

August 8, 2017
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development
Gino Carlucci, PGC Associates
Steve Bouley, Tetra Tech
Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:01pm.

Citizen Comments

Resident Ray Newby, 8 Williamsburg Way, was present to submit a petition dated August 8, 2017 to the Planning Economic Development Board. **(See Attached)** The Board is in receipt of an email from Mr. Newby dated August 2, 2017. It is their hope to get the help of the Board to get the developer to complete the unfinished items. The resident explained that they have spent nearly \$7,500.00 to get the complex completed. The road bond value as of September 10, 2010 was \$200,269.00.

The Board was made aware that the developer submitted an application to the Conservation Commission to install an irrigation well. The residents would like to get the condo items fixed before a well is put in.

Susy Affleck-Childs responded that there has not been an updated punch list in a number of years. She did indicate that the bond value is \$133,000.00 not \$200,269.00 as she had previously informed Mr. Newby. The last bond reduction was in November 2010.

The Chairman responded that the Town Administrator wants developers to finish projects. An updated punch list is needed. The list of open items has grown over the years and there is inflation in costs to consider when doing estimates.

A Williamsburg resident responded that they did get a quote for paving from Bevilaqua. The current fencing around the perimeter is waffling. If the bond is short \$70,000, this will be an issue for completion of work to be done.

Susy Affleck-Childs indicated that there were probably some things done on the November 2010 list that may be taken off.

Member Tucker responded that the attributes relating to the managing of the site such as fencing are not part of bond.

There was discussion about having Susy send an invoice for additional construction services funds. There is enough money to pay Tetra Tech for an inspection and punch list. The Board would like Susy to notify Mr. Yorkis that Tetra Tech will do an inspection and prepare a new punch list which will be provided at the next meeting. This item will be placed on a future agenda for discussion with Mr. Yorkis. Susy will provide Mr. Newby with the requested paperwork on the November 2010 bond estimate. Mr. Newby will also provide his paperwork to Tetra Tech.

The Board did discuss that if there is an irrigation well, this is a plan change and could require a plan modification. The members discussed that there was an email note from Paul Yorkis dated July 31, 2017. There was a construction services estimate from Tetra Tech dated July 28, 2017 for \$5,045.00. The construction account balance is \$1,945.29. Mr. Yorkis indicated in the email that his completion of the other work for the development is tied to installing the irrigation well. The well application is with the Board of Health but it needs permission from the Conservation Commission as well. The additional money requested for the construction account is \$3,090.71. The Board would like to hold off on invoicing for additional construction inspection funds until the punch list is updated.

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted unanimously to have Tetra Tech create a punch list for Williamsburg.

The next Board meeting will be August 22, 2017.

Public Hearing Continuation - O'Brien and Sons - Site Plan and Groundwater Protection Special Permit:

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

- Updated review letter from the Design Review Committee dated 8-2-17.
- Draft Decision dated 8-4-17.
- Updated Stormwater Operations and Maintenance Plan.
- Confidential email from Town Counsel.

Business owner Erin O'Brien and Mark Beaudry, Senior Associate from Meridian Associates, were present.

Mr. Beaudry explained that he recently met with representatives from Tetra Tech to resolve the remaining issues. There has been an updated Stormwater Operations and Maintenance Plan and a condition has been added that applicant is responsible for the responsible for the stormwater maintenance plan.

All members are in receipt of the revised decision dated August 4, 2017.

The following revisions were noted:

- Page 6: language was added about the tree line to the rear of the site along the residential abutter is diagonally across Alder Street.... but owned by National Grid.
- Page 7: language added except for construction of the open stormwater basin that is receiving pre-treatment ...
- Page 9: Eliminate internal site driveways.
- Page 10 #2: parking space stalls at a size of 9 x 18 (except for one 8' by 18' accessible space)

- Page 4A: Stalls shall not be located within 15' of the front, side or rear property line...
- Page 11: language added about the turning area.
- Page 15: H: Reference the Bottle Cap lot LLC.
- Page 15: Add language about test pits as noted in revised decision.
- Include language about idling trucks between 7:00 am and 6:00 pm

Findings:

On a motion made by Bob Tucker and seconded by Matthew Hayes, the Board voted unanimously to approve the Findings for O'Brien and Sons.

Waivers:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the Requested Waivers for O'Brien and Sons.

Conditions:

On a motion made by Bob Tucker and seconded by Matt Hayes the Board voted unanimously to accept the Conditions for O'Brien and Sons.

Decision:

On a motion made by Bob Tucker and seconded by Richard Di Iulio, the Board voted unanimously to approve the O'Brien and Sons site plan and groundwater protection district special permit with waivers and conditions

Close Public Hearing:

On a motion made by Bob Tucker and seconded by Matt Hayes the Board voted unanimously to close the public hearing for O'Brien and Sons.

Millstone Bond Reduction:

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

- Tetra Tech bond adjustment dated June 27, 2017.
- Email from Mr. Venincasa dated August 2, 2017 about conservation restriction.

Millstone developer Steve Venincasa was present at the meeting.

Susy Affleck-Childs informed the Board that the Millstone Lenders agreement amendment #3 was signed on July 25, 2017. The agreement references the Tetra Tech bond estimate which included a trail sketch prepared by Tetra Tech on which the bond estimate was created. Mr. Venincasa does not want the two footbridges in the amount of \$61,000.00 to be included in the bond estimate since there has been no determination that this is in fact needed. He does not think this is fair. Mr. Venincasa communicated that he agreed to build a parking lot on the other side, but not the boardwalk over the wetland crossing. Susy responded that the plan implies a trail connection from the development parcel into the open space side but the decision language focuses on making sure that there is a trail on the open space parcel.

Steve Venincasa explained that in the area of one of the proposed footbridges there are two flat rocks so there is no need for a footbridge for a wetland crossing. The Chairman communicated that this will need Order of Conditions from the Conservation Commission, so we need to get that. Steve communicated that the Notice of Intent application is being filed. He believes that nothing would be approved to go across the wetland since he was denied a deck for one of the houses which was 65 ft. from the wetland.

Trail Committee member Paul Atwood was present and the members are willing to work with Mr. Venincasa for the trails.

Steve Venincasa reported that a site walk was undertaken by the Conservation Agent and Rob, the engineer. The connecting trail route could be located closer to the property line to avoid the wetlands. This would bring the trail further east. In the conclusion of the discussion, it was requested to take the drawing out of the Lender's agreement. The Board is ok with this but did not support reducing the bond amount at this time.

The Board indicated that Mr. Venincasa should send a letter to the Town Administrator to deal with any change to affordability aspect of the units.

The Board suggested that this be discussed further discussed at their next meeting to be held on August 22, 2017.

Construction Reports:

Medway Gardens:

The members are in receipt of the following documents: **(See Attached)**

- Tetra Tech inspection report dated 7-19-17.
- Site Plan modification decision dated 11-8-16.
- Medway Garden site plan endorsed 12-13-16.

Susy Affleck-Childs informed the Board that she spoke with Mr. Avellino and he is not able to attend the meeting. He did indicate that he is making good progress and will have everything done by December 31, 2017 which is the completion date specified in the decision. Frank Guthman from Tetra Tech visited the site and provided a revised punch list dated August 7, 2017 **(See Attached)**

The following items were noted:

- Railroad ties not installed.
- Parking striping not being maintained as noted in decision.
- The two handicapped parking accessible signs have not been installed.
- 30 concrete wheel stops should be installed not 29.
- Not completed is the gravel access drive to Milford Street.
- Evergreen trees have not been installed every 20'
- The wood stockade fence does not meet the requirements of the plan
- The stockade fence around the dumpster is not completed.

The Board does not think that "substantial work" has been completed. Consultant Bouley indicated that vinyl fence has been installed, but the panels are not attached to the swing gate. There is also an issue with the pergola in the right-of-way.

The Board recommended that a letter be sent from the Board to Medway Gardens and ask for follow-up enforcement from the Building Inspector.

Member Hayes indicated he would visit the site as well.

Williamsburg:

The Board would like an email to be sent to Mr. Yorkis about the status of Williamsburg. There

is \$133,000 being held in the bond. The completion date has come and gone.

The Board discussed that they would like to discuss at a later date how to write the decisions with more specific timeframes and inspections which need to be done within this process. There is not enough incentive for many developers to finish the remaining work once all the units are sold. Internally, the work completion dates need to be followed more closely and the Board needs to use enforcement options when developers are not meeting these deadlines.

PEDB Meeting Minutes:

July 18, 2017

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the minutes from July 18, 2017 were unanimously accepted.

July 25, 2017

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the minutes from July 25, 2017 were unanimously accepted.

Other Business:

- The members are in receipt of a memo “EPFRAC Parks Improvement Project” with the various dates.
- There was a brief discussion about standards for testing soil/loam. Member Tucker stated the Board needs to be careful that we are not more stringent than the state since it is difficult to test and regulate. There is a process in place already with the state.

Adjourn:

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

The meeting was adjourned at 9:52 pm.

Respectfully Submitted,



Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Petition to the Planning and Economic Development Board for the Town of Medway

We, the undersigned, are asking for the Town of Medway's Planning and Economic Board, to assist in our effort to get our Community developer to complete the necessary items to properly finish our property.

- We are hoping that this committee will assist in getting the developer, Paul Yorkis, to complete all necessary items as promised at the development onset.
- Our goal is to have the completed Community that was promised to us.
- As the recipient of said petition, we ask for the Town's assistance in moving this matter forward.

Name	Address	Phone #	Signature
Ami Inoues	8 Williamsburg	508-341-595	
PRITHA K	13 Williamsburg	956-266-793	
Jia Zhao	21 Williamsburg	508-533-7273	
Al Daniels	12 Williamsburg	508-533-3457	
Kate Collins	7 Williamsburg	774-239-3093	
Haen Potter	6 Williamsburg	508-533-3524	
MARY POTTER	5 Williamsburg	"	
MADHURAN	3 Williamsburg	517-775-0111	
VIJAY PABAM	4 Williamsburg	781-771-5038	
Keane Chebur	9 Williamsburg	508-561-7131	
Patricia Metake	1 Williamsburg	414-326-8008	
William P Fallon	23 Williamsburg	508-321-1199	
Chiranjeev Balasubramanian	11 Williamsburg way	508-523-8891	
Christine Riccio	6 Williamsburg way	401-744-366	
Robert Sullivan	19 Williamsburg way	508-735-1966	
MIDKUL SHARMA	15 Williamsburg way	617-979-8214	
Nancy DeLoche	17 WILLIAMSBURG	508-533-3450	
Rajmukh Singh	10 Williamsburg	508-359-7054	
	2 Williamsburg	732-3061254	

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AUGUST 8, 2017



Town Meeting

Rick Tweedy

to:

Rick Tweedy

08/02/2017 10:04 AM

Hide Details

From: Rick Tweedy <rtweedy@frsqm.com>

To: Rick Tweedy <rtweedy@frsqm.com>,

Good morning All,

At last night's Trustee meeting there was lengthy discussion about the developer, Paul Yorkis, and the fact that he has not completed the project. There are still a number of items that he needs to complete. As Management and the Board have worked together to try and get him to complete this on his own, we have been stifled at each attempt. He simply ignores the requests.

That being said, the Board is asking for your help. There is a town meeting coming up next week that we urge you to attend. The consensus is that many voices will help deliver the message to the Town to try and get him to complete the job. As a homeowner and tax payer you have every right to attend and ask the Town to step in.

At some point soon, a member of the Board, may ask you to sign a petition asking the Town to help. We would like your support on this matter. Let's face it, it's your Community and it needs to be completed. We would also ask for your support by attending the meeting also.

Here are the meeting details:

Date: **August 8th at 7PM**

Meeting place:

Medway Town Hall
155 Village Street
Medway, MA 02053

Parking is available in the back of the town hall building.
Entrance through rear door.
Take elevator to 2nd floor
Exit left out of elevator and left again and proceed to meeting room.

Present brief discussion points in writing as well as signed Petition to discuss briefly with Planning & Economic Development Board members.

Key discussion Points that we need the Town of Medway / Planning & Economic Development Board help on:

- As tax paying members of the Town of Medway we are seeking resolution to have Paul Yorkis complete our complex.
- Not having our complex completed is also hurting our home values.
- Well permit approved as this is a gating item to begin what we hope will be the completion of our complex.

