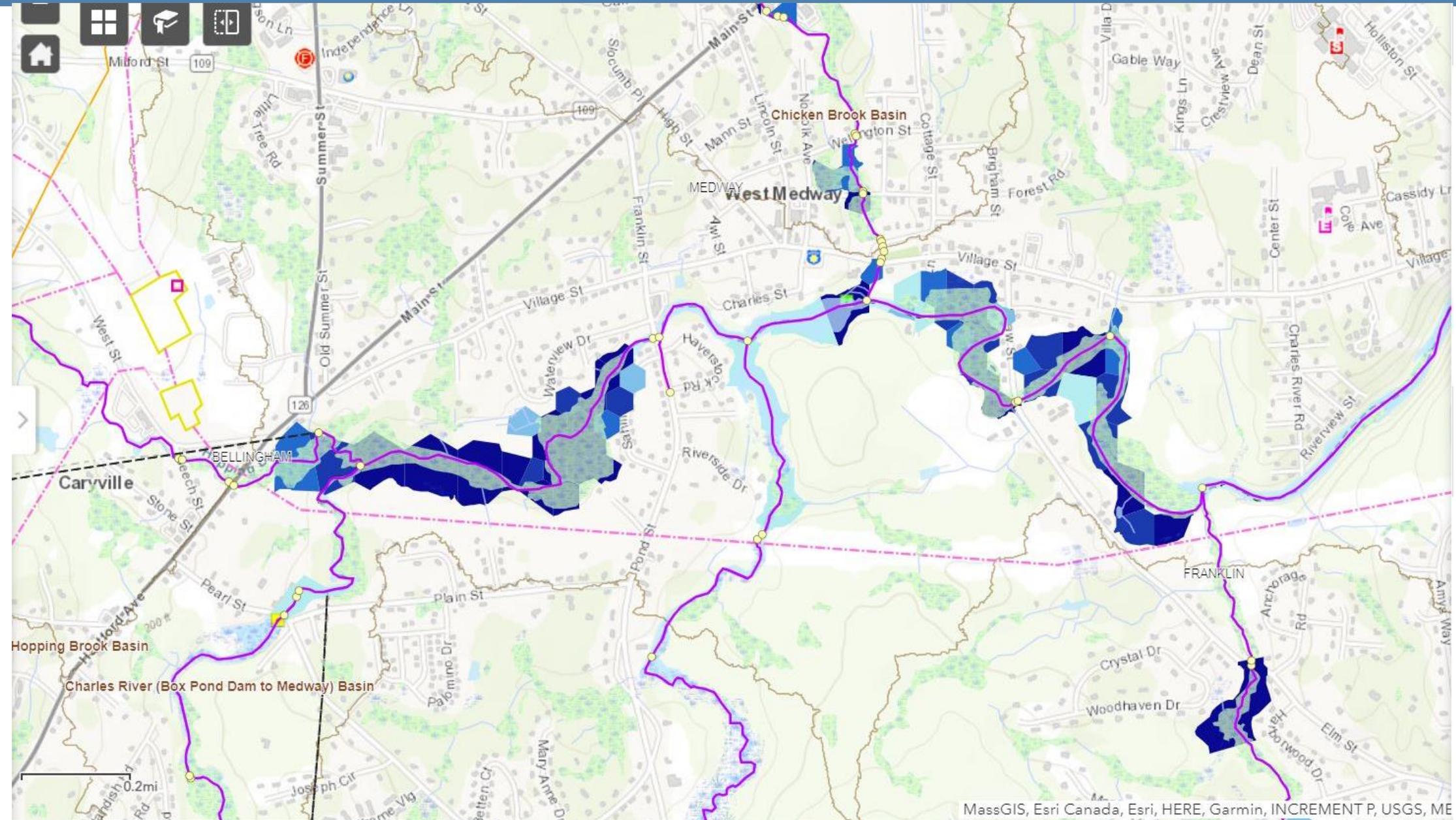
Charles River Watershed Association



10 Year Storm - Present



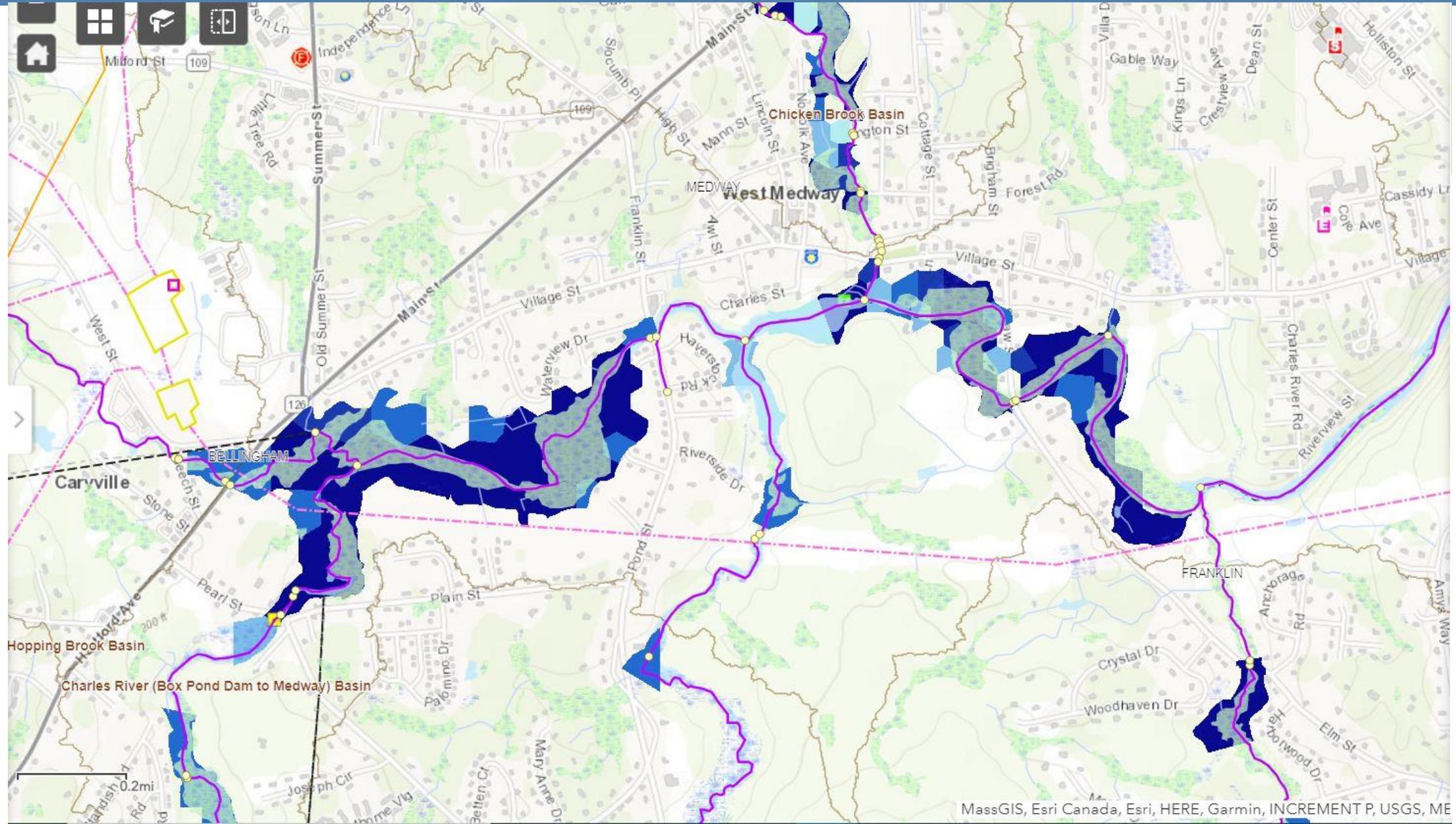
Charles River Watershed Association



GSI #5: Add 50% impervious cover



Charles River Watershed Association



From the current day (baseline) 10-year event to the 2070 10-year event, we will see

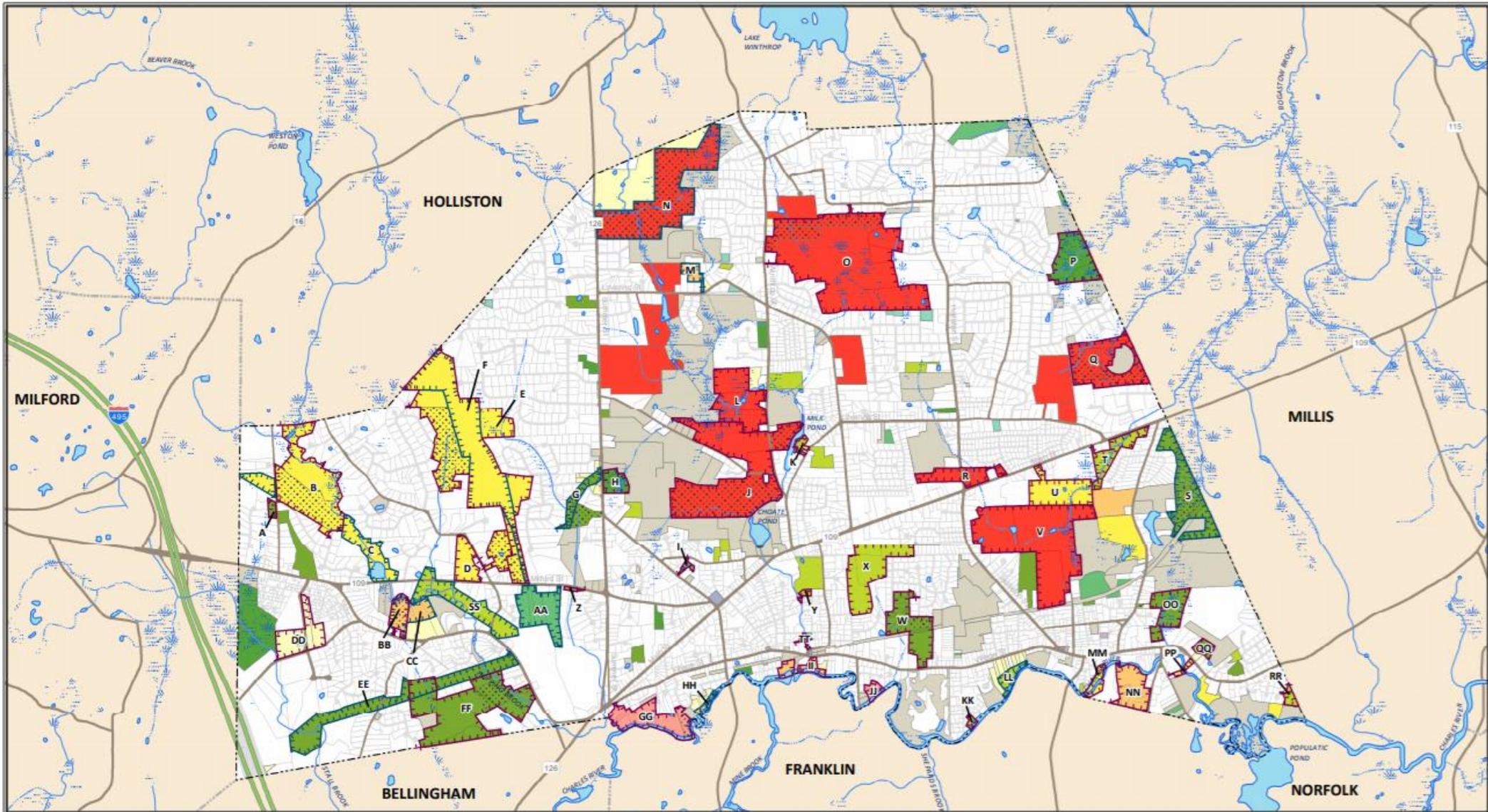
- A 23% increase in flood-prone areas across the watershed
- Additional 1,600 acres (about twice the area of Central Park in New York City) that would not be flooded in today's storm but will be flooded in the future
- Many more homes, businesses, schools, roads, and potentially critical infrastructure that will be flooded

Model results demonstrate that nature-based solutions can mitigate the impacts of future flooding

However, it will take considerable investment and on the ground changes, beyond what may be considered “feasible” today to truly mitigate these impacts



- Financially support areas already identified within the Open Space and Recreation Plan for land conservation



DATA SOURCES:

MASSGIS: SEE DETAILS ON DATA WITHIN THE 2018 OSRP ON THE "MASSGIS DATA SOURCES" APPENDIX
 MEDWAY ASSESSING, 10/2017
 MEDWAY COMMUNITY & ECONOMIC DEVELOPMENT, 03/2018

PREPARED BY MACKENZIE LEAHY

- Water Bodies & Features**
- Shoreline
 - Intermittent Stream
 - Perennial Stream
 - Open Water
 - Wetland

- Municipal & Conservation Land
- Land of Conservation or Recreation Interest
- Land of High Interest
- Critical Parcel(s) to Cluster
- Land for Purchase or Gift
- Land for Easement(s)
- Land of Interest by Criteria 1 10

Land of Conservation and Recreation Interest
 by Cluster and Evaluation Criteria
 May 31, 2018



- Financially support areas already identified within the Open Space and Recreation Plan for land conservation
- Work to reduce our impervious cover



VFW

Photo source: Tim Rice



- Financially support areas already identified within the Open Space and Recreation Plan for land conservation
- Work to reduce our impervious cover
- When impervious areas are necessary, design with GSI techniques

Rain Garden

This garden is designed to catch, soak up and filter stormwater before it runs into local waters. Rain gardens remove pollutants, reduce flooding and help recharge groundwater.

Preservation, protection
for your environment.



Burke-Memorial Elementary School



- Financially support areas already identified within the Open Space and Recreation Plan for land conservation
- Work to reduce our impervious cover
- When impervious areas are necessary, design with GSI techniques
- Retrofit existing structures and impervious areas to hold a minimum of a 2-inch storm run off



ONE WAY

ENTRANCE

NO DOGS ALLOWED

Middle School



- Financially support areas already identified within the Open Space and Recreation Plan for land conservation
- Work to reduce our impervious cover
- When impervious areas are necessary, design with GSI techniques
- Retrofit existing structures and impervious areas to hold a minimum of a 2-inch storm run off
- Add green stormwater infrastructure during new road construction or upgrades to existing roads



- Financially support areas already identified within the Open Space and Recreation Plan for land conservation
- Work to reduce our impervious cover
- When impervious areas are necessary, design with GSI techniques
- Retrofit existing structures and impervious areas to hold a minimum of a 2-inch storm run off
- During new roads or upgrades to existing roads, add GSI
- Increase tree canopy cover



- Financially support areas already identified within the Open Space and Recreation Plan for land conservation
- Work to reduce our impervious cover
- When impervious areas are necessary, design with GSI techniques
- Retrofit existing structures and impervious areas to hold a minimum of a 2-inch storm run off
- During new roads or upgrades to existing roads, add GSI
- Increase tree canopy cover
- **Model additional scenarios and strategies with CRWA Regional Group**
- **Identify additional funding opportunities**
- **Continue public outreach**

Project website

- [Building Resilience Across the Charles River Watershed](#)

Climate Change Impacts

- Climate change [in the watershed](#)
- Climate action [in Mass](#)

Climate Resilience Toolkit

- Find the CRWA toolkit [here](#)

CRWA Climate Compact

- Learn more [here](#)

Modelling Workshops: Residents Meeting

- Building Resilience Across the Charles River [Project Overview](#)
- Middle Watershed [Session](#)
- Upper Watershed [Session](#)



September 14, 2021
Medway Planning & Economic Development Board
Meeting

Medway Place Site Plan - Public Hearing
Continuation

- Public Hearing Continuation notice to 9-14-21
- Collection of emails dated 9-8-21 between attorney Gareth Orsmond and Susy Affleck-Childs re: applicant's request for public hearing continuation
- Letter dated 9-8-21 granting an extension for the Board's action deadline to November 15, 2021.

Actions Needed

1. Vote to continue the public hearing to October 12, 2021
2. Vote to approve the extension of action deadline to November 15, 2021.

Board Members

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



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

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

RECEIVED TOWN CLERK
AUG 11 '21 PM 3:26

MEMORANDUM

August 11, 2021

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

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

RE: **Public Hearing Continuation for Medway Place Shopping Plaza Site Plan**
98, 108 and 114 Main Street
Continuation Date – Tuesday, September 14, 2021 @ 8:00 p.m.

