

Tuesday, September 28, 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	X

PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PUBLIC COMMENTS:

- There were no public comments.

PUBLIC HEARING CONTINUATION WINGATE FARM SUBDIVISION MODIFICATION:

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

- Public Hearing Continuation Notice 9.28.21
- Email communication and project response letter dated 9-14-21 from Dan Merrikin
- Sight Distance Review letter from Tetra Tech dated 9-24-21.

The applicant's representative, Dan Merrikin, was present to explain what has happened since the last meeting. His review of the site conditions has resulted in a new punch list. The items noted were:

- Remove 2" of existing driveway gravel and install design finished course of recycled asphalt material.
- Install landscape plantings per approved plan.
- Install driveway swales and rip rap sump and driveway crossing pipe.
- Clean drainage system
- Install electric utilities
- Sight distance improvements

The applicant does not think that it is reasonable to require the stormwater basin be located on a separate parcel since it is already constructed. However, there will need to be a new stormwater infiltration BMP which will be underground to meet the current regulations. The calculations will need to be revised.

The sight distance conditions have been reviewed with information the report prepared by Green International for the Timber Crest development. The information provided in AASHTO recommended slope-adjusted stopping sight distance is 245 feet for the posted speed limit. The Timber Crest development is required to lower the crest of Holliston Street be approximately two feet thereby increasing available sight distance. The calculated existing stopping sight distance is

210 ft. If the shoulder is improved by removing vegetation and lowering mounded ground and wall elevations, an intersection sight distance of approximately 300 ft can be achieved. There will be installation of signage on Holliston Street consistent with the prior Wingate approval. The Timber Crest development is required to provide additional traffic mitigation measures that will improve traffic circulation.

The Fire regulations regarding the road width has changed from 18 to 20 ft. The applicant will meet with the Fire Department and will implement whatever they want. This will be updated in the study.

The Board does have concerns making decisions based on what the Timber Crest project will do as it is not certain when that will happen.

On a motion made by Rich Di Iulio, seconded by Jessica Chabot, the Board voted unanimously to continue the hearing to October 26, 2021, at 7:30 pm.

CONSTRUCTION REPORTS:

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

- TT Field Report #23 for William Wallace Village dated 9-7-21
- TT Field Report #87 for Millstone Village dated 9-3-21

William Wallace:

Binder course has been installed. There is also paving which is starting at the northern portion of the driveway. The contractor will be placing loam and seed for the at-grade infiltration basins.

WILLIAM WALLACE VILLAGE PERFORMANCE SECURITY:

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

- Updated punch list and bond estimate from Tetra Tech 9-27-21
- Draft Release of Covenant
- Draft Performance Security Agreement
- Original Performance security covenant recorded
- Tetra Tech estimate of additional construction funds needed

The Board was informed that Tetra Tech prepared an updated punch list and bond estimate. Documentation was provided that the original performance security covenant was recorded at the Registry of Deeds. Documentation must also be provided that the Affordable Housing Local Initiative Program/Local Action Unit application and the Affordable Housing Regulatory Agreement have been submitted to the MA Department of Housing and Community Development for approval; this is a requirement of the decision. These documents must be reviewed and authorized by the Select Board; that is scheduled for its October 4, 2021 meeting and the Affordable Housing Trust can sign the application on September 29, 2021. The Treasurer/Collector's office has indicated that the taxes on the property are current. The project's construction account has a balance of \$421.56; an invoice for additional funds will be provided to the permittee.

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted unanimously to set the bond amount for William Wallace Village at \$354,324.00.

On a motion made by Bob Tucker, seconded by Matt Hayes, the Board voted unanimously to have the applicant provide additional construction services in the amount of \$8,470.00.

APPOINTMENTS TO THE MEDWAY OPEN SPACE COMMITTEE:

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

- Memo dated 9-24-21 from Susy Affleck-Childs
- Letter of interest dated 7-16-21 from Sharon Callahan
- Letter of interest received 7-22-2021 and resume from Laura Connolly
- Letter of interest dated 8-4-21 from Andrea Burke
- Email dated 9-24-21 from Open Space Committee Chair Tina Wright

Susy Affleck-Childs reported that Sharon Callahan has decided to not pursue a position on committee. Laura Connolly and Andrea Burke were present via Zoom and each provided an overview about their interest in the Open Space Committee. There is a note from Chairperson Tina Wright recommending both appointments.

On a motion made by Jessica Chabot, seconded by Rich Di Iulio, the Board voted to appoint Andrea Burke for a term through June 30, 2022, and Laura Connolly for term through June 30, 2023, to the Open Space Committee.

PUBLIC HEARING CONTINUATION PHYTOPIA:

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

- Public Hearing Continuation Notice to 9-28-21, filed with Town Clerk on 8-2-21
- Letter dated 9-15-21 from attorney Ted Cannon
- Email dated 9-21-21 from attorney Ted Cannon regarding project status

Attorney Ted Cannon was present.

It was explained that Kevin Doherty has completed the groundwater modeling. That information will be supplied to the Conservation Commission. There was also a letter provided to the PEDB about the handling of various materials on the property.

The comments and conditions from the Consultants and Commission will be addressed, and a revised site plan will be provided. Attorney Cannon asked for the Board to continue the hearing to October 26th and for the Board to begin working on the special permit decisions.

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted unanimously to continue the hearing to October 26, 2021, at 7:45 pm.

MASTER PLAN UPDATE:

There will be a Master Plan Community Forum on Sunday October 3, 2021, from 11:00 to 3:00 pm at the Medway High School 88 Summer Street. There are lots of activities, band and food truck. The presentation is in the auditorium. Phase 2 will conclude at the end of the year.

PEDB MEETING MINUTES:

The Board is in receipt of the draft minutes of the September 14, 2021, PEDB meeting.

September 14, 2021:

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted unanimously to accept the minutes from September 14, 2021 as amended.

CORRESPONDENCE:

The following documents were provided: (See Attached)

- PEDB Memo to ZBA dated 9-22-21 re: 6 Spring Street AFDU
- PEDB Memo to ZBA dated 9-22-21 re: Ocean State Outdoor Display Special Permit. The hearing was continued since no one from Ocean State showed up. The Board suggested to include conditions which could be added to a decision. There is a concern that these areas do not creep and become larger. The permit would allow for this but with standards. This was continued to October 6, 2021.
- Letter dated 9-22-21 from Steve Bouley/Tetra Tech with a punch list for the Hartney Acres Subdivision (Newton Lane)

OTHER BUSINESS:

- A preliminary subdivision plan application was submitted for 56 Summer Street. This is for 10 triplexes (30) units. The public briefing is scheduled for October 12, 2021 meeting.
- Medway Place will be providing revised site plan tomorrow. It is on the agenda for the 10.12.21 meeting.
- Site plan modification for Marizilli will be presented at the next meeting.

POND VIEW ESTATES – PRELIMINARY SUBDIVISION PLAN PUBLIC BRIEFING:

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

- Public Briefing Notice dated 9-8-21
- Preliminary Subdivision Plan application
- Development Impact Report
- Preliminary Subdivision Plan dated 5-2021 by Land Planning
- Email comment dated 9-13-21 from Fire Chief Jeff Lynch
- Susy Affleck-Child's review comments dated 9-24-21

The Chairman opened the public meeting.

Bill Halsing of Land Planning was present representing the applicant, Mary Klein, who was also present. There was a screen share provided. Mr. Halsing explained that the site is 2.1-acres and is located on the north side of Oak Street in the Agricultural Residential II Zoning District. The plan was prepared by Land Planning. The plan shows the division of the property into two residential lots. The frontage will be on an approximately 450' long, permanent private road. The proposed development will include stormwater management facilities and will connect to town water and sewer in Oak Street. The project is subject to review by the Medway Conservation Commission. The wetlands were delineated and located in the Spring. The road width is proposed to be 18 ft. The Board is in receipt of an email comment dated 9-13-21 from the Fire Jeff Lynch Chief; he requires the road to be 20 ft. wide. There was a suggestion to provide an easement across one of the lots to provide residents with access to the trail located on the property to the north.

Abutter Fred Sibley was present and communicated that he is not objecting to this but there is a concern in the buffer. He would like to see woods remain as much as possible and that there be a good buffer. It was suggested that the delineation of the wood edge at the end of the grading be preserved. The applicant noted that the grading will be shown on the Definitive Plan.

DISCUSSION OF ARTICLES FOR NOVEMBER TOWN MEETING:

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

- Revised draft of environmental standards dated 9-27-21
- Email dated 9-24-21 from resident John Lally with attachment providing comments on the 9-21-21 draft environmental standards
- Email dated 9-27-21 from resident John Lally providing comments on the 9-24-21 draft environmental standards
- Email dated 9-28-21 from Andy Carballeira of Acentech, noise consultant for Ellen Rosenfeld on the 9-27-21 draft environmental standards
- Email dated 9-28-21 from resident Leigh Knowlton
- Email dated 9-21-21 from Paul Yorkis reporting that Hartney Acres would not be ready for street acceptance for the fall town meeting

Environmental Standards:

The Board is in receipt of the most recent version of standards dated 9-27-21

The Board's noise consultant, Jeff Komrower, of Noise Control Engineering was present for the meeting via Zoom.

The Board was informed that a new version of the environmental standards was prepared based on comments and discussions. The revisions looked at measurement periods, noise levels present and traffic patterns which change based on business hours. There was further discussion about the residential exposures in the noted areas.

There was a screen share of the document with comments from Andy Carballeira. His comments and suggestions were noted in red.

The 9-27-21 draft defines evening hours as 7:00 pm to 11:00 pm. There was discussion about the commuter noise. It was suggested that there be language added about doing a background noise survey over a minimum of a 7-day period to establish levels at each residential property line and at any sensitive receptor property line (for abutters within 300 ft.). There was also language added that the “measurement metric to determine ambient noise levels will be A-weighted L90 sound level”. The next section discussed was the prominent discrete tone. There was a recommendation to strike some repetitive language here since the definition already defines a “prominent discrete tone” as an “audible tone” and creates a conflict with section 7.3.D.2.a.2. There was also language added that there be a new “late-nighttime” time period that will be applicable to the 2db noise source. The MA DEP allows a 10 dBA increase to ambient background. The Medway draft would allow each new project to increase by 2dBA. This is very conservative, but consistent with the community’s intent to limit the rate of ambient noise increase. The tonal requirements appear to apply to all receptor types. It is recommended that these requirements are for residential uses and other sensitive receptors only. It was suggested that this not be applied at the industrial to industrial.

Resident Lee Knowlton 14 Green Valley road was present at the meeting. He asked if the levels for times are absolute. He suggested to bundle times. Consultant Komrower indicated that this was done to establish last night hours. An hourly average was then determined for each day to then determine the ambient noise levels.

Dan Merrikin, project engineer for Ellen Rosenfeld, noted that the one topic which need discussion is the requirement that a noise study be conducted. There needs to be language added to address the applicant securing access to nearby properties to conduct the study. It was noted that not all people will allow others on their property. A notice may need to be sent by certified mail.

There was discussion to change the receptors to the nearest residential property around the site up to 2,000 ft. from the of the building.

Resident John Lally had two items which he wanted addressed.

- Concern regarding 60dBA at the Industrial/Industrial and 55 dBA at the Commercial property lines.
- Not -to exceed residential property line and sensitive receipt noise limits
- Eliminating the octave bands would leave the residents vulnerable.

The Board will continue to work on refining this language.

PUBLIC HEARING CONTINUATION: ROCKY’S HARDWARE:

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

- Public Hearing Continuation notice to 9-28-21
- Revised draft decision dated 9-23-21
- Rocky’s Ace Hardware Garden Center Plan
- Rocky’s Ace Hardware Dumpster Fence detail
- Photometric plan by Highpoint Engineering dated 9-10-21

- Mullins Rule Certification for Bob Tucker for 8-10-21 PEDB meeting
- Mullins Rule Certification for Tom Gay for the 8-10-21 PEDB meeting
- Photos supplied by chairman Andy Rodenhiser

The Chairman opened the continued public hearing. Attorney Joel Quirk and Rocky's Vice President Kevin Bradley were present via Zoom.

The Board was provided with some photos from the Chairman which were recently taken of the site. The photos showed items which are being stored outside the building which violates the bylaws. At the last meeting, the store manager had indicated that this was not occurring. It seems as though the outdoor storage changes on a daily basis. The applicant is not compliant with the bylaw. Chairman Rodenhiser noted that since the applicant is not following the rules, the Special Permit should not be granted. Member Di Iulio agrees with the Chairman. If the applicant cannot control what is currently on the site, there is hesitation about granting this permit.

There was a suggestion to provide the applicant 30 days to improve the performance on the site.

The Board reviewed and discussed the special permit criteria. There are concerns that site does not have adequate space.

It was suggested to have staff prepare a denial decision based on the criteria which are not being met.

On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted to continue the hearing to October 26, 2021, at 8:30 pm to will allow the applicant 30 days to improve their performance outside the site. (Member Di Iulio voted nay)

FUTURE MEETING:

- October 12, 2021

ADJOURN:

On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted to adjourn the meeting.

The meeting was adjourned at 10:36 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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



September 28, 2021
Medway Planning & Economic Development Board
Meeting

WINGATE FARM SUBDIVISION
MODIFICATION – PUBLIC HEARING
CONTINUATION

- Public Hearing Continuation Notice to 9-28-21, filed with the Town Clerk on 8-25-21
- Email communication and project response letter dated 9-14-21 from Dan Merrikin. Request is to focus discussion on the sight distance issue.
- Sight Distance Review letter from Tetra Tech dated 9-24-21.

NOTE – I have notified the applicant that an extension is needed of the deadline for the Board to act on the subdivision modification application. Dan Merrikin has indicated an extension date to 12-30-21.

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



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TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

MEMORANDUM

July 28, 2021

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

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

RE: **Public Hearing Continuation for Wingate Farm Subdivision Modification**
168 Holliston Street and Wingate Farm Road
Continuation Date – Tuesday, September 28, 2021 at 7:00 p.m.

At its July 27, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Karyl and Eugene Walsh of Medway, MA for approval of a modification to the previously issued subdivision decision and plan for Wingate Farm to Tuesday, September 28, 2021 at 7:00 p.m. The Wingate Farm definitive subdivision plan was approved in 2005; it divided the property into 4 lots with a permanent private roadway known as Wingate Farm Road.

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

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

If you have any comments or recommendations about the proposed modification, please email those to me by September 21, 2021. Thanks.

Susan Affleck-Childs

From: Daniel Merrikin <dan@legacy-ce.com>
Sent: Tuesday, September 14, 2021 2:14 PM
To: Susan Affleck-Childs
Cc: Karyl Spiller Walsh
Subject: Wingate Farm
Attachments: 2021-09-14 Submission.pdf

Hi Susy,

Attached is a comprehensive response letter which includes a sight-distance analysis.

As I'm sure Karyl has discussed with you, we would like the focus of the meeting on the 28th to be sight-distance so that we can hopefully achieve resolution on that item. While I have reviewed the approved stormwater design thoroughly, it is evident that a new report is needed and I would not want to spend Karyl's money on a detailed revised stormwater report until we knew that the Board was ok on the sight-distance topic, as it is a critical item. We would then move forward with the new stormwater report preparation after the 28th.

If you have any questions, please feel free to call.

Thanks

Dan

Daniel J. Merrikin, P.E.
President



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Millis, MA 02054

September 14, 2021

Planning & Economic Development Board
155 Village Street
Town Offices
Medway, MA 02053

Ref: Wingate Farm
168 Holliston Street
Definitive Subdivision Construction/Modification

Dear Members of the Board:

I am writing to respond to various questions and comments that have arisen pertaining to the Wingate Farm subdivision. We have reviewed historical documentation for the development and offer the following commentary for the Board's consideration:

2017-12-07 Tetra Tech (TT) Punch List:

Based on our review of the site conditions and approved plan, we agree that the items noted in Tetrattech's upated punchlist need to be completed. Those items are summarized as follows:

1. Remove 2" of existing driveway gravel and install design finished course of recycled asphalt material.
2. Install landscape plantings per approved plan.
3. Install driveway swales and rip-rap sump and driveway crossing pipe.
4. Clean drainage system.
5. Install electric utilities.
6. Sight distance improvements (see discussion below).



2018-03-23 Tetra Tech (TT) Memo (addressing requirements of current regulations:

General Response: We recognize that there are several documentation requirements from the current subdivision regulations that are not reflected on the previously approved subdivision plan. It is our view, however, that most will not bring substantive value to the subdivision design and would only serve to incur unnecessary cost to the Applicant. It is our hope that the Board will agree that we should focus our efforts on addressing substantive design requirements and concerns as discussed below, rather than expending significant efforts to rework the subdivision plan to accommodate current documentation requirements. See below for further discussion:

Stormwater Items:

1. *Comment: Existing and proposed watershed maps have not been provided in the Stormwater Report.*
2. *Comment: A map of proposed drainage areas tributary to catch basins has not been included in the Stormwater Report.*
3. *Comment: A summary of soils types at the site has not been provided.*
4. *Comment: The applicant has not provided proposed catch basin grate calculations.*
5. *Comment: Calculations for all culverts proposed have not been provided. Culvert analysis of the rip-rap sump and 8" ductile iron pipe culvert has not been included in the drainage analysis.*
6. *Comment: The Long-Term Operation and Maintenance (O&M) Plan does not appear to meet current Stormwater Standards. Furthermore, Stormceptor unit has not been included in the plan.*
7. *Comment: The Applicant has not provided test pit information; however, exfiltration is not considered in the design of the "wetland pond" and therefore test pitting will only be required to confirm soil types for proposed roof drain infiltration.*
17. *Comment: Applicant has included O&M Plan on the Plans. However, inspection and maintenance requirements do not meet current Stormwater Standards.*
19. *Comment: The Applicant has not provided a Stormwater Pollution Prevention Plan (SWPPP).*
20. *Comment: The Plans show house footprints at forty feet (40') by sixty feet (60'). Proposed houses should be shown with a footprint of forty (40') by eight feet (80').*
36. *Comment: Peak rate for the one-hundred (100) year event is greater in the post-development condition.*
37. *Comment: The applicant has not submitted a construction term erosion control plan or SWPPP.*
38. *Comment: The O&M Plan provided does not meet minimum criteria as stated in the Stormwater Standards.*
39. *Comment: The applicant has not submitted necessary documentation for prohibition of illicit discharges at the site.*
40. *Comment: We recommend provide a narrative and checklist of how the Project meets each of the ten (10) Stormwater Standards.*
41. *Comment: Post-development runoff and volume is greater than pre-development for the twenty-five (25) and one-hundred (100) year storm events.*



42. *Comment: Detention basins should be located on their own parcels, not on individual house lots. Proposed detention basin is located within Lot 4, maintenance and access easement has been provided.*

Response: This requirement was not the standard at the time of the subdivision approval and the existing stormwater basin was constructed in reliance on the prior approvals. We do not believe it would be appropriate to impose this requirement on this subdivision now that the basin is already constructed.