- This project is nearly ten years old and the last unit closed in November 2016.
- We have spent our own money nearly \$7,500.00 for an Engineering Transition Inspection and Legal fees to get our complex completed.
- We have safety issues that have to be addressed: Light pole missing, many broken and not functioning, sidewalks missing and sink holes as well as poor street drainage.
- Road Bond Value as of September 10, 2010 from Tetra Tech Rizzo is \$200,269.00
- We need to have a date for completion and if not done by that date request the Town of Medway seize the bond and have us completed soon after

We would certainly appreciate your support on this matter.

Thank you

Richard Tweedy
Portfolio Manager
Franklin Square Management
rtweedy@frsgm.com
(508) 695-9006



August 8, 2017

**Medway Planning & Economic Development Board
Meeting**

**Williamsburg OSRD - Construction
Observation Fee**

- Email note from Paul Yorkis dated July 31, 2017 in response to my inquiry for a status report. I asked him to attend the 8-8-17 meeting and he is not able to do so. I have asked him to attend the 8-22-17 meeting and have not yet heard from him regarding his availability.
- SAC notes dated 7-7-17 regarding completion of Williamsburg
- Tetra Tech construction services estimate dated 7-28-17 for \$5045
- Williamsburg construction account spreadsheet showing a balance of \$1954.29

Mr. Yorkis notes that his completion work is tied to installing an irrigation well. His petition is before the Conservation Commission at its 8-19-17 meeting.

I would ask the Board to approve an additional CO fee of \$3090.71.

Susan Affleck-Childs

From: Paul G. Yorkis <pgyorkis@gmail.com>
Sent: Monday, July 31, 2017 7:27 AM
To: Susan Affleck-Childs
Subject: Re: Williamsburg status

Thank you for your email.

As you may know I submitted an application for a well permit to install the well necessary for the irrigation system.

Unfortunately that process is taking far longer then I expected.

The Town of Medway Board of Health Agent and the Town of Medway Conservation Commission Agent have imposed requirements that I am attempting to meet.

When and if a well permit is issued by the Town of Medway Board of Health, I will get on the schedule of the well driller.

Once the well is installed, an irrigation system installer will install the system.

Once the system is installed paving and related work will follow.

Hope this helps.

Please note that I am very anxious to complete Williamsburg.

Paul G. Yorkis
President
Williamsburg Condominium Corporation
Cell 508-509-7860

On Jul 25, 2017, at 8:53 AM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Paul,

Planning Board members have asked me about the status of Williamsburg.

Attached is my draft working list of TO DO items from my perspective.

With the MA Permit Extension Act adding 4 years to the original Williamsburg completion deadline of February 23, 2013 (3 years after plan endorsement), the revised Williamsburg completion deadline was February 23, 2017.

Would you give me a rough timetable for how you will be wrapping up the project? Thanks very much.

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

Town of Medway – *A Massachusetts Green Community*

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<Project Closeout for Williamsburg - sac notes (7-17-17).docx>

Project Closeout for Williamsburg – SAC Notes 7/17/17

TT site inspection and punch list including satisfactory completion of trail work on Parcel B (and bench) and removal of construction debris, etc. on Parcel B. Have TT read through the decisions for ALL details to be inspected and addressed in punch list

Developer to prepare and submit as-built plans for TT review

PED office to verify approval and recording of Conservation Restriction on Parcel A

Developer to sign easement deed to the Town providing public access on Williamsburg Way to Open Space Parcel B. This needs to go to Town Meeting for approval.

PED office to coordinate paperwork to convey Open Space Parcel B to ConCom/BOS

PED office to check AH deed restrictions on 2 units – 7 and 12 Williamsburg Way

PED office to check on status of Certificate of Compliance from DEP for Superseding Order of Conditions

Developer to provide proof of cleaning of stormwater system

PED office to meet with Williamsburg condo association re: their ongoing responsibilities

PED office to check on status of Williamsburg tri party agreement (8-24-10) with Walpole Bank – Michael Gookin, 508-668-1080. \$133,169 (updated 7-17-17 at 9:30 am)

Expect that additional CO \$ will be needed. Balance = \$1,954.29

Date:	July 28, 2017	Amendment No.:	001
Project:	Williamsburg Way	Project No.:	127-21583-10002
To:	Ms. Susan Affleck-Childs	Amendment 001 Cost Estimate	
Co./Dept.:	Medway PEDB	Fee:	\$ 4,805.00
Address:	155 Village Street Medway, MA 02053	Expenses:	\$ 240.00
		Total:	\$ 5,045.00
		Revised Total Project Cost Estimate	
		Fee:	\$ 20,586.50
		Expenses:	\$ 914.00
		Total:	\$ 21,500.50
			Estimated Date of Completion 2018

SCOPE OF SERVICES

Scope Change Descriptions

Task 2 Additional Construction Services: TT will provide continued construction services for the project which include additional public hearings, site inspections, punch lists, bond reductions and plan review. The attached budget and below table represent the effort required to complete the project. Items not specifically listed in the attached budget will require additional funding.

Task	Task Description	Initial Contract	Revision 1	Project Total
1	Inspectional Services	\$15,781.50	-	\$15,781.50
2	Additional Construction Services	-	\$4,805.00	\$4,805.00
	<i>Sub-Total</i>	\$15,781.50	\$4,805.00	\$20,586.50
	<i>Expenses</i>	\$674.00	\$240.00	\$914.00
	Total Fee	\$16,455.50	\$5,045.00	\$21,500.50

Please execute this change order to our existing Contract Agreement authorizing us to proceed with the above scope of service at the stated estimated cost. No work will be performed under this change order until it is signed and returned to Tetra Tech. Upon execution by both parties, this change order becomes part of our original Contract Agreement dated January 8, 2010.

Tetra Tech Authorization		Client Authorization (please sign and return)	
By:	Sean Reardon, P.E. 	By:	
Title:	Vice President	Title:	
Date:	July 28, 2017	Date:	

P:\21583\127-21583-10002 (WILLIAMSBURG WAY CONSTRUCTION SERVICES)\PROJMGMT\CONTRACTS\COS\CO 001_MEDWAY WILLIAMSBURG WAY_2017-07-27.DOCX

**TETRA TECH**

**Williamsburg Way
Construction Administration Budget
July 28, 2017**

Item No. ¹	Inspection	Site Visits	Hrs/Inspection ²	Rate ²	Total
1	Raise Castings	1	3	\$95	\$285
2	Roadway Top Course Paving	1	10	\$95	\$950
3	Openspace Trail Walk/Inspection	1	4	\$95	\$380
4	Punch List Inspections ³	2	4	\$140	\$1,120
5	As-Built Plans ⁴	2	3	\$140	\$840
6	PEDB Meetings/Hearings	2	3	\$140	\$840
7	Admin	3	2	\$65	\$390
	Subtotal				\$4,805
	Expenses			5.0%	\$240
	TOTAL				\$5,045

Notes:

¹ Each item includes site visit, inspection and written report.

² If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required. Hourly rates listed are sufficient through June 30, 2018 at which time a revision to this estimate will be required.

³ Punch List Inspections include one (1) substantial completion inspection and punch list memo provided to the town. It also includes one (1) final inspection to verify that comments from the initial punch list have been addressed and one (1) revision to the Punch List if required.

⁴ This item includes review of As-Built Plans, review letter and coordination with the applicant to address any issues on the plans.

DATE: August 1, 2017

										Date Submitted to Town Accountant or TA office	
Date Check Received	Amount	Check #	Payment Source	Date Submitted to Treasurer	Consultant's Construction Observation Fee	Consultant's Name	Consultant's Invoice Date	Invoice Number	Time Period Covered		Balance
2/22/2010	\$15,781.50		Williamsburg Condo Corp	3/29/2010							\$15,781.50
					\$236.90	Tetra Tech	1/22/2010	50327275			\$15,544.60
					\$573.50	Petrini	3/8/2010	23431			\$14,971.10
					\$3,950.38	Tetra Tech	3/12/2010	50340791			\$11,020.72
					\$2,478.62	Tetra Tech	7/12/2010	50369421			\$8,542.10
					\$57.00	Petrini	9/9/2010	24137			\$8,485.10
					\$3,021.96	Tetra Tech	10/1/2010	50390760	7/9 - 9/10/10	12/13/2011	\$5,463.14
					\$902.02	Tetra Tech	11/12/2010	50406033	9/11 - 10/22/10		\$4,561.12
					\$797.22	Tetra Tech	12/23/2010	50417609	10/23 - 12/3/10		\$3,763.90
					\$2,181.00	Petrini	2/8/2011	24876	1/11 - 1/30/11		\$1,582.90
					\$994.50	Petrini	6/6/2013	28446	5/1 - 5/31/13	6/17/2013	\$588.40
					\$1,638.00	Petrini	6/21/2013	28530	6/1 -6/21/13	7/19/2013	(\$1,049.60)
					\$1,150.50	Petrini	6/28/2013	28555	6/22-6/28/13	7/19/2013	(\$2,200.10)
7/19/2013	\$5,484.00	8959	Williamsburg Condo Corp	7/22/2013							\$3,283.90
					\$20.50	Petrini	10/4/2013	28924	Sept of 2013	10/4/2013	\$3,263.40
					\$901.26	Tetra Tech	2/21/2014	50769757	thru 1/31/14		\$2,362.14
					\$143.50	Petrini	4/3/2014	29795	March of 2014	4/11/2014	\$2,218.64
					\$63.00	Petrini	8/12/2014	30515	7/1/2014	8/14/2014	\$2,155.64
					\$97.85	Tetra Tech	4/24/2015	50906782	thru 4-10-15	5/1/2015	\$2,057.79
					\$103.50	Tetra Tech	9/25/2015	50962946	thru 9/18/15		
	\$21,265.50				\$19,311.21						\$1,954.29
	Total Paid by Applicant				Total Cons. Obsrvtn. Fees						Balance



August 8, 2017
Medway Planning & Economic Development Board
Meeting

O'Brien & Sons

- Updated review letter from the Design Review Committee dated 8-2-17.
- Draft decision dated 8-4-17. This has been provided to the applicant's architect and engineer for review.
- Updated Stormwater and Maintenance Plan
- CONFIDENTIAL email from Town Counsel Barbara Saint Andre re: legal options and process for conveyance of the Alder Street cul-de-sac to the applicant.

NOTE – The deadline for filing the PEDB's decision with the Town Clerk is August 21, 2017. If you feel you need more time to review and refine the decision, you either need to schedule an extra PEDB meeting (Tuesday, August 15th) or secure a deadline extension so you can address this at the next PEDB on August 22.



Town of Medway
DESIGN REVIEW COMMITTEE

155 Village Street
Medway MA 02053
508-533-3291

drc@townofmedway.org

August 2, 2017

TO: Medway Planning and Economic Development Board
FROM: Matthew Buckley, Chairman
RE: DRC Comments – M.E. O'Brien & Sons Site Plan, 17 Trotter Street

Dear Members of the Medway Planning and Economic Development Board

The Medway Design Review Committee [DRC] is pleased to provide an updated comment letter on the proposed one-story office building at 17 Trotter Drive for O'Brien & Sons corporate offices. The DRC met with representatives for M.E. O'Brien & Sons, Meridian Associates (engineers) and Gorman Richardson Lewis (architects) on June 5, 2017 and again on July 31, 2017 with Anita Sandberg of GRL Architects and business owner Erin O'Brien. During the recent meeting, we reviewed a revised site plan dated July 17, 2017 and received a presentation on the project from Ms. Sandberg.

The DRC is satisfied that the designs put forward, to date, are consistent with Medway *Design Review Guidelines*. Ms. Sandberg provided updates related to the recommendations made by the DRC during the June 5th meeting. The DRC is confident that these changes have satisfied each of our prior recommendations as expressed in the DRC's first review letter dated June 13, 2017. These included a detailed landscape plan, options for the retaining wall and other walls, lighting fixture details and a dumpster enclosure. The DRC provided feedback on each of these topics as follows:

- The DRC was shown three styles of materials for the retaining walls along the site's eastern boundary and for the curved wall at the southwest corner of the site by Alder Street. The DRC recommends that the option of the flat style stone be used at the rear for the tiered retaining wall. This will most closely match the building's contemporary style. The retaining walls will be internal to the site and not visible from the street. See image here.



- The DRC recommends that the option of the fieldstone style be used at the curved wall at Alder Street and Trotter Drive. This style will match the existing fieldstone wall that runs along Alder Street. [See Sheet C-4 of the site plan.] This will create the appearance of the continuation of an existing feature and offer a transitional element joining the residential area to the office use. The attributes of the materials for this wall are stones of varied sizes and color, in tones that reflect indigenous stone. See image here.