At its August 10, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Medway Realty LLC of Boston, MA for approval of a major site plan for proposed site improvements at the Medway Place shopping plaza to Tuesday, September 14, 2021 at 8:00 p.m.

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

The site plan and landscaping revisions are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019, last revised July 13, 2021, by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019, last revised March 2, 2021 and was prepared by Grady Consulting, LLC of Kingston, MA. The documents are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall. The information is also posted at the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan>

The Board welcomes any review comments you wish to provide.

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

Susan Affleck-Childs

From: Gareth Orsmond <gorsmond@PierceAtwood.com>
Sent: Wednesday, September 8, 2021 1:50 PM
To: Susan Affleck-Childs
Subject: RE: Medway Place

That's fine Susy; maybe the engineers can use the additional time to resolve any issues that remain after reviewing the most recent plan set.

I will send you the extension letter later today.



From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Wednesday, September 8, 2021 1:33 PM
To: Gareth Orsmond <gorsmond@PierceAtwood.com>
Subject: RE: Medway Place

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

Hi Gareth,

Thanks for your note.

Fine to continue but we are already fully booked for the September 28th meeting. It will have to be October 12th.

Will need a request/authorization to extend action deadline. I would suggest November 15th.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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

From: Gareth Orsmond [<mailto:gorsmond@PierceAtwood.com>]
Sent: Wednesday, September 8, 2021 12:33 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Medway Place

Susy,

I would like to ask that we continue the public hearing to the PEDB's September 28th meeting.

My client and its engineer (Rick Latini) are still going back and forth on a few final plan details. If doable, I think some of the changes under discussion would be beneficial. Once they're in agreement, we will file the final package, with the revised plans, landscape maintenance plan, master signage plan (revised per the DRC's comments), and a response to comments narrative. We will include all plans (including previously submitted existing conditions plan and so on) in a single plan set.

We should be able to file these materials next Tuesday or Wednesday.

Rick Latini will then offer to meet Tetra Tech on-site to discuss any issues or questions so that we can bring this process to a conclusion – or if an on-site meeting is not worthwhile in Tetra Tech's view, he could set up a zoom meeting. I would hope that this meeting (if helpful) would take place before September 28th.

Of course I can zoom in next Tuesday, but I will not have much to say.

Best,
Gareth

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

Gareth I. Orsmond

100 Summer Street, 22nd Floor
Boston, MA 02110

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

Admitted in: MA, NH

September 8, 2021

By Electronic Mail

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

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

Dear Chairman Rodenhiser and Board Members:

Medway Realty LLC hereby grants the Planning and Economic Development Board an extension of the 90-day deadline for the Board's action on the above-referenced application for major site plan review. Unless Medway Realty agrees to an additional extension in writing, the extension period shall end at 5:00 p.m. Boston time on November 15, 2021.

Very truly yours,



Gareth I. Orsmond

GIO/smg



September 14, 2021
Medway Planning & Economic Development Board
Meeting

William Wallace Village – Bond
Estimate

- Updated Tetra Tech letter dated 9-9-21 re: items remaining
- Updated Tetra Tech bond estimate dated 9-9-21
- Emails dated 9-9-21 between Susy Affleck-Childs and Jack Mee

NOTE – The updated letter and bond estimate have been provided to developer Larry Rucki.

ACTION NEEDED - Approve performance security amount only at this time. Future board action will be needed to release the covenant and approve a performance security agreement. Of course, the minimum required work needs to be completed before either of those can occur. That is explained in the Tetra Tech letter.

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

Cc: Peter Pelletier – Medway DPW Director
Bridget Graziano – Medway Conservation Agent
Larry Rucki – Applicant

From: Steven M. Bouley, P.E. 
Tucker D. Paradee, E.I.T.

Date: August 19, 2021
(revised September 9, 2021)

Subject: 274 Village Street Bond List

On August 6, 2021 at the request of the Medway PEDB, Tetra Tech (TT) conducted a punch list inspection of the William Wallace Village Project located at 274 Village Street in Medway, MA. A Bond List and Estimate were generated of outstanding items which have not yet been completed, are deficient in quality or outstanding administrative items which remain to be submitted.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "William Wallace Village, Medway, MA, Site Plan", dated March 24, 2020, prepared by Legacy Engineering LLC.
- A Site Plan Decision titled "Multi-Family Housing Special Permit and Site Plan Decision" dated January 28, 2020.

TT 9/9/21 Update: TT visited the site for an inspection to update the Bond List. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated.

Outstanding Minimum Infrastructure Items (Pursuant to Section 6.6.3 of the Subdivision Rules and Regulations)

These items are not included in the bond estimate as they must be completed prior to implementation of bonding for the Project and subsequent release of covenant on the lots.

- ~~1. Install gravel sub-base for proposed roadway and parking area.~~
- ~~2. Install binder course for proposed roadway and parking area.~~
3. Complete drainage system by installing level spreader at the northern drainage outlet, roof drain connections from Units 5/6 and 8/7 to Infiltration Basin #2 and double catch basin at the entrance to the site. **TT 9/9/21 Update: Drainage system requires installation of outlet weir at Infiltration Basin #1 and outlet infrastructure from the Infiltration Field. Contractor actively working on installation of pipe at the two DMHs to the Infiltration Field. Roof drain lines have been installed entering Infiltration Basins #1 and #2 and stubbed for future connections once construction of Units 5/6 and 7/8 commences.**
4. Finalize installation of electrical conduit and wiring. **TT 9/9/21 Update: Contractor has completed installation of electrical conduit which has been inspected by the electric utility. Contractor currently scheduling wiring installation with utility.**
5. Install street name signs and all regulatory signs as specified on the approved Plan. **TT 9/9/21 Update: Contractor is installing signage throughout the site during inspection. Stop sign and street name sign at the entrance of the driveway from Village Street have been installed.**
6. Install stop line pavement markings on binder course.
7. Install binder course for proposed sidewalk.
8. Provide as-built information for the Drainage System for review. The plan can be provided in draft form to confirm critical elevations are consistent with the approved plans. Full as-builts will be required at the completion of the Project.

Items to be Completed

9. Finalize rough grading and install proposed vertical concrete curbing and cape cod berm along the roadway and parking limits. **TT 9/9/21 Update: Contractor has completed rough grading of the site.**
10. Install top course for proposed sidewalk.
11. Adjust all drain and utility castings to finish elevation.
12. Install top course for proposed roadway and parking area.
13. Install stop lines and directional arrows (top course).
14. Install proposed granite block wall adjacent to Village Street.
15. Install vinyl privacy fence, landscaping and loam and seed.
16. Install post lights at each unit and around common areas. **TT 9/9/21 Update: Contractor has stockpiled lighting foundations on-site, and Developer has informed TT that light posts have been ordered. This item will remain in the estimate until lighting is installed.**

Inspection/Maintenance

17. Provide snow plowing throughout the paved area of the Project. Assume one (1) year of plowing.
18. Perform street sweeping in the Spring and Fall. Assume one (1) year of street sweeping.
19. Clean stormwater infrastructure within the paved area. Assume two (2) cleanings of the catch basin per year for one (1) year.
20. Mow and clean debris within common areas of the development and stormwater basins. Assume four (4) cleanings per year for one (1) year.
21. Perform erosion control maintenance. Assume two (2) new silt sacks for each catch basin per year for one (1) year.
22. Remove erosion controls within limit of work as directed by Medway Conservation Commission.

Administrative

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

Regulatory Administrative (Other Boards/Commissions)

25. Install granite markers along the 25' wetland buffer. (Conservation Commission)

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

**TETRA TECH**

Bond Estimate
274 Village Street
Medway, Massachusetts
September 9, 2021

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

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
001	Mobilization (3% of Const. Cost)	1	LS	\$8,200.00	\$8,200
002	Earthwork & Rough Grading	1	LS	\$2,500.00	\$2,500
003	Cape Cod Berm	830	FT	\$15.00	\$12,450
004	Concrete Curb	60	FT	\$50.00	\$3,000
005	Adjust Drain/Sewer Castings	5	EA	\$425.00	\$2,125
006	Adjust Water Gate Box	2	EA	\$250.00	\$500
007	Top Course - Sidewalk	20	TON	\$110.00	\$2,200
008	Top Course - Roadway	140	TON	\$110.00	\$15,400
009	Granite Block Wall	84	FT	\$195.00	\$16,380
010	Vinyl Privacy Fence	330	FT	\$63.00	\$20,790
011	Irrigation Well	1	EA	\$15,000.00	\$15,000
012	Landscaping	1	LS	\$65,000.00	\$65,000
013	Post Light	18	EA	\$2,500.00	\$45,000
014	Loam Borrow	370	CY	\$57.00	\$21,090
015	Seeding	2,213	SY	\$2.00	\$4,426
016	Jute Mesh for Stabilization	2,213	SY	\$6.00	\$13,278
017	Signage	4	EA	\$125.00	\$500
018	Striping	1	LS	\$1,500.00	\$1,500
019	Conservation Bounds	11	EA	\$600.00	\$6,600
020	Snow Plowing ²	1	LS	\$3,000.00	\$3,000
021	Street Sweeping ²	1	LS	\$2,000.00	\$2,000
022	Clean Catch Basins/WQ Units ²	16	EA	\$250.00	\$4,000
023	Maintain Common Areas/Basins/Infiltration System ²	1	LS	\$4,000.00	\$4,000
024	Maintain Silt Sacks ²	2	EA	\$150.00	\$300
025	Remove Erosion Controls	1	LS	\$2,500.00	\$2,500
026	Legal/Engineering Services	1	LS	\$6,000.00	\$6,000
027	As-Builts	750	LF	\$5.00	\$3,750

Subtotal \$281,489
25% Contingency \$70,372
Total \$351,861

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 9/2020 - 9/2021. Items shown in gray have been updated since our previous estimate.

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

Susan Affleck-Childs

From: Jack Mee
Sent: Thursday, September 9, 2021 1:48 PM
To: Susan Affleck-Childs
Subject: RE: William Wallace Village - Performance Security and Release of Covenant

Absolutely. Without the main electrical service coming into the structure, they couldn't pass the required electrical inspection. Without an electrical completion we couldn't issue any occupancy.

I think that we are safe with this one.

Jack

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, September 9, 2021 1:36 PM
To: Jack Mee <jmee@townofmedway.org>
Subject: FW: William Wallace Village - Performance Security and Release of Covenant

Hi Jack,

We are working with Larry Rucki on release of the rest of the property for construction. Looks like we will be setting the bond amount at next Tuesday's meeting.

However, one of the "minimum" site improvement requirements (per the Rules and Regs) before the Board can authorize the release is for the permittee (Larry Rucki) to finalize the installation of electrical conduit and wiring. The conduit has been installed and inspected by the utility, but the wiring has not yet been pulled through and only the utility company can do that. Of course, no one knows when that will occur. Larry plans to ask the Board to waive that particular requirement.

In discussing this with Steve Bouley at Tetra Tech, he indicated that the building department would require the wiring to be pulled through before any occupancy permit is issued. So, it seems there is pretty low risk if the Board went ahead to authorize release even if the wiring isn't pulled through.

Thoughts? Concerns??

Susy

From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Thursday, September 9, 2021 1:17 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: RE: William Wallace Village - Updated bond estimate

I'm assuming the Applicant wouldn't receive occupancy permits by the building department until all utilities were adequately installed so I don't believe the board is too at risk for releasing units. I would suggest double checking with Jack though if that is true.

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

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

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, September 9, 2021 1:10 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: RE: William Wallace Village - Updated bond estimate

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

Thanks.

What are your thoughts on NOT requiring that one element to be completed before the Board would agree to release the rest of the property for construction.

From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Thursday, September 9, 2021 1:03 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: RE: William Wallace Village - Updated bond estimate

He said he is waiting on the utility to pull the wires, the conduit has been installed and inspected by the utility

We will revise the list/estimate as well and try to get it to you later today or this evening.

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

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, September 9, 2021 12:48 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: RE: William Wallace Village - Updated bond estimate

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

Hi Steve,

Please go ahead and revise the bond estimate. If nothing else, the Board can establish the bond amount and we can get working with Larry on his performance security agreement, release of covenant, etc.

Larry said there are some issues with the installation of the electrical. I couldn't quite follow what he was talking about. Do you understand what the issue is!?

Thanks.

From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Thursday, September 9, 2021 12:44 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>; Picard, Brad <brad.picard@tetrattech.com>
Subject: RE: William Wallace Village - Updated bond estimate

Hi Susy,

Brad is out doing inspection today for this, he just called me and said they still have a few of the minimum items to complete:

1. Completion of stormwater system
2. Install binder on sidewalk
3. Striping, warning/street name signage
4. Install electrical
5. Stormwater system as-builts

We can certainly revise the list/estimate but based on the regs they still wouldn't be able to get their bond unless the board can waive it somehow.

Let me know if you want us to spend the time revising, thanks.

Steve

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

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, September 9, 2021 10:51 AM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>; Picard, Brad <Brad.Picard@tetrattech.com>
Subject: RE: William Wallace Village - Updated bond estimate

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

Good morning,

Looking for your updated report and revised bond estimate. Please send to me as soon as you can.

Thanks.

Susy

From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Tuesday, September 7, 2021 2:55 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>; Picard, Brad <brad.picard@tetrattech.com>
Subject: RE: William Wallace Village

Yes we were out there for the paving and can update the estimate/list this week.

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

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, September 7, 2021 12:16 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>; Picard, Brad <Brad.Picard@tetrattech.com>
Subject: William Wallace Village

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

Hi,

Larry Rucki stopped by this morning. He indicated that paving is planned for tomorrow and that he felt that lights would be installed this week.

He has asked that the Board revisit the WWV bond estimate at the 9-14 PEDB mtg.

Are you able to prepare an updated report and bond estimate this week!?

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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



September 14, 2021
Medway Planning & Economic Development Board
Meeting

Rocky's Hardware – Public Hearing
Continuation

UPDATED

- Public Hearing Continuation notice to 9-14-21
- Draft decision dated 9-10-21
- Photometric plan by Highpoint Engineering dated 9-10-21
- Rocky's Ace Hardware Garden Center Plan – Sheet C1, revised 9-9-21 by Sugrue & Associates
- Rocky's Ace Hardware Dumpster Fence Details – Sheet SK-1, dated 8-30-21

Board Members

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



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www.townofmedway.org

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK
AUG 25 '21 PM3:32

MEMORANDUM

August 25, 2021

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

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

RE: *Public Hearing Continuation for Rocky's Hardware Outdoor Display Special Permit and Administrative Site Plan*
Continuation Date -- Tuesday, September 14, 2021 at 8:30 p.m.

At its August 24, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Rocky's Hardware of Springfield, MA for approval of outdoor display special permit and associated site plan to add an enclosed outdoor display area and an outdoor propane filling station area to their location at Medway Place shopping plaza at 98 Main Street. The public hearing was continued to Tuesday, September 14, 2021 at 8:30 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The proposed project includes the establishment of a 1,200 square foot outdoor display area on a portion of the site that is currently paved, underutilized, and which abuts the eastern end of the Medway Place building where Rocky's is located. The display area will feature typical hardware store items such as seasonal tools, plants, and other merchandise. Proposed improvements include installation of fencing and protective bollards. Additionally, the applicant wishes to install a fenced in propane filling area on a 15' x 24' concrete pad, also with protective bollards. The planned improvements are shown on *Medway Place Site Plan and Landscape Plan* (Sheets C1.00 and C2.00) dated April 22, 2021, last revised July 13, 2021 prepared by Howard Stein Hudson of Boston, MA.

The applications, site plan and supporting documentation were filed with the Town on May 12, 2021 and are on file with the Medway Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA. Project information including the revised site plan has been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/rockys-hardware-98-main-street>

The Board expects to vote its decision during the September 14th hearing. Please do not hesitate to contact me if you have any questions.

Board Members

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



Medway Town Hall
155 Village Street
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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT BOARD

DRAFT – September 10, 2021

Site Plan and Outdoor Display Special Permit
Rocky's Hardware – 98 Main Street
with Waivers and Conditions

Decision Date: _____

**Name/Address of Applicant:
And Permittee** Rocky's Ace Hardware, LLC
40 Island Pond Road
Springfield, MA 01118

Name/Address of Property Owner: Medway Realty, LLC
63 Atlantic Avenue
Boston, MA 02110

Designated Representative: Gareth Orsmand
Pierce Atwood LLP
100 Summer Street
Boston, MA 02110

Site Plan: *Medway Place Site Plan and Landscape Plan and*
Prepared by Howard Stein Hudson, Boston, MA
Dated April 22, 2021 last revised August 17, 2021 to be further
revised as specified herein.