43. *Comment: The applicant is proposing using eight-inch (8") ductile iron pipe for driveway culverts, potentially due to cover issues. Regulations require reinforced pipe.*

Response: The approved stormwater design relies on a low-impact development technique of using roadside swales in lieu of curb and gutter systems. Under these conditions, culverts under driveways are needed and ductile iron or HDPE are better suited to shallow cover conditions than RCP.

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

45. *Comment: The applicant has not supplied drainage figures. Figures are essential to cross-referencing proposed HydroCAD analysis with areas on the site.*

46. *Comment: Discharge points from the site have not been shown. These points are essential to understanding and comparing pre- vs. post-development runoff analysis.*

Overall Stormwater Response: Several of the items noted above (1, 2, 3, 6, 7, and 45) are included in the previously approved stormwater report (revised through January 3, 2005).

We have reviewed the previous design carefully, however, and have concluded that it should be revisited. We have noted several issues that we believe need to be addressed in a revised stormwater design. This will include additional test pit data (where needed). We will provide a new comprehensive stormwater report that will include all items normally required in current stormwater system analysis (O&M, SWPPP, etc...).

Our general conclusion is that the proposed conveyance mechanisms (pipes, swales, etc...) are likely satisfactory. The existing stormwater basin, however, provides no credited infiltration capacity and a new stormwater infiltration BMP (likely underground) will be needed to meet current regulations. The calculations also need to be revised to reflect the current Atlas 14 rainfall data and to update other modern calculation criteria. Note that the proposed indoor riding arena will be eliminated on the plan and standard house footprints will be proposed for Lots 1 and 2. This update will result in a significant decrease in proposed impervious coverage. It is our expectation that larger roof runoff infiltration systems combined with a new roadway infiltration system and the already constructed BMPs will meet current regulations.

Note, however, that the redesign of the drainage system involves a significant amount of work and expense to the Applicant, which we do not want to undertake in vain. We have not begun this work in detail yet because of the uncertainty surrounding the sight-distance issues raised



by the Board. We therefore request that the focus of discussion on September 28th be sight distance. Should the Board conclude the sight distance concerns have been adequately addressed, we will then undertake the revised stormwater design and submit it for the Board's review and consideration.

Sight Distance Items:

8. *Comment: The applicant has not provided sight distance calculations for proposed intersection with Holliston Street.*
26. *Comment: Sight distances have not been shown on the Plans.*

Sight Distance Response: We have inspected the sight distance conditions and have reviewed the report prepared by Green International for the Timber Crest development. In that report Green opines that the posted traffic speed on Holliston Street is 35 mph and that the 85th percentile speed is 41 mph. Green recommends installing traffic signage to alert southbound traffic and to decrease operating speeds to the speed limit. Therefore, based on the information provided in AASHTO, the recommended slope-adjusted stopping sight distance is 245 feet for the posted speed limit. Using existing profile data, we have prepared the attached exhibit demonstrating the available stopping sight distance under current and future conditions. The Timber Crest development is required to lower the crest of Holliston Street by approximately two feet, thereby increasing available sight distances.

We have calculated the existing stopping sight distance as 210 feet. Under future conditions, when Timber Crest lowers the road elevation, this stopping sight distance would increase to 265 feet. With respect to intersection sight distance, if the shoulder is improved by removing vegetation and lowering mounded ground and wall elevations, an intersection sight distance of approximately 300 feet can be achieved.

With the previously approved intersection ahead warning sign installed, we believe this to be a reasonable condition for a small subdivision like this. With only three new lots, the number of additional egress trips in the am peak hour is only increased by 2-3 vehicles. Shoulder improvements should be undertaken before lots are released for construction and in the interim time between road completion and the lowering of Holliston Street (by Timber Crest), new warning signs will improve safety for all traffic in the area. We note that Holliston Street has numerous blind driveways (some that back out directly into traffic) and many streets that share similar sight distance conditions. Just in this immediate vicinity we noted that Curtis Lane, Fairway Lane, and Shamrock Lane appear to have similar sight distance characteristics, so this is not an unusual condition. Each of these intersecting roads have far more homes than Wingate Farm.

We therefore propose the installation of the following signage on Holliston Street, which are consistent with the prior approval:

- 30" W2-2L (left intersection ahead) with a W16-4 below reading "250 FEET".



W2-2L

We note further that the Timber Crest development will provide additional traffic mitigation measures that will improve traffic circulation in the area including:

- Two speed display feedback signs (northbound and southbound).
- Advance "Curve Ahead" warning signs, some with LED border lamps (south of the site).

With respect to the timing of the Timber Crest improvements, note that even if a modified subdivision plan were accepted by the Board in the coming months, given the time needed to complete infrastructure improvements and to build new homes, it is unlikely that there would be any new residents living in this development before 2023. By that time, it is likely that the Timber Crest traffic improvements would be underway or imminent. If the Planning is still concerned, the Applicant is willing to consider the installation of additional signage in advance of the Timber Crest improvements. That could include a new southbound speed limit sign in this area or perhaps a speed display feedback sign (although Timber Crest is supposed to install this).

Previously Waived Items: It is noted that this subdivision is approved under a prior version of the subdivision regulations. Provided the Board were to agree to extend the time to complete the construction of the subdivision infrastructure, we do not believe that new waivers would be needed for the following items since they have already been waived. In general, it should be noted that most of the waivers revolve around accommodating the low-impact design of the proposed private way, which we believe to be a beneficial design feature.

11. *Comment: Vertical datum has not been noted on the Plans. The applicant requested a waiver from similar regulation and based on the waiver request it can be assumed vertical elevation are in the NGVD 29 datum, not the required NAVD 88 datum.*

Response: See the General Response above. Updating the datum of the plan would not result in any material improvement in the design. We can add a notation of the datum on the plans along with a correction factor to convert to NAVD88 for reference.

18. *Comment: Street lights have not been proposed.*

Response: Note that the Grading plan does depict proposed lights at driveway entrances.

23. *Comment: The applicant has proposed an eighteen-foot (18') traveled way. In past projects the Medway Fire Chief has required a twenty-foot (20') way for proper access to all lots with emergency vehicles.*

Response: We will meet with the Fire Department to discuss this comment. It may prove satisfactory to the Fire Department to widen the road in certain areas, but not throughout. However, should it become necessary to widen the road to 20 feet, there is ample room to do so and we can modify the plan accordingly.

24. *Comment: The applicant has proposed minimum horizontal centerline radii of less than the required one-hundred fifty feet (150').*

25. *Comment: The applicant has proposed property line radius at intersection of Holliston street right-of-way of less than the required twenty-eight-foot (28') minimum. Proposed edge of pavement radius is also less than the required forty-foot (40') minimum.*

27. *Comment: The applicant has proposed a private way that is less than the required fifty feet (50').*

30. *Comment: The applicant has proposed a gravel roadway, Regulations require hot mix asphalt paving.*

31. *Comment: The applicant has not proposed vertical granite curbing at intersection with Holliston Street.*

32. *Comment: The applicant has not proposed curbing along the entire length of the subdivision roadway.*

33. *Comment: Street trees have not been proposed. However, the applicant proposes to retain as many mature trees as possible as part of the Project.*

34. *Comment: The applicant has not proposed street lighting. This regulation has been waived in the past and driveway lights required at each driveway opening.*



Other Items:

9. *Comment: An ANRAD determination from Medway Conservation Commission has not been supplied by the applicant, wetlands exist on the site.*

Response: This development was previously approved, and an Order of Conditions was previously issued, which is equivalent to an ANRAD. While we believe this regulation requirement is technically met, it should be understood that the proposed roadway improvements that would result from the revisions discussed herein may require a new Order of Conditions from the Conservation Commission (if any of the work falls within the Buffer Zone). Note that the wetland boundary on the site is along the northeasterly side of the existing stormwater basin. None of the design revisions currently contemplated by our office would involve work in proximity to those wetlands as we do not anticipate modifying the existing stormwater basin.

10. *Comment: The existing conditions plan does not contain locations of free-standing trees with a diameter of one-foot (1') or greater at twenty-four inches (24") above grade.*

Response: See the General Response above. We do not believe the significant cost associated with adding this information to the plan would significantly improve the subdivision design.

12. *Comment: Wetland buffer zones per the Massachusetts Wetlands Protection Act have not been shown on the Plans.*

Response: This can be added to the updated grading plans we anticipate providing with the revised stormwater design.

13. *Comment: Lot shape factor lines have not been included for each lot.*

Response: We can provide an updated layout sheet if needed.

14. *Comment: List of waivers should include items related to the submission of a definitive subdivision plan.*

Response: If the Board were to extend the time to construct the subdivision after the resolution of the remaining technical questions, we do not believe that any further waivers would be needed, although this can be explored further.

15. *Comment: Sewage disposal system has not been shown for Lot 2.*

Response: This can be added to the updated grading plans we anticipate providing with the revised stormwater design.



16. *Comment: The applicant has not supplied test pit data.*

Response: Test pit data is provided in the previously approved 2005 stormwater report but we anticipate providing additional testing information with the revised stormwater design.

21. *Comment: The applicant shall provide a statement on plans that proposed septic facilities will be approved by Medway Board of Health prior to house construction, see regulation for wording.*

Response: This can be added to the updated grading plans we anticipate providing with the revised stormwater design.

22. *Comment: The applicant has not stated spare conduit on the "Typical Driveway Section" detail.*

Response: We can add this to a revised detail plan.

28. *Comment: The applicant has proposed portions of the proposed private way at less than minimum 2% grade.*

Response: Given that this plan is permitted under the prior regulations, it is not clear that this is applicable. The shallowest proposed roadway grade is in the cul-de-sac, and while it is our opinion that the proposed grade of 1.12% is adequate, it could be increase to 2% if the Board felt this was a significant concern.

29. *Comment: We recommend the applicant consult with the Medway Fire Chief to determine if proposed turnaround is sufficient for emergency vehicles.*

Response: We plan to do so as we move forward with the revised stormwater management system design.

35. *Comment: Areas of snow removal should be shown on the Plans. Snow should not be placed in stormwater BMP's.*

Response: The layout sheet includes a snow storage easement on Lot 4 at the end of the cul-de-sac area.

Do not hesitate to contact me should you have any questions or comments.

Yours Truly,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.
President



September 24, 2021

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

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

Dear Ms. Affleck-Childs:

As requested, Tetra Tech (TT) has reviewed the sight distance evaluation prepared by Legacy Engineering for the proposed Wingate Farm residential subdivision to be located at 168 Holliston Street in Medway, Massachusetts. The Project site consists of approximately ± 5.5 acres of land and currently supports one existing single-family home. The proposed project calls for the subdivision of the property to create three additional house lots, with the existing home to remain. Access to the site is currently provided by an existing residential driveway on the east of the Holliston Street. As currently proposed, the existing residential driveway will be reconstructed to provide a new private subdivision road located just north of the existing residential driveway.

TT is in receipt of the following materials:

- *Definitive Subdivision Construction/Modification, Wingate Farm, 168 Holliston Street, Medway, MA* prepared by Legacy Engineering, dated September 14, 2021.

The September 2021 memorandum (Legacy memo) as it relates to sight distance (memo Item numbers 8 and 26) was reviewed for conformance with the Town of Medway PEDB Rules and Regulations (Regulations) and standard engineering practice.

SIGHT DISTANCE REVIEW

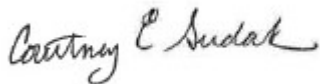
1. The Applicant did not provide the supporting sight distance calculation. It is recommended that the Applicant provide the stopping sight distance (SSD) calculation to ensure it includes the appropriate grade of the roadway segment in advance of the driveway (braking distance) as specified in the American Association of State Highway Officials (AASHTO) guidance for this calculation.
2. The Applicant's engineer based their sight distance assessment on the posted speed limit of 35 mph along Holliston Street. However, the Applicant's engineer also states that the 85th percentile travel speed on the critical Holliston Street southbound direction approaching the site is higher than the posted speed limit, based on the observed travel speed data previously submitted by the nearby Timber Crest residential development. The sight distance requirements for the 85th percentile travel speed would be higher than those reported in the Legacy memo for the posted 35 mph speed limit. It is recommended that the Applicant provide the SSD calculation for the 85th percentile travel speed as well.
3. The Applicant did not provide a profile for the intersection sight distance (ISD) for the proposed subdivision roadway looking to/from the north on Holliston Street. There appears to be multiple potential sight distance obstructions (i.e., large diameter trees, rock wall, etc.) that should be considered. It is, therefore, recommended, that the ISD profile be provided to confirm the obstructions and on-site regrading needed within the ISD triangle (including the proposed sight distance easement and public right-of-way). All

vegetation, on-site grading and objects (i.e., fencing, signage, etc.) within the sight distance triangles should be kept to a height of 2 feet or less.

4. It is also recommended that the Applicant confirm that the vertical SSD profile provided is based on the appropriate roadway elevation. It appears that the same elevation for the 2-foot high object may have been used for both SSD analyses (with and without Timber Crest roadway regrading).
5. It is recommended that the Applicant document the specific plans used to estimate Timber Crest's proposed roadway regrading and confirm that they are the latest approved by the Town.
6. The Applicant states that minimum SSD criteria will not be met for the posted speed limit without the Timber Crest roadway improvements in place and did not comment on the ISD without regrading. Furthermore, the SSD requirement would not be met based on existing roadway grades for the 85th percentile travel speed. The Applicant should provide a summary table comparing the required and available SSD and ISD for the posted and 85th percentile travel speeds with and without the Timber Crest roadway regrading. The available and required sight distance values should account for Tetra Tech's comments outlined previously in this comment letter.
7. The Applicant proposes to install advance warning signage (intersection ahead) and speed radar assemblies if the Timber Crest improvements are not yet in place before Wingate Farm's occupancy to enhance safety at the proposed Wingate Farm subdivision roadway intersection with Holliston Street. Tetra Tech recommends that the advance intersection signage for Wingate Farm be installed regardless of the status of the Timber Crest roadway improvements. The placement and number of advance warning signage should be coordinated with any additional signage to be installed for the Timber Crest project to ensure there is no signage overload.
8. The Applicant did not provide an analysis of sight distance to/from the south of the proposed subdivision roadway. Given the proximity to the adjacent property to the south, it is recommended that the Applicant provide the sight distance calculations for minimum ISD looking to/from the south and provide the ISD triangle on the site plans to determine if a sight distance easement and/or any clearing (i.e., large diameter trees) will be needed in that direction as well.

These comments are offered as guides for use during the Town's review and additional comments may be generated during the course of review. The Applicant is advised that any absence of comment shall not relieve them of the responsibility to comply with all applicable local, state and federal regulations for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Courtney E. Sudak, PE
Senior Project Engineer

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\DOCS\WINGATE FARM-PEDBREV_SIGHT DISTANCE (2021-09-24).DOCX



September 28, 2021
Medway Planning & Economic Development Board
Meeting

CONSTRUCTION REPORTS

- TT Field Report #23 for William Wallace Village dated 9-7-21
- TT Field Report #87 for Millstone Village dated 9-3-21

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

FIELD REPORT

Project William Wallace Village	Date 09/07/2021	Report No. 23
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 70°F P.M.

FIELD OBSERVATIONS

On Tuesday, September 7, 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 witness binder course installation. Lorusso Corporation on-site performing paving operations, starting at the northern portion of the driveway, working clockwise around Infiltration Basin #2, then south towards Village Street. Paving Contractor places approximately 2.5" (loose) of bituminous concrete asphalt to obtain a 2" compacted, finished depth. Temperatures ranged from 260°F - 285°F out of the paver screed. Binder course is procured from Lorusso's asphalt plant in Norwood, MA. Upon departure, Contractor nears completion of paving operations at the inbound side of the driveway.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		Lorusso Corporation	Binder Course Paving
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers	4	Rubber Tire Backhoe/Loader		Static Roller	1		
Oper. Engr.	1	Skid Steer	2	Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	3	Jack Hammer			
Iron Workers		Mini-Excavator	1	Power Saw			
Electricians		Grader	1	Conc. Vib.			
Flagpersons		Crane		Tack Truck			
Surveyors	1	Scraper		Man Lift			
Roofers		Conc. Mixer		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Truck		Compact Track Loader	1		
		Conc. Pump Truck		Porta-John	1		
		Pickup Truck	5+	Dumpster (15 Yard)			
		Tri-Axle Dump Truck	4				
		Trailer Dump Truck					
Police Details: 1 Police Detail at Driveway Entrance.						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.	8:00 A.M. – 10:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 09/07/2021	Report No. 23
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to begin placing loam and seed for the at-grade infiltration basins.
- 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. Repair sections of damaged SFB on the eastern portion of the site.

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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

FIELD REPORT

Project Millstone Village	Date 09/03/2020	Report No. 87
Location Winthrop Street, Medway, MA	Project No. 143-21583-14018	Sheet 1 of 2
Contractor Titan Contractors Inc.	Weather A.M. CLEAR P.M.	Temperature A.M. 70°F P.M.

FIELD OBSERVATIONS

On Friday, September 3, 2021, Bradley M. Picard, E.I.T. from Tetra Tech (TT) visited the project location with Bridget Graziano (Medway Conservation Agent) to inspect cleared areas within Conservation Commission jurisdiction. The following report outlines observations made during the site visit.

1. Observations

- A. TT visited the project with Medway Conservation Commission to review areas that have been cleared within the 25' No Disturb Zone. Roger Cotte of Millstone's Homeowners Association and the Landscaping Contractor present at the site meeting to review areas where violations occurred. Several areas throughout the perimeter of the site appear to have been cleared beyond the conservation bounds and beyond the lawns of the properties adjacent to the 25' No Disturb Zone. Landscaping Contractor shall follow the direction of Medway Conservation Commission on necessary corrective measures, including the addition of native shrubs and placement of wildlife seed mix. Medway Conservation also stated a signed document will be required for all current or future landscaping companies that are hired by the development stating that they are aware of the State and local regulations, along with the project's Order of Conditions, and will not violate these laws and permits.

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 Wagon			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck				Bridget Graziano	Medway Conservation
		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
					Bradley M. Picard, E.I.T.		9:30 A.M. – 10:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Millstone Village	Date 09/03/2020	Report No. 87
Location Winthrop Street, Medway, MA	Project No. 143-21583-18008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor will contact TT for further inspections as the site is nearing substantial completion.