- The DRC recommends that the dumpster enclosure material be of a natural wood appearance and color. An example is provided in the image below. This enclosure should also be of a greater height than the dumpster within to sufficiently screen it.



- The DRC recommends that the frequency of the LED lights be of a lower color temperature [2700-3000K] to provide a more natural appearance.

- A rendering of a proposed monument sign was shown to the DRC during the meeting and a general position on the site is shown on the plan. Currently, no application for this sign or any other sign has been filed and the DRC has not made a formal review. The DRC requests that an application be filed to allow the review and approval of the monument sign and any other sign on the site that falls within the sizes requiring permitting. The DRC recommends that a master signage program be created for the site to establish a cohesive style and appearance.

The DRC respectfully submits these review comments for the Planning and Economic Development Board. As always, the DRC is available to discuss any of these points and would gladly offer any additional recommendations.

The DRC members would like to make note of the exceptional quality of the designs put forward for this new site and building, as well as the astute professionalism of the design team and the applicant. They have produced a plan that achieves both the design goals for the O'Brien & Sons new corporate office and those set out in Medway's *Design Review Guidelines*. Moreover, this professional approach has enable the review process to move quickly and effectively.

Sincerely,

A handwritten signature in black ink, reading "Matthew J. Buckley". The signature is written in a cursive, flowing style with a large, stylized 'M' and 'B'.

Matthew Buckley
Chairman



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio*

August 4, 2017

**Major Site Plan Review and Groundwater Protection District
Special Permit Decision
O'Brien & Sons – 17 Trotter Drive
with Waivers and Conditions**

Decision Date: August 8, 2017

Name/Address of Applicant: Bottle Cap Lot LLC
93 West Street
Medfield, MA 02052

Name/Address of Property Owner: Anthony and Marguerite Mele
203 Main Street
Medway, MA 02053

Project Location: 17 Trotter Drive

Assessors' Reference: 54-01

Zoning District: Industrial III and Groundwater Protection District

Engineer: Meridian Associates
69 Milk Street
Westborough, MA 01581

Architect: Gorman Richardson Lewis Architects
239 South Street
Hopkinton, MA 01748

Site Plan: O'Brien & Sons Corporate Office
17 Trotter Drive – Medway, MA
Dated May 23, 2017, last revised July 17, 2017

I. PROJECT DESCRIPTION – The proposed project includes construction of a 10,531 sq. ft., one story building for offices, storage space used primarily for product literature, and related office functions for M.E. O'Brien & Sons. Also included are 22 parking spaces, landscaping, lighting, utilities, sewer/water connections, and installation of stormwater management facilities. Vehicular access will be provided from both Trotter Drive and Alder Street.

A portion of the site lies within the 100' buffer zone of wetlands resources and is subject to review by the Medway Conservation Commission. A portion of the property is also located within Medway's Groundwater Protection District and a special permit is required.

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, on _____, 2017, on a motion made by _____ and seconded by _____, **voted to _____ with CONDITIONS a groundwater protection special permit and to _____ with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of an approximately 10,531 sq. ft. building addition and site improvements at 17 Trotter Drive as shown on O'Brien & Sons Corporate Office site plan for 17 Trotter Drive, prepared by Meridian & Associates of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA, dated May 23, 2017, last revised July 17, 2017, to be further revised as specified herein.

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

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

III. PROCEDURAL HISTORY

- A. May 23, 2017 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. May 26, 2017 – Site plan public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. May 26, 2017 – Site plan public hearing notice mailed to abutters by certified sent mail.
- D. May 26, 2017 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. May 30 and June 5, 2017 - Site plan public hearing notice advertised in *Milford Daily News*.
- F. June 13, 2017 – Groundwater protection district special permit application filed.

- G. June 19, 2017 - Groundwater protection district special permit public hearing notice filed with the Town Clerk
- H. June 20, 2017 – Groundwater protection district special permit public hearing notice mailed to abutters by certified sent mail.
- I. June 26 and July 3, 2017 – Groundwater protection district special permit public hearing notice advertised in the *Milford Daily News*
- J. June 13, 2017 - Site plan public hearing commenced. The public hearing was continued to July 11, July 25 and August 8, 2017 when the hearing was closed and a decision rendered.
- K. July 11, 2017 – Groundwater protection district special permit public hearing commenced. The public hearing was continued to July 25 and August 8, 2017 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan and special permit applications for the proposed O'Brien & Sons Corporate Office project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the applications were filed:
 - 1. Major Site Plan Application dated May 23, 2017 with Project Description, Development Impact report, property owners' authorization, and certified abutters' list.
 - 2. *O'Brien & Sons Corporate Office* site plan dated May 23, 2017, prepared by Meridian Associates of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA (includes civil and architectural plans)
 - 3. *Stormwater Management Report for O'Brien & Sons Corporate Offices*, dated May 23, 2017 prepared by Meridian Associates of Westborough, MA.
 - 4. *Requests for Waivers from the Medway Site Plan Rules and Regulations*, dated May 23, 2017 prepared by Scott Richardson of Gorman Richardson Lewis Architects of Hopkinton, MA
 - 5. Groundwater Protection District Special Permit Application dated June 12, 2017.
- B. During the course of the review, a variety of other materials were submitted to the Board by the applicant and its representatives:
 - 1. Letter dated June 13, 2017 from Mark Beaudry of Meridian Associates in response to Tetra Tech's June 12, 2017 review letter.
 - 2. Letter dated June 13, 2017 from Mark Beaudry of Meridian Associates in response to PGC's June 6, 2017 review letter.
 - 3. Letter dated July 6, 2017 from Mark Beaudry of Meridian Associates in response to public hearing discussion comments supplemented with revised Plan Sheets C-3 (Grading, Drainage & Utilities) and Sheet C02 (Layout & Materials)

4. O'Brien & Sons Corporate Office site plan dated May 23, 2017, revised July 17, 2017 prepared by prepared by Meridian Associates of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA
5. Letter dated July 18, 2017 from Mark Beaudry of Meridian Associates in response to Tetra Tech's July 6, 2017 review letter.
6. Supplemental Stormwater Calculations to *Stormwater Management Report* prepared by Meridian Associates dated July 17, 2017.
7. O'Brien & Sons Corporate Office, 17 Trotter Drive, *Stormwater Operations and Maintenance Plan* updated August 2, 2017
8. Photometric Plan dated July 19, 2017 prepared by Omni-Lite, Inc. of Burlington, MA.

C. All documents and exhibits received during the public hearing are contained in the Planning and Economic Development Board's project file.

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

- Sean Reardon, P.E. and Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated June 12, July 7 and July 21, 2017 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated June 6, 2017 and commentary throughout the public hearing process.
- Scott Richardson of Gorman Richardson Lewis, architectural consultant for the applicant
- Mark Beaudry of Meridian & Associates, engineering consultant for the applicant
- Review letters from the Medway Design Review Committee dated June 13, 2017 and August 2, 2017.
- Email communication from Medway DPS Director David D'Amico dated July 11, 2017.
- Roger Bennett, 17 Alder Street, Medway, MA
- Erin O'Brien, O'Brien & Sons, Medfield, MA

VI. **FINDINGS** – In making its findings and reaching the decision described herein, the Board is guided by Board's *Site Plan Rules and Regulations*, and the *Medway Zoning Bylaw*. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

The Planning and Economic Development Board, at its meeting on August 8, 2017, on a motion made by _____ and seconded by _____ voted to _____ the following **FINDINGS** regarding the site plan and special permit applications for the O'Brien and Sons Corporate office at 17 Trotter Drive. The motion was _____ by a vote of ____ in favor and _____ opposed.

A. Site Plan Rules and Regulations Findings – The Planning and Economic Development Board shall determine whether the proposed development is in

conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

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

Primary ingress and egress is off Trotter Drive, an industrial roadway designed to handle this type of facility. It has a long driveway which will eliminate any queuing and backing into a public way. Loading is off Alder Street just before it transitions to residential development. Truck maneuvering to back into the loading area will take place on Alder Street but will not infringe on the residential portion. Access via the residential portion of Alder Street is minimized through signage and instructions to employees and delivery personnel. (See Condition # _____.)

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

The proposed building and site are in an industrial style and scale with materials similar to other buildings within the industrial park. A retaining wall behind the building and facing the residential abutter is being terraced and landscaped to reduce the impact on the neighborhood. The design has been positively reviewed by the Design Review Committee and is acceptable for its location.

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

The building location has been moved southerly on the site from the initial proposal to improve parking, sidewalks, landscaping and loading area. A proposed dumpster is appropriately screened. A retaining wall behind the building and facing the residential abutter is being terraced and landscaped to reduce the impact on the neighborhood.

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

The building is accessible from three sides. The site plan was provided to the Fire Chief and no negative comments have been received.

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

- a) the volume of cut and fill;
- b) the number of trees to be removed with particular care taken with mature trees and root systems;
- c) the visual prominence of man-made elements not necessary for safety;
- d) the removal of existing stone walls;
- e) the visibility of building sites from existing streets;

- f) the impacts on waterways and environmental resource areas;
- g) soil pollution and erosion;
- h) noise.

The volume of cut and fill is the minimum necessary to construct the building and associated facilities. Large trees on site have been identified but most of the site needs to be cleared in order to accommodate the building, parking and drainage system. The tree line to the rear of the site along the residential abutter will remain on a small portion of the site. The drainage system has been reviewed by the Town's Consulting Engineer and has been determined to be adequate to protect waterways and environmental resources. Since the site is located within a Groundwater Protection District, this approval also includes a special permit that ensures it will not adversely affect groundwater. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the operation of the business which is primarily offices and operates only during regular daytime business hours.

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

The entrance and egress to the site and its parking and loading facilities have been designed for safe operation and to minimize conflict. Walkways are provided from the parking lot to building entrances. The turning movements for the loading area have been identified and reviewed by the Town's Consulting Engineer and found to be acceptable.

- (7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

There are no visually prominent natural or historic features on site.

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

The lighting plan as conditioned (See Condition #___) does not produce glare to adjoining properties and minimizes light pollution by using cut off lenses.

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

The limit of work is reasonable for the proposed facility. There are no sensitive environmental or cultural resources on or abutting the site, other than the Groundwater Protection District. Measures to protect that District are discussed below.

B. Groundwater Protection District Special Permit Findings

- (10) *New construction is a permitted use, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.*
- (11) *Storage of hazardous materials is prohibited unless in a free-standing container within a building. Storage of hazardous materials is not anticipated. In any case, as a precautionary measure, any hazardous materials that will be used at the facility will be identified and a list provided to the Board (See Condition ____). All storage and use of hazardous materials will be contained within the building. Any accidental spillage will also be contained within the building and any that enters the sewer system will be treated prior to being discharged to the municipal sewer system.*
- (12) *Fertilizers may be used on landscape material but will be the minimum necessary (See Condition ____). All storage will be contained within the building.*
- (13) *Any use of hazardous materials will occur within the building.*
- (14) *There will be no earth removal within six feet of the historical high groundwater level.*
- (15) *Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.*
- (16) *The Town's Consulting Engineer has reviewed the planned stormwater management facilities to ensure that groundwater recharge does not degrade groundwater quality.*
- (17) *As required by Section 5.6.F. of the Zoning Bylaw, the plans were distributed to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and comment to ensure that no adverse impacts on the quality or quantity of water available within the Groundwater Protection District, and that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized. Due to the planned stormwater management facilities, the proposed facility will reduce impacts on the quality of water available within the Groundwater Protection District.*

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

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

The site is an appropriate location for the proposed use since it is within the Industrial III zoning district that specifically allows such industrial uses.

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

As documented in the findings under Site Plan Rules and Regulations above, adequate and appropriate facilities have been provided for the operation of the facility. Its internal roadway and parking system and stormwater management system have been reviewed by Town Public Safety and Public Services staff and the Board's Consulting Engineer and found to be adequate. The building will be connected to municipal water and sewer and waste disposal is provided with a screened dumpster.

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

As conditioned, the proposed facility will not create a hazard to abutters. The industrial park road system is adequate to handle the minimal increase in traffic. While pedestrian access is expected to be minimal, a sufficiently wide sidewalk will be provided between the parking lot and the entrances. Primary vehicular access is from Route 109 via Trotter Drive and Condition #__ requires the business owners to take steps to discourage use of Alder Street by its employees, suppliers and customers.