Location: 98 Main Street within Medway Place shopping plaza

Assessors' Reference: 40-055

Zoning District: Central Business District

I. PROJECT DESCRIPTION – Rocky’s Hardware proposes to create a 1,200 square foot enclosed, year-round outdoor merchandise display area on a portion of the site that is currently paved, underutilized, and which abuts the eastern end of the Medway Place shopping plaza building where Rocky’s Hardware is located at 98 Main Street. The outdoor display area will feature typical hardware store items such as seasonal tools, plants, and other related merchandise. Proposed improvements include installation of fencing and protective bollards. Additionally, the applicant wishes to install a fenced in propane filing station on a 15’ x 24’ concrete pad, also with protective bollards. A 24’ drive aisle will be established between the two uses. The planned improvements result in the loss of ten parking spaces. The planned improvements are shown on *Medway Place Site Plan and Landscape Plan* (Sheets C1.00 and C2.00) dated April 22, 2021 by Howard Stein Hudson of Boston, MA, last revised August 17, 2021. The proposal requires administrative site plan review and an outdoor display special permit pursuant to the Medway Zoning Bylaw; when a project needs both site plan review and a special permit, the Planning and Economic Development Board serves as the permitting granting authority.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on _____, on a motion made by _____ and seconded by _____, **voted to _____ with WAIVERS and CONDITIONS** as specified herein, a site plan and an outdoor display special permit for the construction of site improvements for Rocky’s Hardware at 98 Main Street as shown on *Medway Place Site Plan and Landscape Plan Temporary Seating Plan and Gate Detail* dated April 22, 2021, last revised _____, prepared by Howard Stein Hudson of Boston, MA to be further revised as specified herein.

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

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

III. PROCEDURAL HISTORY

- A. June 14, 2021 - Site plan and outdoor display special permit applications and associated materials filed with the Board; the information was filed with the Town Clerk on 6-22-2021
- B. June 23, 2021 – Notice for July 13, 2021 public hearing filed with the Town Clerk and posted at the Town of Medway web site’s master meeting calendar.
- C. June 24, 2021 - Project information distributed to Town boards, committees, and departments for review and comment and posted to the Board’s web page.
- D. June 24, 2021 – Notice for the July 13, 2021 public hearing was sent to abutters and parties of interest by certified sent mail.
- E. June 28 and July 6, 2021 - Public hearing notice advertised in *Milford Daily News*.
- F. July 13, 2021 – Public hearing begins. The hearing was continued to August 10, August 24 and September 14, 2021 and to _____ when the hearing was closed and the *Decision* rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan and special permit applications for the proposed Rocky’s outdoor display area and propane tank service area included the following plans and information that were provided to the Board at the time the applications were filed:

1. Administrative Site Plan and Outdoor Display Special Permit applications dated June 8, 2021, project description and narrative, certified abutters' list, and requests for waivers from the *Site Plan Rules and Regulations*.
2. *Medway Place Site Plan and Landscape Plan and Temporary Seating Plan and Gate Detail* dated April 22, 2021, prepared by Howard Stein Hudson of Boston, MA.

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

1. Rocky's Ace Hardware Garden Center plan dated 7-12-2021 by Sugrue Associates of Smithfield, RI
2. Rocky's Ace Hardware Garden Center plan, revised date 7-13-2021 by Sugrue Associates
3. Rocky's Ace Hardware Garden Center plan, revised date 7-27-21 by Sugrue Associates
4. Rocky's Ace Hardware Garden Center plan, revised date 8-16-21 by Sugrue Associates
5. Response document by attorney Joel Quick, received 8-19-21 to the discussion and comments provided during the 8-10-21 public hearing
6. *Medway Place Site Plan and Landscape Plan and Temporary Seating Plan and Gate Detail* dated April 22, 2021, revised August 17, 2021 prepared by Howard Stein Hudson of Boston, MA.
- 7.
- 8.
- 9.

C. During the course of the Board's review, a variety of materials were submitted to the Board by its staff, consultants, and other Town Boards and Committees.

1. Project review memorandum dated 7-8-2021 from Susy Affleck-Childs, Planning and Economic Development Coordinator
2. Review comments dated 7-11-2021 from Police Sergeant Jeff Watson
3. Review comments dated 7-12-2021 from Compliance Coordinator Erika Robertson, Medway Building Department
4. Review letters dated 7-12-2021, 8-5-2021 and 8-18-2021 from the Board's engineering consultant, Steve Bouley of Tetra Tech
5. Review comments dated 6-24-2021 and 8-24-21 from Deputy Fire Chief Mike Fasolino
6. Review comments dated 8-24-2021 from Kelly Millette, Medway DPW

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

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer
- Joel Quick, attorney, Pierce Atwood
- Todd Wilson, Medway Realty, LLC
- Matt Kelly, Rocky's Hardware Regional Manager
- Chris Rich, Rocky's Hardware Medway Store Manager
- Attorney Michael Brown of Adler Pollock & Sheehan presenting Colbea Enterprises, LLC owners of the adjacent Shell gas station

VI. **FINDINGS** – The Board, at its meeting on _____, on a motion made by _____ and seconded by _____, voted to _____ the following FINDINGS regarding the special permit application for Rocky's Hardware at 98 Main Street. The motion was _____ by a vote of _____ in favor and _____ opposed.

Special Permit Findings pursuant to Medway Zoning Bylaw Section 3.4.

- 1. The proposed site is an appropriate location for the proposed use.** Rocky's Hardware is a new anchor tenant within the Medway Place shopping plaza, a retail shopping center first established in the mid 1960's. The center is located within Medway's central business zoning district which includes other shopping centers – Drybridge Crossing, Gould's Plaza, and Medway Commons. Rocky's is located in the easternmost section of Medway Place adjacent to an existing paved, but underutilized area where the proposed outdoor garden center and propane filling station would be located. This area has typically had minimal traffic and is not generally used for customer parking. An outdoor garden center and propane filling station are customary accessory uses to a retail hardware store. Placing these facilities on the side of the building near underutilized parking spaces will allow store staff to direct people to those specific nearby parking spaces to promote easier loading of merchandise.
- 2. Adequate and appropriate facilities will be provided for the operation of the proposed use.** The proposed enclosed garden center is modestly sized at 1,200 sq. ft. and the propane filling station area will be positioned on a 15' by 24' concrete pad, also enclosed. Rocky's Hardware employees will be responsible for moving merchandise into and out of the garden center, assisting customers to load merchandise from the garden center into vehicles, and filling propane tanks for customers. The site plan has been reviewed by the Board's consulting engineer and the Town's safety and emergency personnel and has been modified to address concerns raised about the size of the outdoor garden center, positioning of the propane tank, traffic routing, and safety signage. Existing exterior building lighting will remain in place; no additional lighting is planned.
- 3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.** Abutters to the east, south and west are all commercial uses. During the public hearing, the immediate abutter, Colbea Enterprises (Shell gas station) raised concerns about Rocky's customers parking in spaces on the Shell property; the parties met and suitable parking signage will be added to the Shell building to specify Shell customer parking only. There is a residential neighborhood on the north side of the property however those homes are screened from the shopping center by a fence and vegetated buffer; those abutters were notified of the hearing and no one expressed any concerns or comments. The location of the propane tank and outdoor garden center were reviewed by the Medway Fire Department which will have oversight and regular permitting for the propane tank. The Fire Department offered comments on its location to ensure that fire trucks can safely and easily access the building, on suitable safety signage, and various protective measures which have been incorporated into the plan.
- 4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** As conditioned herein (Condition___) delivery vehicles to Rocky's are not permitted to use the driveway area adjacent to the garden center and propane filling station area to access the back of the store for deliveries. This will reduce traffic conflicts in this area. The goal of locating these facilities in the specified area is to keep open the main channel for vehicles and pedestrians in the front of the store.
- 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 proposed uses do not necessitate any changes to lighting. There will be no change to the amount of impervious surface area so no increased flooding impacts are anticipated. There will be no notable increase in odors, dust or vibration.

The existing dumpster servicing Rocky's will be enclosed which will reduce that undesirable visual feature; the dumpster enclosure details are included on the site plan. The planned additional uses are reasonable accessory extensions of the main hardware store retail use.

6. **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** The proposed uses are customary accessory uses associated with a retail hardware store. The modest size of the garden center (1,200 sq. ft.) will not significantly alter the character of the central business zoning district. The impacts of these uses on the adjacent neighborhood will not be different than those from the existing shopping center's operation.
7. **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** The Zoning Bylaw's Table of Uses specifies a wide array of permitted business and retail uses for the central business district. The Bylaw authorizes outdoor display areas in the central business zoning district by special permit. By going through the special permit process, the location of these facilities is permanently designated and concerns for vehicle and pedestrian safety have been addressed.
8. **The proposed use is consistent with the goals of the Medway Master Plan.** The use is consistent with the Master Plan's goal of further economic development within the Town's existing commercial area. As a regional hardware store, Rocky's has wide name recognition and its services and merchandise provide a draw to customers to the Medway Place shopping plaza, thus serving to strengthen the center's viability and importance to the community.
9. **The proposed use will not be detrimental to the public good.** For all the above reasons, the impacts of the proposed uses will not outweigh the beneficial services to be provided to the community. Potential adverse effects have been mitigated and addressed in the conditions included in this decision in Section VIII.

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

VII. WAIVERS – At its _____ meeting, the Board, on a motion made by _____, and seconded by _____, voted to _____waivers from the following provisions of Section 206-3 of the *Rules and Regulations for the Submission and Approval of Site Plans*, as amended October 8, 2019. The Board's action and reasons for approving each waiver request are listed below. All waivers are subject to the Special and General Conditions of Approval, which follow this section.

The motion was _____by a vote of _____in favor and _____ opposed.

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

Administrative Site Plan Submittal Requirements/Plan Contents

1. **Section 206-3 Stormwater Drainage Evaluation Report.** Concurrent with this application, property owner Medway Realty LLC is in public hearing with the Planning and Economic Development for a site plan for the full Medway Place shopping plaza. As part of that application, a full stormwater report and drainage plan has been prepared, submitted and reviewed by the Board's consulting engineer and Medway Department of Public Works. The specific site for these proposed Rocky's improvements is located on existing asphalt so there is no increase in impervious surface. As advised by the Board's consulting engineer, the recently installed stormwater infrastructure for the plaza has been added to the Rocky's site plan. *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.*

VIII. CONDITIONS - The *Special and General Conditions* included in this *Decision* shall assure that the Board's _____ of this site plan and special permit is consistent with the *Zoning Bylaw* and the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's _____ is subject to the following conditions.

SPECIFIC CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within one hundred twenty days after the Board has filed the *Decision* with the Town Clerk, the site plan for Rocky's Hardware dated April 21, 2021, last revised August 17, 2021, prepared by Howard Stein Hudson of Boston, MA shall be further revised to reflect all Conditions and required revisions and additions, including those as follows, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a set of the revised Plan in its final form to the Board for its signature/endorsement.
- B. **Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the April 21, 2021 site plan, last revised August 17, 2021, to be approved by the Board.
 1. The plan sheets shall be revised to comply with Section 206-4 E of the Site Plan Rules and Regulations. Add a cover sheet to include approved waivers, index, signature box,
 2. Plan shall be formatted suitably for recording at the Norfolk County Registry of Deeds
 3. A detail for the dumpster enclosure shall be added.
 4. A photometric lighting plan shall be added
- D. **Use Limitations**
 1. The permittee shall not place fertilizers, de-icing chemicals or other substances in the outdoor garden center that may enter and create issues with the Town's MS4 stormwater.
 2. Hours of operation – The outdoor garden center and the propane tank filling station shall maintain the same hours of operation as the retail store.
 3. Outdoor Storage – Consistent with the Zoning Bylaw, Table 1 Schedule of Uses, outside storage as defined in the Zoning Bylaw of materials associated with a business operating in a building on the premises is not permitted in the Central Business District.

4. Other Outdoor Display - This decision does not apply to or authorize the applicant's use of the outdoor sidewalk area in front of the Rocky's Hardware store for product display purposes. That current activity is a violation of the Zoning Bylaw. Such activity requires a separate special permit from the Zoning Board of Appeals. The applicant is required to apply for such special permit within [redacted] days of the date this decision is filed with the Town Clerk.

5.

6.

E. Other Conditions

1. Deliveries for all Rocky's Hardware merchandise shall be from behind the store, not through the store's front entrance or gate to the garden center. The traffic route for delivery vehicles shall be one-way (west to east) from the far western end of the shopping center complex and around the rear of the buildings to the back of the Rocky's store. No delivery vehicles for Rocky's merchandise are permitted to access its back unloading area through the paved area and drive aisle at the easternmost end of the shopping center building where the Rocky's garden center and propane filling station are located.
2. No signage other than the safety signs shown on the site plan is allowed for the propane tank and filling station area. No product signage or banners is allowed on the fencing for the outdoor garden center.
3. The permittee shall comply with Town of Medway water restrictions issued by the Department of Public Works as such apply to the watering of plant materials located within the garden center.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to site plan endorsement by the Board, the Permittee shall pay:
 1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee that may be required by the Board; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes business licenses, water/sewer bills, etc.

The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

- B. **Other Permits** – This decision does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The

contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.

- C. **Document/Plan Recording** – After conclusion of the 20-day appeal period, the Permittee shall file this decision and endorsed plan with the Norfolk County Registry of Deeds. Within thirty days of recording, the Permittee or assign shall provide the Board and the Building Commissioner with evidence of such recording.
- D. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. *Construction Time* - Construction work at the site and 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.
 2. *Neighborhood Relations* – The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
 3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
 4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
 5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall, on a daily basis.
 6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
 7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
 8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).
- E. **Construction Oversight**

1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
 - b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
 - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
2. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time during construction, for compliance with the endorsed site plan and the provisions of this *Decision*.
 3. If applicable, the Department of Public Works may conduct inspections for any construction work occurring in the Town's right-of way in conjunction with a Town of Medway Street Opening/Roadway Access Permit.
 4. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

F. **On-Site Field Changes**

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

the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

G. Modification of Plan and/or Decision

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

H. Compliance with Plan and Decision

1. The Permittee shall construct all improvements in compliance with the approved and endorsed site plan and this *Decision* and 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 foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the *Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

I. Project Completion

1. Site plan approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two years of the date of plan

endorsement. Upon receipt of a written request from the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to project completion, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:

- a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
- b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

J. ***Construction Standards*** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

K. ***Conflicts*** – If there is a conflict between the site plan and the *Decision's* Conditions of Approval, the *Decision* shall rule. If there is a conflict between this *Decision* and/or site plan and the Bylaw, the Bylaw shall apply.