3. New Action Items

- A. Developer and Landscaping Contractor to coordinate with Medway Conservation Commission for necessary corrective measures at the cleared areas within Conservation Commission jurisdiction.

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A



September 28, 2021
Medway Planning & Economic Development Board
Meeting

WILLIAM WALLCE VILLAGE
PERFORMANCE SECURITY
UPDATED 9-27-21

- Updated punch list and bond estimate from Tetra Tech, dated ~~9-22-21~~. **9-27-21**. Bond estimate is \$354,324.
- DRAFT Release of Covenant to allow for additional building
- DRAFT Performance Security Agreement for Cash Deposit

Additional related items that need attention pursuant to the WWV decision conditions:

- Documentation must be provided that the original performance security covenant was recorded. This has been requested and is forthcoming from the applicant's attorney.
- Documentation must be provided that the Affordable Housing Local Initiative Program/Local Action Unit application has been submitted to MA Department of Housing and Community Development for approval. (*This is needed so that the WWV affordable housing unit can count on the Town's Subsidized Housing Inventory*). The LIP/LAU application must be reviewed and authorized by

the Select Board (scheduled for its 10-4 mtg) and the Affordable Housing Trust (scheduled for 9-29).


- AH Regulatory Agreement (*permanent affordable housing deed restriction*) has to be approved by the Select Board (scheduled for its 10-4 mtg) and documentation must be provided that it has been submitted to MA DHCD before building permits are issued for units other than units 1 and 2 (the first duplex)
- ALSO . . . a building permit for the 7th dwelling unit cannot be issued until the AH Regulatory Agreement is approved by DHCD and recorded at the Norfolk County Registry of Deeds

NOTES

1. I checked with the Treasurer/Collector's office on tax status for this property. Everything is current.
2. After TT's September 15th invoice for services through August 31st, the WWV construction account has a balance of \$421.56. So we need to have Mr. Rucki replenish that account for continued TT inspection services. I have asked Steve Bouley to prepare for a change order with a cost estimate to cover remaining construction services.

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)
(revised September 27, 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.

TT 9/27/21 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. Items stricken in previous correspondence have been removed to consolidate the list for ease of review.

Outstanding Minimum Infrastructure Items (Pursuant to Section VIII.I of the Decision)

These items are not included in the bond estimate as they must be completed prior to implementation of bonding for the Project.

- ~~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. TT 9/27/21 Update: Contractor has completed installation of all drainage infrastructure on-site. Upon inspection, contractor is currently adding loam and erosion control blankets to the at-grade basins as well as regions downstream of outfalls. In our opinion, this item is resolved.~~
- ~~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. TT 9/27/21 Update: This item was not specified in the Decision as having to be completed prior to building permit release and will be removed from this section in subsequent revisions. The item has been relocated to the "Utilities" Section, see Item 26. Cost of this item has been paid for in advance by the Developer (to the utility) and is not included in the bond estimate.~~
- ~~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.~~ **TT 9/27/21 Update: Signage throughout the site has been installed. In our opinion, this item is resolved.**

6. ~~Install stop line pavement markings on binder course.~~ **TT 9/27/21 Update: Stop line pavement markings have been installed. In our opinion, this item is resolved.**
7. ~~Install binder course for proposed sidewalk.~~ **TT 9/27/21 Update: This item was not specified in the Decision as having to be completed prior to building permit release and will be removed from this section in subsequent revisions. The item has been relocated to the "Items to be Completed" Section, see Item 10. Consequently, the cost of completing the work has been added to the Project's Bond Estimate.**
8. Provide as-built information for the Drainage System for review. The plan can be provided in draft form to confirm critical elevations and basin topography are consistent with the approved plans. Final as-builts will be required at the completion of the Project.

Items to be Completed

10. Install binder and 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 final as-built plans of the Project.

Regulatory Administrative (Other Boards/Commissions)

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

Utilities

26. 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. TT 9/27/21 Update: Developer has informed TT that the wire has been installed but awaiting installation of transformers and continues to coordinate with utility for completing the installation.**

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 27, 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	\$8,300.00	\$8,300
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	Binder Course - Sidewalk	17	TON	\$110.00	\$1,870
008	Top Course - Sidewalk	20	TON	\$110.00	\$2,200
009	Top Course - Roadway	140	TON	\$110.00	\$15,400
010	Granite Block Wall	84	FT	\$195.00	\$16,380
011	Vinyl Privacy Fence	330	FT	\$63.00	\$20,790
012	Irrigation Well	1	EA	\$15,000.00	\$15,000
013	Landscaping	1	LS	\$65,000.00	\$65,000
014	Post Light	18	EA	\$2,500.00	\$45,000
015	Loam Borrow	370	CY	\$57.00	\$21,090
016	Seeding	2,213	SY	\$2.00	\$4,426
017	Jute Mesh for Stabilization	2,213	SY	\$6.00	\$13,278
018	Signage	4	EA	\$125.00	\$500
019	Striping	1	LS	\$1,500.00	\$1,500
020	Conservation Bounds	11	EA	\$600.00	\$6,600
021	Snow Plowing ²	1	LS	\$3,000.00	\$3,000
022	Street Sweeping ²	1	LS	\$2,000.00	\$2,000
023	Clean Catch Basins/WQ Units ²	16	EA	\$250.00	\$4,000
024	Maintain Common Areas/Basins/Infiltration System ²	1	LS	\$4,000.00	\$4,000
025	Maintain Silt Sacks ²	2	EA	\$150.00	\$300
026	Remove Erosion Controls	1	LS	\$2,500.00	\$2,500
027	Legal/Engineering Services	1	LS	\$6,000.00	\$6,000
028	As-Builts	750	LF	\$5.00	\$3,750

Subtotal \$283,459
25% Contingency \$70,865
Total \$354,324

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 highlighted 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.

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

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that all dwellings to be constructed in the William Wallace Village Condominium, created by Master Deed dated _____, 2021, recorded with the Norfolk County Registry of Deeds in Book _____, Page _____, and being located on Lot C-2 and Parcel A as shown on plans entitled *William Wallace Village, Medway, MA* dated June 25, 2019, last revised March 24, 2020, drawn by Legacy Engineering LLC which were recorded with the Norfolk County Registry of Deeds on August 14, 2020 as pages 24-29 in Plan Book 694 of 2020, to which reference may be made for a more particular description, are hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Multi-Family Housing Development Covenant dated as of April ____, 2020, and recorded with said Registry of Deeds in Book _____, Page _____. This Release of Covenant is a release of the entire covenant and relates to all Units in the above referenced project.

Executed under seal this _____ day of _____, 2021.

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS.

On this _____ day of _____, 2021 before me, the undersigned notary public, personally appeared _____

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

Notary Public
My commission expires:

***Town of Medway
Planning and Economic Development Board***

Agreement for Deposit of Money to Secure Performance

This performance Agreement is entered into this ____ day of September, 2021, between the Town of Medway, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053

(hereinafter referred to as “the Board”), and DTRT, LLC, a Massachusetts limited liability company (hereinafter referred to as “the Applicant”) with a usual place of business and address of 10 Hunt Street, N. Falmouth, MA 02556 to secure the completion of site improvements as shown on an approved site plan described below.

WHEREAS, on January 28, 2020, after a duly noticed public hearing, the Board issued a Multi-Family Housing Special Permit and Site Plan Decision (the “Site Plan Decision”) to DTRT, LLC for a site plan which is entitled “William Wallace Village, Medway, MA” for the site located at 274 Village Street, prepared by Legacy Engineering LLC, of 730 Main Street, Suite 2C, Millis, MA 02054 dated June 25, 2019, Latest Revision March 24, 2020 (hereinafter referred to as “the Site Plan”) and endorsed its approval on said plan on April 10, 2020; and

WHEREAS, the Board’s Site Plan Decision requires the applicant to post a performance guarantee if an occupancy permit is sought before all approved site improvements are completed; and

WHEREAS, the Applicant has decided to secure the completion of site improvements by means of providing a sum of _____ dollars, said amount based on the estimate provided by the Town’s Consulting Engineer and approved by the Board on September ____, 2021;

NOW, THEREFORE, the parties agree as follows:

1. The Applicant hereby binds and obligates itself, its executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$_____, and has secured this obligation by depositing with the Town of Medway Treasurer a deposit of money in the above sum to be deposited in an escrow account in the name of the Town of Medway. The deposit of money to be used to secure the performance by the Applicant of all conditions, agreements, terms and provisions contained in the Board’s Site Plan Decision dated _____; all conditions subsequent to approval of the site plan due to an amendment, modification or revision to the Site Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents: Full Release of Covenant (hereinafter the “Approval Documents”).

2. The Applicant shall complete the construction and installation of site improvements no later than July 15, 2024. Said date is three (3) years from the date of endorsement of the Site Plan, plus an additional one (1) year, three (3) months, and five (5) days added pursuant to Chapter 53 of the Acts of 2020, as amended by Chapter 201 of the Acts of 2020 adopted in response to the Covid-19 pandemic. The Site Plan was endorsed on April 10, 2020. Therefore, the required completion date is July 15, 2024.

3. Upon completion of all obligations as specified herein and as may be included in the Site Plan Decision, on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the Board shall release the Applicant from this Agreement.

4. In the event the Applicant should fail to complete the site improvements as specified in the approved Site Plan and within the time herein specified, the Board may apply the funds held by the Treasurer of the Town of Medway, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete the construction of site improvements as provided in this Agreement. Any portion of the funds that are not applied as set forth above, shall be returned to the Applicant upon completion of the site improvements by the Town of Medway.

5. The Board, after notice to the Applicant and an opportunity for the Applicant to be heard, may rescind its approval of the Site Plan for breach of any provision of this Agreement or any amendments thereof.

6. The Board, at its discretion, may grant an extension of time and/or reduce the amount of the deposited funds and notify the Applicant and the Treasurer of the Town of Medway of any authorized adjustment.

7. The Applicant and the Board agree and understand that the Board will not release the funds in full until the site improvements have been deemed by the Board to be constructed and installed in accordance with the approved Site Plan and the Approval Documents. This Agreement does not expire until the Board releases the funds in full.

9. If a court of competent jurisdiction determines that any provision of this Agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of September, 2021.

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

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of September, 2021, before me, the undersigned notary public, personally appeared the following members of the Medway Planning and Economic Development Board, _____

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

Notary Public
My commission expires: _____

APPLICANT/OWNER/DEVELOPER

By: _____
Gregory A. Rucki, Manager

Title/Position: Manager

Organization: DTRT, LLC

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of September, 2021, before me, the undersigned

notary public, personally appeared the above-named _____,
Applicant or person duly authorized to execute this Agreement on behalf of the
Applicant, proved to me through satisfactory evidence of identification, which was
(personal knowledge) (Massachusetts driver's license), to be the person whose
name is signed on the preceding document, and acknowledged to me that it was
signed voluntarily for its stated purpose.

Notary Public
My commission expires: _____

.....

APPENDIX

A. SITE PLAN DECISION

B. SITE IMPROVEMENTS COMPLETION COST ESTIMATE



September 28, 2021

**Medway Planning & Economic Development Board
Meeting**

**Appointments to the Medway Open
Space Committee**

- Memo dated 9-24-21 from Susy Affleck-Childs
- Letter of interest dated 7-16-21 from Sharon Callahan
- Letter of interest received 7-22-2021 and resume from Laura Connolly
- Letter of interest dated 8-4-2021 from Andrea Burke
- Email dated 9-24-21 from Open Space Committee chair Tina Wright

Susan E. Affleck-Childs

Planning and Economic
Development Coordinator



Medway Town Hall
155 Village Street
Medway, MA 02053
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Email: sachilds@
townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT OFFICE

September 24, 2021

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

The Medway Open Space Committee (OSC) presently has 3 openings. Two positions have been open for quite some time. One position recently opened up with the resignation of Bruce Hamblin.

As a result of some recruitment efforts, there are 3 individuals who have expressed interest in serving on the Committee. The letters of interest and resumes for Andrea Burke, Sharon Callahan, and Laura Connolly are attached. All candidates have attended one or more meetings of the Open Space Committee.

I recommend the PEDB make the following appointments:

Andrea Burke for a term through June 30, 2022
Laura Connolly for a term through June 30, 2023
Sharon Callahan for a term through June 30, 2023

The continuing members of the Open Space Committee are Tina Wright and Mike Francis who you recently reappointed; their terms conclude June 30, 2023. Other continuing OSC members are Denise Legee, Charlie Ross, Jim Wickis and Joanne Williams whose terms conclude June 30, 2022.

cc: Barbara Saint Andre

August 4, 2021

Medway Planning and Economic Development Board

Medway Town Hall

155 Village Street

Medway, MA 02053

Dear Ladies/Gentlemen:

Upon the advisory notice that the Open Space Committee in town had two current openings, I submitted a query letter of interest to Susan Affleck-Childs, who in turn forwarded it to the chair of the committee, Tina Wright. Ms. Wright invited me to a meeting of the committee, which is held the first Tuesday of the month and I was able to observe what the group did last evening. At the conclusion of the agenda, she asked me and another applicant if we were still interested and we both were. Note there are currently two vacancies. She suggested we forward a resume or synopsis of our experience and rationale why we wanted to volunteer to serve and address it to the Board of Select(wo)men.

I have been very involved in the Medway Trail club and highly respect three members of the committee who have mutual appointments to the Open Space committee and feel we work well together for the purpose of envisioning what Medway residents need and want from the town's open spaces. I was an honors communications major in college after graduating from the Medway Public schools. I grew up in Medway and relocated after college but always retained contact with the town as my late parents lived here more than 60 years. I also moved back to Medway for two years in the early 1990s. I relocated here again 7 years ago and my house is located at 9 Cassidy Lane. I have worked in the communications field part time in both print and broadcast media even before I graduated from college and also retired pre Covid after 31 years working as a licensed optician. I am also a Justice of the Peace in town. I am a Principal Master Gardener with the Massachusetts Master Gardener Association, do landscape photography as an avocation, and am a member of Mass Audubon and the Massachusetts Horticultural Society. I have a great passion for the town's trails and open spaces and feel I could contribute to the mission statement of said committee. Please be assured that any attention offered my credentials would be very much appreciated. Thank you.

Sincerely,

Andrea Burke

9 Cassidy Lane

Medway, MA 02053

Topiandyb51@yahoo.com

508-520-7243

To Whom it may concern,

I am writing to express my interest in serving on the Open Space Committee for Medway. I have been a resident of Medway for 14 years and am a dedicated member of this community. I feel this would be a great opportunity to help our community continue to grow. I look forward to the opportunity to further the committee's goals of utilizing Medway's open spaces to the most beneficial options available to the town.

Thank you for your consideration.

Sincerely,
Laura Connolly

Laura E. Connolly, M.D.

10 Iarussi Way
Medway, MA 02053
(508) 380-4418
leconnolly@gmail.com

EDUCATION:

2000-2004	M.D. University of Massachusetts Medical School Worcester, MA
1995	EMT-B Kennebunkport Community College Kennebunkport, ME
1994-1998	B.A. (Summa cum Laude), Biology Colby College Waterville, ME

POST-GRADUATE TRAINING:

2006-2007	Chief Resident, Emergency Medicine UMass Memorial Worcester, MA
2004-2007	Resident in Emergency Medicine Umass Memorial Worcester, MA
2004-2007	Flight Physician Lifeflight Worcester, MA

WORK EXPERIENCE:

2019-present	Attending Physician, Emergency Medicine Milford Regional Medical Center Milford, MA
2007-2019	Attending Physician, Emergency Medicine Metrowest Medical Center Framingham, MA

LICENSURE AND BOARD CERTIFICATION:

MA License #230507
ABEM Board Certification 2008, 2018

REFERENCES:

Available upon request

July 16, 2021

Hello,

I'm writing to express my interest in joining the Open Space Committee.

Friends of mine, Joanne Williams and Denise Legee, recently made me aware of the new opening. I have been working weekly for the past 1 ½ years with my fellow Medway Trail Club members in an effort to remove invasive species and general pruning of the ever growing trail system here in Medway. I'm hoping that by joining the Open Space Committee, I can continue to build my involvement with helping to guide our town spaces and forests in a positive way.

I look forward to hearing about next steps!

Best,
Sharon Callahan
15 Skyline Drive

Susan Affleck-Childs

From: Tina Wright <Tina.Wright@tbrassociates.com>
Sent: Friday, September 24, 2021 10:38 AM
To: Susan Affleck-Childs; Denise Legee
Subject: Appointments to OSC - Please reply

Good morning Susy, the Open Space Committee has 3 openings and fortunately 3 individuals who have visited our meetings and expressed an interest in joining the committee. I understand they have been invited to the next Economic Development Meeting to further express their interest in joining Open Space. We would welcome their addition to the Open Space Committee.

The 3 candidates are:– Sharon Callahan, Andrea Burke and Laura Connolly.

Thank you.

Tina Wright
Co-Chair Medway Open Space



September 28, 2021
Medway Planning & Economic Development Board
Meeting

Phytopia PUBLIC HEARING
CONTINUATION

- Public Hearing Continuation Notice to 9-28-21, filed with Town Clerk on 8-25-21
- Letter dated 9-15-21 from attorney Ted Cannon regarding plant waste from marijuana cultivation and processing
- Email dated 9-21-21 regarding project status and requests for a continuation and for the Board to begin work on a decision

I have asked Mr. Cannon to Zoom in briefly so you can discuss his 9-15-21 letter and his 9-21-21 email request.

Board Members

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



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TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK
AUG 25 '21 PM 3:31

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 Phytopia, Inc
Marijuana Special Permit, Major Site Plan, Groundwater Protection Special
Permit, and Reduced Parking Special Permit
Continuation Date - Tuesday, September 28, 2021 at 7:45 p.m.*



At its August 25, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Phytopia, Inc. of Peabody, MA for approval of special permits to operate a non-retail Registered Medical Marijuana cultivation and processing establishment and a Recreational Marijuana (adult-use) cultivation and processing establishment, a major site plan, a groundwater protection district special permit, and a reduced parking special permit for a proposed development at 6 Industrial Park Road to Tuesday, September 28, 2021 at 7:45 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The applicant proposes to use the existing 53,128 sq. ft. industrial manufacturing building at 6 Industrial Park Road and construct a 66,238 sq. ft., 2-story addition to the existing building for the cultivation, manufacturing, processing, and packaging of marijuana for medical use and adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities. A retail marijuana operation is NOT proposed.