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

The industrial park roadway system is adequate to handle the small increase in traffic resulting from this new facility.

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

The Board considered the comments of abutters in the adjoining residential neighborhood and has ensured that there will be no light trespass, and that some existing vegetation to the rear of the site will remain to reduce visual impacts. A retaining wall is being built as a terrace and with landscaping to minimize the impact on abutters. A dumpster is provided for refuse and it is adequately screened. No extraordinary noise, vibration, dust or other operational attributes are expected from the proposed use.

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

As conditioned, the proposed use on the site will not adversely affect the surrounding neighborhood or change the character of the zoning district. The use is allowed by right in the district, and the building is in character with other industrial buildings in the area. Adequate measures have been taken to reduce the impacts on the residential neighbors

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

The proposed use is allowed by right in the Industrial III district and therefore is in harmony with the Zoning Bylaw.

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

The proposed facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives as follows: Goal 1: Maximize the area's economic resources and Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.

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

The proposed use helps achieve the goals the Medway Master Plan by providing an expanded tax base and preserving and increasing jobs while incorporating measures to protect the environment and neighboring residences so it is not detrimental to the public good.

VII. WAIVERS – At its August 8, 2017 meeting, the Planning and Economic Development Board, on a motion made by _____ and seconded by _____ voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

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

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

The applicant has requested a waiver from the full extent of this requirement and instead has provided an inventory of trees with a diameter of 18" or greater. An extensive landscaping plan has been provided which will greatly enhance this site and in particular, the corner of Alder ST and Trotter DR. Therefore, the Board APPROVES this waiver request.

2. **Section 205-3 B. 2. Internal Site Driveways** - No part of any driveway shall be located within 15' of a side lot line

The applicant has a requested waiver from the full extent of this requirement and has proposed a 5' setback instead of the required 15' setback for the driveway located off of Trotter Drive along the property's northern boundary. During the course of reviewing the plan, the building has been repositioned southerly onto

the site thus allowing the required 15' driveway setback to be accomplished. Therefore, this waiver is no longer needed.

3. **Section 205-6 G. 3. a)** - Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet, except that handicap stalls shall be in accordance with the current ADA; standards. Each handicapped space/stall must be identified on the ground surface and by a sign.

The applicant has requested waiver from this regulation and has proposed parking space stalls at a size of 8' by 18'. This is the allowed standard parking space size per Section 7.1.1. E. 3. a. of the Medway Zoning Bylaw. A large majority of the parking is intended to accommodate employees and so a low turnover of spaces is anticipated. Further, smaller parking spaces reduces the amount of impervious coverage which is appropriate in a Groundwater Protection District. Therefore, the Board APPROVES this request.

3. **Section 205-6 G. 3. b) – Parking Spaces and Stalls** - Wheel stops are required at the head of each car stall where a space/stall abuts a walkway, pedestrian way, or special site feature such as an abrupt change in grade. Acceptable materials include pre-cast concrete, granite, or like materials. All wheel stops shall be properly anchored into the ground and located approximately twenty-four (24) inches from the head of a car space/stall.

The applicant has requested a waiver from this requirement as there will be either a sidewalk or grassy area adjacent to all parking spaces. During the course of reviewing the plan, the sidewalk adjacent to the building has been expanded from 5' to 7' to accommodate the overhang of vehicles and provide sufficient space for pedestrians. Curbing in this area is to be concrete and bollards are proposed along the sidewalk area to protect the building. Therefore, the Board APPROVES this waiver.

4. **Section 205-6 G. 4. a) Parking Spaces and Stalls** - Parking spaces/stalls shall not be located in the following areas: building entrances, building exits, loading dock areas, pedestrian ways and fire lanes.

The applicant has asked for relief from this requirement. The two proposed parking spaces at the building's main entrance/exit on the north side of the structure are offset by a 7' wide sidewalk. Further, they are handicapped spaces with the standard 8' wide open area in between which will provide for ready pedestrian access to and from the building. At the rear/southern end of the building, there are 3 parking spaces proposed adjacent to the loading area. This loading dock will only be used 6 times a year for truck deliveries of product catalogues. Due to the infrequent use of the loading dock area, these 3 parking spaces can function safely. Also, the Town's consulting engineer is comfortable with this waiver. Therefore, the Board APPROVES this waiver.

5. **Section 205-6 G. 4. d)** After the last parking stall in any dead end row not adjacent to a travel lane parallel to the car stall, there shall be a twelve (12) foot long and twenty (20) foot wide turning area beyond the travel lane to allow proper maneuvering.

The applicant has requested a waiver from this requirement to allow for a turning area of 6' x 24'. HAS THIS BEEN DISCUSSED?

6. **Section 205-6 H. Curbing** – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The applicant has requested a waiver to allow for the use of precast concrete curbing internal to the site to delineate the parking lot. The Town's consulting engineer has no objection to authorizing the use of precast concrete curbing. Therefore, the Board APPROVES this waiver.

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

SPECIFIC CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan for the O'Brien & Sons Corporate Office project at 17 Trotter Drive dated May 23, 2017 last revised July 17, 2017 prepared by Meridian & Associates of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA shall be further revised to reflect all Conditions and required revisions, including those as follows, and submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a Mylar set of the revised Plan in its final form to the Board for its signature/endorsement. All plan sheets shall be bound together in a complete set.
- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the July 17, 2017 site plan set shall be revised to:
1. List the approved waivers from the Site Plan Rules and Regulations as specified herein.
 2. Reference the architectural plans produced by Gorman Richardson Lewis Architects, at least sheets A1.0 and A3.1
 3. Reference the photometric plan by Omni-Lite, Inc. to be updated as specified in **Condition ____**.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the June 15, 2017 Site Plan set.
1. Per the Design Review Committee's review letter dated August 2, 2017, the plan shall be revised as follows:
 - a. Show the use of flat style fieldstone for the tiered retaining walls along the eastern boundary of the property. See image here.



- b. Show the use of fieldstone style for the curved retaining wall amidst the landscaping at the corner of Alder Street and Trotter Drive. See image here.



- c. Revise the detail for the vinyl privacy fence/dumpster enclosure on Sheet C-8 to specify that the dumpster enclosure material have a natural wood appearance and color. See image here. The detail should also specify that the fence height shall fully screen the height of the dumpster equipment located inside.



2. In accordance with Section 7.1.2 E.1. of the *Zoning Bylaw*, the site lighting arrangement as depicted in the photometric plan by Omni-Lite, Inc. dated July 9, 2017 shall be revised and included in the plan set. The revised photometric plan shall show that there is no light trespass onto any street or abutting lot.
 3. The plan shall be revised to include a detail for a bicycle rack to comply with the bicycle parking requires as specified in Section 7.1.1. I. 1. Bicycle Parking of the *Zoning Bylaw*.
 4. Per Tetra Tech's review letter dated July 21, 2017, the plan shall be revised as follows:
 - a. Show sewer inverts for the proposed connectivity into the existing sewer system in Trotter Drive (drop or standard connection).
 - b. Connect the 256 contour line in the main parking area to the proposed curb line.
 - c. Specify suitable vertical clearances between the stormwater subsurface storage/recharge system and the proposed sewer service and the rails for the timber guardrail in the parking area.
- D. ***Wetlands Protection*** – Prior to plan endorsement, the Applicant is required to provide the Planning and Economic Development Board with a copy of the *Order of Conditions* from the Medway Conservation Commission.
- E. ***Use Limitations*** – Parking or use of the parking area at 17 Trotter Drive shall be limited only to vehicles for O'Brien & Sons employees, deliveries and customers. The parking area may not be leased or made available to any other business for any purpose.
- F. ***Conditions Pertaining to Groundwater Protection District Special Permit***
1. Storage of hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. All use of hazardous materials shall be contained within the building. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.
 2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers shall be contained within the building.
 3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
 4. There shall be no use of pesticides, herbicides, fungicides or insecticides anywhere on the site.
 5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Services.

6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin or rain garden.
7. The rain garden shall be maintained in accordance with the stormwater operations and maintenance plan.
8. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

10. Something here on future roofing not being metal

- G. **Site Access** – Access to the site is provided from Alder Street and Trotter Drive. The applicant shall instruct its employees, delivery companies and customers to use only Trotter Drive and not Alder Street to access the property. Any printed or electronic marketing materials that provide directions to the O'Brien site shall indicate the Trotter Drive access. O'Brien & Sons shall take all reasonable measures to ensure that trucks backing into its site from Alder Street shall not be positioned east of the site's eastern property line for the back-up maneuvering.

DO you want any restrictions on time of deliveries?

- H. **Easement/conveyance of Alder Street cul-de-sac** – The applicant shall work with the Medway Department of Public Services and the Planning and Economic Development office to accomplish the conveyance by the Town of Medway to the applicant of a deed or easement over the approximately 2,211 sq. ft. land area within the Alder Street cul-de-sac located along the southern frontage of the subject property as shown on the site plan. This may include the payment of appraisal and other fees.

- I. **Trash Removal** – **DO you want any restrictions on time of trash removal?**

- J. **Stormwater Management Operations and Maintenance Plan** – The applicant has ongoing responsibility and obligation to carry out the *Stormwater Operations and Maintenance Plan*, updated August 2, 2017, prepared by Meridian Associates.

SOMETHING ABOUT TEST PITS WHEN CONSTRUCTION BEGINS!

- K. **Signage** - A rendering of a proposed monument sign has been shared with the Design Review Committee and its planned position on the site is shown on the plan. A façade sign is also contemplated. The applicant shall secure sign permits from the Medway Building Department which includes prior review by the Design Review Committee as specified in Section 7.2.6.3 Sign Regulation of the *Zoning Bylaw*.

L. *Lighting*

1. Lighting shall not result in any light spillage off the property. This may be accomplished through the addition of light shields, the lowering and/or relocating of light fixtures, and other suitable measures.
2. The frequency of LED lights shall be of a lower color temperature [2700-3000K] to provide a more natural appearance.

M. *Snow Storage and Removal*

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall be removed from the premises within 24 hours after the conclusion of the storm event.

GENERAL CONDITIONS OF APPROVAL

A. *Fees* - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant 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 Planning and Economic Development 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 and business licenses.

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning and Economic Development Board to withhold plan endorsement.

B. *Other Permits* – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.

C. *Document/Plan Recording* - Within thirty (30) days of recording the Decision and the associated Plan, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.

D. *Restrictions on Construction Activities* – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

1. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on

Sundays or legal holidays without the advance approval of the Inspector of Buildings.

2. *Neighborhood Relations* – The applicant 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 applicant 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 Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
5. The Applicant 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 Applicant prior to the start of construction and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, Section 7.3.C.2. Environmental Standards.

E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after the occupancy permit is issued, the Town's Consulting Engineer or the Inspector of Buildings shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the

Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Inspector of Buildings may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

F. *Snow Storage and Removal*

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

G. *Construction Oversight*

1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the applicant shall establish a construction account with the Planning and Economic Development 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 Applicant shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Planning and Economic Development 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 Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
- d) Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.

2. Pre-Construction Meeting - Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with Planning and Economic Development Coordinator, the Building Commissioner, Department of Public Services Director, the Conservation Agent, the Town's Consulting Engineer and other Town staff or Applicant's representatives as may be determined. The general contractor shall request such conference at least one week prior to commencing any work on the property by contacting the Planning and Economic Development office.
3. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.
4. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
5. The applicant 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 Planning and Economic Development Board within 5 days of inspection.

H. *Modification of Plan and/or Decision*

1. This site plan and special permit approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as site plan modifications.
2. Any work that deviates from the approved site plan or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Planning and Economic Development Board.
3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant 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 Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

I. Compliance with Plan and Decision

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

J. Performance Security

1. No occupancy permit for the building shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining work.
2. If performance security is needed, the applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
 - a) the date by which the developer shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
 - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, parking, pedestrian facilities and all site amenities as specified in the Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and

public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a twenty-five percent (25%) contingency.

5. Final release of performance security is contingent on project completion.

K. ***Project Completion***

1. Site plan and special permit approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic Development Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Planning and Economic Development 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 applicant shall:
 - a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict 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 Planning and Economic Development 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 final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

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

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

IX. APPEAL – Appeals if any, from this Decision shall be made to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.

After the appeal period has expired, the applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.