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

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

###

Decision Date: _____

AYE:

NAY:

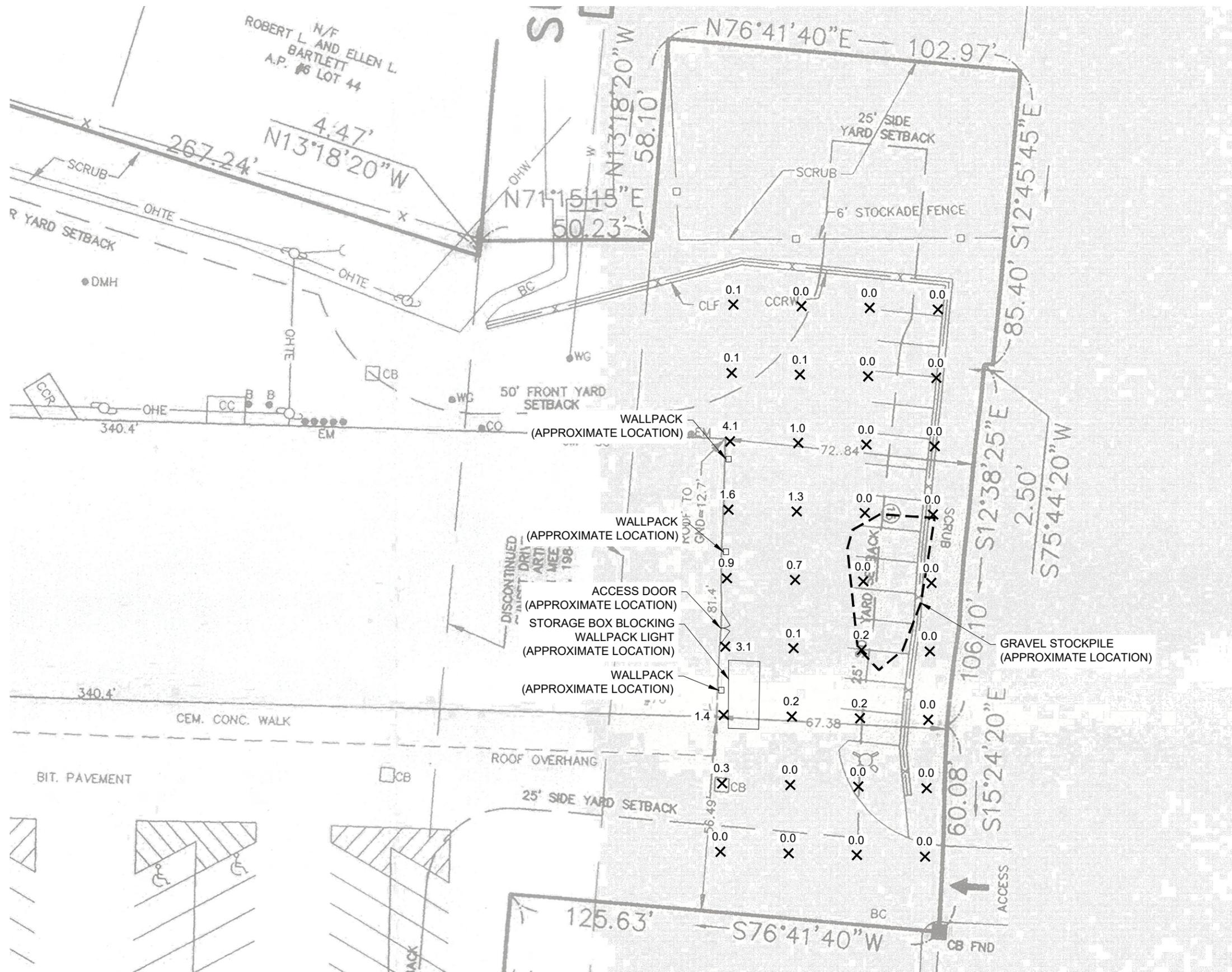
Signature *Printed Name*

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

- COPIES TO:** Michael Boynton, Town Manager
Mike Fasolino, Deputy Fire Chief
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Pete Pelletier, DPW Deputy Director
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Jeff Watson, Police Department Safety Officer
Gareth Orsmond, Pierce and Atwood
Joel Quick, Pierce Atwood
Steven Bouley, Tetra Tech



NOTES:

1. PLAN REFERENCES SURVEY OF "#98, 108-114 MAIN STREET, ROUTE 109, MEDWAY, (NORFOLK COUNTY), MASSACHUSETTS" PREPARED BY MERRIMACK ENGINEERING SERVICES, REVISED THROUGH 12/24/01.
2. PHOTOMETRIC SURVEY WAS PERFORMED IN FIELD BY HIGHPOINT ENGINEERING ON 09/08/21. THE LIGHTING LEVELS WERE TAKEN IN A 20-FT GRID AND MEASURED IN FOOT-CANDLES.

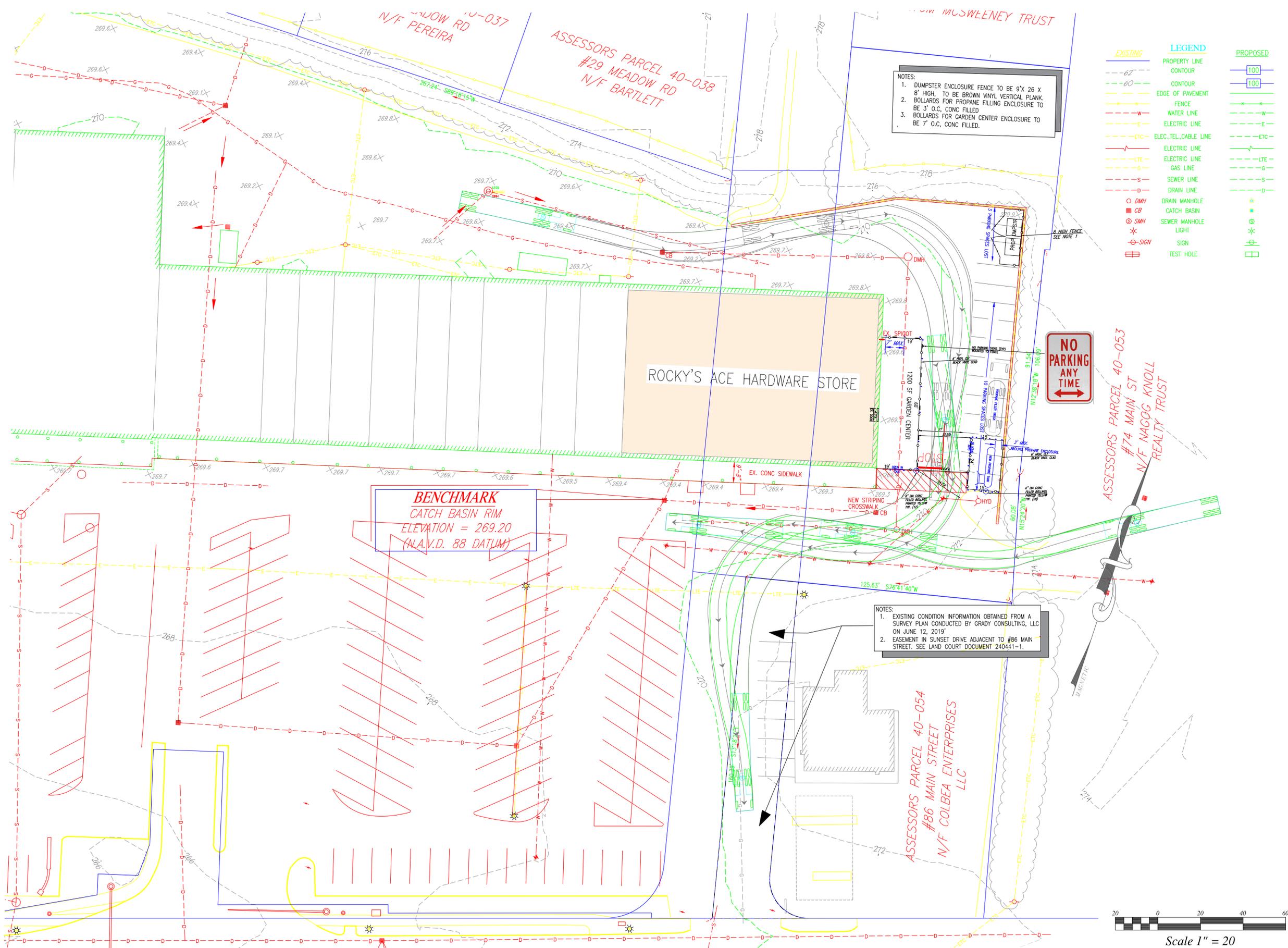


1 inch = 30 ft.

EXISTING CONDITIONS PHOTOMETRIC PLAN

MEDWAY PLACE SHOPPING CENTER

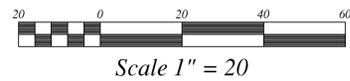
09-10-2021



NOTES:
 1. DUMPSTER ENCLOSURE FENCE TO BE 9'X 26 X 8" HIGH, TO BE BROWN VINYL VERTICAL PLANK.
 2. BOLLARDS FOR PROpane FILLING ENCLOSURE TO BE 3" O.C. CONC FILLED.
 3. BOLLARDS FOR GARDEN CENTER ENCLOSURE TO BE 7" O.C. CONC FILLED.

EXISTING	LEGEND	PROPOSED
---	PROPERTY LINE	---
---	CONTOUR	---
---	CONTOUR	---
---	EDGE OF PAVEMENT	---
---	FENCE	---
---	WATER LINE	---
---	ELECTRIC LINE	---
---	ELEC. TEL., CABLE LINE	---
---	ELECTRIC LINE	---
---	ELECTRIC LINE	---
---	GAS LINE	---
---	SEWER LINE	---
---	DRAIN LINE	---
○ DMH	DRAIN MANHOLE	○ DMH
■ CB	CATCH BASIN	■ CB
⊙ SMH	SEWER MANHOLE	⊙ SMH
*	LIGHT	*
⊙ SIGN	SIGN	⊙ SIGN
⊠	TEST HOLE	⊠

NOTES:
 1. EXISTING CONDITION INFORMATION OBTAINED FROM A SURVEY PLAN CONDUCTED BY GRADY CONSULTING, LLC ON JUNE 12, 2019.
 2. EASEMENT IN SUNSET DRIVE ADJACENT TO #86 MAIN STREET. SEE LAND COURT DOCUMENT 240441-1.



SUGRUE & ASSOC., INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 9 THURBER BLVD-SUITE A
 SMITHFIELD, R.I. 02917
 (401) 647-3890 FAX (401) 647-7067



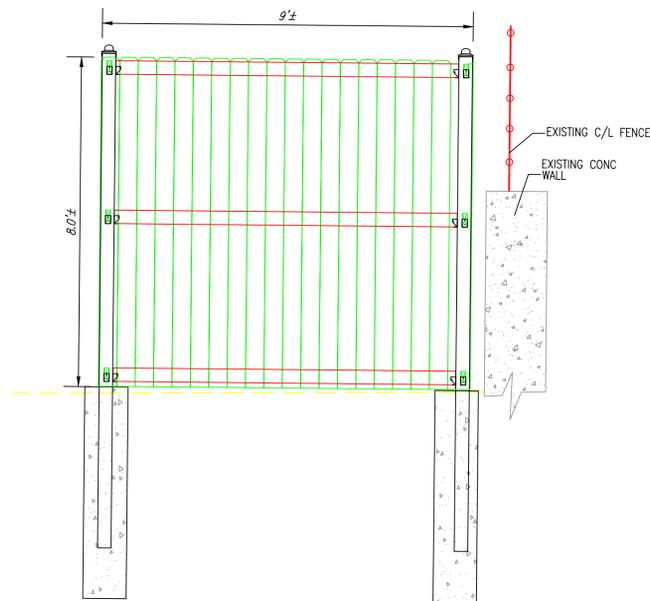
NO.	DATE	REVISION	BY	APP'D.
1	7-12-20	ISSUE		
2	7-12-20	REVISION		
3	7-12-20	REVISION		
4	7-12-20	REVISION		

SCALE: 1" = 20'

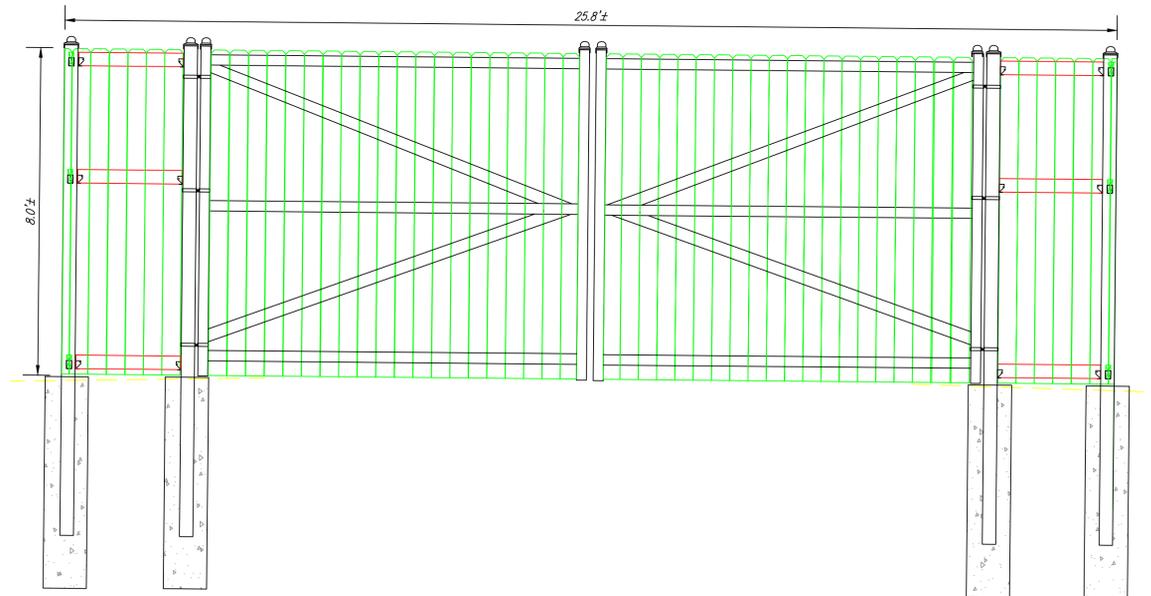
ROCKY'S ACE HARDWARE
 GARDEN CENTER PLAN
 98, 108 & 114 MAIN STREET
 MEDWAY, MA.
 FOR
MEDWAY REALTY, LLC
 DATE: JULY 12, 2021

JOB # SA213792
 DWG # 1 OF 1





ELEVATION VIEW (INSIDE, LOOKING NORTHERLY)



ELEVATION VIEW (INSIDE, LOOKING WESTERLY)

NOTES

1. ALL POSTS AND GATE FRAMES TO BE GALVANIZED STEEL. POSTS ARE TO BE 3" DIA, GATE FRAMES TO BE 2" DIA.
2. FURNISH AND INSTALL 5/4" BROWN DECK PLANKING (VERTICAL) FOR FENCING. 1" CHAMFER TOPS OF PLANKS. ATTACH WITH GALVANIZED SCREWS, CORE AND PLUG HOLES.
3. GATES TO BE 2 INCH DIAMETER GALVANIZED STEEL, WELDED JOINTS. COVER WELDS WITH SPRAY GALVANIZING.
4. INSTALL CHAIN LINK FENCE WEBBING WITH BROWN METAL SLATS ON GATES.
5. FURNISH AND INSTALL 12" DIA CONCRETE FOOTINGS FOR FENCE POSTS. DEPTH TO BE TO FROST LEVEL.
6. FURNISH AND INSTALL ALL HARDWARE, FENCE WEBBING STRETCH BARS, BRACKETS FOR RAILS AND AND SECURITY LOCKING HARDWARE,
7. WEBBING TO BE 8 GAUGE, BROWN VINYL COATED W/ BROWN PRIVACY SLATS.
8. FURNISH AND INSTALL 2"x4" (PT) RAILS.



Scale 1/2" = 1'

ROCKY'S ACE HARDWARE
 DUMPSTER FENCE DETAILS
 98, 108 & 114 MAIN STREET
 MEDWAY, MA.
 FOR
 MEDWAY REALTY, LLC
 DATE: AUGUST 30, 2021

JOB # SA213792
 DWG # 1 OF 1

SK-1



REV. NO.	DATE	REVISION	MADE BY	CHKD. BY

SCALE: 1/2" = 1'

SUGRUE & ASSOC., INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 9 THURBER BLVD-SUITE A
 SMITHFIELD, R.I. 02917
 (401) 647-3890 FAX (401) 647-7067



September 14, 2021
Medway Planning & Economic Development Board
Meeting

Discussion – Tree Preservation Bylaw

The Conservation Commission has been discussing developing a tree preservation bylaw for Medway. This would be a general bylaw with the Conservation Commission as permitting authority. A draft has been prepared and is being reviewed and refined by the Commission. As tree preservation is also important to the PEDB, I thought it would be valuable for the PEDB to learn about the Commission's goals for this initiative and to determine if there are opportunities for collaboration.

- Flyer about the proposed bylaw
- Draft bylaw dated 9-1-2021

Conservation Agent Bridget Graziano and Commission Chair David Travalini will attend the meeting to present their ideas. NOTE – It is not intended to take this to the November 2021 town meeting.