The planned scope of work includes interior renovations to the existing building, construction of the addition, improvements to the access/egress driveways, installation of curbing, parking area improvements, landscaping, lighting, and installation of and improvements to stormwater drainage facilities. The planned work is shown on a plan titled *Industrial Park Road*, dated April 1, 2021 prepared by Williams & Sparages Engineers, Planners and Surveyors of Middleton, MA. The architectural drawings dated April 6, 2021, last revised June 2, 2021 were prepared by Anderson Porter Design of Cambridge, MA. Noise and odor mitigation plans have also been provided. The project is also subject to the Conservation Commission for an Order of Conditions and a Land Disturbance Permit.

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

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

The Board welcomes review comments from Town staff, boards and committees.

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

Susan Affleck-Childs

From: Edward V. Cannon <evc@ddcrwlaw.com>
Sent: Monday, September 20, 2021 6:03 PM
To: Susan Affleck-Childs
Subject: Phyto

Hi Susy,

Happy almost fall.

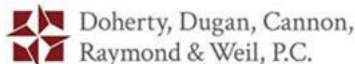
Kevin Doherty has completed his groundwater modeling and filed his report with Con Comm. Unfortunately, Chris Sparages the engineer is away this week, so we will not be able to update the plans, etc. to reflect the results that Kevin has found (which all support both the Con Comm and Groundwater SP proceedings). So Chris Sparages will not be able to finish with Con Comm until their 10/14 meeting – although Kevin Doherty will finish up his end of things with Con Comm this Thursday. Since that is the case, can we please continue the PEDB meeting from 9/28 to 10/26 (the first PEDB meeting after 10/14)? We should have not problem getting proposed final information and plans to you and Tetra Tech to be ready to finish up with the PEDB on 10/26.

Given the challenges of this location, and the length of the time the groundwater modeling has taken, the time frame for the public hearing process has gone well past what Phytobia was hoping would be the case. In an effort to try to help move things along, since the PEDB did at least informally appear to look favorably upon this project, will the PEDB please consider using the time between now and 10/26 to circulate draft decisions for each of the items of relief requested? Utilizing the next 30+ days in this fashion will make a huge difference for this project. If you would like me to generate draft decisions I can certainly do that if that helps you and/or the PEDB in any way.

Thank you and thanks for your continued help throughout the proceedings.

Ted

Edward V. Cannon, Jr., Esq.



124 Grove Street, Suite 220
Franklin, MA 02038

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FAX: 508-541-3008

MOB: 508-735-8852

EVC@ddcrwlaw.com

STATEMENT OF CONFIDENTIALITY

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

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Doherty, Dugan, Cannon,
Raymond & Weil, P.C.

Edward V. Cannon, Jr.
evc@ddcrwlaw.com

124 Grove Street
Suite 220
Franklin, MA 02038
TEL. NO. (508) 541-3000
FAX NO. (508) 541-3008

September 15, 2021

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

RE: 6 Industrial Park Road, Medway, MA
Medway Flower LLC
Groundwater Special Permit

Dear Susy:

Phytopia is providing this letter to let the PEDB know how they are handling the various materials to be used and produced on the property.

Plant waste is not hazardous waste, but it will be captured in a sealed waste compactor and disposed of it in accordance with Massachusetts Cannabis Control Commission (CCC) guidelines and requirements.

Terpenes will be mostly reused. A fraction of a percentage will be captured from the airstream via the exhaust through a carbon filter. The carbon filters, once they are removed from the system for replacement, become hazardous material. Phytopia will provide the specifications for these filters as soon as they are available but they are not very large, which means that by the implementation of a prudent replacement schedule, well below 100 kg per month of hazardous material will be generated on the premises, which makes Phytopia a *Very Small Quantity Generator of a Class A Regulated Recyclable Material (RRM)* per 310 CMR 30.010, which in turn means that Phytopia qualifies under the exception set forth in Zoning Bylaw Section 5.6.3.E.2.h.i.

Once a carbon filter is pulled from the system for replacement it is disposed of promptly and not stored on the premises. The spent filters will be removed from the premises by a licensed hazardous material disposal company such as Triumvirate or Clean Harbors, for example. Phytopia is committed to strict compliance with all hazardous material regulations and reasonable conditions of operation to ensure that best practices are implemented for the disposal of this hazardous material.

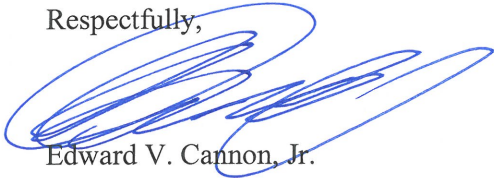
Ethanol will be captured in the process and recycled. There will be no onsite disposal of ethanol. Only very small amounts will be used for cleaning. Ethanol emissions will be very low and will be captured and disposed of via the same carbon filtration process described above. In the rare instance that ethanol disposal is required a licensed hazardous material disposal company will be engaged for proper removal. The volume of ethanol on site at any one time will be one five (5) gallon container or less and within the limits prescribed by the Medway Fire Department of Massachusetts regulations.

The quantity of salts drained into the sanitary waste system will be within the limits permitted by the CRWA Discharge Permit already issued to Phytopia. In addition, all floor drains will be connected to the sanitary waste system and will capture only the types and amounts of materials that are permitted by said CRWA Discharge Permit.

It is too early in the process to have a firm set of plans and procedures for site operations, including the handling and removal of hazardous material. However, Phytopia will be pleased, as a condition of operations, to have final plans and procedures developed in consultation of the CCC, CRWA, and various town departments such as Fire, Police, Health.

Phytopia looks forward to discussing these issues further with the Board during the September 28th meeting, as well as responding to any further questions or concerns that may arise from the town's consultant.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Edward V. Cannon, Jr.', is written over a large, stylized blue oval shape.

Edward V. Cannon, Jr.

Enclosures

cc: Alex Athanas
Angelo Frangoulidis
Peter D'Agostino
Chris Sparages
Brian Anderson

F19-039



September 28, 2021
Medway Planning & Economic Development Board
Meeting

CORRESPONDENCE

- Memo to ZBA dated 9-22-21 re: 6 Spring Street AFDU
- Memo to ZBA dated 9-22-21 re: Ocean State Outdoor Display Special Permit
- Letter dated 9-22-21 from Steve Bouley/Tetra Tech with a punch list for the Hartney Acres subdivision (Newton Lane)

Board Members

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



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

MEMORANDUM

September 22, 2021

TO: Zoning Board of Appeals
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Petition for 6 Spring Street Accessory Family Dwelling Unit Special Permit

Thank you for the opportunity for the Planning and Economic Development Board (PEDB) to comment on the recent petition of John and Lesley Kinney to the Zoning Board of Appeals for an accessory family dwelling unit (AFDU) special permit for 6 Spring Street. The subject property is a corner lot located at the southeast corner of Spring Street and Stanley Road with compliant area and frontage for the AR-I zoning district. The ZBA will hear this petition at its September 22, 2021 meeting.

At its September 21st meeting, the PEDB discussed the petition and the various plans and documents included in the submittal to the ZBA. We understand the Kinney's construction project is for an addition to the Kinney's existing home. The addition would include:

- a 791 sq. ft. one-bedroom accessory family dwelling unit for use by Mrs. Kinney's parents; the unit includes a handicapped ramp and entrance on the north side of the addition facing Stanley Road
- a 2 car garage (557 sq. ft.) to be accessed from Stanley Road
- an office, mud room, half bath and laundry room (combined 616 sq. ft.) for the primary dwelling unit from which the AFDU can also be accessed.

The Board noted that two different certified plot plans dated July 16, 2021 by O'Driscoll Land Surveying were included in the information packet; one provides more detailed information on the proposed setbacks from Stanley Road to the addition. Due to the location of the handicap ramp, it wasn't clear to the Board whether the required minimum front setback of 35' from Stanley Road is achieved. The PEDB recommends this be discussed during the hearing to determine whether the 35' minimum front setback from Stanley Road is to the building itself or to the ramp.

I also want to note three other items of relevance to this application:

1. Section 8.2.C.7 of the Zoning Bylaw indicates that an AFDU shall be designed so as to preserve the appearance of the single-family dwelling. It needs to be compatible with the

residential character of the neighborhood. Any new separate outside entrance serving an AFDU is to be located on the side or in the rear of the building.

This project as proposed, being on a corner lot with the addition of an outside entrance to the AFDU and a 2 car garage and driveway coming off of Stanley Road, could result in the building having the appearance of a two-family dwelling. Due to the corner lot configuration, there are two front yards for zoning setback purposes. But for AFDU purposes, how should the northern side of the building facing Stanley Road be characterized. Is it a side? How do the two entrances to the building (the current entrance on Spring Street and the AFDU entrance on Stanley Street) compare? Does one appear to be the primary and another the secondary?

2. The applicant should be made aware of the provisions of Section 6.2.G of the Zoning Bylaw regarding sight distances on corner lots.

3. The applicant will need to secure a Street Opening/Roadway Access permit from the Medway Department of Public Works pursuant to Article 12.9 of the Medway General Laws for the new driveway/curb cut off of Stanley Road.

Board Members

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

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

MEMORANDUM

September 22, 2021

TO: Zoning Board of Appeals
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Petition for Ocean State Job Lot at 114 Main Street for an Outdoor Display Special Permit

Thank you for the opportunity for the Planning and Economic Development Board (PEDB) to comment on the recent petition of Ocean State Job Lot to the Zoning Board of Appeals for an outdoor display special permit for its store at 114 Main Street in the Medway Place shopping plaza. Ocean State is located at the western end of the plaza having recently expanded into the space formerly occupied by Condon's Hardware. The property is located in the Central Business Zoning District. The ZBA will hear this petition at its September 22, 2021 meeting. Outdoor display is an allowed use in the CB district by special permit from the ZBA.

At its September 21st meeting, the PEDB reviewed and discussed the petition and the various plans and documents included in the submittal to the ZBA. We understand Ocean State seeks a special permit to allow for an outside display of merchandise such as plants, flowers and other seasonal items to be located within the sidewalks immediately adjacent to or about the front entrance of the Ocean State Job Lot store. The PEDB noted that the petition does not include any details to specify the proposed location within the sidewalk outside their store for the outdoor display, nor its overall size and dimensions, etc. Does Ocean State wish to use the entire length of their storefront? What is the planned depth of the merchandise display area? This information should be clearly depicted on a plan that would be attached to the issued permit. It would also be helpful if an existing conditions drawing was provided to assist the ZBA in its review and deliberations so there is a clear understanding of the sidewalk width.

The PEDB suggests the ZBA consider including the following types of conditions in the outdoor display special permit for Ocean State. NOTE - These items are "borrowed" from outdoor display special permit bylaws used in other communities:


- Time for merchandise to be on display. Is this a 24-7 operation? Will products be left out overnight? How will merchandise be secured during the overnight hours?
- Only products offered for sale by the store may be displayed. The sidewalk space should not be leased to or used by an outside vendor or include self-contained fixtures such as Redbox, vending machines, or coin operated toys/amusements.

- Merchandise must be displayed such that a minimum of 6' of sidewalk clearance is maintained at all times for pedestrians and handicap accessibility. Items should be located immediately adjacent to the building and may not extend beyond the subject business' storefront space. Display items shall not obstruct the normal ingress and egress from the subject business or other nearby businesses.
- Height restrictions for merchandise display, both products and shelving
- Outdoor display racks and shelving shall be:
 - ✓ Made to professional standards and be constructed of sturdy materials such as wood, iron, steel, clay, canvas, aluminum or plastic with an aesthetic that is compatible to the storefront architecture. Prohibited shelving materials are glass, porcelain, and other breakable materials, including any items that may pose a hazard, or a collection of disparate materials.
 - ✓ Maintained and in good condition at all times. Broken, rusting, degraded, torn, tattered or similar items shall be removed promptly.
- Displayed merchandise shall not pose any health or safety hazard and shall be maintained to provide a pleasant aesthetic appearance.
- Specify that the actual sale of outdoor merchandise shall take place inside the store
- No additional business signage is allowed for outdoor display.

Thank you for considering the Board's recommendations and suggestions.

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

Cc: Peter Pelletier – Medway DPW Director
Paul Yorkis – Applicant Representation

From: Steven M. Bouley, PE – Tetra Tech 

Date: June 17, 2016
(revised September 22, 2021)

Subject: Hartney Acres Punch List

On April 11, 2016 at the request of the Medway Planning and Economic Development Board (PEDB), Steven Bouley of Tetra Tech Inc. (TT), Dave Faist of McClure Engineering, Inc (MEI) and Dan O'Driscoll of O'Driscoll Land Surveying Co. (OLS) met at the Hartney Acres Subdivision location, Newton Lane, and performed a punch list inspection of the development. The inspection was conducted against the plans set (Plans) titled "Hartney Acres II, Definitive Subdivision Plan in Medway, Massachusetts" dated November 29, 2004 and revised May 3, 2005 Sheets 4, 6 and 7.

On September 21, 2021 at the request of the Medway Planning and Economic Development Board (PEDB), Steven M. Bouley, PE of Tetra Tech Inc. (TT), Paul Yorkis of Patriot Real Estate, Inc. (PRE), Sean Harrington, Jack Tucker and Nolan Lynch of Medway DPW met at the Hartney Acres Subdivision location, Newton Lane, and performed a punch list inspection of the development. The inspection was conducted against the plans set (Plans) titled "Hartney Acres II, Definitive Subdivision Plan in Medway, Massachusetts" dated November 29, 2004 and revised May 3, 2005 Sheets 4, 6 and 7.

The following is a list of items and issues that should be repaired or resolved:

Administrative

1. As-Built/Street Acceptance Plans of the development should be submitted for review.

Roadway

2. It is recommended the applicant crack seal areas of damaged asphalt along Newton Lane. (See Photo #1)
3. Cement concrete bounds were not located during the site walk. Bounds should be set as shown on the Plans.
4. Damaged granite curb/curb inlet was observed adjacent to the intersection of Newton Lane and Nobscott Road. It is recommended damaged sections of curb be replaced. (See Photo #2)

Drainage

5. It is recommended the applicant clean the drainage system. Cleaning includes removing sediment and debris from catch basin structures, pipe and detention facilities.
6. Detention Ponds should be maintained to remove saplings and shrubs from the limits of the basin. Settled area adjacent to Detention Pond #2 should be repaired and reseeded. (See Photo #3 - #4)
7. Hoods should be installed in catch basins.

8. It appears two non-approved pipes are discharging to Detention Pond #3 presumably from the home located on Lot 3. One discharge appears to be originating from a nearby pool filter. The other appears to be a sub-drain or alike with flexible corrugated pipe. The discharge pipes must be disconnected and removed from the limit of the pond, pond repaired and reseeded and property owner notified regarding intended use of the detention ponds and illicit discharges. (See Photo #5 - #6)

Additional Items

The following is a list of additional items resulting from the site inspection conducted on September 21, 2021.

9. The asphalt around many of the manhole structures throughout the limit of the roadway is showing signs of damage. The areas of damage shall be cleanly sawcut, removed and asphalt replaced full depth around the structures. All structures were marked in the field during the site visit.
10. Several areas of pavement repair are required within the limits of the roadway. Two areas of wide cracks have surfaced since the previous inspection, one at the intersection of Newton Lane and Nobscott Road and one at the western side of the cul-de-sac. A minimum 24-inch full-depth repair is required at each crack to ensure subbase can be properly compacted prior to patching. Additionally, a section of asphalt on the western side of the cul-de-sac is beginning to show signs of failure. The area shall be cleanly sawcut and asphalt removed, subbase repaired and properly compacted, and asphalt replaced. These areas were marked in the field during the site visit.
11. Several of the catch basins adjacent to the cul-de-sac require brick repair under the castings. Area around the catch basins shall be cleanly sawcut and asphalt, castings and brick removed and reinstalled. The structures were marked in the field during the site visit.
12. In addition to cleaning the structures mentioned in Item 5, Stormceptor water quality units shall also be cleaned.

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

P:\21583\143-21583-21015 (PEDB HARTNEY ACRES)\CONSTRUCTION\PUNCH LIST\MEMO_HARTNEY ACRES PUNCH LIST_2021-09-22.DOC

Photograph 1

Newton Lane Crack Sealing



Photograph 2

Damaged Granite Curb



Photograph 3

Overgrown Detention Pond



Photograph 4

Overgrown Detention Pond



Photograph 5

Unapproved Pipes
Discharging to Pond #3



Photograph 6

Unapproved Pipes
Discharging to Pond #3





September 28, 2021

**Medway Planning & Economic Development Board
Meeting**

**POND VIEW ESTATES – PRELIMINARY
SUBDIVISION PLAN PUBLIC BRIEFING**

- Public Briefing Notice dated 9-8-21; mailed to abutters 9-8-21
- Preliminary Subdivision Plan Application
- Development Impact Report
- Preliminary Subdivision Plan dated 5-2021 by Land Planning, Inc. of Bellingham, MA
- Email comment dated 9-13-21 from Fire Chief Jeff Lynch
- Susy Affleck-Childs review comments dated 9-24-21



Board Members

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

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

TOWN OF MEDWAY **COMMONWEALTH OF MASSACHUSETTS**

PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK
SEP 8 '21 AMS:19

September 8, 2021

PUBLIC BRIEFING NOTICE

Pond View Estates Preliminary Subdivision Plan – 10R Oak Street
Tuesday, September 28, 2021 at 8:30 p.m.

The Medway Planning and Economic Development Board has received an application from property owner Mary Klein of Scituate, MA for approval of a **preliminary subdivision plan to create a 2 lot subdivision at 10R Oak Street**. The 2.1 acre site (*Medway Assessors Map 47, Parcel 027*) is located on the north side of Oak Street in the Agricultural Residential II zoning district. The *Preliminary Subdivision Plan for Pond View Estates* is dated May 12, 2021 and was prepared by Land Planning, Inc. of Bellingham, MA. The plan shows the division of the property into two residential lots with compliant area and frontage on an approximately 450' long, permanent private road. The proposed development will include stormwater management facilities and connections to Town water and sewer in Oak Street. The project will also be subject to review and permitting by the Medway Conservation Commission.

The applicant will present the proposed Pond View Estates Preliminary Subdivision Plan to the Medway Planning and Economic Development Board on Tuesday evening, September 28, 2021 at 8:30 p.m. The meeting will be held live at Medway Town Hall, 155 Village Street and via the Zoom online platform. The public is invited to attend. Meeting access instructions will be included on the agenda for that meeting which will be posted at: <https://www.townofmedway.org/node/926/agenda/2021>

A copy of the application, the Pond View Estates Preliminary Subdivision Plan and other documents are on file with the Medway Town Clerk and at the Community and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall hours on Mondays from 7:30 a.m. to 5:30 p.m., Tuesday - Thursday from 7:30 a.m. to 4:30 p.m. and Fridays from 7:30 a.m. to 12:30 p.m. Face coverings for unvaccinated individuals are required at Town Hall. The documents have also been posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/current-applications-pedb-0>

Written comments may be forwarded to the Board at the above address, faxed to us at the number above, or emailed to us at: planningboard@townofmedway.org. Board members will review all submitted correspondence. If you have any questions regarding this matter, please contact Medway Planning & Economic Development Coordinator Susan Affleck-Childs at 508-533-3291. Thank you.