###

DRAFT

**Medway Planning and Economic Development Board
SITE PLAN and SPECIAL PERMIT DECISION
O'Brien & Sons, 17 Trotter Drive**

_____ by the Medway Planning & Economic Development Board: August 8, 2017

AYE:

NAY:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

COPIES TO: Michael Boynton, Town Administrator
David D'Amico, DPS Director
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Department Safety Officer
Erin O'Brien, O'Brien & Sons
Mark Beaudry, Meridian Associates
Scott Richardson, Gorman Lewis Richardson Architects
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

Stormwater Management Operation and Maintenance Plan

O'Brien & Sons Corporate Offices

17 Trotter Drive, Medway, Massachusetts

May 23, 2017, Updated August 2, 2017

In accordance with Standard 9 of the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Handbook, the attached on-site maintenance program for the proposed stormwater management system has been developed to ensure the Best Management Practices (BMP's) in place will remain functioning as designed. The Plan contains both construction period operations and maintenance as well as post construction responsibilities that shall "run" with the property if ownership is transferred.

All stormwater management-related records shall be retained for a minimum of three (3) years. These records shall be available for inspection during normal business hours upon request by City or MassDEP personnel.

Owner/Operator:

Bottle Cap Lot LLC, M.E. O'Brien Parent Company

93 West Street

Medfield, Massachusetts 02052

(508) 359-4200

Construction Period Operation and Maintenance

Erosion Control Barrier:

Compost filter socks ("Filtrexx Soxx"), or approved equal, shall be installed where indicated on the plans and in other appropriate locations where warranted. These barriers shall be installed prior to the commencement of any work on site and in accordance with the construction plans. A supply of erosion control barrier materials shall be kept on site to replace and/or repair barriers that are damaged or degraded. The barriers shall be observed and maintained as necessary on a weekly basis and after every rainfall event of 0.25 inches or more during construction.

Deep Sump Catch Basin Protection:

Temporary catch basin protection barriers consisting of compost filter socks and a Silt Sack will be placed around and in all constructed inlets to prevent inflow of sediment into the constructed drainage systems. The barriers shall remain in place until a permanent cover is established or diversions away from the catch basin are constructed. The barrier shall be observed and maintained as necessary on a weekly basis and after every rainfall event of 0.25 inches or more. If inspection identifies the presence of hydrocarbons, these materials shall be immediately removed and disposed of in accordance with applicable local, state and federal guidelines and regulations.

Diversions:

Temporary diversion swales and mounds will be constructed to divert stormwater away from areas under construction to limit sediment transport. These diversions will be relocated as construction progresses. Compost filter socks shall be installed in the centerline of swales where necessary to reduce storm velocities and soil erosion.

Sediment Traps:

Temporary sediment traps shall be utilized to limit sediment transport off-site. These traps will be sized according to Massachusetts DEP and US EPA guidelines and will be relocated as construction progresses. No sediment shall be allowed to enter the infiltration components of the stormwater system.

Surface Stabilization:

The surface of all disturbed areas shall be stabilized during and after construction. Temporary measures shall be taken during construction to prevent erosion and siltation. All finished surfaces shall be stabilized with finish materials or permanent vegetative cover. Some or all of the following measures will be utilized on this project as conditions may warrant.

- Temporary Seeding
- Temporary Mulching
- Permanent Seeding
- Placement of Sod
- Hydroseeding
- Placement of Hay
- Placement of Jute Netting

Subsurface Storage Facilities:

Construction activity above and around the proposed location of the subsurface storage facilities shall be limited to prevent compaction of the existing soil. Care shall be taken to redirect stormwater runoff from this area to prevent ponding. Installation of this system shall occur under dry weather conditions and system shall be backfilled immediately to prohibit the introduction of fines or other material that would compromise the functionality of this system.

Spill Control:

A contingency plan to address the spillage/release of petroleum products and any hazardous materials will be implemented for the site during construction. The plan will include the following measures:

- Equipment necessary to quickly attend to inadvertent spills or leaks shall be maintained on-site in a secure but accessible location. Such equipment will include, but not be limited to, the following: urethane drain cover seals (mats), a spill containment kit which includes sand and shovels, suitable absorbent materials,

storage containers, safety goggles, chemically resistant gloves and overshoe boots, water and chemical fire extinguishers, and first aid equipment.

- Spills or leaks will be treated properly according to material type, volume of spillage and location of spill. Mitigation will include preventing further spillage, containing the spilled material in the smallest practical area, removing spilled material in a safe and environmentally friendly manner, and remediating any damage to the environment.
- The contractor shall be familiar with the reporting requirements of the Massachusetts Contingency Plan (310 CMR 40.00) as issued by the Massachusetts Department of Environmental Protection (DEP); specifically Subpart C Notification of Releases and Threats of Release of Oil and Hazardous Materials and Subpart D Preliminary Response Activities and Risk Reduction Measures.
- For any large spills, Massachusetts DEP Hazardous Waste Incident Response Group will be notified immediately at (617) 792-7653 and an emergency response contractor will be called in.

Long-Term Operation and Maintenance

Deep Sump Hooded Catch Basins:

Deep Sump Drain Basins shall be inspected at least four times per year. Accumulated sediment in drain basins shall be removed when sediment accumulates to 24 inches below the invert of the outlet pipe of the drain basins; but should be removed during late winter / early spring at a minimum. Sediment shall be transported off site and disposed of in accordance with applicable local, state and federal guidelines and regulations. Care shall be taken to dislodge the hood/tees on the outlet pipes. If dislodged, the hood/tee shall be immediately reinstalled and secured.

CDS® Treatment Units:

CDS treatment units shall be inspected a minimum of four times per year until the site reaches "equilibrium"; after which time annual inspections are typically sufficient.

Accumulated sediment shall be removed via a vacuum truck when it reaches a depth of 1.5 feet. Any accumulated hydrocarbons shall be removed via the inspection / cleanout port. Refer to spill control section below in the event of any hazardous material spill. Transport and dispose of sediment and hydrocarbons off site in accordance with applicable local, state and federal guidelines and regulations. See the attached CDS Inspection and Maintenance Guide/Log as provided by Contech Construction Products, Inc.

Subsurface Storage Facilities:

The subsurface storage system inspections should include inspections following the first several rainfall events or first few months after construction, after all major storms (2-year), and on regular bi-annual scheduled dates, to ascertain whether captured runoff dissipates within 72 hours following the event. Pondered water inside the system (as visible from the observation port) after several days often indicates that the bottom of the system is clogged. If the water does not drain, then a qualified professional should be retained to determine the

cause of apparent infiltration failure and recommend corrective action. Such corrective action should be immediately implemented by the owner. The system should receive little or no sediment. If any significant sediment is observed in the observation ports or drain manhole, then the system can be cleaned based on manufacturer recommendations and the source of the sediment eliminated.

Storage/Recharge Basin, Outlet Control Structure, Flared End Inlets:

The open storage/recharge basin, outlet control structure, and flared end inlets shall be inspected annually to ensure basin is operating properly. Inlet and outlets shall be examined for clogging. Sediment accumulation shall be removed from inlets, outlet control structure and rip-rap areas as required to maintain free flow. Sediment accumulation shall be removed from the basin at least once every five (5) years or when it accumulates over twelve (12) inches above pretreatment sediment forebay.

Vegetation in basin shall not be mowed but woody growth shall be removed on a regular basis so that trees and large scrub brush does not grow in the basin.

Snow Removal:

Snow that is removed from paved surfaces shall not be stored over catch basins.

De-icing:

The use of Sodium Chloride ("rock salt") for de-icing of paved surfaces is not permitted. The use of Calcium Chloride is allowed but will be limited. Sand will be the primary icing control agent.

Fertilizer:

Slow release organic fertilizers will be used in landscape areas to limit nutrient transport to groundwater and any offsite wetland areas. Application will be limited to 3 lbs. per 1000 square feet of lawn area.

Waste Management:

Solid waste will be contained within dumpsters for pick up by a privately contracted waste hauler. Waste deposition in these dumpsters will be consistent with state and local permits. The covers of the dumpster and doors of the dumpster enclosure will be kept closed to limit rainwater and pest intrusion.

Spill Control:

A contingency plan to address the spillage/release of petroleum products and any hazardous materials will be implemented for the facility. The plan will include the following measures:

- Spills or leaks will be treated properly according to material type, volume of spillage and location of spill. Mitigation will include preventing further spillage, containing the

spilled material in the smallest practical area, removing spilled material in a safe and environmentally friendly manner, and remediating any damage to the environment.

- The catch basins have a specific internal storage capacity that will be available in the event of any hazardous material spill. However, for added security, urethane drain cover seals ("mats") will be kept on-site to be placed over the grate of the catch basin to assist with the prevention of flow from entering the drainage system in the event of a spill. These should be kept in an easily accessible on-site location.
- The owner shall be familiar with the reporting requirements of the Massachusetts Contingency Plan (310 CMR 40.00) as issued by the Massachusetts Department of Environmental Protection (DEP); specifically Subpart C Notification of Releases and Threats of Release of Oil and Hazardous Materials and Subpart D Preliminary Response Activities and Risk Reduction Measures.
- For any large spills, Massachusetts DEP Hazardous Waste Incident Response Group will be notified immediately at (617) 792-7653 and an emergency response contractor will be called in.

Prohibition of Illicit Discharges

All illicit discharges to the stormwater management system are prohibited. Illicit discharges to the stormwater management system are discharges that are not entirely comprised of stormwater.

An Illicit discharge does not include allowable non-stormwater discharges from the following activities or facilities: firefighting, water line flushing, landscape irrigation, uncontaminated groundwater, potable water sources, foundation drains, air conditioning condensation, footing drains, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated water from swimming pools, water used for street washing and water used to clean residential building without detergents.

Long-Term Operation and Maintenance Budget

Consistent with Standard 9 of the Massachusetts Department of Environmental Protection Stormwater Handbook (February 2008) the approximate cost of inspections and maintenance based on the abovementioned post-construction activities and frequencies is as follows;

- **Deep Sump Catch Basins & Trench Drain/Manhole** - inspection/cleaning - \$2,000 per year based on quarterly inspections and sediment removal from the three (3) deep sump catch basins/inlets and one trench drain/manhole.
- **Stormwater Quality Units (CDS)** – inspection/cleaning - \$500.00 per year based on quarterly inspections (or per manufacturer's guidelines) and sediment removal for one units.
- **Subsurface Storage Chambers/Pipes** - \$1,000 per year based on bi-annual inspections. Any necessary maintenance costs to be determined based on observations.

- **Storage/Recharge Basin** – inspection/cleaning - \$500 per year/cleaning - \$500 (as required based upon yearly inspection).

Additional costs may be incurred if it is determined during routine inspections of the BMP's that further corrective actions are necessary.

8477_O&M02.doc

Inspection Report

Operation and Maintenance Log

General Information			
Project Name	O'Brien & Sons Corporate Offices		
MAI Project No.	8477	Location	18 Alder Street a/k/a 18 Trotter Drive Medway, MA
Date of Inspection		Start/End Time	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Describe present phase of construction			
Type of Inspection: <input type="checkbox"/> Regular <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature:			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			

Site-specific BMPs

- Number the structural and non-structural BMPs identified in your O&M Plan on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.
- Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Are discharge points and receiving waters free of any sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Is the construction exit preventing sediment from being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
7	Is trash/litter from work areas collected and placed in covered dumpsters?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Non-Compliance

Describe any incidents of non-compliance not described above:

Susan Affleck-Childs

From: Barbara J. Saint Andre <BSaintAndre@k-plaw.com>
Sent: Friday, July 28, 2017 10:26 AM
To: Susan Affleck-Childs
Cc: Andy Rodenhiser ; Stephanie Mercandetti; David Damico; Michael Boynton
Subject: RE: Alder Street cul de sac at 17 Trotter Drive

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE

Susy, if the Town holds only an easement in the portion of the Alder Street cul-de-sac that is no longer needed, the Town Meeting in my opinion could authorize the Board of Selectmen to abandon the easement. If the Town owns the fee in Alder Street, however, the fee cannot be “abandoned”, it would need to be conveyed. In my opinion, the Town must comply with the requirements of the Uniform Procurement Act, G.L. c. 30B, and other applicable law, including obtaining an appraisal. If the appraisal of the property is \$35,000 or less, then certain steps under chapter 30B will not be necessary. In addition, since Alder Street is a public way, the Town may need to take the steps necessary to alter the public way unless this was a temporary cul-de-sac. We would need to review the vote of Town Meeting and the public way layout plan to determine if the cul-de-sac was only temporary.