Medway Tree Preservation Bylaw

Encouraging the protection and preservation of trees in the existing zoning lot set-backs in the town

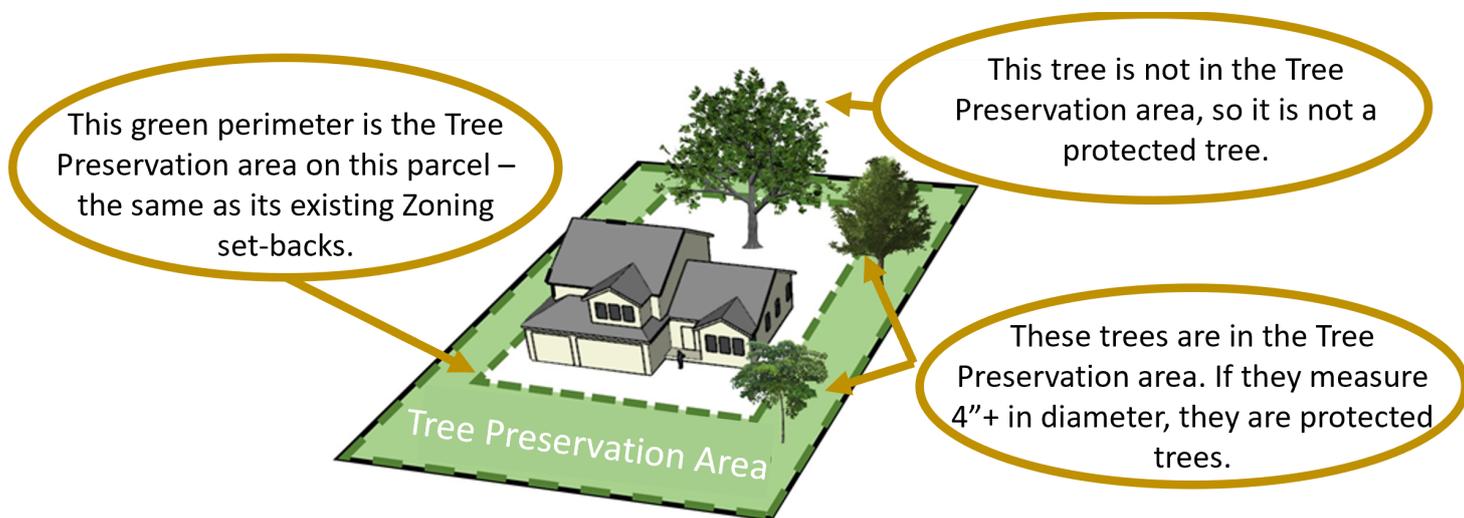
Exemptions

- Emergency projects
- Hazardous trees
- Diseased trees
- Invasive species
- Small scale projects
- Areas outside Zoning setbacks



Benefits

- Improved Storm Water Runoff
- Natural Flood Control
- Increased Property Values
- Carbon Sequestration
- Improved Air Quality
- Natural Privacy to Neighbors



Protected Tree

- 4" Diameter at breast height
- Located in the Tree Preservation Area
- Located on a lot where demolition and/or construction is proposed



How This Works

- If cut, Protected Tree need to be replaced with at least 2" diameter trees, on an inch-for-inch basis
- If not possible, homeowners can pay \$400 per 2" caliper tree into the existing Town Tree Mitigation Fund



Questions? To read the complete revised bylaw draft, please visit the website at <https://www.townofmedway.org/conservation-commission> or for questions, contact Medway Conservation at (508) 321-4992.

ARTICLE XXXI TREE PRESERVATION Bylaw

31.1. PURPOSE: The intent of the Tree Preservation Bylaw (Tree Bylaw) is to encourage the preservation and protection of trees. The preservation of the tree canopy and planting of replacement trees is essential to maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and stormwater runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors. This bylaw allows for the protection of certain trees during significant demolition and/or construction activity by (a) designating areas of a lot where trees shall be protected, and (b) requiring mitigation for trees removed via replanting or collection of fees to support the Town's tree planting and maintenance efforts.

31.2. APPLICABILITY: The terms and provisions of this bylaw shall apply to trees within the Town of Medway that are located on Town owned property and on private property.

31.3. DEFINITIONS for the purposes of this Tree Bylaw, the following definitions shall apply:

Authorized Agent: any person (s) authorized through this Bylaw or a vote of the Medway Conservation Commission at a Public Meeting, designating the authority to administer and enforce this Bylaw.

Caliper: Diameter of a tree trunk (in inches). For trees up to and including four inches in diameter, the caliper is measured six inches above the existing grade at the base of the tree. For trees larger than four inches in diameter, the caliper is measured twelve inches above the existing grade at the base of the tree.

Certified Arborist: A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Certificate of Exemption

Critical Root Zone (CRZ) - The minimum area beneath the canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the tree's trunk and extending outward towards the tree's drip-line. The minimum area of the CRZ shall be dependent on the required minimum radius of the CRZ; the required minimum radius of the CRZ shall be determined by multiplying a tree's DBH (in inches) by eighteen inches, with the resulting product constituting the minimum radius of the CRZ. Example: A tree with a DBH of twenty inches shall have a CRZ with a minimum radius of 360 inches or 30 feet ($20 \times 18 = 360$ or 30').

Diameter at Breast Height (DBH): The diameter of a tree trunk four and one-half feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Drip Line: Area surrounding the tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with Critical Root Zone.

Invasive Species: Any plant listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture.

Permitting Authority: Medway Conservation Commission and/or its authorized Agent (including the Tree Warden)

Protected Tree: Any existing tree with a DBH of six inches or greater that has any portion of its trunk within a Tree Yard at grade level. Invasive Species (as defined herein) shall not be considered Protected Trees.

Commission: The Town of Medway Conservation Commission or it's agent.

Reviewing Agent: The Conservation Agent and/or the Tree Warden

Scope of Work: the total proposed activity for which

Tree Mitigation Fund: An account established pursuant to (M.G.L. 44 § 53E½) for the deposit of contributions in lieu of tree replanting as required by this Tree Regulation.

Tree Protection & Mitigation Plan: A plan submitted to the Commission for approval prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located.

Tree Removal: Mechanical demolition of a living tree, or any act (a) that has caused a tree to die within the previous 12 months or (b) is likely to cause significant decline or death as determined by the Commission.

Tree Permit: Formal permission granted to remove a tree within the Tree Preservation Area.

Tree Preservation Area: The minimum front, side and rear yard setback area of a parcel in a residential zoning district as specified in Zoning Regulation Table III.

31.4. SCOPE AND APPLICABILITY

31.4.1. The requirements of this Bylaw and all applicable rules and regulations apply to the following:

- a. Proposed demolition of existing residential or non-residential structure
- b. Proposed construction of any building or structure on a lot with no residential or non-residential structure on it.
- c. Proposed construction on a developed lot which would result in an increase in 50% or more of the total structure footprint of the new structure(s) when compared to the total footprint of pre-existing structures
- d. Exempt from Section 31.2 The requirements of this Tree Regulation shall not apply even if within the setbacks for the Tree Preservation are:
 1. Public Shade Trees pursuant to M.G.L. Chapter 87;
 2. Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent or the Town Tree Warden;
 3. Trees severely damaged as the direct result of a natural disaster;
 4. Trees that are hazardous as determined and confirmed in writing by a Certified Arborist and verified by the Commission, and
 5. Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist.
- e. Activities That Do Not Require a Tree Permit. Exempt Building Activity:
 1. Any activity that does not fall within the definition of Building Activity set forth in subsection 225-13(b).
 2. A Tree Permit is not required if a Certificate of Exemption has been granted by the Conservation Commission or its authorized enforcement agent.
 3. Granting a Certificate of Exemption is at the discretion of the Conservation Commission and its authorized enforcement agent based on whether the Building Activity has the potential to harm a Protected Tree. The Conservation Commission or its authorized enforcement agent shall issue a Certificate of Exemption if the proposed Building Activity does not have potential to harm a Protected Tree.
 4. Pruning: A Tree Permit is not required for the pruning of Protected Trees. However, excessive pruning may be considered Tree Removal.

5. Emergencies: If any Protected Tree shall be determined to be in a hazardous condition so as to immediately endanger the public health, safety or welfare or cause an immediate disruption of public services and require immediate removal without delay, the landowner shall seek authorization from the Conservation Commission, if conditions allow, and oral authorization may be given by the Tree Warden, Conservation Commission, or its authorized enforcement agent to remove such tree, utilizing such professional criteria and technical assistance as he/she deems necessary. If the emergency condition does not allow time or opportunity to seek prior authorization, then the emergency work shall proceed without it.
6. Waiver: The requirements of this Bylaw may be waived by the appropriate Town officials during the period of an emergency such as a tornado, windstorm, flood, or other act of God.

31.4.2. The Tree Preservation Area shall be the areas equal to the setbacks within the Zoning Districts. See table below.

Location of Protected Trees on a property			
Zoning District	Minimum Tree Yard (feet)		
	Front	Side	Rear
AR -1	35	15	15
AR-2	35	15	15
VR	20	10	10
CB	10	10	25
VC	20	10	10
NC	35	15	15
BI	25	15	15
EI	30	20	20
ER	30	20	30
WI	30	20	30

31.5. TREE PROTECTION & MITIGATION

31.5.1. PROTECTION: Each Protected Tree to be retained on property planned for demolition and/or construction activity shall be protected by the establishment of a fenced off Tree Preservation Area. The Tree Preservation Area shall be delineated

within the submitted Tree Protection & Mitigation Plan, shall be installed prior to any demolition or site work, and shall remain in place until work is completed on the property, excluding final landscaping. The applicant shall submit written documentation, prepared, dated, and signed by a Certified Arborist, to the Conservation Commission when submitting an application for a proposed project confirming that the required Tree Preservation Area has been installed as identified in the Tree Protection & Mitigation Plan before work on the property commences. If the applicant is not applying to Conservation, this plan shall be reviewed by the Medway Tree Warden and the Conservation Agent.

31.5.2. MITIGATION: The removal of a Protected Tree(s) from a property in connection with one or more of the circumstances set forth in Section 4.1 shall require mitigation based upon aggregate DBH of Protected Tree(s) removed. Mitigation shall be achieved by satisfying one or a combination of the following provisions:

- a. Replanting of Trees: For each inch of DBH of the Protected Tree(s) removed, no less than one-half inch of caliper of new tree(s) shall be replanted in accordance with the following:
 1. Each new tree must have a minimum caliper of two inches;
 2. Such replanting, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land, shall occur prior to the issuance of a Final Certificate of Occupancy or Order of Conditions or be otherwise assured at such time to the satisfaction of the Commission in a manner consistent with the Rules and Regulations.
- b. Contribution to the Town of Medway Tree Mitigation Fund: The Conservation Commission shall establish a Tree Mitigation Fund contribution schedule with assigned value per inch of DBH of Protected Tree(s) to be removed and not otherwise mitigated. Tree Mitigation Fund contributions shall be received by the Town prior to the issuance of all applicable permits. Mitigation measures shall be identified in the submitted Tree Protection & Mitigation Plan. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require additional mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured.

31.5.3. UNAUTHORIZED REMOVAL: The removal of any Protected Tree not identified on the Tree Protection & Mitigation Plan shall require mitigation at the rate specified in Section 6.2. In addition, any person removing a Protected Tree not identified on the Tree Protection & Mitigation Plan in violation of this bylaw shall be subject to a non-criminal disposition penalty as specified in General By-law, Article XX, for non-criminal disposition. Any such penalties shall be paid to the Town of Medway.

31.5.4. PLAN REVIEW AND ISSUANCE OF PERMIT:

- a. Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in **Section 4.1** on property on which a Protected Tree is located, the owner of the property shall submit a Tree Protection & Mitigation Plan to the permitting authority, designated when filing an application with either Planning or Conservation as part of the filing documents. If there is no Conservation applications being submitted as part of the project review, Tree Bylaw Applications shall be reviewed by the Tree Warden or assigned authorized Agent.
- b. Tree Protection & Mitigation Plan Requirements: The submitted Tree Protection & Mitigation Plan shall be a to-scale survey or site plan that indicates the applicable Tree Yard, existing improvements, proposed construction, Protected Trees, Tree Save Area and preservation and maintenance procedures in accordance with the Rules and Regulations in effect at the time. It must also specify any tree removals and proposed mitigation measures per **Section 5.2**.
- c. Re-Submittal: If demolition or construction has not commenced within twelve months of the date that a Tree Protection & Mitigation Plan was submitted for a property, or if removal of a previously unidentified Protected Tree is necessary during the course of construction, an amended Tree Protection & Mitigation Plan shall be submitted identifying any changes from the previous plan and associated mitigation measures.
- d. If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established Rules and Regulations, and applicable Tree Mitigation Fund contributions have been submitted, the permitting authority may issue any applicable permit or notify the appropriate Town Department. If the proposal does not meet or satisfy these requirements, the permitting authority shall notify the applicant and the appropriate Town Department that all applicable permits shall not be issued until the requirements are met. If the permitting authority fails to act on an application within thirty days after the application has been made, it shall be deemed to be approved.
- e. Maintenance of Protected and Replanted Trees:
 3. Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such tree die or significantly decline in the opinion of the Commission permitting Tree Warden and/or Conservation Commission or authorized Agent, within this twenty-four month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine months from said determination.

4. Replanted Trees: All new trees planted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty four months from the date of planting. Should such tree die within this twenty-four month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original Replanted Tree at installation; such replacement tree shall be planted within nine months of the death or serious decline of the original Replanted Tree.
5. Incentives for Retention of Trees during Construction; applicants who work with the Commission to retain 80% of the trees on the lots during construction shall

31.6. TREE MITIGATION FUND There is hereby established a Town of Medway Tree Mitigation Fund ("Tree Fund") pursuant to M.G.L. 44 § 53E½. Any contributions collected per Section 6.2 of this Tree Regulation shall be deposited in the Tree Mitigation Fund, and shall be used solely for the purpose of buying, planting and maintaining trees within residential neighborhoods in the Town.

31.7. ADMINISTRATION

31.7.1. ENFORCEMENT: The Conservation Commission or its designee is hereby authorized to enforce all of the provisions of the Tree Regulation.

31.8. APPEAL

- a. Any person aggrieved by a decision of the authorized enforcement agent may file an appeal with the Conservation Commission. Said appeal must be in writing and must be received by the Conservation Commission within ten (10) business days of issuance of the authorized enforcement agent's written decision. The Conservation Commission shall conduct a public hearing on the appeal and shall give the public notice thereof, at the expense of the applicant. Public notice shall include mailed notice to all persons owning land within 100 feet of any part of the applicant's land at least 14 days before said hearing. The Conservation Commission shall rule within 20 days of the public hearing. No Protected Trees shall be removed while an appeal is pending.
- b. Appeals of final decisions of the Planning Board shall be pursuant to G.L. c. 249, § 4.

31.9. RULES AND REGULATIONS

The Conservation Commission may promulgate or amend Rules and Regulations which pertain to the administration of this Tree Bylaw and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and expense specifications, the procedure for the submission and approval of such plans, and the procedure for determining final compliance with

these regulations. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations.

Barbara Saint Andre – comments

1. The proposed by-law includes a provision to establish a revolving fund under G.L. c. 44, §53E ½ . Please note that at the Annual Town Meeting in 2018, the Town adopted a new by-law, Chapter XXX of the General By-laws, I believe, for all revolving accounts. If the proposed Tree Preservation By-law is to include a revolving account, the revolving account will need to be added by means of an amendment to Chapter XXX.

DRAFT



September 14, 2021
Medway Planning & Economic Development Board
Meeting

Construction Reports

- 274 Village Street Inspection Report – 9/1/2021
- Choate Trail Construction Observation Report – 9/9/2021
- 20 Broad Street Field Report – 9/1/2021
- 22 Evergreen Street Field Report – 8/20/2021
- Choate Trail Field Reports – 8/25/2021 and 8/26/2021
- Harmony Village Field Report – 8/20/2021
- William Wallace Village Field Reports – 8/13/2021, 8/20/2021, 8/24/2021, 8/26/2021, and 9/1/2021



dan@legacy-ce.com
508-376-8883(o)
508-868-8353(c)
730 Main Street
Suite 2C
Millis, MA 02054

CONSTRUCTION INSPECTION REPORT

Date of Inspection: 9/1/2021 **Time On-Site:** 8:00 am **Weather:** 75F, P Cloudy

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

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

Date of Report: 9/3/2021

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

Activity Summary:

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

- Building 1/2 interior finish work is ongoing. Note that gutters have been installed and tied into the infiltration field.
- Building 9 (old house) exterior and interior renovation finish work is ongoing.
- Building 10/11/12 foundation and sub-slab utility installation is ongoing.

Note the following site construction activities since our last inspection.