OVER →

NOTE – The filing of a Preliminary Subdivision plan with the Planning and Economic Development Board provides a way for a developer to:

- acquaint the Board, Town staff, and abutters with the applicant's intentions for developing a site;
- discuss the proposed concept plan;
- obtain some feedback on the proposal; and
- identify issues that need to be addressed and clarify additional information that may be needed before submitting a Definitive Subdivision Plan in the future.

A Preliminary Subdivision Plan does NOT serve to formally subdivide land and create new legal lots. That can only be accomplished by the Board's approval of a Definitive Subdivision Plan which is the developer's usual next step after their Preliminary Plan discussion with the Board. A Definitive Subdivision Plan includes considerably more detailed information than a Preliminary Plan; it is a fully engineered plan showing all infrastructure and utilities. The Board is required to conduct a formal public hearing on a proposed Definitive Subdivision Plan; abutters owning property within 300' of the site are notified of the public hearing and have an opportunity to provide comments. A proposed Definitive Subdivision Plan is reviewed by the Town's consulting engineer and Town staff for compliance with the Board's *Subdivision Rules and Regulations*.



Planning & Economic Development Board - Town of Medway, MA
LAND SUBDIVISION – FORM B

Application for Approval of a Preliminary Subdivision Plan

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Subdivision Rules and Regulations.

*Applying for a Preliminary Subdivision Plan is optional for residential subdivisions.
It is required for non-residential subdivisions.*

*The Town's Planning Consultant will review the Application and Preliminary Subdivision Plan
and provide a recommendation to the Planning and Economic Development Board.
A copy of that review letter will be provided to you in advance of the meeting.*

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

Your absence may result in a delay in the Board's review of the Preliminary Plan.

_____, 20____

PRELIMINARY SUBDIVISION PLAN INFORMATION

Plan Title: Pond View Estates

Plan Date: May 12, 2021

Prepared by:

Name: William Halsing & Norman Hill

Firm: Land Planning, Inc.

Phone #: 508-966-4130

Email: bellingham@landplanninginc.com

PROPERTY INFORMATION

Location Address: 10R Oak Street

The land shown on the plan is shown on Medway Assessor's Map # 47 as Parcel # 027

Total Acreage of Land to be Divided: 2.1 acres

General Description of Property: mostly wooded, undeveloped parcel

_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway(s) 450'

Are the new roads proposed to be public or private ways?

 Public x Private

Proposed Utilities:

 x Town Water Well

 x Town Sewer Septic

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: same as applicant

Mailing Address: _____

Primary Contact: _____

Telephone:
Office: _____ Cell: _____

Email address: _____

CONSULTANT INFORMATION

ENGINEER: Land Planning, Inc.

Address: 167 Hartford Avenue

 Bellingham, MA

Primary Contact: William Halsing

Telephone:
Office: 508-966-4130 Cell: _____

Email address: bellingham@landplanninginc.com

Registered P.E. License #: 31887

SURVEYOR: Land Planning, Inc.

Address: 167 Hartford Avenue

 Bellingham, MA

Primary Contact: William Halsing

Telephone:
Office: 508-966-4130 Cell: _____

Email Address: bellingham@landplanninginc.com

Registered P.L.S. License #: 45274

DESIGNATED REPRESENTATIVE INFORMATION

Name: Land Planning, Inc.
Address: 167 Hartford Avenue
Bellingham, MA
Primary Contact: William Halsing
Telephone: Office: 508-966-4130 Cell: _____
Email address: bellingham@landplanninginc.com

SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81L for approval of a Preliminary Subdivision Plan, herewith submits this application and Preliminary Subdivision Plan to the Medway Planning and Economic Development Board for review.

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

(If applicable, I hereby authorize William Halsing to serve as my Agent/Designated Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Preliminary Subdivision Plan application.)

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

Mary E. Klein
Signature of Property Owner

8/5/2021
Date

Signature of Applicant (if other than Property Owner)

Date

Will Halsing LAND PLANNING, INC.
Signature of Agent/Official Representative

7/7/21
Date

PRELIMINARY SUBDIVISION PLAN FEES

Preliminary Subdivision Plan Filing Fee - \$750
Advance on Plan Review Fee - \$750

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

PRELIMINARY SUBDIVISION PLAN APPLICATION CHECKLIST

- _____ Two (2) original Preliminary Subdivision Plan applications (Form B)
- _____ Two (2) full size copies of the Preliminary Subdivision Plan prepared in accordance with Section 5.6 and 5.7 of the *Medway Subdivision Rules and Regulations*
- _____ Electronic Version of the Preliminary Subdivision Plan – Provide a flash drive or email plan to the PEDB office
- _____ Certified Abutters List from the Medway Assessor's office – for 300 feet around the subject property
- _____ Development Impact Report – Form F
- _____ Preliminary list of expected Waiver Requests from the *Medway Subdivision Rules and Regulations*. Reference the specific sections.
- _____ Preliminary Subdivision Plan Filing Fee (\$750) – Payable to Town of Medway
- _____ Advance on Plan Review Fee (\$750) – Payable to Town of Medway

LAND SUBDIVISION - FORM F

Development Impact Report (DIR) PLANNING BOARD – Town of Medway, MA

OVERVIEW

The DIR is intended to serve as a guide to the applicant in formulating their development proposal, as well as a guide to the Planning Board in evaluating the proposed Subdivision Plan in the context of existing conditions and the Town's planning efforts. The DIR should be prepared as early in the design process as possible, even if certain aspects are unknown at that time.

The DIR seeks to raise the broad range of issues generally association with a subdivision development plan in a form and in language that is understandable to the layperson. The DIR shall identify and assess development impacts that could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information that will help the Town plan ahead to provide adequate services in the future.

The DIR shall be filed with an application for approval of a Preliminary and a Definitive Subdivision Plan. It shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment of the surrounding area. In preparing the DIR, a systematic interdisciplinary approach shall be utilized to include professionals in the natural and social sciences and environmental design arts.

Date

1. Name of Proposed Subdivision: Pond View Estates
2. Location: 10R Oak Street
3. Name of Applicant (s): Mary E. Klein
4. Brief Description of the Proposed Project: Proposed 2 lot subdivision

5. Name of Individual Preparing this DIR William Halsing-Land Planning, Inc.

Address: 167 Hartford Avenue, Bellingham Phone: 508-966-4130

Professional Credentials: Professional Land Surveyor

SITE DESCRIPTION6. Total Site Acreage: 2.1 acres

Approximate Acreage	At Present	After Completion
Meadow/brushland (non-agricultural)	0	0
Forested	79,000 s.f.	18,000 s.f.
Agricultural (includes orchards, croplands, pasture)	0	0
Wetlands	300 s.f.	300 s.f.
Water Surface Area	0	0
Flood Plain	0	0
Unvegetated (rock, earth or fill)	0	0
Roads, buildings and other impervious surfaces	0	17,000 s.f.
Other (indicate type)		
TOTAL	79,300 s.f.	35,000 s.f.

7. Present permitted and actual land use by percentage of the site.

Uses	Percentage
Industrial	
Commercial	
Residential	
Forest	83%
Agricultural	
Other (specify)	

8. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *NOTE – Be sure to include overlay zoning districts.*

Zoning District	Percentage
AR-2	100%

9. Predominant soil type(s) on the site: Canton**Soil Drainage**

(Use the U.S. Soil Conservation Service's definition)

Soil Type	% of Site
Well drained	
Moderately well drained	100%
Poorly drained	

10. Are there any bedrock outcroppings on the site? ☐ Yes ☒ No

If yes, specify: _____

11. Approximate percentage of proposed site with slopes between:

<i>Slope</i>	<i>% of Site</i>
0 – 10%	70%
10 – 15%	30%
Greater than 15%	

12. In which of the Groundwater Protection Districts is the site located?

Zone(s) n/a

Proximity to a public well: _____ feet

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (*Consult the Massachusetts Heritage Program and the Medway Conservation Commission for information.*) ☐ Yes ☒ No

If yes, specify: _____

14. Are there any unusual site features such as trees larger than 30 inches, bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formations or granite bridges?

☐ Yes ☒ No

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways? ☐ Yes ☒ No

If yes, please specify: _____

16. Is the site presently used by the community as an open space or recreation area? ☐ Yes ☒ No

If yes, please specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ☐ Yes ☒ No

If yes, please specify: _____

F-3

18. Are there wetlands, lakes, pond, streams or rivers within or contiguous to the site? ☒ Yes ☐ No

If yes, please specify: seasonal drainage area

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ☐ Yes ☒ No

If yes, please specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E study been conducted for the site? ☐ Yes ☒ No

If yes, please specify: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ☐ Yes ☒ No

If yes, please specify: _____

22. Does the project location contain any buildings or sites of historic or archaeological significance? (Consult with the Medway Historical Commission) ☐ Yes ☒ No

If yes, please describe: _____

23. Is the project contiguous to or does it contain a building located in a national register historic district? ☐ Yes ☒ No

If yes, please describe: _____

CIRCULATION

24. What is the expected average weekday traffic and peak hour volumes to be generated by the proposed subdivision?

Average weekday traffic	12
Average peak hour volumes – morning	6
Average peak hour volumes - evening	6

25. Existing street(s) providing access to the proposed subdivision:

Please specify: Oak Street

26. Existing intersection(s) within 1000 feet of any access to the proposed development. Please specify intersection names: 350'to Mechanic Street

27. Location of existing sidewalks within 1000 feet of the proposed site: _____

900' to the sidewalk on Main Street

28. Location of proposed sidewalks and their connection to existing sidewalks:
none proposed

29. Are there parcels of undeveloped land adjacent to the proposed site:

☒ Yes ☐ No

Will access to these undeveloped parcels be provided from the proposed subdivision?

☐ Yes ☒ No

If yes, please describe: _____

If no, please explain why: the undeveloped land is recreational land owned by the Town

UTILITIES AND MUNICIPAL SERVICES

30. What is the total number of dwelling units proposed? 2

31. What is the total number of bedrooms in the proposed subdivision? 8

32. Stormwater Management

A. Describe the nature, location and surface water body receiving current surface water of the site: _____

eventually stormwater will reach Park Pond (approx. 500' away)

B. Describe the how the proposed stormwater management system will operate and how the existing stormwater patterns will be altered: _____

_____ excess flow of stormwater will be retained and infiltrated onsite _____

C. Will a NPDS Permit be required? xYes No

33. Please estimate the response time of the Fire Department to this site:

(Please consult with the Fire Department): 2 minutes

34. Schools

A. Projected number of new school age children: 4

B. Distance to nearest elementary school: 2 miles

MEASURES TO MITIGATE IMPACTS - Please attach a brief description of the measures that have been taken during subdivision design and will be taken during subdivision construction for each of the following:

35. Maximize stormwater infiltration and groundwater recharge – As part of the Stormwater Engineering, infiltration will be provided per regulations
36. Prevent surface and groundwater contamination – By meeting regulations and having adequate offset to groundwater, groundwater will be protected.
37. Reduce detrimental impacts to water quality – see above
38. Maintain slope stability and prevent erosion – Slope stability and erosion prevention are an important part of all projects. As part of the final design, slopes will be temporally stabilized during construction with final stabilization being paving or vegetation
39. Conserve energy - The homes built will meet current energy requirements
40. Preserve wetlands - All efforts to preserve wetlands will take place in the maximum extent practicable. A minimum amount of work will take place in a regulated area to replace a culvert and reconstruct 2 headwalls
41. Preserve wildlife habitats, outstanding ecological or botanical features -- There are no records of endangered or rare species found on the current "Priority and Estimated Habitat" maps for this site.
42. Protect scenic views - No scenic views were observed at the site
43. Retain natural landscape features - The natural landscape will be preserved to the greatest extent practicable.
44. Design street layouts to facilitate southern orientation of houses – The houses will be oriented southerly and easterly to fit the lot line configuration
45. Use curvilinear street patterns – Due to site constraints, the main part of the proposed road will be straight
46. Promote pedestrian and bicycle access and safety - The proposed street will user friendly for pedestrians and bicyclists.
47. Reduce the number of mature trees to be removed - The number of trees to be removed will be minimized
48. Provide green belt/buffer areas - The existing vegetation will be kept along the property lines for the new dwellings to the greatest extent practicable
49. Preserve historically important structures and features on the site - No historically important items were observed in the area of construction
50. Retain natural valley flood storage areas – There are no valley flood storage areas on this site.
51. Minimize the extent of waterways altered or relocated – This is part of the design
52. Reduce the volume of cut and fill - This is a positive goal for both the environment and the builder
53. Minimize the visual prominence of man-made elements even if necessary for safety or orientation – We plan on using landscape as much as possible for site features
54. Minimize municipal maintenance frequency and costs- The proposed subdivision is to be a permanent private way.
55. Reduce building site frontages or driveway egresses onto primary or secondary streets – The private way addresses this issue

In describing each of the above, please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, please use graphic illustrations. Identify data sources, reference materials and methodology used to determine all conclusions.

Preliminary Subdivision Plan

Pond View Estates

(A Private Way)

10R Oak Street

Medway, Massachusetts

May 12, 2020

Property Data:

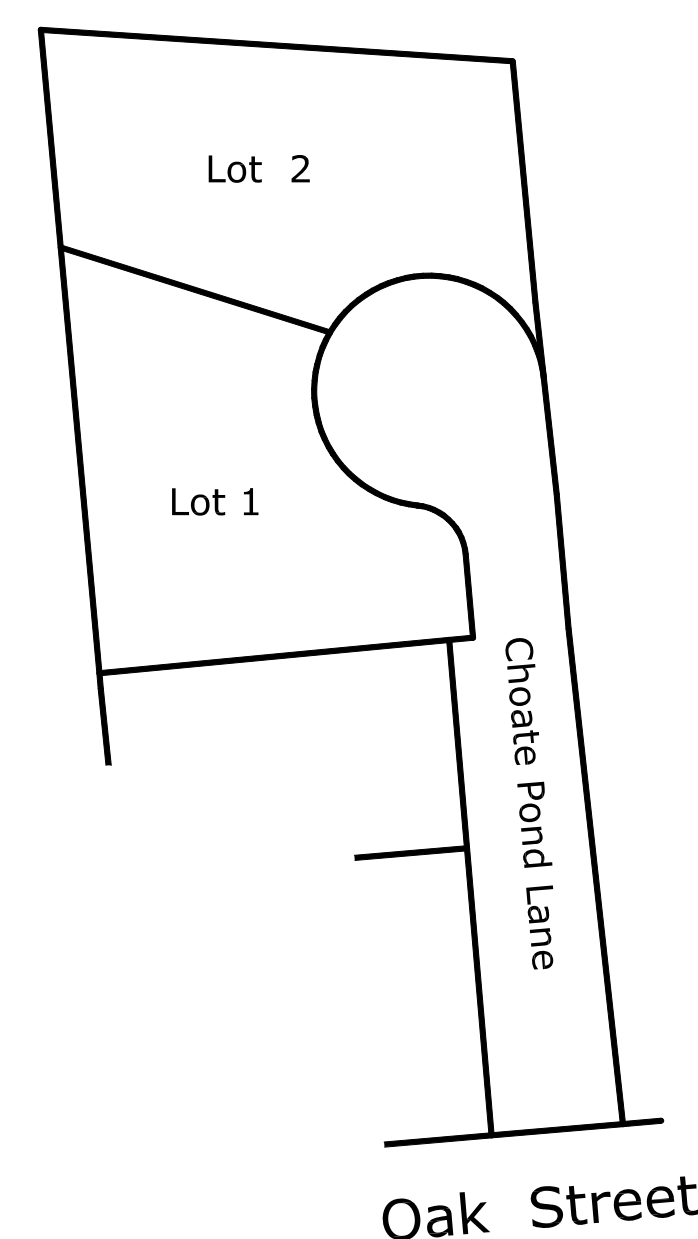
Owner:
Mary E. Klein
9 Pond View Avenue Extension
Scituate, MA

Deed Book 38056 Page 363

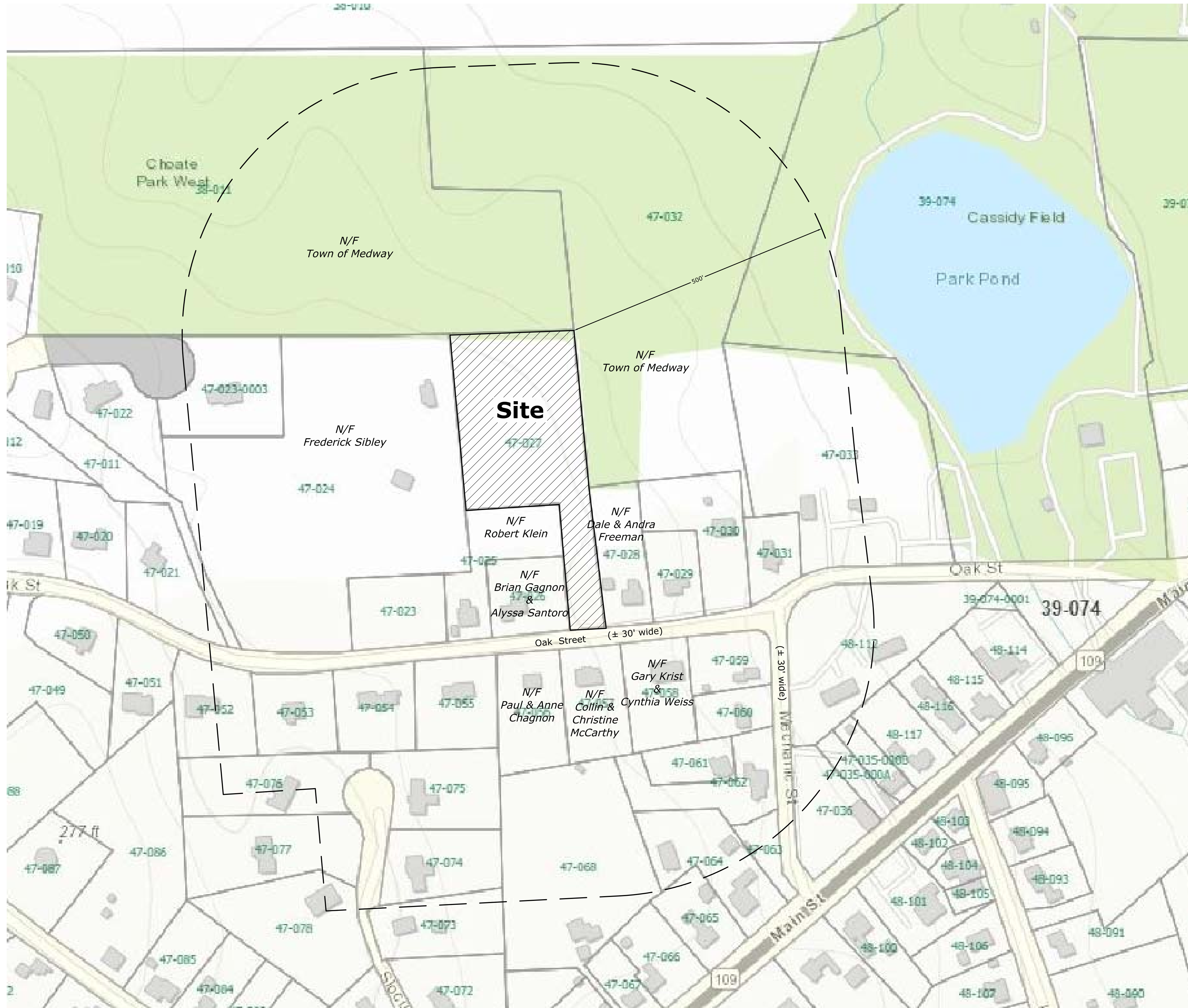
Assessor Map 47 Lot 027

Contents:

1. Cover Sheet
2. Locus Plan
3. Existing Conditions Plan
4. Site Plan



REVISIONS			
No.	Date	Design	Checked
1			
2			
3			
4			
5			
6			
Field By:			
Designed By:		WDH	5/21
Drawn By:		WDH	5/21
Checked By:		NGH	5/21
			
Land Planning, Inc. Civil Engineers • Land Surveyors Environmental Consultants			
Bellingham 167 Hartford Ave. Bellingham, MA 02019 508-966-4130			
North Grafton 214 Worcester St. N. Grafton, MA 01536 508-839-9526			
Hanson 1115 Main Street Hanson, MA 02341 781-294-4144 bellingham@landplanninginc.com			
Date	May 12, 2021		Sheet No.
Job No.	B2624		1



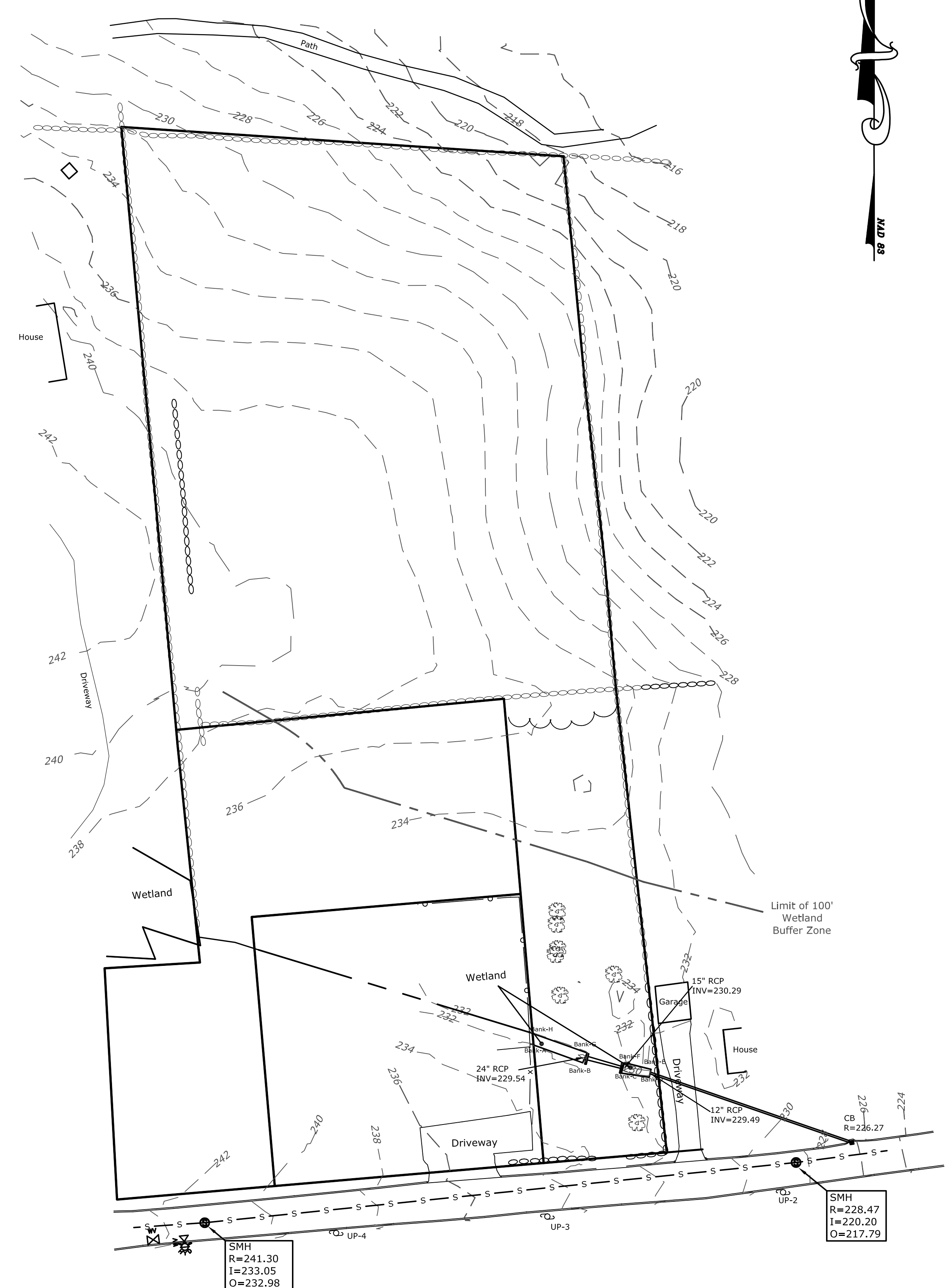
**Owned by
Mary E. Klein
9 Pond View Avenue Ext.
Scituate, MA**

Date May 12, 2021	Sheet No. 2
Job No. B2624	

Age Group	Total (%)	Male (%)	Female (%)	Male (%)	Female (%)
18-24	~100	~100	~100	~100	~100
25-34	~80	~80	~80	~80	~80
35-44	~60	~60	~60	~60	~60
45-54	~40	~40	~40	~40	~40
55-64	~20	~20	~20	~20	~20
65-74	~10	~10	~10	~10	~10
75+	~5	~5	~5	~5	~5

(IN FEET)
1 inch = 100 ft.

ZONING DATA
ZONE: AR-2
MINIMUM REQUIREMENTS
AREA:
22,500 s.f. (single family)
30,000 s.f. (two family)
FRONTAGE: 150'
FRONT YARD: 35'
SIDE YARD: 15'
REAR YARD: 15'



Legend	
	Catch Basin
	Drain Manhole
	Sewer Manhole
	Contour Proposed
	Spot Grade Proposed
	Contour Existing
	Spot Grade Existing
	Utility Pole
	Water Gate Valve
	Hydrant
	Bound Found
	Drill Hole Found
	Iron Pin Found
	Proposed Bound
	Tree
	Tree Line

REVISIONS

No.	Date	Design	Checked
1			
2			
3			
4			
5			
6			

Field By:	BH/DL	3/21
Designed By:	WDH	5/21
Drawn By:	WDH	5/21
Checked By:	NGH	5/21

Land Planning, Inc.
Civil Engineers • Land Surveyors
Environmental Consultants

Bellingham
167 Hartford Ave.
Bellingham, MA 02019
508-966-4130

North Grafton
214 Worcester St.
N. Grafton, MA 01536
508-839-9526

Hanson
1115 Main Street
Hanson, MA 02341
781-294-4144
bellingham@landplanninginc.com

Date	May 12, 2021	Sheet No.
Job No.	B2624	3

Pond View Estates
Existing Conditions Plan
Located at
10R Oak Street
Medway, MA
Owned by
Mary E. Klein
9 Pond View Avenue Ext.
Scituate, MA

ZONING DATA
ZONE: AR-2
MINIMUM REQUIREMENTS
AREA:
22,500 s.f. (single family)
30,000 s.f. (two family)
FRONTAGE: 150'
FRONT YARD: 35'
SIDE YARD: 15'
REAR YARD: 15'

Notes:
Site is not in an Estimated Habitat for
Endangered Species

Site is not in a 100 Year Flood Zone

Site is not in a Groundwater Protection District

Layout is based upon the road being a
'permanent private way'. Approximately 450'
of road to be constructed

Wetland was delineated by Northeast Ecological
Services

Elevations are based upon NAVD88 datum

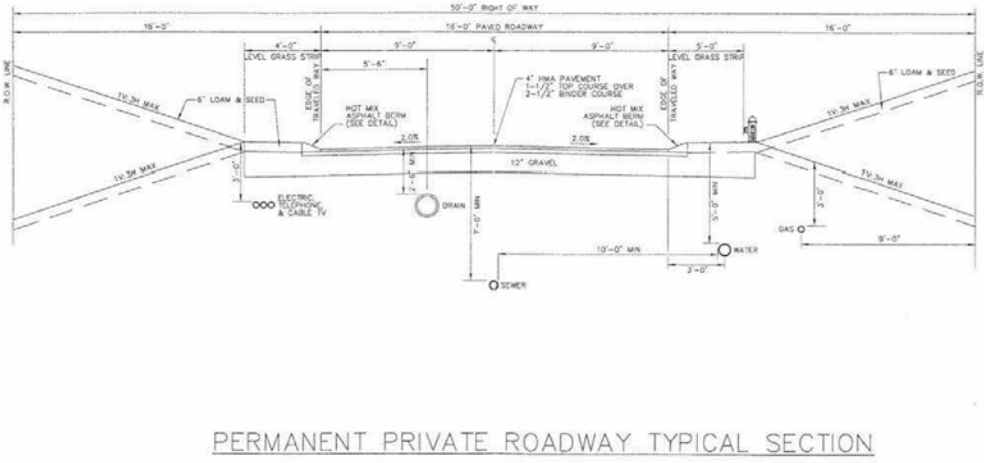
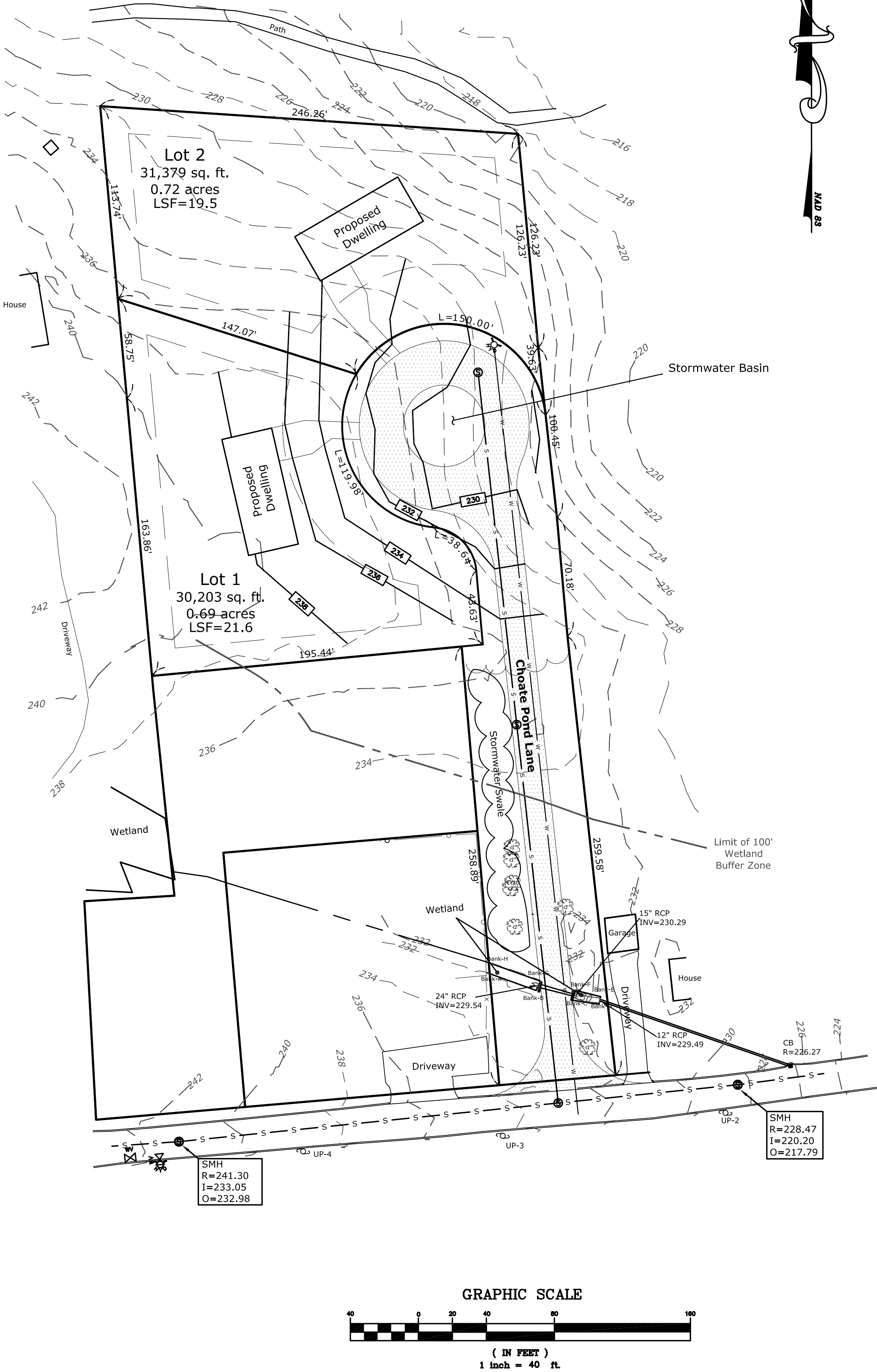
Preliminary list of Waivers Requested:

Planning Board

Section 7.9.2 (d) Property lines at a street
intersection shall be rounded or cut back to provide a
property line radius of twenty-eight feet.

Conservation Commission

Section 3.02 (3) Allow work within 25 feet of a bordering
freshwater wetland to replace an existing culvert,
replace/realign headwalls, and construct a private way



Pond View Estates
Preliminary Site Plan

Located at
10R Oak Street
Medway, MA

Owned by
Mary E. Klein
9 Pond View Avenue Ext.
Scituate, MA

REVISIONS			
No.	Date	Design	Checked
1			
2			
3			
4			
5			
6			

Field By:	BH/DL	3/21
Designed By:	WDH	5/21
Drawn By:	WDH	5/21
Checked By:	NGH	5/21



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1115 Main Street
Hanson, MA 02341
781-294-4144
bellingham@landplanninginc.com

Date	May 12, 2021	Sheet No.	4
Job No.	B2624		

Susan Affleck-Childs

From: Jeff Lynch
Sent: Monday, September 13, 2021 10:39 AM
To: Susan Affleck-Childs
Cc: Mike Fasolino
Subject: RE: Preliminary Subdivision Plan - Pond View Estates 10R Oak Street

Susy, I do not see on the plan the width of the roadway. It must be at least 20' wide and be an all-weather surface capable of withstanding 75,000 pounds. Thanks. Jeff

Jeffrey P. Lynch
Chief of Department
Medway Fire Department
155 Village Street
Medway, MA 02053
508-533-3211

Mailing address;
44 Milford Street
Medway, MA 02053

From: Susan Affleck-Childs
Sent: Wednesday, September 8, 2021 2:38 PM
To: Beth Hallal <bhallal@townofmedway.org>; Bridget Graziano <bgraziano@townofmedway.org>; Peter Pelletier <ppelletier@townofmedway.org>; Sean Harrington <sharrington@townofmedway.org>; Barry Smith <bsmith@townofmedway.org>; Jeff Lynch <ChiefLynch@townofmedway.org>; Mike Fasolino <mfasolino@townofmedway.org>; jwatson@medwaypolice.com; Barbara Saint Andre <bsaintandre@townofmedway.org>; Jack Mee <jmee@townofmedway.org>; Joanne Russo <jrusso@townofmedway.org>
Cc: Michael Boynton <mboynton@townofmedway.org>
Subject: Preliminary Subdivision Plan - Pond View Estates 10R Oak Street

Hi,

The PEDB has received an application for a preliminary subdivision plan for a 2 lot, permanent private way subdivision to be constructed on a 2.1 acre parcel at 10R Oak Street on property owned by Mary Klein.

The application, plan and associated information is available at: <https://www.townofmedway.org/planning-economic-development-board/pages/pond-view-estates-subdivision>

The Board will hold a briefing on this application on September 28th.

Please review the information and provide any comments you may wish to offer the Board to me by September 22nd.

Thanks.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT OFFICE

MEMORANDUM

September 24, 2021

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Pond View Estates Preliminary Subdivision Plan – 10R Oak Street

I have reviewed the preliminary subdivision plan submitted by property owner/applicant Mary Klein of Scituate, MA for 10R Oak Street pursuant to the Medway *Subdivision Rules and Regulations*. The applicant proposes to divide the 2.1 acre property into two residential lots and construct an approximately 450' long permanent, private way to be named Choate Pond Lane. Other planned work includes stormwater management facilities (swales and a stormwater basin) and connections to Town water and sewer in Oak Street. The *Pond View Estates Preliminary Site Plan* was prepared by Land Planning, Inc. of Bellingham MA and is dated May 12, 2021. The subject site includes 79,000 sq. ft. of forested land and approximately 300 sq. ft. of wetland resources. It is located in the AR-2 zoning district on the north side of Oak Street. The site abuts property owned by the Town of Medway, Frederick Sibley, Dale & Andrea Freeman, and Brian Gagnon & Alyssa Santoro.

I have comments as follows:

Zoning

1. The lots shown appear to comply with the *Zoning Bylaw* requirements for the AR-2 minimum lot area, frontage, lot shape factor, and 50% uplands requirements.

Subdivision Rules and Regulations for Preliminary Subdivision Plans

2. Section 4.3.1 - The required submittals (application, preliminary subdivision plan, certified abutters list, and development impact report) have all been provided and the plan has been prepared and stamped by both a Professional Engineer and a Professional Land Surveyor.

3. Section 4.6.1. The name of the proposed subdivision (Pond View Estates), the boundaries, north arrow, date, scale, legend and title are all included on the plan set.