With respect to conveying town land, in summary, the process is:

1. The town should determine how the property was acquired, whether by deed or eminent domain, the purpose for which it was acquired, and any restrictions on it. My understanding is that the property was acquired for purposes of a public way, which in my opinion is a particular purpose. However, we would need to review the town’s source of title. As noted above, we also need to determine if the public way needs to be altered, in which case, the steps for alteration of a public way will need to be completed.
2. When town land is in the care and custody of a town board or committee for a particular purpose, it cannot be sold or conveyed by the town unless that board or committee determines that the land is no longer needed for that particular purpose, and the board or committee gives notice of that determination to the Board of Selectmen. G.L. c. 40 §15A. If this land is held by the Board of Selectmen for purposes of a public way, in my opinion, the Board of Selectmen could vote that the land is no longer needed for a public way and that it is available for disposition.
3. The next step would be to determine the value of the land. Under G.L. c. 30B §16, the town must determine the value of the property through procedures customarily accepted by the appraising profession as valid. Although the determination of the land value does not have to be done until after the Town Meeting authorization, discussed below, it is generally advantageous to have the land value prior to the Town Meeting vote.
4. The next step is to obtain Town Meeting authorization to dispose of the land. Since it appears that this land was held for a particular purpose, a two-thirds vote is required under G.L. c. 40 §15A to transfer the land to the Board of Selectmen for the purpose of sale. Harris v. Wayland, 16 Mass. App. Ct. 583 (1983). The Town Meeting vote should also include authorization for the Board of Selectmen to convey the land. G.L. c. 40 §3. Town Meeting may impose conditions on the sale. If the land was acquired by eminent domain, the Town Meeting must establish the minimum sale price. G.L. c. 40, §15.
5. After Town Meeting approval, the Board of Selectmen can begin the process of selling the land. If the value of the land is \$35,000 or less, the Board may negotiate with potential buyers. If the land is valued at more than \$35,000, the Board of Selectmen must comply with the requirements of the Uniform Procurement Act, G.L. c. 30B §16. This includes placing an advertisement in a newspaper for two consecutive weeks inviting submission of proposals. The notice must

specify the geographical area, time and place for submission of proposal, terms, and requirements of the land sale (this would include any restrictions the Board will impose on the land, such as prohibiting building on the parcel, depending on the circumstances and Town Meeting vote). The last notice must be at least eight days prior to opening of proposals. If the land exceeds 2500 square feet, the notice must also be published in the Central Register.

6. After the proposals are opened and a buyer selected, the Town must submit the name of the person selected as the buyer and the amount to be paid to the Central Register. If the land is being sold for less than the value determined by the appraisal, the town must publish in the Central Register an explanation as to why. A purchase and sale agreement can be signed, and closing issues such as disclosure of true parties in interest and payment of taxes addressed.

7. In addition, the public way may need to be altered, requiring compliance with all the steps for altering a public way (essentially the same steps as laying out a public way).

If you have any questions please contact me.

Barbara J. Saint Andre, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

bsaintandre@k-plaw.com

www.k-plaw.com

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From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]

Sent: Tuesday, July 25, 2017 2:37 PM

To: Barbara J. Saint Andre

Cc: Andy Rodenhiser ; Stephanie Mercandetti; David Damico

Subject: Alder Street cul de sac at 17 Trotter Drive

Hi Barbara,

The PEDB is working on an application from O'Brien & Sons for site plan approval and a groundwater protection district special permit for its property at 17 Trotter Drive in the Industrial III zoning district.

The proposed project includes construction of a 10,531 sq. ft. one-story building for offices, storage space used primarily for product literature, and related office functions for M. E. O'Brien & Sons. Its primary business is the design and supply of outdoor playgrounds and landscape elements to municipalities and private clients throughout New England. The company is relocating from Medfield to Medway. Additional information about M. E. O'Brien & Sons can be obtained at its web site: <http://www.obrienandsons.com>

The property is located at the northeast corner of Trotter Drive and Alder Street and has frontage on both streets. The site plan shows 23 parking spaces, extensive landscaping, stormwater drainage facilities, and connection to municipal water and sewer. See attached plan.

Part of the property's frontage on Alder Street includes a 2,211+ sq. ft. cul-de-sac. At the last hearing, one of the PB members put forth an idea about getting rid of the cul-de-sac portion of Alder Street. According to

Dave D'Amico, there is no longer a need for the cul-de-sac. We discussed having the Town convey this land area to O'Brien & Sons, recognizing that this could be done by conveyance of the real estate or conveyance of an easement.

The PEDB asked me to look into this and find out what process would be involved. Would you summarize the options and relative pros/cons of each. Also, for such a small area, would an appraisal be necessary. Could the Town "abandon" this portion of the property?

Thanks for your help.

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

Town of Medway – *A Massachusetts Green Community*

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

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August 8, 2017
Medway Planning & Economic Development Board
Meeting

Millstone ARCPUD

Steve Venincasa visited my office this week to sign the Lender's Agreement Amendment #3 that the PEDB signed at its last meeting on 7-25-17. The Agreement references the Tetra Tech bond estimate which includes a trail sketch on which the bond estimate was based. Steve does not want the Tetra Tech trail sketch from the bond estimate incorporated into the Lender's Agreement Amendment #3. Steve feels he has not agreed to those trails and the sketch shouldn't be made part of an official document. He wants to speak with you about this matter.

The following documents are provided for you:

- Tetra Tech bond adjustment estimate dated 6-27-17 including the trail sketch in question.
- Excerpts from the endorsed Millstone ARCPUD plan which show trails – Sheets 19, 20 and Sup. A. There is a gap in trail coverage between the trail shown on Sheet 19 (Landscape) for the main developed area and that shown on Sheet Sup. A (Open Space Parking). However, I believe it was generally understood and Sheet 19 seems to imply that the trail on the “development” portion of the Millstone property would connect to the trail on the public portion so as to allow Millstone residents to readily access the public trail.
- I have also attached an 8-2-17 email from Mr. Venincasa's attorney providing a status on the conservation restriction for the open space portion of the property. Indeed, the CR had not been submitted to the State for review.



Bond Estimate
Millstone Village (Phase I NEW²)
Medway, Massachusetts
June 27, 2017

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

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course-Main Road	0	TON	\$110.00	\$0
HMA Top Course-Common Road	0	TON	\$110.00	\$0
HMA Top Course-Sidewalk	0	TON	\$110.00	\$0
HMA Binder Course-Sidewalk	0	TON	\$110.00	\$0
Gravel Borrow-Sidewalk	0	CY	\$40.00	\$0
Adjust Castings	0	EA	\$375.00	\$0
Vertical Granite Curb	0	FT	\$50.00	\$0
Cape Cod Berm	0	FT	\$6.00	\$0
Rehandled Topsoil	0	CY	\$30.00	\$0
Seed	0	SY	\$2.00	\$0
Sloped Granite Curb	0	FT	\$45.00	\$0
Line Striping (Binder)	0	LS	\$500.00	\$0
Line Striping (Top) ³	1	LS	\$4,000.00	\$4,000
Signage	0	EA	\$300.00	\$0
Landscaping ³	0	LS	\$20,000.00	\$0
Stormwater System Maintenance	1	LS	\$5,000.00	\$5,000
As-Built Plans	2,505	LF	\$5.00	\$12,525
Subtotal				\$21,525
25% Contingency				\$5,381
Total				\$26,906

Notes:

1. Unit prices are taken from the latest information provided on the MassDOT website and have been updated since our previous bond estimate submission. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 6/2016 - 6/2017. Quantities for Items shown in gray have changed since our previous bond estimate.
2. This bond estimate is based upon Phasing of the project as shown on updated Phasing Plan dated April 2, 2014.
3. This item has been updated to reflect current project Phasing as shown on updated Phasing Plan dated April 2, 2014.

**TETRA TECH**

Bond Estimate
Millstone Village (Phase II NEW²)
Medway, Massachusetts
 June 27, 2017

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

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Millstone Construction				
HMA Top Course-Main Road	346	TON	\$110.00	\$38,060
HMA Top Course-Common Road	117	TON	\$110.00	\$12,870
HMA Top Course-Sidewalk	71	TON	\$110.00	\$7,810
HMA Binder Course-Common Road	0	TON	\$110.00	\$0
HMA Binder Course-Sidewalk	42	TON	\$110.00	\$4,620
Gravel Borrow-Common Road	0	CY	\$40.00	\$0
Gravel Borrow-Sidewalk	162	CY	\$40.00	\$6,480
Fine Grading and Compacting	0	SY	\$4.00	\$0
Frame and Grate	0	EA	\$800.00	\$0
Frame and Cover	0	EA	\$750.00	\$0
Adjust Castings	41	EA	\$375.00	\$15,375
6" HDPE Pipe	0	FT	\$60.00	\$0
Electrical Services ³	0	LS	\$30,000.00	\$0
Vertical Granite Curb	132	FT	\$50.00	\$6,600
Cape Cod Berm	1,905	FT	\$6.00	\$11,430
Sloped Granite Curb	0	FT	\$45.00	\$0
Rehandled Topsoil	431	CY	\$30.00	\$12,930
Seed	2,587	SY	\$2.00	\$5,174
Line Striping (Top)	1	LS	\$2,000.00	\$2,000
Line Striping (Binder)	0	LS	\$2,000.00	\$0
Signage	3	EA	\$300.00	\$900
Landscaped Cul-De-Sac Island	1	LS	\$5,000.00	\$5,000
Landscaping ³	1	LS	\$30,000.00	\$30,000
Stormwater System Maintenance	1	LS	\$10,000.00	\$10,000
As-Built Plans	2,199	LF	\$5.00	\$10,995

Subtotal \$180,244
25% Contingency \$45,061
Total \$225,305

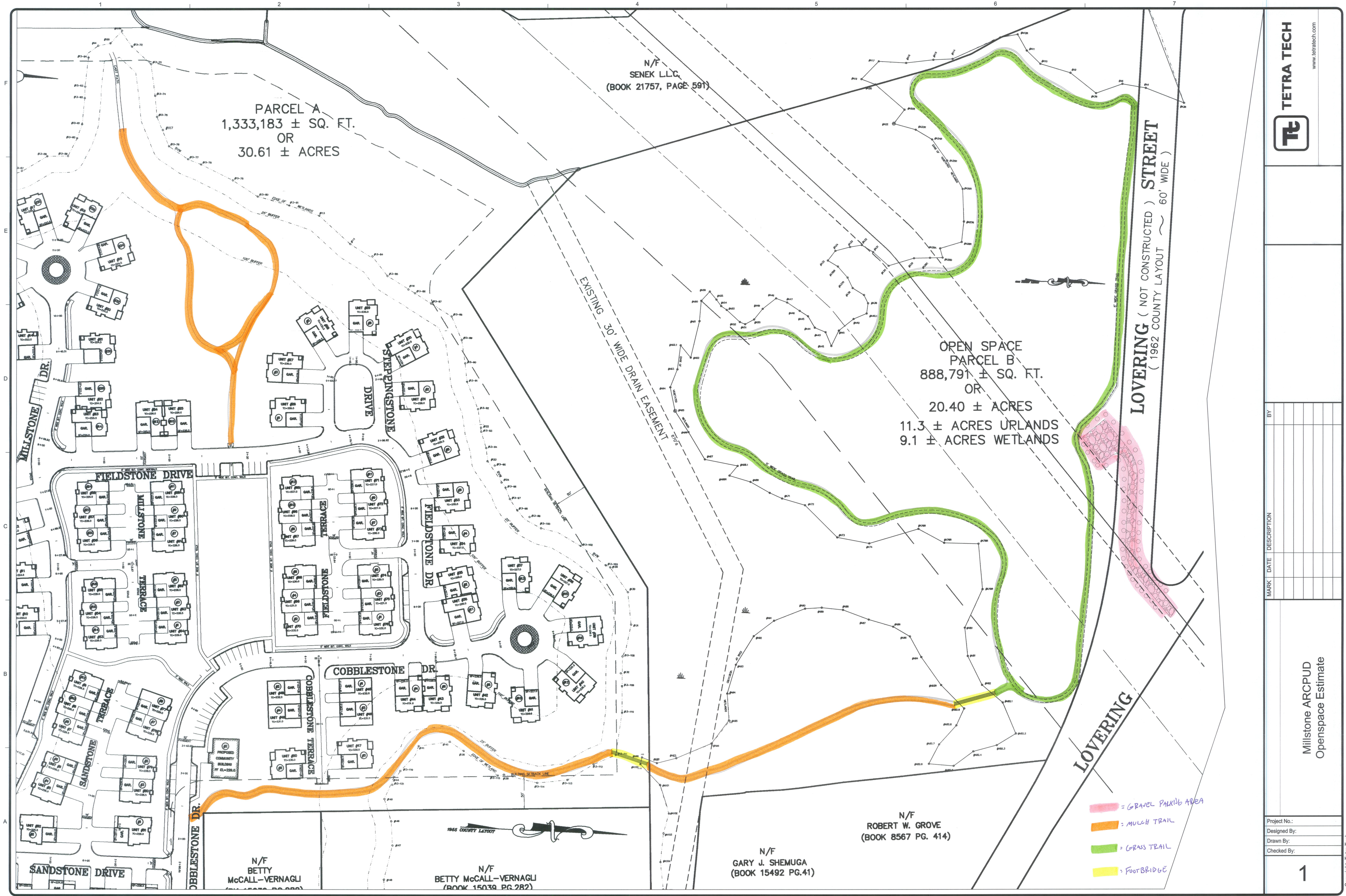
Openspace Footpath/Parking Area				
Erosion & Sediment Controls	1	LS	\$5,000.00	\$5,000
Clearing & Grubbing ⁴	0.98	A	\$12,000.00	\$11,760
Openspace-Woodchip Trail	946	SY	\$11.50	\$10,879
Openspace-Gravel Parking Area	1	LS	\$18,000.00	\$18,000
Footbridge	122	LF	\$500.00	\$61,000