- The catch basin and manholes that feed into the infiltration field were in the process of being installed. We previously observed that one of the Cultec chambers had been damaged during these installation activities and directed the contractor to replace the impacted unit. That work is complete. Tetra Tech asked that the sidewall of the infiltration field be re-exposed so they can inspect the installation of new filter fabric installation meant to address damage to the original sidewall fabric created during electric utility conduit installation. That area was exposed at the time of our inspection. The contractor is coordinating with Tetra Tech for the required inspections.
 - Electric utility installation continues in driveway shoulder areas.
 - The rear stormwater infiltration basin is in the process of being shaped and loamed.
 - Driveway base-course gravel was being installed at the time of the inspection. The Applicant hopes to install binder course pavement by the end of this week.
 - Construction of the modular block retaining wall along the driveway is substantially complete.
-



Erosion Controls:

Perimeter erosion controls were inspected and found to be in good condition. Temporary sediment basins appear to be functioning well. The anticipated installation of binder course later this week will permanently stabilize the entrance. The contractor is planning to loam and seed the areas at the front of the site and around the first building once binder course pavement is installed.

Recommended Improvements:

1. Loam and seed the front of the site and to the rear of the front building as soon as the infiltration field is complete.











CONNORSTONE ENGINEERING, INC.

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

Construction Observation Report

Project Information

Project Name: Choate Trail
Location: Copper Drive (off Highland Street) Medway, MA
Report Number: 4
Inspection Date: 9/9/2021
Inspection Time: 11:00 am

On Thursday, September 9, 2021, Conrad C. Nuthmann, PE, from Connorstone Engineering, Inc. (CSEI) performed a progress inspection in accordance with the Definitive Subdivision Approval Condition VII.B.5.c. The following report summarizes the observations made during the site visit.

Recent Precipitation Events:

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

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

Completed / On-Going Work

Time Period: 8/9/2021 to 9/9/2021

- Installation of granite curb infrastructure has proceeded including placement of the curb and sloped edging for the entire roadway. The structures within the roadway have been plated and were paved over and not visible at the time of inspection. The catch basin grates were installed to the binder surface grade and silt sacks have now been installed. The culvert outlet at STA 3+00 left has not been installed yet.
- There was no site work on-going at the time of inspection

Site Conditions / Recommendations:

1. The overall site condition was generally stable, with one observed erosion issue being the culvert end at STA 1+ 30 Right has begun to get some gravel washing into it. This flared end should be protected with hay bales or equal.
2. The perimeter erosion barriers appeared in good condition and functioning as intended. The fallen tree near STA 2+00 right that had fallen on to the abutting property has been cut up and removed. No sediment or erosion was observed beyond the barriers or limit of work.
3. The entrance showed no signs of tracking onto Highland Street. Maintenance of the construction entrance and street sweeping should be continued as required.
4. Stump stockpile was located on future Lot 1.
5. Stockpiles of loam, soil, and boulders were located on future Lots 3 and 4.



Conrad C. Nuthmann, PE
Connorstone Engineering, Inc.



**Construction Entrance
– View from Highland Street**



Gravel Entering Culvert STA 1+ 30



Fallen Tree STA 2+00

Project 20 Broad Street Multi-Family Development	Date 09/01/2020	Report No. 1
Location 20 Broad Street, Medway, MA	Project No. 143-21583-20003	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

A. N/A

4. PREVIOUS OPEN ACTION ITEMS

A. 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 Evergreen Village	Date 08/20/2021	Report No. 7
Location 22 Evergreen Street, Medway, MA	Project No. 143-21583-20001	Sheet 1 of 2
Contractor Mark Muntz (General Contractor)	Weather A.M. CLOUDY P.M.	Temperature A.M. 74°F P.M.

FIELD OBSERVATIONS

On Friday, August 20, 2021, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Firm ground and dry surface conditions throughout the limits of work. Silt fence barriers (SFB) remain in place around the limit of work and are in good condition. Compost filter tubes are staked just inside of the SFB and most seem to be in good condition. Stockpiles of excavated material and construction equipment are present throughout the site. Construction entrance has not yet been installed, we recommend it be installed prior to increased activity during site work.
- B. Infiltration chambers continued to be stockpiled near the entrance to the site. Contractor to provide notice to TT and schedule site visits for necessary inspections prior to work. Temporary sediment basins on site appear to be placed near the proposed limit of the subsurface infiltration system. Prior to installation, TT recommends the contractor excavate and remove any accumulated sediment within the temporary basin that is located within the footprint of the subsurface infiltration system.
- C. Contractor continuing work in units #4, #5, and #6.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't		Bulldozer	Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe	Asphalt Reclaimer		
Laborers		Loader	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader	Static Roller		
Oper. Engr.		Skid Steer	Vib. Walk Comp.		
Carpenters		Hoeram	Compressor		
Masons		Excavator	Jack Hammer		
Iron Workers		Grader	Power Saw		
Electricians		Crane	Conc. Vib.		
Flagpersons		Scraper	Tack Truck		
Surveyors		Conc. Mixer	Man Lift		
Roofers		Conc. Truck	Skidder		
Mechanical/HVAC		Conc. Pump Truck	Compact Track Loader		
		Pickup Truck			
		Tri-Axle Dump Truck			
		Trailer Dump Truck			
Police Details: N/A				RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.				Name	Time on-site
				Tucker D. Paradee, EIT	11:15 A.M. – 11:45 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Evergreen Village	Date 08/20/2021	Report No. 7
Location 22 Evergreen Street, Medway, MA	Project No. 143-21583-20001	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Install construction entrance per the approved plans. **TT Update: Item remains outstanding, TT recommends contractor to install construction entrance as soon as possible to prevent sediment tracking on Evergreen Street.**
- B. Repair sections of SFB throughout the site as needed. **TT Update: Contractor has repaired all damaged SFB around the site. In our opinion this item has been resolved.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

A. N/A

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

FIELD REPORT

Project Choate Trail – Copper Drive	Date 08/25/2021	Report No. 17
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 1 of 2
Contractor Bob Pace (Owner/General Contractor) Rhino Construction (Site Contractor)	Weather A.M. CLEAR P.M.	Temperature A.M. 85°F P.M.

FIELD OBSERVATIONS

On Wednesday, August 25, 2021, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Site is firm and dry throughout the limit of work. Highland Street had no traces of sediment upon inspection. Compost filter sock has been installed throughout the project limit as indicated on the endorsed Plans and appears to be in good condition. Silt fence has been installed along the western portion of the site adjacent to the existing wetland resource area and appears to be in good condition as well. Temporary sediment basins have been installed at the low points and appear to be functioning.
- B. TT was on-site at the request of the Medway Planning and Economic Development Board (PEDB) to inspect the site as a small tree had fallen onto an abutter's property. Upon inspection, the tree in question has previously fallen into the abutter's property, and according to the Site Contractor, the tree had been repositioned onto the project site prior to falling a second time. TT has requested the tree to be removed from the abutter's property and to not attempt to preserve the tree. Contractor informed TT that the tree will be removed tomorrow morning (8/26/21). According to the endorsed Plan, this tree is not among those that were specified for preservation.
- C. Upon inspection, Granite State Curb Setters on-site installing granite curb along the edges of Copper Drive. Vertical granite curb has been installed at the entrance roundings, transitioning to slope granite edging as shown on the Plans.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS		
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		Granite State Curb Setters	Curb Installation
Laborers	5+	Loader	1	Vib. Roller	2		
Drivers		Rubber Tire Backhoe/Loader		Static Roller	1		
Oper. Engr.		Skid Steer		Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	3	Rock Truck			
		Tri-Axle Dump Truck	3	Soil separator	1		
		Trailer Dump Truck					
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE		
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name		Time on-site
					Bradley M. Picard, E.I.T.		11:00 A.M. – 11:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Choate Trail – Copper Drive	Date 08/25/2021	Report No. 17
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Granite curbing installation to continue.
- B. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. Remove fallen tree on abutter's property on the southeast side of the property.

4. PREVIOUS OPEN ACTION ITEMS

- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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FIELD REPORT

Project Choate Trail – Copper Drive	Date 08/26/2021	Report No. 18
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 1 of 2
Contractor Bob Pace (Owner/General Contractor) Rhino Construction (Site Contractor)	Weather A.M. CLEAR P.M.	Temperature A.M. 85°F P.M.

FIELD OBSERVATIONS

On Wednesday, August 25, 2021, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Site is firm and dry throughout the limit of work. Highland Street had no traces of sediment upon inspection. Compost filter sock has been installed throughout the project limit as indicated on the endorsed Plans and appears to be in good condition. Silt fence has been installed along the western portion of the site adjacent to the existing wetland resource area and appears to be in good condition as well. Temporary sediment basins have been installed at the low points and appear to be functioning.
- B. Granite State Curb Setters continue to install curb along Copper Drive. Sloped granite edging, vertical granite curb, and granite curb inlets are pointed between joints and are set in place with concrete. Contractor intends on completing curb installation by the end of the day today.
- C. Contractor has removed fallen tree from abutter's property as previously discussed and has laid tree down within the project limits.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		Granite State Curb Setters	Curb Installation
Laborers	5+	Loader	1	Vib. Roller	2		
Drivers		Rubber Tire Backhoe/Loader		Static Roller	1		
Oper. Engr.		Skid Steer		Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	3	Rock Truck			
		Tri-Axle Dump Truck	3	Soil separator	1		
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Bradley M. Picard, E.I.T.	9:45 A.M. – 10:15 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Choate Trail – Copper Drive	Date 08/26/2021	Report No. 18
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Granite curbing installation to be completed by the end of the day.
- B. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Remove fallen tree on abutter's property on the southeast side of the property. **TT Update: Tree has been removed from the abutter's property. In our opinion, this item has been resolved.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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FIELD REPORT

Project Harmony Village	Date 08/20/2021	Report No. 4
Location 218-220 Main Street, Medway, MA	Project No. 143-21583-20018	Sheet 1 of 2
Contractor Gary Feldman, Marcelo Alves (Applicant/Developer)	Weather A.M. CLOUDY P.M.	Temperature A.M. 75°F P.M.

FIELD OBSERVATIONS

On Friday, August 20, 2021, Tucker D. Paradee, E.I.T. from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Dry ground surface that is firm throughout. Compost filter socks have been installed along the Western and Southern portions of the site and appear to be in good condition. The remaining portions of the site slopes towards the temporary basin adjacent to the construction entrance and appears to be functioning as expected. Stockpiles of excavated material are present near proposed temporary stockpile area.
- B. Upon inspection, contractor is consolidating stockpiled material in the center of the site.
- C. Foundation for Unit #3 and Unit #4 has been backfilled on all sides. Foundation for Unit #5 and Unit #6 has been poured but not backfilled.

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
Sup't				Dept. or Company	Description of Work
Foreman		Bulldozer			
		Backhoe			
Laborers		Loader	1		
Drivers		Rubber Tire Backhoe/Loader			
Oper. Engr.		Skid Steer			
Carpenters		Hoeram			
Masons		Excavator	1		
Iron Workers		Grader			
Electricians		Crane			
Flagpersons		Scraper			
Surveyors		Conc. Mixer			
Roofers		Conc. Truck			
Mechanical/HVAC		Conc. Pump Truck			
		Pickup Truck			
		Tri-Axle Dump Truck			
		Trailer Dump Truck			
Police Details: N/A				OFFICIAL VISITORS TO JOB	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.				RESIDENT REPRESENTATIVE FORCE	
				Name	Time on-site
				Tucker D. Paradee, EIT	10:30 A.M. – 10:45 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Harmony Village	Date 08/20/2021	Report No. 4
Location 218-220 Main Street, Medway, MA	Project No. 143-21583-20018	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

A. N/A

4. PREVIOUS OPEN ACTION ITEMS

A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

A. N/A

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FIELD REPORT

Project William Wallace Village	Date 08/13/2021	Report No. 18
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 75 °F P.M.

FIELD OBSERVATIONS

On Friday, August 13, 2021, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location with Bridget Graziano (Medway Conservation) to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Firm and dry surface throughout the site. Entrance to Village St. is clean with no signs of sediment. Silt fence barrier (SFB) and compost filter sock have been installed around the entire perimeter of the site. Crushed stone ditch and compost filter sock has been installed adjacent to the site entrance between the subsurface infiltration system and Village Street. Additional compost filter sock has been placed along the eastern property line adjacent to Bedelia Lane and is in good condition. Temporary sediment basins are present on the northeast and northwest regions of the site and appear to be functioning as designed.
- B. TT and Medway Conservation on-site to follow up on a Medway resident's concern that tree cutting may be taking place within the no-cut zone on the east side of the site adjacent to Bedelia Lane. Upon inspection of the no-cut zone, it does not appear that tree cutting has taken place and the Developer is working in this area in accordance with the endorsed Plans.
- C. Upon inspection, TT identified a location along the western side of the subsurface infiltration system that had been damaged caused by excavating trench for electrical conduit. Non-woven filter fabric was ripped, and crushed stone was visible along much of the length of the west side. However, stone did not appear to be displaced and sediment did not appear to have entered the system. The Developer was aware of the damage and intended on installing additional filter fabric as needed within the excavated trench prior to backfilling the conduit. Monitoring of the system will be required once site drainage is connected to ensure repairs are adequate.

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

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 08/13/2021	Report No. 18
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to continue construction of proposed Dwelling Units 1 and 2.
- B. Contractor to pour the foundation for Units 10, 11, and 12.
- C. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. Make necessary repairs to subsurface infiltration system's filter fabric prior to backfilling electrical trench.

4. PREVIOUS OPEN ACTION ITEMS

- A. Remove any accumulated sediment in Bedelia Lane Stormwater basin.
- B. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season. TT Update: Contractor plans to move this stockpile material and use it as backfill for the foundations of proposed unit 10 through 12 once complete.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. Electrical conduit

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FIELD REPORT

Project William Wallace Village	Date 08/20/2021	Report No. 19
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLOUDY P.M.	Temperature A.M. 75 °F P.M.

FIELD OBSERVATIONS

On Friday, August 20, 2021, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Firm and dry surface throughout the site. Entrance to Village St. is clean with no signs of sediment. Silt fence barrier (SFB) and compost filter sock have been installed around the entire perimeter of the site. Crushed stone ditch and compost filter sock has been installed adjacent to the site entrance between the subsurface infiltration system and Village Street. Additional compost filter sock has been placed along the eastern property line adjacent to Bedelia Lane and is in good condition. Temporary sediment basins are present on the northeast and northwest regions of the site and appear to be functioning as designed. Contractor is removing stockpiles of mater
- B. Upon inspection, contractor is connecting proposed sewer to existing sewer line located near existing Bedellia Lane. Piping consists of 6" SDR PVC which is surrounded by crushed stone and backfilled with excavated material which is in accordance with the approved plans. Crushed stone is compacted with ram tamper prior to placing excavated backfill which is also compacted through multiple lifts.
- C. Contractor has staked temporary filter fabric on the eastern side of the electrical trench to protect the infiltration system from entering sediment. Electrical trench is backfilled with clean sand directly on top of the conduit followed by excavated material in accordance with the approved plans. We expect final repairs to the subsurface infiltration system to include new fabric with proper overlap over the existing fabric.

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

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 08/20/2021	Report No. 19
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Remove any accumulated sediment in Bedelia Lane Stormwater basin.
- B. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season. TT Update: Contractor plans to move this stockpile material and use it as backfill for the foundations of proposed unit 10 through 12 once complete.
- C. Make necessary repairs to subsurface infiltration system's filter fabric prior to backfilling electrical trench. **TT Update: Contractor has not finalized repair of the damage to the basin. We request the contractor notify TT and the engineer of record for inspection when repairs are to be made.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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FIELD REPORT

Project William Wallace Village	Date 08/24/2021	Report No. 20
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLOUDY P.M.	Temperature A.M. 80 °F P.M.