4. Section 4.6.2. The locus of the land on the plan is provided at a scale of 1" = 100'. Adjacent properties and all property lines of buildings within 500' are also shown on the Locus Plan.

5. Section 4.6.3. The names and addresses of property owner and applicant Mary Klein and the engineer (Norman Hill) and surveyor (William Halsing) from Land Planning, Inc. are shown on the plan set.
6. Section 4.6.4. The names of all abutters including those across Oak Street are shown on the Locus Plan.
7. Section 4.6.5. The lines of the proposed Choate Pond Lane are shown. The width of the paved portion of the roadway is 18' within a 50' right-of-way. The road includes a cul-de-sac at its terminus with a stormwater basin in its center.
8. Section 4.6.6 requires an Existing Conditions Sheet and specifies the items to be included. A separate Existing Conditions sheet has been provided. The Development Impact report indicates the property includes a small wetland area (300 sq. ft.) which is noted to be a seasonable drainage area, however the wetlands delineation by Northeast Ecological Services has not yet been certified by the Conservation Commission. The Existing Conditions sheet shows the location of 7 trees in the area where the road will be constructed, however the size of those trees is not specified. Do they have a diameter of 1' or greater at 24" above grade? The entire site is heavily forested; what other sizeable trees are located on the rest of the site and which will be removed? Those will need to be shown on the definitive plan. The site includes considerable lengths of stone walls; those should be retained to the greatest possible extent and shown when developing the Definitive plan. The property is not located within a groundwater protection district nor within a flood zone.
9. Section 4.6.7. The proposed locations for the sewer and water lines are shown. The proposed stormwater management facilities are shown and include stormwater swales to the west of the paved roadway and stormwater basin within the cul-de-sac, however not clear whether this will be a surface basin or a sub-surface drainage system.
10. Section 4.6.8. The boundary lines of the 2 proposed lots with calculations for total lot area, upland area, and lot shape factors are shown.
11. Section 4.6.9. The Locus Plan shows the 30' width of the adjacent Oak Street and identifies the following nearby streets – Mechanic Street, Main Street and Slocum Place. Please denote Daniels Road and Lincoln Street on the future Definitive Plan.
12. Section 4.6.10. The topography is shown in 2' intervals. The elevations are based on NAV88 datum.
13. Section 4.6.11. The proposed street name is Choate Pond Lane. The applicant will need to apply to the Medway Street Naming Committee for to discuss and secure approval of a street name.
14. Section 4.6.12. The boundaries and buffer zones (25', 50' and 100') around two wetland areas and a vernal pool are shown. Those delineations were approved by the Conservation Commission in July 2019 are considered to be valid for three years.
15. Section 4.6.14. The property's zoning classification (AR-2) is indicated on the plan and a notation is provided that the property is not located in a 100-year Flood Zone.
16. Section 4.6.15. It is not clear if there are any proposed cuts and fills in excess of 8' or disturbance to slopes of 25% or more.

Waiver Requests

17. The applicant has indicated his intent to apply for one waiver from the *Subdivision Rules and Regulations* at such time as a definitive subdivision plan is filed in the future.
- The waiver request pertains to Section 7.9.2 (d) which specifies that *“Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28’). It is not clear what relief will be sought or what is proposed instead. The Board should ask the applicant to explain the waiver request. Please be prepared to provide some feedback to the applicant.*

Other Matters

18. On September 8, 2021, Town staff were notified about this preliminary subdivision plan and informed of the September 28th date for the public briefing and discussion; review comments were requested. To date, comments have been provided by Fire Chief Jeff Lynch. I also anticipate receiving an email from Conservation Agent Bridget Graziano. I have followed up with Medway DPW and asked for comments, particularly related to the culvert that runs across the southern portion of the property where the roadway is proposed.
19. The applicant is aware that a filing with the Conservation Commission is required. The extent of construction will likely also require a Land Disturbance Permit pursuant to Article XVI of the Medway General Bylaws.



September 28, 2021
Medway Planning & Economic Development Board
Meeting

Discussion of Articles for November
Town Meeting
UPDATED 9-27-21

Environmental Standards

- ~~Revised draft dated 9-24-21 based on the 9-21 PEDB discussion and further edits by Jeff Komrower~~
- Revised draft dated 9-27-21 based on the 9-21 PEDB discussion, further edits by Jeff Komrower, recent emails from John Lally dated 9-24-21 and 9-27-21, and a Zoom mtg with Jeff Komrower, Tom and me Monday morning.
- 9-24-21 email from John Lally with attachment providing comments on the 9-21-21 draft. This was forwarded to Jeff Komrower and Tom.
- 9-27-21 email from John Lally providing comments on the 9-24-21 draft. This was forwarded to Jeff Komrower and Tom.

Street Acceptance

- 9-21-21 email from Paul Yorkis asking to delay street acceptance for Newton Lane (Hartney Acres subdivision) to May 2022

ENVIRONMENTAL STANDARDS

Revised DRAFT – 9-27-21

ARTICLE: To see if the Town will vote to amend the Zoning Bylaw, Section 7.3 Environmental Standards, by deleting it in its entirety and replacing it as follows:

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated. The measurement metric to determine ambient noise levels will be the A-weighted L_{90} sound level.

Commercial Zones: Properties located in the Central Business, Village Commercial, Neighborhood Commercial, Oak Grove Village Center, or Oak Grove Business Park zoning districts as shown on the Medway Zoning Map

(Hz) Hertz: A unit for measuring the number of cycles that occur in a second. In this standard, Hz will be referring to sound waves.

(dB) Decibel: A logarithmic (dimensionless) measure used in describing the amplitude of sound.

(dBA) A-weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold: The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable odors: Those which are at or above the detection threshold of a person with normal olfactory sensitivity.

Industrial Zones: Properties located in the East Industrial, West Industrial, Business/Industrial, or Energy Resource zoning districts as shown on the Medway Zoning Map

L₉₀ Sound Level: The A-weighted sound level that is exceeded ninety percent (90%) of the time during a measurement period.

Noise Level: The frequency weighted sound pressure level as measured with a sound level meter or equivalent device using the A-weighting network. This level is designated dBA.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

One-third Octave Band (TOB): A frequency band where the highest frequency is 1.26 times the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Prominent Discrete Tone: The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

1/3 Octave Band Center Frequency (Hz)	dB	1/3 Octave Band Center Frequency (Hz)	dB
100	16	1250	4
125	14	1600	4
160	12	2000	3
200	11	2500	3
250	9	3150	3
315	8	4000	3
400	7	5000	4
500	6	6300	4
630	6	8000	5
800	5	10000	6
1000	4		

Residential Zones: Properties located in the Agricultural-I, Agricultural-II, Village Residential, or Oak Grove Neighborhood zoning districts as shown on the Medway Zoning Map

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. **Standards.** The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.
 - a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution. Disturbing, offensive or objectionable noises shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the tables below. In addition, maximum permissible sound levels measured at Sensitive Receptors positioned anywhere on a property that is wholly or partially located within one-thousand feet of the property line of the source of continuously radiated noise shall not exceed the values in the tables below. Daytime is defined as between the hours of 7:00 a.m. and 7:00 p.m. ; Evening is defined as between the hours of 7:00 p.m. and 11:00 p.m.; and Nighttime is defined as between the hours of 11:00 p.m. and 7:00 a.m. (insert a footnote on source – WHO?)

Industrial Zoned Property to Industrial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 pm – 11:00 pm @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	60 (or 55)	60 (or 55)	60 (or 55)

Industrial or Commercial Zoned Property to Commercial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 p.m. – 11:00 p.m. @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	55 (or 50)	55 (or 50)	55 (or 50)

Industrial or Commercial Zoned Property to Residential Zoned Property

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

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

- 2) **Tonal Requirements** – The presence of prominent discrete tones, as defined in Section 7.3 (c) herein at any industrial, commercial or residential property line shall be considered a violation.
- 3) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-

producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m. This limitation shall apply to the periodic testing of onsite emergency generators. Periodic testing of onsite emergency generators should be scheduled to occur during the daytime hours of 7:00 a.m. to 7:00 p.m.

- 4) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

- b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:

- Ambient noise (Daytime, Evening, and Nighttime) and
- Operational noise levels (Daytime, Evening, and Nighttime) at the facility property line and at Sensitive Receptors located anywhere on a property that is wholly or partially located within one thousand feet of the facility property line. These operational measurements shall include one-third octave band measurements to check for the prominent discrete tone condition as defined in Section 7.3(c).

- c. **Noise Control, Abatement and Mitigation Plan.**

- 1) If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.
- 2) Special permit and site plan applicants for facilities that could potentially introduce noise will be required to conduct a background noise survey over a minimum of a 7-day period to establish levels at each residential property line **and at any Sensitive Receptor property line (for abutters within 300 feet)** for conditions at the time of application. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards ANSI S12.18¹ and ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014². Sound analyzers used for the background noise monitoring should be capable of collecting 10-minute and hourly L₉₀ sound levels. The arithmetic average of the hourly L₉₀ levels for Nighttime, Evening and Daytime hours will represent the background levels. The 10-minute L₉₀ sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.
- 3) If a special permit or site plan approval is required for construction/operation of any facility which could introduce noise sources into the community, once background ambient noise levels are established, the applicant shall submit a noise control, abatement and mitigation plan during the permitting process to demonstrate that the noise levels as specified above will not be exceeded.
- 4) A noise control, abatement and mitigation plan shall use established acoustical prediction procedures and should predict noise levels at property lines as well as Sensitive Receptors. The noise control, abatement and mitigation plan shall include the concept of “buy quiet”, which means using the quietest equipment that will meet

¹ Acoustical Society of America, American National Standard ANSI S12.18-1994 (R2009), “Procedures for Outdoor Measurement of Sound Pressure Level,” reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements.

² Acoustical Society of America, American National Standard ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014. Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas <https://webstore.ansi.org/standards/asa/ansiasas3sc11002014s12>

operational requirements. The practice of using the Best Available Control Technology (BACT) shall also be employed to assure that any equipment being installed is as quiet as possible. The potential existence of prominent discrete tones as defined above shall also be evaluated and addressed.

- d. **Corrective Measures.** Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.
 - e. **Continued Noise Compliance.** Should it be determined that a facility goes out of compliance and exceeds any allowable noise limit conditions (e.g. due to equipment wear), corrective action will be required to bring the facility back into compliance which could include, but not be limited to, equipment replacement or additional mitigation steps.
3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).
4. **Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.
- a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.
 - 1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.
 - 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor](#)

Thresholds (EG Table 6.3 in 2nd Edition) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.

b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.

1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:

a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.

b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.

2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.

3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:

a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:

- i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
- ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
 - d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
 - e) Any other method or best practice determined to be appropriate by the Building Commissioner.
- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor

management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.

- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.
- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency; utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for health or safety purposes are exempt from these restrictions.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Susan Affleck-Childs

From: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Sent: Friday, September 24, 2021 10:10 AM
To: Susan Affleck-Childs
Subject: Potential +2dB Issue, Possible Fix.
Attachments: Environmental_Standards_Draft-JMK Edits-R2 9-15-21 - sac edits 9-17-21 - Acentech comments 9-21-21_JL_Not2Exceed_LateNight.docx; AcentechResponse_NCE.pdf; Email_to_SusyEllen.pdf

Good morning Susy,

Suspect the allowed +2dB increase to ambient per each new source(s) might be an issue for nighttime, perhaps even worse than Andy Carballeira described.

The 32dBA Sensitive Receptor limit is based on 5dBA of headroom above the 27dBA nighttime ambient Acentech measured on the 1st or 2nd May2018 between 12am and 2am, as reported by Andy C. at the 13Nov2018 PEDB meeting.

The proposed updates call for nighttime ambient to be the average of hourly L90 from 9pm to 7am. Which will include morning commuter traffic and early night traffic noise, likely making this new nighttime ambient considerably higher than 27dBA. As I think we all know the noise levels in areas along Rt109 are much, much quieter late-night than during morning commute hours and early night, I suspect this true in areas near Rt 495 (e.g. West Ind. Park) but I have no direct knowledge of that.

So take for example, if a proposed facility were to measure and calculate the new nighttime ambient between 9pm and 7am as 30dBA and added the allowed +2dB to that nighttime ambient, that would consume the entire noise budget for all future facilities.

A possible fix might be:

- 1.) Define a "late-night-ambient" community noise level for the time interval of say: 12am to 3am, computed as the arithmetic average of the hourly L90 across that interval.
- 2.) Add "late-night-ambient" to the ambient conditions which can't increase by more than 2dB. For continuous and fairly constant noise sources keeping late-night increases less than 2dB will tend to limit the amount of noise any one facility can add to the overall nighttime background noise, because it will exclude commuter and early night traffic noise consistent with the Acentech measurement of 27dBA.
- 3.) Keep the entire nighttime ambient in the conditions which can't increase by more than 2dB, this is just in case there happens to be a noise source that while continuous isn't constant and has a tendency to generate more noise outside the late-night hours during the night.
- 4.) Leave the absolute limit of 32dBA at sensitive receptors with respect to the entire nighttime ambient, this will constrain the sum total of compounded nighttime noise and as Tom says: "Keep-Medway-as-Medway".

This will tend to limit the amount of noise budget consumed by any one facility and will have the ancillary benefit of reducing the chances continuous industrial noise will become conspicuous at homes as the late-night ambient noise diminishes, which has been one of the more troublesome problems for residents. It would seem much worse when trying to sleep late at night than earlier in the night, not necessarily because the sound source got louder but because the broadband background noise got much quieter making the annoying facility noise much more prominent at one's home.

Please see attached updates for language that attempts to implement the above. There's updates and comments on Pgs: 3, 5, 7, & 8.

BTW, should the noise survey include measurements at Sensitive Receptors, this would seem to make sense but need home owner's consent to enter property, correct?

Also, I think Leigh asked at the last meeting if the Not-To-Exceed Residential Property Line and Sensitive Receptor noise limits will be put in a table, that would seem to make sense.

Do you know if these tables will be included in the updates?

Lastly, I can't end without reiterating my concerns regarding allowing 60dBA at Industrial/Industrial and 55dBA at Commercial property lines. Prior to full mitigation NCE measured noise at the West Property Line of 2 Marc Rd of 55dBA, see Table II on Pg 3 of AcentechResponse_NCE.pdf attached. This is the property line that faces 4 Marc Rd, formerly referred to as the "Milara Building". Here's how I characterized the noise at the front door entrance of 4 Marc Rd in an email I sent to Susy & Ellen on 22Jan2019, (full email attached as Email_to_SusyEllen.pdf).

- At the front door of Milara, the building at the top of Marc Rd.
 - On some of my walks along the private way, I've walked around the Milara building to the front door to hear what the noise is like at the front of the building as compared to the rear of the building. The noise at this location is extremely loud and abrasive, I struggle to find a word that adequately conveys just how bad the noise is at Milara's front door. This noise was present each and every time I went around to the front of the building.
 - I've talked with 3 Milara folks and they all report this noise is extremely bad. The owner/CEO Krassy Petkov is very upset about this noise.

While I think Tom & Jeff have done an incredible job trying to "thread-the-needle" between residents and industrial and commercial concerns, based on the above experience I do think that 60dBA at Industrial/Industrial and 55dBA at Commercial property lines poses a considerable threat to the quality of the work life of office workers (admins, planners, professional services folks in commercial facilities etc) in facilities adjacent to another facility that is emitting noise at or above 55dBA. If these emissions are present it likely will seriously hamper the types of facilities that will be willing to locate at an adjacent property.

I ask that you please forward this email and attachments to Tom, and Jeff (if still in scope) to get their take, and anyone else as you see fit.

Thank you Susy,
-John

Susan Affleck-Childs

From: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Sent: Monday, September 27, 2021 8:37 AM
To: Susan Affleck-Childs
Subject: RE: further updated version of Environmental Standards
Attachments: Environmental_Standards_REVISED DRAFT 9-24-21_JL_27Sep2021.docx

Good morning Susy,

I have reviewed the environmental updates received Friday, 24Sep2021. After further reflection over the weekend my concerns have intensified regarding the proposed Sound Pressure Level (SPL) limits at Industrial and Commercial Property Lines and the absence of all octave bands compliance. I'm ok without all octave band compliance required for the +2dB incremental increases because those are moving targets, but the absolute SPL limits should require all octave band compliance. If all octave band compliance is not required, SPL in the high frequency bands will be allowed much higher than the typical compliance octave band profiles, resulting in allowing considerably more impact than what's intended. The tonal requirement does not prevent this. These concerns are in addition to the concern I have regarding the absence of a "Late-Nighttime-Only" ambient which any new noise source(s) must not increase by more than 2dB.

I cannot support or vote for the draft proposed updates I received on Friday 24Sep2021. Attached are updates I offer for the PEDB's consideration that I think are more appropriate for a community like Medway. These updates include:

- 1.) Using existing Daytime SPL limits for Nighttime limits at IND/IND, IND/COM, & COM/COM property lines. This is 52dBA including all octave band compliance, consistent with the expectation there won't be folks sleeping in Industrial or Commercial facilities.
 - a. It's not unusual these days for Industrial facilities to have office workers: Admins, planners, purchasing agents etc., so it's appropriate for Industrial & Commercial to have the same noise limits.
- 2.) Adding all octave band compliance to the SPL absolute limits at Residential Property Lines and Sensitive Receptors.
- 3.) Addition of "Late-Nighttime-Ambient" which new noise source(s) must not increase by more than 2dB.

What follows is a recapitulation of concerns I've previously expressed, thought it warranted to have my position with a brief set of supporting reasons in a single email, (please see prior emails with attachments of 13Sep2021, & 24Sep2021 for more thorough treatment of concerns):

- 1.) Concern Regarding Allowing 60dBA at Industrial/Industrial and 55dBA at (Commercial or Industrial)/Commercial Property Lines:
 - a. The Town's noise survey around 2 Marc Rd prior to full mitigation measured 55dBA at the West Property Line of 2 Marc Rd, this is the Property Line facing 4 Marc Rd. Here's how I characterized the noise at the front door of 4 Marc. Rd in an email sent to Susy and Ellen on 22Jan2019:
 - i. At the front door of Milara, the building at the top of Marc Rd.
 1. On some of my walks along the private way, I've walked around the Milara building to the front door to hear what the noise is like at the front of the building as compared to the rear of the building. The noise at this location is extremely loud and abrasive, I struggle to find a word that adequately conveys just how bad the noise is at Milara's front door. This noise was present each and every time I went around to the front of the building.
 2. I've talked with 3 Milara folks and they all report this noise is extremely bad. The owner/CEO Krassy Petkov is very upset about this noise.
 - b. After the above experience there's no way in good conscience I could vote for environmental updates that would allow for such conditions to exist in Medway at Industrial or Commercial facilities.