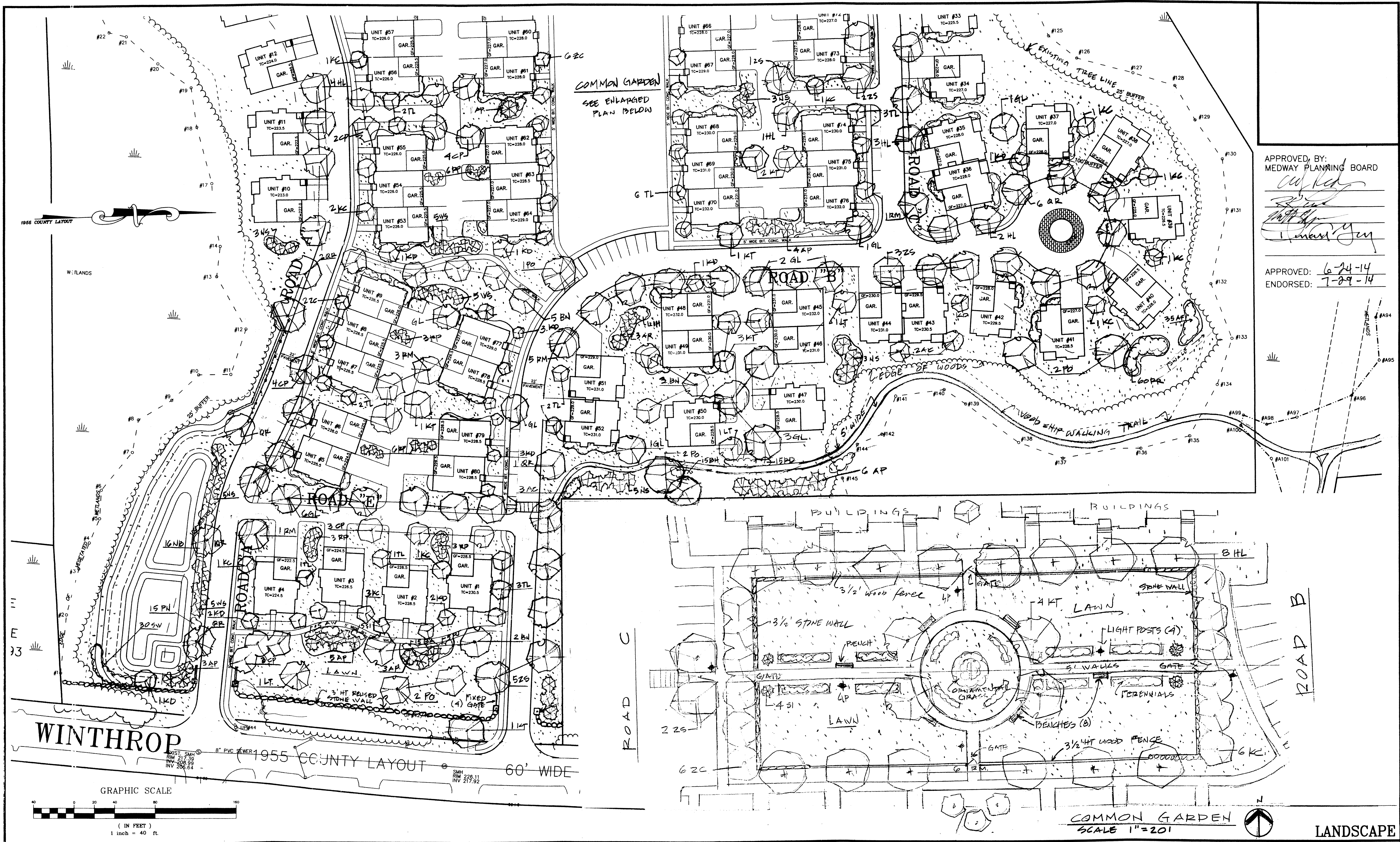
Subtotal \$106,639
25% Contingency \$26,660
Total \$133,299

Notes:

1. Unit prices are taken from the latest information provided on the MassDOT website and have been updated since our previous bond estimate submission. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 6/2016 - 6/2017. Quantities for Items shown in gray have changed since our previous bond estimate.
2. This bond estimate is based upon Phasing of the project as shown on updated Phasing Plan dated April 2, 2014.
3. This item has been updated to reflect current project Phasing as shown on updated Phasing Plan dated April 2, 2014.
4. Openspace-Grass Trail is included in this item. Existing grass meadow shall be mowed to delineate the proposed walking trail.

6/27/2017 11:21:29 AM - P:\21583\143-21583-14018 (MILLSTONE VILLAGE CONST SERV)\CAD\SUPPORT\FILES\QUANTITIES 2017-06-27.DWG - BOULEY, STEVEN





APPROVED BY:
MEDWAY PLANNING BOARD
[Signature]
[Signature]
[Signature]

APPROVED: 6-24-14
ENDORSED: 7-29-14

COSMOS ASSOCIATES
LANDSCAPE ARCHITECTS & SITE PLANNERS
CIVIC, COMMERCIAL & RESIDENTIAL DESIGN
5 LONGVIEW STREET NATICK, MA 01760
508.628.3595 FAX 508.405.4479
EMAIL: COSMOSLA@RCN.COM

REVISIONS				FIELD:	
No.	DATE	DESCRIPTION	DES. CKD.	DESIGN BY:	
1	12/11/06	LAYOUT MODIFICATION	WML RST	WML	
2	03/02/07	ENGINEERING COMMENTS		WML	
3	03/19/07	ENGINEERING COMMENTS		WML	

GLM ENGINEERING
CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746
(508)429-1100 fax: (508)429-7160

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS

OWNER: BETTY McCALL-VERNAGLI
12 PARTRIDGE STREET
MEDWAY, MASSACHUSETTS 02053

APPLICANT: ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MASSACHUSETTS 01581

LANDSCAPE

JOB No. 12,878
SCALE: 1"=40'
DATE: OCTOBER 15, 2013
SHEET No. 19 OF 21

1955 COUNTY LAYOUT

PARCEL A
1,261,663 ± SQ. FT.
OR
28.97 ± ACRES

Key	Qty.	Common Name	Latin Name	Size
PLANT LIST				
TREES				
WS	25	White Spruce	Picea glauca	6-7' ht.
AP	30	Austrian Pine	Pinus nigra austriaca	6-7' ht.
NS	26	Norway Spruce	Picea Abies	6-7' ht.
CS	6	Colorado Spruce	Picea pungens	8-10' ht.
RP	27	Red Pine	Pinus resinosa	6-7' ht.
QR	17	Red Oak	Quercus rubra	2-12" caliper
HL	26	Halkia Honey locust	Gleditsia triacanthos inermis 'Halkia'	2-12" caliper
LT	6	American Sweetgum	Liriodendron tulipifera	3" caliper
BN	14	Heritage Birch	Betula nigra 'Heritage'	14'-16' clump
CP	21	Aristocrat Callery Pear	Pyrus calleryana var Aristocrat	3" caliper
RM	24	'October Glory' Red maple	Acer rubrum 'October Glory'	3" caliper
KT	19	Katsura tree	Cercidiphyllum japonicum	3" caliper
PO	14	Pin Oak	Quercus palustris	3" caliper
TL	25	'Ivory Silk' tree lilac	Syringa reticulata 'Ivory Silk'	2" caliper
KC	23	Kwanzan Cherry	Prunus serrulata 'Kwanzan'	2" caliper
GL	25	Greenspire Linden	Tilia cordata 'Greenspire'	3" caliper
ZS	21	Zelkova 'Village Green'	Zelkova serrata 'Village Green'	3" caliper
KD	18	Kousa Dogwood	Cornus kousa	2" caliper
AC	14	Allegheny shadbush	Amelanchier laevis	5-6' clump
ZC	17	Zumi Crab	Malus zumi calocarpa	2" caliper
BP	5	Canoe birch	Betula papyrifera	14'-16' clump
SHRUBS				
RR	60	Rugosa Rose	Rosa rugosa	#2 pot
RD	15	Red Twig Dogwood	Cornus stolonifera 'Bailey'	#2 pot
IH	60	'Ivory Halo' Dogwood	Cornus alba 'Ivory Halo'	#2 pot
AF	65	Arnold Dwarf Forsythia	Forsythia 'Arnold Dwarf'	#2 pot
BH	35	Dwarf bush honeysuckle	Diervilla lonicera	#6 pot
SW	80	Sweetfern	Comptonia peregrina	#2 pot
NB	21	Northern Bayberry	Myrica pensylvanica	#2 pot
BA	15	Browers Beauty Andromeda	Pieris x 'Browers Beauty'	#2 pot
PN	50	Purple ninebark	Physocarpus opulifolius 'Diablo'	#2 pot
SI	35	Shamrock inkberry	Ilex glabra 'Shamrock'	#2 pot
AW	40	Spirea 'Anthony Waterer'	Anthony Waterer Spirea	#2 pot
PJ	15	PJM Rhododendron	PJM Rhododendron	#2 pot
CL	50	Common lilac	Syringa vulgaris	#2 pot
Perennials				
HD	200	Hyperion Daylily	Hyperion Daylily	2 qt. pot
SD	200	Stella D'Oro daylily	Hemerocallis 'Stella D'Oro'	2 qt. pot
BE	200	Black Eyed susan	Rudbeckia fulgida 'Goldsturm'	2 qt. pot
MG	50	Maiden grass 'Morning Light'	'Morning Light' Miscanthus sinensis	2 qt. pot
FG	100	Hameln Fountain Grass	Pennisetum alopecuroides Hameln	2 qt. pot
SM	50	Sedum x Matrona	Sedum x Matrona	2 qt. pot
PK	200	Peony 'Karl Rosenfeld'	Peonia 'Karl Rosenfeld'	#3 pot
BB	100	Big Blue Lilyturf	Liriope 'Big Blue'	#1 pot

APPROVED BY:
MEDWAY PLANNING BOARD

APPROVED: 6-24-14
ENDORSED: 7-29-14

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

NOTE:
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION

DIGSAFE IS TO BE NOTIFIED 72 WORKING HOURS IN ADVANCE OF CONSTRUCTION.
DIGSAFE 1-888-344-7233



LANDSCAPE

COSMOS ASSOCIATES
LANDSCAPE ARCHITECTS & SITE PLANNERS
5 LONGVIEW STREET NATICK, MA 01760
508.628.3595 FAX 508.405.4479
E-MAIL: COSMOSLA@RCN.COM

REVISIONS

No.	DATE	DESCRIPTION	DES. CKD.
1	12/11/06	LAYOUT MODIFICATION	WML RST
2	03/02/07	ENGINEERING COMMENTS	
3	03/19/07	ENGINEERING COMMENTS	