FIELD OBSERVATIONS

On Tuesday, August 24, 2021, Tucker D. Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Soft surface conditions with some pooled water throughout the site. Entrance to Village St. is clean with no signs of sediment. Silt fence barrier (SFB) and compost filter sock have been installed around the entire perimeter of the site. Some portions of SFB on the eastern portion of the site are damaged and should be repaired as needed. Crushed stone ditch and compost filter sock has been installed adjacent to the site entrance between the subsurface infiltration system and Village Street. Additional compost filter sock has been placed along the eastern property line adjacent to Bedelia Lane and is in good condition. Temporary sediment basins are present on the northeast and northwest regions of the site and appear to be functioning as designed.
- B. Upon inspection, contractor has backfilled the electrical trench adjacent to the subsurface infiltration field. Developer informed TT that repairs to the previously damaged filter fabric that encases the infiltration field consist of vertically pinning new filter fabric with wooden stakes between the electrical line and infiltration field. TT was not notified when repairs to the system were being scheduled. In our opinion, this is not an acceptable condition as there is no evidence of the quality and completeness of the repairs. TT recommends the contractor uncover the damaged area for inspection by TT and the engineer of record. Repairs shall be made with new fabric which is properly overlapped and secured to ensure soil does not migrate into the stone of the basin.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't						Dept. or Company	Description of Work
Foreman	1	Bulldozer		Asphalt Paver			
Laborers	4	Backhoe		Asphalt Reclaimer			
Drivers		Loader	1	Vib. Roller	1		
Oper. Engr.		Rubber Tire Backhoe/Loader		Static Roller			
Carpenters		Skid Steer	2	Vib. Walk Comp.			
Masons		Hoeram		Compressor			
Iron Workers		Excavator	3	Jack Hammer			
Electricians		Mini-Excavator		Power Saw			
Flagpersons		Grader		Conc. Vib.			
Surveyors	1	Crane		Tack Truck			
Roofers		Scraper		Man Lift			
Mechanical/HVAC		Conc. Mixer		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Truck		Compact Track Loader			
		Conc. Pump Truck		Porta-John			
		Pickup Truck	5+	Dumpster (15 Yard)			
		Tri-Axle Dump Truck					
		Trailer Dump Truck					
Police Details:						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Tucker D. Paradee, EIT	3:00 P.M. – 4:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 08/24/2021	Report No. 20
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

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

3. NEW ACTION ITEMS

- A. Repair sections of damaged SFB on the eastern portion of the site.

4. PREVIOUS OPEN ACTION ITEMS

- A. Remove any accumulated sediment in Bedelia Lane Stormwater basin.
- B. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season. TT Update: Contractor plans to move this stockpile material and use it as backfill for the foundations of proposed unit 10 through 12 once complete.
- C. Make appropriate repairs to subsurface infiltration system's filter fabric. **TT Update: Contractor stated the repairs have been made but did not notify TT for inspection. The damaged areas shall be uncovered for inspection to ensure repairs were properly conducted.**

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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FIELD REPORT

Project William Wallace Village	Date 08/26/2021	Report No. 21
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLOUDY P.M.	Temperature A.M. 80 °F P.M.

FIELD OBSERVATIONS

On Tuesday, August 26, 2021, Bradley M. Picard, E.I.T. from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Dry ground surface that is firm throughout. Entrance to Village St. is clean with no signs of sediment. Silt fence barrier (SFB) and compost filter sock have been installed around the entire perimeter of the site. Crushed stone ditch and compost filter sock has been installed adjacent to the site entrance between the subsurface infiltration system and Village Street. Additional compost filter sock has been placed along the eastern property line adjacent to Bedelia Lane and is in good condition. Temporary sediment basins are present on the northeast and northwest regions of the site and appear to be functioning as designed.
- B. TT on-site to discuss repairs to subsurface infiltration system with the Developer and Dan Merrikin, PE of Legacy Engineering (Design Engineer). Additional damage to the subsurface infiltration system occurred during excavation, a Cultec chamber had been crushed and sediment has travelled into the clean crushed stone. The Design Engineer and TT discussed the necessary repairs would include removing and replacing the damaged Cultec chamber, removing the stone that has been exposed to sediment during excavation, and supplementing the region with new crushed stone to proposed elevations. Non-woven filter fabric shall be repaired along the sides and top of the system to ensure the stone will remain clean. TT requested the Site Contractor to reach out for an inspection once the Cultec chamber is installed and partially backfilled with stone to determine if the repairs are sufficient. TT will witness the reinstallation of filter fabric at the impacted region to ensure the top and sides of the system are properly protected.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't					Dept. or Company	Description of Work
Foreman	1	Bulldozer		Asphalt Paver		
Laborers	4	Backhoe		Asphalt Reclaimer		
Drivers		Loader	1	Vib. Roller		
Oper. Engr.		Rubber Tire Backhoe/Loader		Static Roller		
Carpenters		Skid Steer	2	Vib. Walk Comp.		
Masons		Hoeram		Compressor		
Iron Workers		Excavator	3	Jack Hammer		
Electricians		Mini-Excavator		Power Saw		
Flagpersons		Grader		Conc. Vib.		
Surveyors	1	Crane		Tack Truck		
Roofers		Scraper		Man Lift		
Mechanical/HVAC		Conc. Mixer		Skidder		
		Conc. Truck		Compact Track Loader	Dan Merrikin, PE	Legacy Engineering
		Conc. Pump Truck		Porta-John		
		Pickup Truck	5+	Dumpster (15 Yard)		
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details:					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Bradley M. Picard, E.I.T.	9:15 A.M. – 9:45 A.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 08/26/2021	Report No. 21
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor nears completion of construction of proposed Dwelling Units 1 and 2. Roof drain network to be tied into subsurface infiltration system.
- B. Contractor to make necessary repairs to subsurface infiltration system. Inspection tentatively scheduled for Tuesday (8/31/2021) afternoon.
- C. Contractor to install binder course asphalt tomorrow (8/27/2021). TT will be on-site to inspect paving operations.
- D. Contractor to begin placing loam and seed for the at-grade infiltration basins.
- E. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

- A. Make necessary repairs to subsurface infiltration system as discussed with Design Engineer.

4. PREVIOUS OPEN ACTION ITEMS

- A. Remove any accumulated sediment in Bedelia Lane Stormwater basin.
- B. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season. TT Update: Contractor plans to move this stockpile material and use it as backfill for the foundations of proposed unit 10 through 12 once complete.
- C. Make appropriate repairs to subsurface infiltration system's filter fabric. TT Update: Contractor stated the repairs have been made but did not notify TT for inspection. The damaged areas shall be uncovered for inspection to ensure repairs were properly conducted. **TT Update: This item will be included in New Action Item (A.), see note above. This item will be removed from future inspection reports.**
- D. Repair sections of damaged SFB on the eastern portion of the site.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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FIELD REPORT

Project William Wallace Village	Date 09/01/2021	Report No. 22
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. OVERCAST/RAIN P.M.	Temperature A.M. 65 °F P.M.

FIELD OBSERVATIONS

On Wednesday, September 1, 2021, Bradley M. Picard, E.I.T. from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: Dry ground surface that is firm throughout. Entrance to Village St. is clean with no signs of sediment. Silt fence barrier (SFB) and compost filter sock have been installed around the entire perimeter of the site. Minor damage of SFB present on the eastern side of the property adjacent to Units 1/2. Crushed stone ditch and compost filter sock has been installed adjacent to the site entrance between the subsurface infiltration system and Village Street. Additional compost filter sock has been placed along the eastern property line adjacent to Bedelia Lane and is in good condition. Temporary sediment basins are present on the northeast and northwest regions of the site and appear to be functioning as designed. Stockpiles of excavated material on the eastern portion of the site have been relocated and material has been used as backfill for foundations. During the inspection, Site Contractor places straw bales at the site entrance off of Village Street in anticipation of heavy rain forecasted for Wednesday afternoon and Thursday.
- B. TT on-site to inspect repairs to the subsurface infiltration system between Units 1/2 and Village Street. As discussed with the Project's Design Engineer, Site Contractor has removed and replaced the damaged Cultec chamber, replaced stone exposed to sediment, and has added filter fabric at the regions where tears were previously identified. Contractor has also installed the two manholes on the north side of the infiltration system.
- C. Upon inspection, Craig Equipment Corp. on-site fine grading dense grade material within the roadway. Grade stakes are set with finish grade elevations throughout the proposed paved limit.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't					Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Paver		
Laborers	4	Loader	1	Asphalt Reclaimer	Craig Equipment Corp.	Fine Grading
Drivers		Rubber Tire Backhoe/Loader		Vib. Roller		
Oper. Engr.		Skid Steer	2	Static Roller		
Carpenters		Hoeram		Vib. Walk Comp.		
Masons		Excavator	3	Compressor		
Iron Workers		Mini-Excavator		Jack Hammer		
Electricians		Grader	1	Power Saw		
Flagpersons		Crane		Conc. Vib.		
Surveyors	1	Scraper		Tack Truck		
Roofers		Conc. Mixer		Man Lift		
Mechanical/HVAC		Conc. Truck		Skidder		
		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck	5+	Porta-John		
		Tri-Axle Dump Truck		Dumpster (15 Yard)		
		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, E.I.T.	10:30 A.M. – 11:00 A.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 09/01/2021	Report No. 22
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to install binder course asphalt at a future date.
- B. Contractor to begin placing loam and seed for the at-grade infiltration basins.
- C. TT will maintain communication with contractor and will inspect the site on an as-needed basis.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. Make necessary repairs to subsurface infiltration system as discussed with Design Engineer. **TT Update: Site Contractor has removed and replaced damaged Cultec chamber, replaced stone, and installed new filter fabric as discussed with the Design Engineer. In our opinion, this item has been resolved.**
- B. Remove any accumulated sediment in Bedelia Lane Stormwater basin. **TT Update: Accumulated sediment appears to have been removed from the Stormwater basin. In our opinion, this item has been resolved.**
- C. Contractor to relocate portions of the stockpile adjacent to Unit 1/2 away from the erosion control line and properly protect the stockpile until vegetation can establish during the growing season. **TT Update: Contractor plans to move this stockpile material and use it as backfill for the foundations of proposed unit 10 through 12 once complete. TT Update: Contractor has relocated a majority of the stockpile adjacent to Unit 1/2 away from the erosion control limit. In our opinion, this item has been resolved.**
- D. Repair sections of damaged SFB on the eastern portion of the site.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A



September 14, 2021
Medway Planning & Economic Development Board
Meeting

November 2021 Town Meeting Articles

Fall Town Meeting is Monday, November 15th

Possible Articles

- Street Acceptance for Redgate and Hartney Acres subdivisions
- Housekeeping article (Zoning)
- BESS (Zoning)
- Add a Definition for Façade (Zoning)
- Add a Definition of Construction Equipment and Machinery Sales and Leasing (Zoning) and amend Table of Uses to allow such by special permit from the PEDB in West Industrial District. Would you also want to allow it in the East Industrial District?
- Amend Use Table (Zoning) for to change various uses currently allowed in the Energy Resource district to prohibited

STREET ACCEPTANCE

Draft – 9-10-21

ARTICLE : To see if the Town will vote to accept the following streets in the Red Gate subdivision

A portion of Bramble Road (740 linear feet)

Brian Lane in its entirety (528 linear feet)

A portion of Fern Path (200 linear feet)

A portion of Field Road (1,175 linear feet)

Redgate Drive in its entirety (4,267 linear feet)

as shown on (name of plan), dated _____, prepared by _____, and all associated utility and drainage easements and to accept the donation of 2 Redgate Drive for drainage purposes . . .

And to accept Newton Lane in the Hartney Acres subdivision in its entirety from Station ____ to its conclusion at Station ____ as shown on the (name of street acceptance plan) dated _____, prepared by (David Faist and Dan O’Driscoll) and all associated utility and drainage easements and to accept the donation of 0 Newton Lane (1.7 acre parcel) as open space.

2021 FTM Housekeeping amendments
BJS draft 9.13.2021 v.2

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

1. Amend Section 10.2.D.1 by combining subsections b and c, and re-lettering subsection d to c, so that it will read as follows:

Commented [BSA1]: Not sure if this change can be made under Section 1.7.

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, cyclist, 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.
 - 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. Amend Section 10.2.B.1 as follows:

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:

Commented [BSA2]: This clarification was requested by Paul Yorkis.

3. And to Amend Section 3.5.4.J.4 as follows:

4. If proposed activity or use requires administrative site plan review and one or more special permits, the Planning and Economic Development Board shall serve as permit granting authority for all, **except special permits under Section 5.5 Nonconforming Uses and Structures.**

And to amend Section 3.4.H.2 as follows:

2. If proposed activity or use requires administrative site plan review ~~pursuant to Section 3.5 Site Plan Review~~ and one or more special permits, the Planning and Economic Development Board shall serve as permitting granting authority for all, **except special permits under Section 5.5 Nonconforming Uses and Structures.**

4. Amend Section 5.5.D as follows (new language in **bold**):

D. Nonconforming Uses: Legally pre-existing nonconforming uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Zoning Board of Appeals as the special permit granting authority that such extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The Zoning Board of Appeals may grant a special permit to change or substantially extend a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

Commented [BSA3]: This sentence is in chapter 40A, §6; should be added in here for clarity.

5. Amend the definition of Outdoor Display in Section 2 which currently reads:

Outdoor Display: The temporary display of goods and products sold by a business establishment, located on the same premises but not including such display on any parking, delivery or loading areas, fire lanes, drive aisles, or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access, or other features that could cause a safety hazard, and limited to the hours the business is open.

To read as follows:

Outdoor Display: The temporary display of goods and products sold by a business establishment, located on the same premises, and limited to the hours the business is open. Outdoor displays are prohibited on any parking, delivery or loading areas; fire lanes; drive aisles; or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access; or any other location that could cause a safety hazard.

Or to act in any manner relating thereto.

**Battery Energy Storage System article
DRAFT – September 9, 2021**

Article __

To see if the Town will vote to amend the Zoning Bylaw by revising Section 5.4, Table 1, Schedule of Uses, under E. Industrial and Related Uses, as follows (new text in bold):

TABLE 1: SCHEDULE OF USES													
	AR-I	AR-II	VR	CB	V C	NC	BI	EI	ER	WI	Form-Based Districts		
											OG VC	OG BP	OG N
E. INDUSTRIAL AND RELATED USES													
Electric Power Generation which includes large-scale ground-mounted solar photovoltaic installations with a rated capacity of 250 Kw (DC) or more and other Renewable Energy sources, but excluding battery energy storage facilities	N	N	N	N	N	N	N	N	Y	N	N	N	N
Small battery energy storage facility	N	PB	N	N	N	N							
Other battery energy storage facility	N	N	N	N	N								

And to amend Section 2, Definitions, to add a new definition:

Battery energy storage facility: A series of containers or cabinets containing batteries and related equipment designed to store electrical energy for periodic resale to the wholesale energy market and/or other customers on the electrical grid. 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, other power interconnection facilities and/or a project substation.

Small battery energy storage facility: a battery energy storage facility with a capacity that does not exceed 5MW/10MWh.

or act in any manner relating thereto.

DEFINITION OF FAÇADE
Draft – September 13, 2021

ARTICLE – To see if the Town will vote to amend the Zoning Bylaw by adding the following definition in SECTION 2 – DEFINITIONS

Façade – The vertical exterior surface of a building which faces a right-of-way, property line, public open space, parking area, or drive aisle.

Or to act in any manner relating thereto.

DRAFT Proposed Zoning Bylaw Amendment
Revised 9-20-21/sac

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw as follows:

SECTION II – Definitions by adding a new definition as follows:

Construction Equipment/Machinery Sales, Leasing or Rentals - A facility that sells, leases, or rents any new or used construction equipment, machinery or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, backhoes, bulldozers, compactors and rollers, cranes, derricks, ditchers, excavators, generators, graders, loaders, lulls, off-highway haulers, pavers, pile drivers, scrapers, tractors, trenchers and other material handling equipment.

And by amending Section 5.4 Schedule of Uses by adding Construction Equipment/Machinery Sales, Leasing or Rentals (subject to Section 7.1.3 Outdoor Storage) as a use in E. Industrial and Related Uses to be allowed by special permit only in the West Industrial Zoning District with the Planning and Economic Development Board serving as the special permit granting authority.

Or to act in any manner relating thereto.

Changes to Use Table for Energy Resource District

DRAFT – 9-10-21 (sac)

Article : To see if the Town will vote to amend the Zoning Bylaw, Section 5.4 Schedule of Uses by changing the status of the following allowed uses (specified as Y on the table) to N (prohibited use)

Commercial indoor amusement, wholesale bakery, wholesale showroom or office including warehouse, manufacturing, light manufacturing, research and development, and brewery.

Or to act in any manner relating thereto.

Susan Affleck-Childs

From: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Sent: Monday, September 13, 2021 8:42 AM
To: Susan Affleck-Childs
Subject: Noise Environmental Update Concerns
Attachments: Neo_NoiseModel.pdf; 2MarcRd_NoiseModel.pdf; Acentech_CaseStudies.pdf; LowerCoffeeNoiseMap.png; Acentech_LowerCoffee.pdf; NCE_Acentech_Emails.pdf; AcentechResponse_NCE.pdf

Good morning Susy,

Below are concerns I have regarding some of the elements of the Noise Bylaw updates that have been under discussion. I ask that you please forward this email and attachments to PEDB members and Jeff, so they may be addressed. As usual, to others as you see fit:

- 1.) There's a general concern with regard to effective enforceability: After thinking through the consequences of allowing increased Ind/Ind noise levels, not only will it increase the risk of detrimental noise at homes but perhaps equally if not more important, it's likely to shift enforcement leverage from the Zoning Enforcement Officer to Offending Facilities. As you read through what follows I ask to please keep that in mind.