- c. What's offered in the attached updates for IND/IND, IND/COM, COM/COM property line SPL limits uses the SPL limits in the existing Bylaw during the daytime for the nighttime, which is more appropriate for a community like Medway.

2.) Concern Regarding The Absence of a "Late-Nighttime-Ambient" Which New Noise Source(s) Must Not Increase By More Than 2dB:

- a. In the draft updates the nighttime absolute SPL limit at Sensitive Receptors is 32dBA providing a 5dBA noise budget for new facilities, which is based on the 27dBA late-nighttime-ambient measured by Acentech on 01 or 02 May 2018 between 12am and 2am.
- b. The draft updates specify the nighttime ambient as the arithmetic average of hourly L90 levels from 9pm to 7am which will include morning commuter traffic and early nighttime traffic noise, likely resulting in a considerably higher nighttime ambient than 27dBA.
- c. If including morning commuter and early night traffic noise results in a new facility measuring a nighttime ambient of say 30dBA at sensitive receptors and the new facility added the allowed 2dB to that noise, that facility would consume the entire noise budget for new facilities. This is likely to cause one of two things to happen:
 - i. Limiting future growth of Industrial and Commercial Tax Base.
 - ii. Increasing the allowed absolute noise limits at sensitive receptors.
- d. Adding a "Late-Nighttime-Ambient" which new noise source(s) must not increase by more than 2dB will tend to limit the amount of noise budget consumed by any one facility. This will likely preserve:
 - i. Future growth of Industrial and Commercial Tax Base.
 - ii. The allowed absolute noise limits at sensitive receptors.

I ask that you please forward this email and attachment to PEDB members and Jeff so that they may be included in further Environmental Update discussions.

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

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Friday, September 24, 2021 2:00 PM
To: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>; Leigh Knowlton <knowlton@gmail.com>
Subject: further updated version of Environmental Standards

Hi John and Leigh,

See attached further refined draft based on discussion at the 9-21-21 PEDB meeting.

The PEDB will discuss this at its meeting next Tuesday; however there is not a specific time assigned to do so. Attached is the agenda with the Zoom info.

Take care.

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

ENVIRONMENTAL STANDARDS

Revised DRAFT – JMK Inputs 9-15-21

SAC edits 9-21-21

[Acentech edits and comments 9/20/2021 on section 7.3.D.2 \(Track Changes\)](#)

[9-24-21 John Lally comments/edits](#)

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 7.3 Environmental Standards, by deleting it in its entirety and replacing it as follows:

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated. **The measurement metric to determine ambient noise levels will be the A-weighted L₉₀ sound level.**

Commercial Zones: Properties located in the Central Business, Village Commercial, Neighborhood Commercial, Oak Grove Village Center, or Oak Grove Business Park zoning districts as shown on the Medway Zoning Map

(Hz) Hertz: A unit for measuring the number of cycles that occur in a second. In this standard, Hz will be referring to ~~of frequency of change in the cycle of a~~ sound waves.

(dB) Decibel: ~~A unit of measurement of the intensity of sound~~ A logarithmic (dimensionless) measure used in describing the amplitude of sound.

(dBA) A-weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold: The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable odors: Those which are at or above the detection threshold of a person with normal olfactory sensitivity.

Industrial Zones: Properties located in the East Industrial, West Industrial, Business/Industrial, or Energy Resource zoning districts as shown on the Medway Zoning Map

L₉₀ Sound Level: The A-weighted sound level that is exceeded ninety percent (90%) of the time during a measurement period.

Noise Level: The frequency weighted sound pressure level as measured with a sound level meter or equivalent device using the A-weighting network. This level is designated dBA.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

One-third Octave Band (TOB): A frequency band where the highest frequency is 1.26 times the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Prominent Discrete Tone: The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

Commented [CA1]: By striking the objective definition, all subjective claims that “I hear a tone” are prima facie evidence of a tone. An audible tone is roughly 10 dB lower than a prominent discrete tone.

In other words, this definition effectively redefines a “prominent discrete tone” as an “audible tone” and creates a conflict with section 7.3.D.2.a.2

1/3 Octave Band Center Frequency (Hz)	dB	1/3 Octave Band Center Frequency (Hz)	dB
100	16	1250	4
125	14	1600	4
160	12	2000	3
200	11	2500	3
250	9	3150	3
315	8	4000	3
400	7	5000	4
500	6	6300	4
630	6	8000	5
800	5	10000	6
1000	4		

Residential Zones: Properties located in the Agricultural-I, Agricultural-II, Village Residential, or Oak Grove Neighborhood zoning districts as shown on the Medway Zoning Map

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. **Standards.** The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.
 - a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution. Disturbing, offensive or objectionable noises shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the tables below. In addition, maximum permissible sound levels measured at sensitive receptors positioned anywhere on a property that is wholly or partially located within one-thousand feet of the property line of the source of continuously radiated noise shall not exceed the values in the tables below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m. ~~and Late-~~
Nighttime is defined as between the hours of 12:00am and 3:00am.

Commented [LJ-0-M2]: Define new "Late-Nighttime" that will be applicable to the +2dB new source allowed increases.

Industrial Zoned Property to Industrial Zoned Property

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m. @ Property Line	Nighttime (dB) 9:00 p.m. – 7:00 a.m. @ Property Line
63	72	67
125	60	55
250	53	48
500	47	42
1000	43	38
2000	40	35
4000	37	32
8000	33	28
Overall Level (dBA)	52	47

	Daytime 7:00 a.m. – 9:00 p.m. @ Property Line	Nighttime 9:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	60	60

Industrial or Commercial Zoned Property to Commercial Zoned Property

	Daytime 7:00 a.m. – 9:00 p.m. @ Property Line	Nighttime 9:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	55	55

Industrial or Commercial Zoned Property to Residential Zoned Property

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m. @ Property Line	Nighttime (dB) 9:00 p.m. – 7:00 a.m.	
		@ Property Line	@ Sensitive Receptor
63	72	55	45
125	60	48	37
250	53	42	33
500	47	39	29
1000	43	36	27
2000	40	33	25
4000	37	30	23
8000	33	27	20

Overall Level (dBA)	52	42	32
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Commercial Zoned Property to Residential Zoned Property

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m.—9:00 p.m. @ Property Line	Nighttime (dB) 9:00 p.m.—7:00 a.m.	
		@ Property Line	@ Sensitive Receptor
63	67	55	45
125	55	48	37
250	48	42	33
500	42	39	29
1000	38	36	27
2000	35	33	25
4000	32	30	23
8000	28	27	20
Overall Level (dBA)	47	42	32

The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above any of the existing ambient noise levels: Daytime ambient, Nighttime ambient, Late-Nighttime ambient conditions at the nearest any residential property line or any sensitive receptor.

The baseline ambient noise levels at the acceptance of these provisions (need to insert date here) will shall not exceed 47 dBA at any residential property line during daytime hours, 42 dBA at any residential property line during nighttime hours and 32 dBA during nighttime hours at sensitive receptors. Permit applicants for facilities that could potentially introduce noise will be required to conduct a background noise survey over a minimum of a 7 day period to establish levels at each residential property line for conditions at the time of application. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards ANSI S12.18¹.

Sound analyzers used for the background noise monitoring should be capable of collecting 10 minute and hourly L₉₀ sound levels. The average of the hourly L₉₀ levels for nighttime and daytime hours will represent the background levels. The 10-minute L₉₀ sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.

Commented [LJ-0-M3]: Allow new noise source to increase Daytime, Nighttime and Late-Nighttime by up to 2dB.

Commented [CA4]: Where MassDEP would allow 10 dBA increase to ambient background , this clause would allow each new project to increase ambient by 2 dBA. This is very conservative, but consistent with the community's intent to limit the rate of ambient noise increase.

Commented [LJ-0-M5]: Update to clarify 47dBA day at residential property lines, 42dBA night at residential property lines, and 32dBA nighttime at sensitive receptors are Not To Exceed limits.

Commented [CA6]: Could we clarify this a little more? Section c.2 requires a special permit applicant to conduct a baseline study. Are we saying that:

1. no matter what the applicant's study says, the ambient shall never be assigned a value greater than those listed here? OR
2. The permitted level for facility imissions shall never exceed the listed values?

¹ Acoustical Society of America, American National 315Standard ANSI S12.18-1994 (R2009), "Procedures for Outdoor Measurement of Sound Pressure Level," reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements. 9

~~Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.~~

2) Tonal Requirements – The presence of prominent discrete tones, as defined in Section 7.3 (c) at any industrial, commercial or residential property line shall be considered a violation when such audible tone produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

1/3 Octave Band Center Frequency (Hz)	dB	1/3 Octave Band Center Frequency (Hz)	dB
100	16	1250	4
125	14	1600	4
160	12	2000	3
200	11	2500	3
250	9	3150	3
315	8	4000	3
400	7	5000	4
500	6	6300	4
630	6	8000	5
800	5	10000	6
1000	4		

2.3) Temporary Noise. For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.

3.4) Construction Noise. Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

Commented [CA7]: The Tonal Requirements appear to apply to all receptor types. We recommend these requirements for residential uses and other sensitive receptors only. We do not recommend that they be applied e.g. at industrial-to-industrial adjacencies. Suggest moving them under the Residential receptor section above.

Commented [CA8]: Is it possible to explicitly address noise produced by the maintenance testing of emergency generators? CCC regulations require an onsite generator, which generally needs to be exercised 1-4x/month for about ½ hour. This can should be scheduled for weekday daytime hours.

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:

- Ambient noise (Daytime and Nighttime, and Late-Nighttime) and
- Operational noise levels (Daytime and Nighttime and Late-Nighttime) at the facility property line and at Sensitive Receptors located anywhere on a property that is wholly or partially located within one thousand feet of the facility property line. These operational measurements shall include one-third octave band measurements to check for the prominent discrete tone condition as defined in Section 7.3(c).

Commented [LJ-0-M9]: Add Late-Nighttime to measurements, might be implied in Nighttime but figured couldn't hurt to call out specifically.

Commented [CA10]: As above, we recommend that the tonal requirements only apply to sensitive receptors.

c. **Noise Control Plan.**

1. If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.
2. Special permit and site plan applicants for facilities that could potentially introduce noise will be required to conduct a background noise survey over a minimum of a 7-day period to establish levels at each residential property line for conditions at the time of application. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards

Commented [LJ-0-M11]: What about at Sensitive Receptors? Would seem advisable but would require entry onto residents property which probably can't be done without the owners consent?

ANSI S12.18². Sound analyzers used for the background noise monitoring should be capable of collecting 10-minute and hourly L₉₀ sound levels. The arithmetic average of the hourly L₉₀ levels for nighttime and daytime and late-nighttime hours will represent the background levels. The 10-minute L₉₀ sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.

3. If a special permit or site plan approval is required for construction/operation of any facility which could introduce noise sources into the community, once background ambient noise levels are established, the applicant shall submit a noise plan during the permitting process to demonstrate that the noise levels as described above will not be exceeded. The noise control plan shall use established acoustical prediction procedures and should predict noise levels at property lines as well as sensitive receptors. The noise control plan shall include the concept of “buy quiet”, which means using the quietest equipment that will meet operational requirements. The concept of using the Best Available Control Technology (BACT) shall also be employed to assure that any equipment being installed is a quiet as possible. The potential existence of prominent discrete tones as defined above shall also be evaluated.

d. **Corrective Measures.** Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

e. **Continued Noise Compliance.** Should it be determined that a facility goes out of compliance and exceeds any allowable noise limit conditions (e.g. due to equipment wear), corrective action will be required to bring the facility back into compliance which could include, but not be limited to, equipment replacement or additional mitigation steps.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the “safe” range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).

Commented [CA12]: Suggest adding ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014 Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas <https://webstore.ansi.org/standards/asa/ansiasas3sc11002014s12>

This standard addresses insect noise and other issues relevant to quiet communities.

Commented [LJ-0-M13]: Add Late-Nighttime calculation to background noise levels.

² Acoustical Society of America, American National Standard ANSI S12.18-1994 (R2009), “Procedures for Outdoor Measurement of Sound Pressure Level,” reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements. 9

- 4. Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.
- a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.
- 1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.
 - 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.
- b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.
- 1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:
 - a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.
 - b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.

- 2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.
- 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:
 - a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
 - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) **Chemical Analysis** – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
 - d) **Instrumental Odor Monitoring** – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
 - e) Any other method or best practice determined to be appropriate by the Building Commissioner.
- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.

- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency, utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for safety purposes are exempt from these restrictions.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Susan Affleck-Childs

From: Paul Yorkis <pgyorkis@gmail.com>
Sent: Tuesday, September 21, 2021 5:07 PM
To: Susan Affleck-Childs
Subject: Hartney Acres, Newton Lane

Good afternoon.

Today a site walk was conducted regarding Hartney Acres and Newton Lane by Town of Medway DPS personnel and the PEDB consulting engineer.

Based upon the scope of work that has been identified the acceptance of Newton Lane should be moved to the Spring 2022 town meeting.

Paul G. Yorkis
Patriot Real Estate, Inc.
Cell 508-509-7860
pgyorkis@gmail.com
2021 MAR Private Property Awardee
2020 RCAMA President
2020 RCAMA Realtor of the Year
2017 MAR President
2011 MAR Realtor of the Year
Member HUD Housing Counseling
Federal Advisory Committee



September 28, 2021
Medway Planning & Economic Development Board
Meeting

ROCKY'S HARDWARE ADMINISTRTIVE
SITE PLAN AND OUTDOOR DISPLAY
SPECIAL PERMIT – PUBLIC HEARING
CONTINUATION

- Public Hearing Continuation notice to 9-28-21, filed with the Town Clerk on 9-15-21
- Revised draft decision dated 9-23-21
- 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 by Sugrue & Associates
- Photometric plan by Highpoint Engineering dated 9-10-21
- Mullins Rule certification for Bob Tucker for the 8-10-21 PEDB meeting
- Mullins Rule certification for Tom Gay for the 8-10-21 PEDB meeting

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
SEP 15 '21 PM1:16

MEMORANDUM

September 15, 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 28, 2021 at 9:00 p.m.

At its September 14, 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 28, 2021 at 9:00 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 *Garden Center Design Plan* revised 9-9-21 by Sugrue Associates.

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 28th hearing. Please do not hesitate to contact me if you have any questions or have any last minute comments.

Board Members

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



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

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

REVISED DRAFT – September 23, 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: Rocky's Ace Garden Center Plan and Dumpster Fence Details, Sheets C1
and SK-1 by Sugrue & Associates of Smithfield, RI 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 filling 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 *Rocky's Ace Garden Center Plan and Dumpster Fence Details, Sheets C1 and SK-1* by Sugrue & Associates of Smithfield, RI to be further revised as specified herein. 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 *Rocky's Ace Garden Center Plan and Dumpster Fence Details, Sheets C1 and SK-1* by Sugrue & Associates of Smithfield, RI 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 September 14, and to September 21, 2021 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. Rocky's Ace Hardware Garden Center plan, revised date 9-9-21 by Sugrue Associates
6. Rocky's Ace Hardware Dumpster Fence Details, dated 8-30-21 by Sugrue Associates
7. Response document by attorney Joel Quick, received 8-19-21 to the discussion and comments provided during the 8-10-21 public hearing
8. *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.
9. *Existing Conditions Photometric Plan*, Medway Place Shopping Center, dated 9-10-21 by Highpoint Engineering, Inc. of Canton, MA

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
7. Mullins Rule Certification for Bob Tucker for the 8-10-21 PEDB meeting
8. Mullins Rule Certification for Tom Gay for the 8-10-21 PEDB meeting

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 (Specific Condition E. 1), 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 prohibition will serve to 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
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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. This permit is limited to the display of seasonal tools, plants, and other related merchandise within the garden center of the size as shown on the plan of record.
 2. 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.
 3. Hours of operation – The outdoor garden center and the propane tank filling station shall maintain the same hours of operation as the retail store.

Commented [SA1]:
This section has been revised.

4. Shelving and merchandise to be located within the garden center shall not extend taller than the height of the fencing as shown on the site plan.
5. Shelving shall be constructed of sturdy, non-breakable materials and shall be maintained in good condition at all times. Displayed merchandise shall be maintained to provide a pleasant aesthetic appearance.
6. Outdoor Storage – Consistent with the Zoning Bylaw, Table 1 Schedule of Uses, Outdoor 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.
7. 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 outdoor display special permit from the Zoning Board of Appeals.

E. Other Conditions

1. Deliveries for all Rocky's Hardware merchandise shall be made to the back of 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 are 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:

Signature *Printed Name*

Signature *Printed Name*

Signature *Printed Name*

Signature *Printed Name*

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

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDCATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

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

I, THOMAS A. GAY (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
2. I missed a public hearing session on the matter of

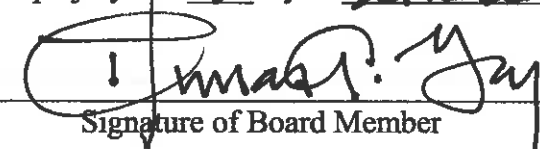
RECKY'S ACE HARDWARE
which was held on AUGUST 10, 2021

3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) is/are applicable):

- a. ☐ audio recording of the missed hearing session; or
- b. ☒ video recording of the missed hearing session; or
- c. ☐ a written transcript of the missed hearing session.

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

Signed under the pains and penalties of perjury this 13TH day of SEPTEMBER 2021.



Signature of Board Member

Received as part of the record of the above matter:

Date: September 14, 2021

By: September 14, 2021

Position: Planning & Eco Dev. Coordinator



RECEIVED TOWN CLERK
AUG 25 '21 AM 11:34

Town of Medway, Massachusetts

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

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

I, ROBERT TUCKER (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of Planning & Economic Development Board
2. I missed a public hearing session on the matter(s) of: Medway Place Site Plan, Perky's Hardware Special Permit & Site Plan, Phytopia Special Permits & Site Plan
which was held on August 10, 2021
3. I have reviewed all the evidence introduced at the hearing session that I have missed which included a review of (initial which one(s) is/are applicable):
 - a. ☐ audio recording of the missed hearing session; or
 - b. ☒ video recording of the missed hearing session; or
 - c. ☐ a written transcript of the missed hearing session.

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

Signed under the pains and penalties of perjury this 24 day of August, 20 21.

[Signature]
(Signature of Board Member)

Received as part of the record of the above matter:

Date: 8-24-21

By: Susan E. Gifford-Clark

Position: Planning & Economic Dev.
Coordinator

10-1-2017