As the residents who live around the East Industrial Park have experienced, and the residents who live around 25 Winthrop St. are experiencing now, Bylaws are only as good as the effectiveness of their enforceability. There are myriad other configurations and situations not presented in the Acentech case studies, that if noise at any of the increased Ind/Ind levels presented, actually existed, would cause very detrimental impacts at homes. Given the close proximity of homes to industrial facilities in Medway it's likely these increased Ind/Ind noise levels would result in a persistent threat to the quality of life of Medway residents. The most obvious situations where that threat would convert to actual detrimental impacts is if a building were acting as a noise barrier between a noise source and homes and that building were changed/razed, thereby exposing homes to the noise from the increased Ind/Ind noise, or a building were modified to redirect noise towards homes. I don't think the PEDB or the Town in general would have the authority to force one facility to remain unchanged to provide noise mitigation for another facility. Increasing the allowed Ind/Ind noise levels increases the likelihood these situations will create noise complaints, investigations and enforcement actions. It's likely a big mistake to take a handful of case studies whose configurations can only be ensured through the careful scrutiny of a site plan or special permit process and then use those impacts to determine "By-Right" noise levels at Ind/Ind locations across the entire Town of Medway. As stated previously there are many, many situations not presented, where if any of the presented increases to noise at Ind/Ind locations existed, would be very detrimental to Medway residents. What follows in 2) thru 5) below adds further specificity to the causes of my concerns regarding enforceability and detrimental noise at homes, and describes how relying on sensitive receptor noise levels to offset the increases in allowed Ind/Ind noise is likely to be problematic, and shift enforcement leverage from the Medway Zoning Enforcement Officer to Offending Facilities.

- 2.) In addition to the concerns about allowing increased Ind/Ind noise there's also concerns about the removal of octave band compliance requirements at Ind/Ind locations. While I agree that it makes sense to have different industrial and residential noise limits, allowing increased Ind/Ind noise above the limits in the existing Bylaw and removal of octave band compliance at Ind/Ind locations puts a heavy burden on the reliability of noise measurements remote from the noise source at sensitive receptors (e.g. homes). Experience with the 2 Marc Rd enforcement situation showed that noise remote from a noise source can be highly variable across time and location, due in varying degrees of: Time of day, Weather conditions, facility process variations, seasonal

changes, topography variations, and changes to features in the environment (buildings acting as barriers or reflective surfaces constructed/modified/razed etc.). Please recall the noise measurement confusion during the 2 Marc Rd situation and how ultimately it was the source property line measurements with octave band compliance required, that proved dispositive and compelled the facility to fix the noise problem and restore the quality of life of the folks impacted by the noise (some as far away as a half mile e.g. Phil Giangarra). This variability and ensuing confusion calls into question the reliability of remote compliance locations, and the resulting threat posed to Medway residents. See “LowerCoffeeNoiseMap.png” for a composite map of NCE & Acentech noise measurements, see “Acentech_LowerCoffee.pdf” Pg 4 for Acentech measurements only, and see “AcentechResponse_NCE.pdf” Pg 3 Table’s II & III for NCE measurements & Acentechs recommended Leq=>L90 adjusted data respectively. This confusion and ultimate resolution are summarized as follows:

- a. Noise measurements at homes on lower Coffee St by the Towns noise consultant and the facilities noise consultant differed between 17dBA and 11dBA, which is a lot. In fact the Towns noise consultant measured higher noise levels after initial mitigation (47dBA) than the facilities consultant before any mitigation (@42Coffee=30dBA, &49Coffee=36dBA). In addition, based on the facilities noise consultant reporting that the initial mitigation produced a 5dB reduction in sound level it’s not unreasonable to expect the facilities noise consultant measurements after initial mitigation would’ve been ~5dBA lower, making the spread between Town and facility measurements even wider. Compounding the confusion surrounding how noise measurements could be so different, were the facilities noise consultants claim that the Leq descriptor used by the Town’s noise consultant was improper and L90 should be used. The Town’s noise consultant disputed this and responded (See Pg 2 of “NCE_Acentech_Emails.pdf”):
 - i. “NCE’s measurements were attended measurements with a short time period, taken when no other significant noise could be identified by the engineer taking the measurement. As you mentioned, the Leq and L90 should be equal if there is noise source which is continuously operating and no other significant source are present, which was the case with the reported noise measurement”
- b. Whereas, both the Town’s noise consultant and the facilities noise consultant agreed that irrespective of how the noise data were viewed, there were at least 16 octave band violations at the source property lines (See Table III on Pg 3 of “AcentechResponse_NCE.pdf”):
 - i. 3 Octave Band Violations on the North Property Line.
 - ii. 5 Octave Band Violations on the East Property Line.
 - iii. 5 Octave Band Violations on the West Property Line.
 - iv. 3 Octave Band Violations on the South Property Line.

Using only the Town’s Noise Consultants data (i.e. not the facilities Leq to L90 descriptor adjusted noise data, which the Town’s noise consultant disagreed with), 22 Octave Band violations were reported by the Town’s Noise consultant. (See Table II on Pg 3 of “AcentechResponse_NCE.pdf”)

Please Note: The 2 Marc Rd facilities noise consultant after acknowledging the above exceedances drew the following conclusion: “...broadband facility sound is generally in compliance with both State and local noise regulations...” See bottom Pg 4 of “AcentechResponse_NCE.pdf”. I hope folks recall how thoroughly confusing this all was, and how important it is to have extremely reliable compliance standards. No doubt, ambiguity will be leveraged by offenders who are facing expensive mitigation and disruption of lucrative operations to avoid fixing their noise problems.

All of the above confusion and prolonged (~2 years) resident suffering it caused, were the result of a single offending facility with no other plausible offending noise source. Now imagine the confusion and the prolonged hardship residents will likely have to endure, when multiple facilities are emitting at allowed increased Ind/Ind noise levels and for whatever reason noise reaches detrimental levels at homes. For those involved in the 2 Marc Rd situation it should be no surprise if allowing increased noise at Ind/Ind locations turns out to have been a recipe for disaster for Medway residents.

It is very troubling that the one provision in the existing Medway Zoning Bylaw that proved essential in protecting Medway residents (47dBA nighttime continuous noise limit at source property lines with octave band compliance required) is under consideration for being degraded. This is especially so when the reliability of the condition intended to offset that degradation (Noise Level at homes) proved questionable during the 2 Marc Rd situation.

- 3.) The next concern regards the allowance of noise compounding at homes. Speaking from experience with the 2 Marc Rd situation I know that when continuous industrial nighttime noise occurs at ones home at conspicuous levels, the quality of one's life as you knew it, is over. Folks I've talked to who live around the East Industrial Park understand that when one lives near an industrial park increased noise levels are to be expected during normal business hours, that's just part of living near an industrial park. What's not expected is industrial noise occurring at ones home at all hours of the night. My residency at 35 Coffee St pre-dates the East Industrial Park. Not until the existence of the 2 Marc Rd facility has the continuous nighttime noise at my home been anything other than that produced by natural causes, or traffic on Rt 109, never from a facility within the East Industrial Park. During the Recreational Marijuana Public Hearing the PEDB gave residents specific assurances that they would be protected from Noise (& odor), I trust and hope the PEDB will be mindful of this and follow through on those assurances by not allowing continuous industrial nighttime noise to compound at homes in Medway.
- a. Candidly, I found it troubling how Acentech went through an entire presentation trying to demonstrate how the East Industrial Park could be substantially built out with Marijuana Grow facilities, (known intense noise generators), and keep noise levels at homes <32dBA. Then at the tail end of the presentation advocated for allowing compounding at homes so as not to hamstring development. That begs the question: If facilities are designed and built properly resulting in a built-out nighttime noise level at homes below 32dBA why the need to allow for compounding?
 - b. It's unlikely noise compounding could be justified by claiming that increases to the Ambient over time warrant it. As stated previously, I've lived near the East Industrial Park since before its existence, and the nighttime ambient noise level has changed little across decades of time. This is evidenced by the recent ambient noise characterization of 27dBA.
 - c. No doubt allowing increased Ind/Ind noise increases the likelihood of noise compounding at homes to detrimental levels and as described in 4.) below increases the enforcement degree of difficulty.
- 4.) Another concern regards offending noise source isolation, identification and mitigation, especially in a cost effective and timely manner. Notwithstanding Jeff's response to my question regarding this issue, for the following reasons concerns remain:
- a. Due to the proximity and relative position of facilities in the East Industrial Park to homes on Coffee Street, Green Valley Rd, Main St, and Oakland Street there will no doubt be overlapping propagation paths from multiple noise sources to homes.
 - b. Due to the likelihood of multiple facilities with similar operations and HVAC requirements (multiple Marijuana Grow Facilities), "similar" octave band overlapping between facilities is a distinct possibility, making frequency content signature matching problematic.
 - i. See Acentech case studies 2a,b & 3 in "Acentech_CaseStudies.pdf" where Cooling Towers are described for future Rosenfeld Development and for Phytopia.
 - ii. If a particular type of HVAC system emerges as clearly the most efficient, not hard to see multiple grow facilities retrofitted with similar HVAC units having similar octave band profiles.
 - c. Due to the consequences of being proven as the source of a noise nuisance: Expensive mitigation measures, disruption of lucrative operations, etc... it's likely naïve to count on cooperation from suspected offending facilities during a noise study.
 - d. Now combine a.) thru c.) above with allowing increased noise levels at Ind/Ind locations and removal of octave band compliance at Ind/Ind locations and it becomes much more likely that residents will end up in protracted noise disputes with facility operators as compared to if the limits in the existing Bylaw

were retained at Ind/Ind locations. I can hear it now..."I comply at my property line, I'm not responsible for that noise over there..."

- e. Then a.) thru d.) spawns the following questions:
- i. What if there are violations at homes but no one facility is solely responsible? i.e. it's the combination of multiple noise sources, all of which comply with the increased allowed Ind/Ind noise levels at their source property lines, but nevertheless compound to violations at homes, what then?
 - ii. If the noise study requires the establishment of the ambient noise level without the noise from potential offenders, and the potential offenders are uncooperative, how would the ambient noise be determined?
 1. After multiple facilities are operational at increased allowed Ind/Ind noise levels it seems doubtful that a potential offender would agree that there is a comparable remote location that could be used to characterize the ambient noise level in the vicinity of their noise source.
 - iii. If there are noise violations at homes, but again due to increases to the allowed Ind/Ind noise limits there are no noise violations at source property lines, and with the noise sources having overlapping propagation paths to homes and with potentially similar octave band profiles, how will the suspected offending source(s) be isolated and proven as the offender(s)?
 1. Will the noise consultant have to employ sophisticated noise studies involving the deployment of microphone arrays, performing signal processing such as beamforming, getting permission to enter suspected (uncooperative) offender's property etc., all of which will take time and likely be quite expensive for the Town?
 - a. Given the consequences of being proven as an offender, doubtful a suspected offender would agree to turn off their noise source to help isolate them as the offender. Especially if turning off the noise source could jeopardize a lucrative operation, e.g. compromise a cannabis crop.
- f. Contrast all of the above confusion with how straight forward the 2 Marc Rd situation became after it was established the facility was required to comply with 47dBA at their property lines, including the octave bands. That contrast is what lead to the conclusion that increasing the noise allowed at Ind/Ind locations shifts enforcement leverage from the Zoning Enforcement Officer to Offending Facilities. It would seem a big mistake to remove these tools from the PEDB's permitting and Towns enforcement toolboxes.

5.) Finally, I'm concerned about characterizations of the noise levels in the existing Bylaw as too restrictive, especially by comparing them to the Chanaud, 2014 reference that covers entire states including major cities within those states. The noise levels cited from that reference are completely inappropriate for Medway. The following is compelling evidence that Medway's existing noise limits are appropriate for Medway's Ind/Ind locations and not too restrictive:

- a. Every industrial and commercial facility in Medway has had to comply with the existing noise Bylaw for decades. Contrary to what some have suggested, the fact that the nighttime ambient noise level has been characterized as 27dBA indicates there is likely wide spread compliance to the existing noise bylaw.
- b. Marijuana grow facilities are known intense noise generators and have not been dissuaded from doing business in Medway under the existing noise Bylaw requirements:
 - i. Neo a grow facility at 4 Marc Rd is predicted to comply with the existing bylaw by using fairly modest sound mitigation.
 - ii. Goodfeels at 23 Jayar Rd a Marijuana processing facility is predicted to comply with 42dBA (5dBA less than existing bylaw) by using fairly modest sound mitigation.

- iii. Phytopia a grow facility proposed at 6 Industrial Park Rd is proposing a fairly large cooling tower for Phase I and is predicted to meet the existing overall limit of 47dBA noise level in the existing Bylaw by using BACT only, i.e. no sound barrier. It would seem reasonable to expect full octave band compliance could be achieved thru additional fairly modest noise mitigation.
- iv. 2 Marc Rd with Qty=2, ~100dBA sound power chillers located in an enclosure ~30ft from the property line was predicted to comply with the existing Bylaw with 8dBA of margin, which is a lot of margin. See Pgs 15 & 16 in "2MarcRd_NoiseModel.pdf" attached, for 39dBA at PL03 for loudest predicted source property line.
 - 1. During the previous Environmental Update discussions the 2 Marc Rd noise consultant reported a noise measurement of 47dBA at the 2 Marc Rd property line. It was also reported the root cause of the actual=47dBA versus the expected=39dBA has not been identified.
 - 2. Evidently, 2 Marc Rd finds themselves in a challenging situation to comply with the existing Bylaw, this might explain a lot. For the life of me, I could not understand where the 2 Marc Rd team has been coming from, wanting to increase Ind/Ind noise levels with 8dBA of overall noise margin in their design.
 - 3. If this is in fact what's happening it would seem the right course of action is to identify the root cause of the unexpectedly high noise levels and take corrective action. Not to increase the Ind/Ind noise levels across the entire Town of Medway to accommodate this one facility, and in the process expose Medway residents to considerable risk of noise nuisances.
 - 4. I hope it's not lost on folks: If the 2 Marc Rd facility was built per the design, and there is no malfunctioning equipment that explains the difference between actual and simulated noise levels, i.e. the simulation is just that far off the as designed noise levels. Then the quality of life for folks living around the East Industrial Park could be in serious jeopardy. I hope this is not the case, the noise levels from 4 Marc Rd at the homes on Coffee St were predicted to be between (30 to 33)dBA, see Table V on Pg 21 of "Neo_NoiseModel.pdf" attached. If that noise turns out to be (38 to 41)dBA, the residents around the East Industrial Park are likely in for another protracted noise issue. Obviously I can't speak for others, but if that were to happen I would be furious.
 - a. BTW, I now find it very conspicuous that the noise from Neo at 4 Marc Rd, which Rich asked about, was left out of the Acentech Simulations presented at the last PEDB meeting.

The above spawns an obvious question: Why is it necessary to increase the allowed noise level at Ind/Ind locations? No doubt the 47dBA (~4x louder than background noise of 27dBA) in the existing Bylaw needs to be lowered at sensitive receptors, so lowering that to 32dBA at homes makes sense. No doubt, increasing allowed Ind/Ind noise levels will be a windfall for Industrial facilities, especially Marijuana Grow facilities. However, as described in this email will come at a substantial threat to the quality of life of Medway residents, and seems contrary to the assurances the PEDB gave to residents during the Recreational Marijuana Public Hearing that they would be protected from noise.

- 6.) In summary: Increasing the allowable Ind/Ind noise levels and eliminating the requirement for octave band compliance at Ind/Ind locations increases the risk of detrimental noise impacts to Medway residents and shifts enforcement leverage from the Medway Zoning Enforcement Officer to Offending Facilities. For Medway residents to be adequately protected from noise nuisances appropriate noise levels for Medway are necessary at both Residential and Industrial Locations. I therefore respectfully request the environmental updates include the following:
 - a. Retain 47dBA noise limit at Ind/Ind locations, also retain octave band compliance at Ind/Ind Locations.

- b. Limit continuous nighttime noise at sensitive receptors to 32dBA, and not allow noise compounding above that.

Respectfully submitted,
John Lally
Resident
35 Coffee St.
Medway MA, 02053