FIELD:

DESIGN BY: WML
DRAWN BY: WML
CHECKED BY: WML

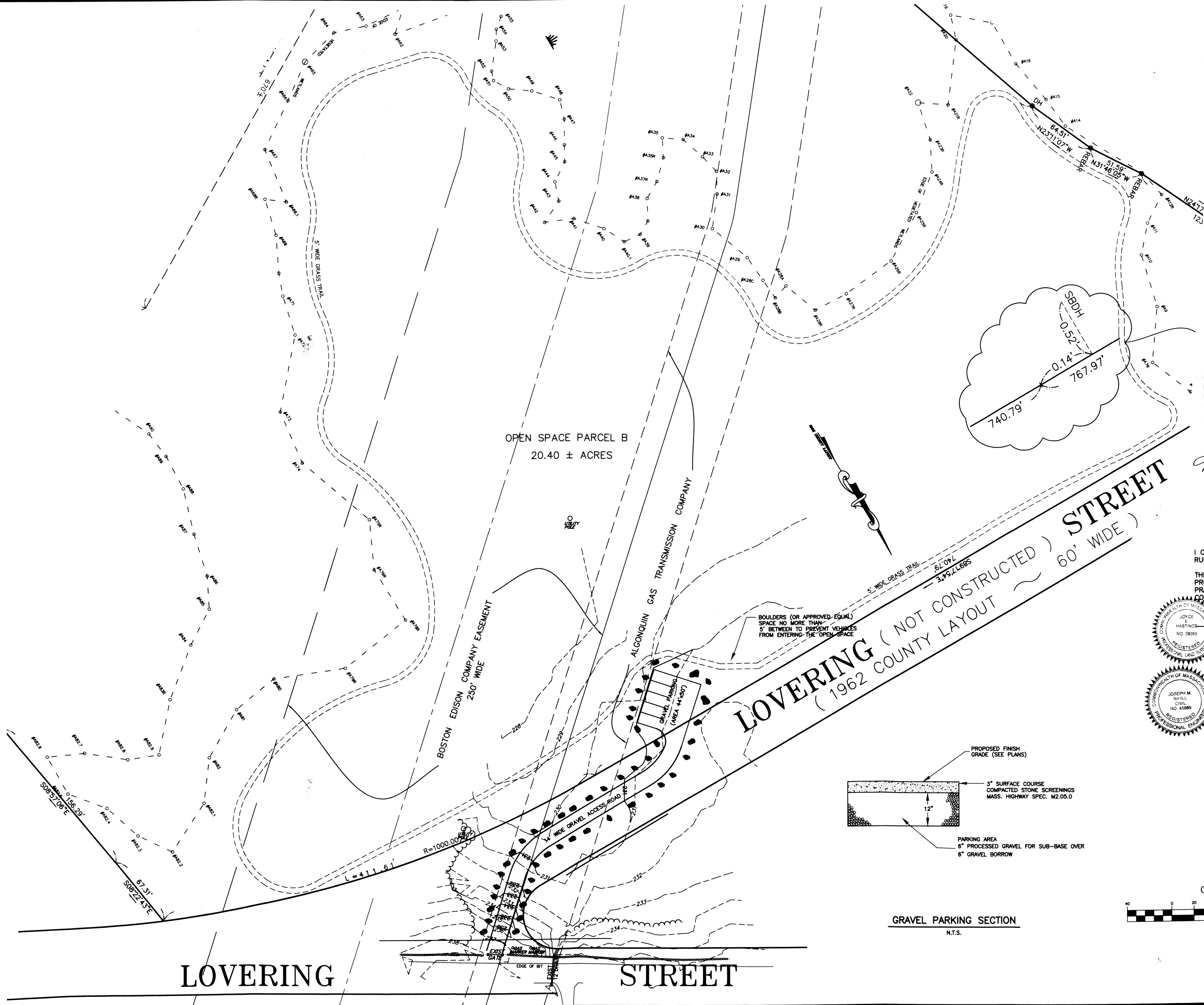
GLM ENGINEERING CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746
(508)429-1100 fax:(508)429-7160

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS

OWNER: BETTY MCCALL-VERNAGLI
12 PARTRIDGE STREET
MEDWAY, MASSACHUSETTS 02053
APPLICANT: ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MASSACHUSETTS 01581

JOB No. 12,878
SCALE: 1"=40'
DATE: OCTOBER 15, 2013
SHEET No. 20 OF 21

26,196



APPROVED BY:
MEDWAY PLANNING BOARD

[Signature]
[Signature]
[Signature]

APPROVED: 6-24-14
ENDORSED: 7-29-14

APPROVED 6-24-14 SUBJECT TO COVENANT
CONDITIONS SET FORTH IN A COVENANT EXECUTED
BY Steven Verinac DATED 7-29-14 AND TO
BE (RECORDED) (REGISTERED) HEREWITH.
DEEDS OF EASEMENTS TO BE RECORDED HEREWITH.

I TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED & RECORDED FROM THE PLANNING
BOARD APPROVAL OF THIS PLAN AND NO APPEAL
HAS BEEN TAKEN FOR TWENTY DAYS NEXT AFTER
RECEIPT AND RECORDING OF SAME.

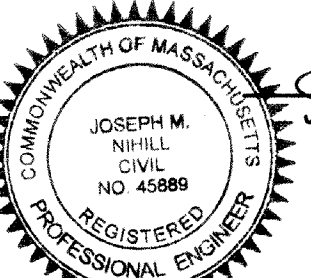
[Signature] 7/30/14
TOWN CLERK DATE

I CERTIFY THAT THIS PLAN CONFORMS TO THE
RULES & REGULATIONS OF THE REGISTER OF DEEDS.

THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE
PROCEDURAL AND TECHNICAL STANDARDS FOR THE
PRACTICE OF LAND SURVEYING IN THE
COMMONWEALTH OF MASSACHUSETTS.

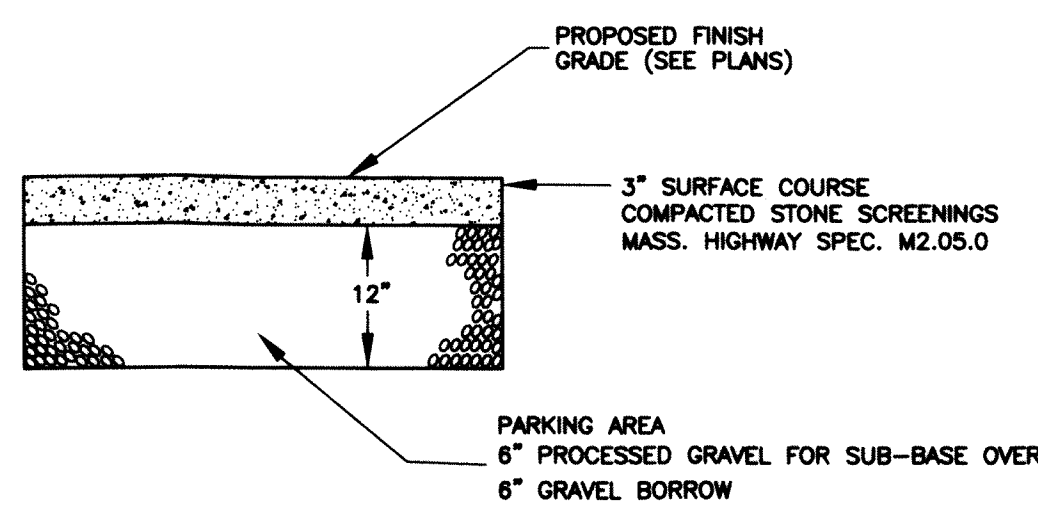


[Signature] 7/22/14
JOYCE E. HASTINGS P.L.S. DATE

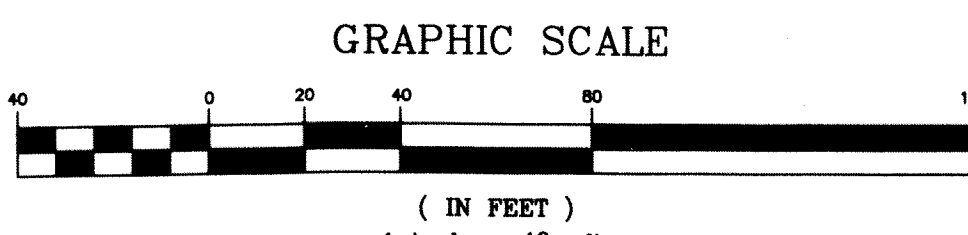


[Signature] 7/22/14
JOSEPH M. NIHILL, P.E. DATE

OPEN SPACE MAINTENANCE PLAN:
THE OPEN SPACE FIELD SHALL BE MAINTAINED BY
MOWING THE AREA TO A HEIGHT OF APPROXIMATELY
SIX (6) INCHES AT A MINIMUM OF 2 TIMES PER
YEAR. THE GRASS TRAIL SHALL BE MOWED TO A
HEIGHT OF APPROXIMATELY 2 INCHES ONCE PER
MONTH.
FURTHER MAINTENANCE MAY BE PROVIDED AS PART
OF A CONSERVATION RESTRICTION TO BE RECORDED
IN THE FUTURE FOR THE OPEN SPACE PARCEL.



GRAVEL PARKING SECTION
N.T.S.



ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS
OWNER:
BETTY McCALL-VERNAGLI
12 PARTRIDGE STREET
MEDWAY, MASSACHUSETTS 02053
APPLICANT:
ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MASSACHUSETTS 01581

GLM ENGINEERING
CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746
(508)428-1100 fax: (508)428-7190

FIELD:		DESIGN BY:	WML
REVISIONS		PLANNING BOARD CONDITIONS OF APPROVAL	
No.	DATE	DESCRIPTION	
1	7/22/14		

JOB No.
12,878
SCALE:
AS NOTED
DATE:
JUNE 24, 2014
SHEET No.
SUP - A

Susan Affleck-Childs

From: Steven Venincasa <sv@casarealty-builders.com>
Sent: Wednesday, August 02, 2017 1:17 PM
To: Susan Affleck-Childs
Subject: Fwd: Conservation Restriction for Millstone Village
Attachments: 8.2.17 Conservation Restriction Subordination of Mortgage.docx; ATT00001.htm; 8.2 Conservation Restriction.pdf; ATT00002.htm

Sent from my iPad

Begin forwarded message:

From: Cathy Netburn <cnetburn@dlpnlaw.com>
Date: August 2, 2017 at 1:10:15 PM EDT
To: "bgraziano@townofmedway.org" <bgraziano@townofmedway.org>
Cc: Alex Parra <faparra@dlpnlaw.com>, Pat Coole <pcoole@dlpnlaw.com>, "Steven Venincasa (sv@casarealty-builders.com)" <sv@casarealty-builders.com>
Subject: Conservation Restriction for Millstone Village

Bridget,

I'm filling in for Alex Parra during his vacation.

I just tried to reach you to advise that Steve Casa has executed the Conservation Restriction and we have forwarded same on to his lender (Cornerstone Bank formerly Southbridge Savings Bank) for execution. Once I receive the original back, do you want me to send this on to the state, or do you want to send it from your office? Please let me know.

I realize that this has been a (needlessly) long process, and we apologize for any delays on our part. Please be assured I will make sure I get the subordination back in the next few days so we can complete our part of this process.

Please feel free to contact me should you have any questions.

Cathy

Cathy S. Netburn, Esq.
D'Agostine, Levine, Parra & Netburn, P.C.
268 Main Street
Acton, MA 01720-6233
Ph: (978) 263-7777; Fax: (978) 264-4868

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In accordance with Internal Revenue Service Circular 230, we hereby advise you that if this e-mail or any attachment hereto contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

Thank you.



August 8, 2017

**Medway Planning & Economic Development Board
Meeting**

Medway Gardens

- Tetra Tech inspection report dated July 19, 2017
- Susy Affleck-Childs letter to Joe Avellino dated August 2, 2017
- Collection of photos showing various completed items at Medway Gardens – received from Joe Avellino on August 3, 2017
- Notes by Joe Avellino on Tetra Tech inspection report re: progress – received August 4, 2017
- Medway Gardens site plan modification decision – November 8, 2016
- Endorsed modified Medway Gardens site plan - December 13, 2016

I spoke with Joe Avellino Friday morning. He is not able to attend Tuesday's meeting. Joe believes he is making good progress and will have everything done by the December 31, 2017 completion deadline. Frank Guthman, one of Tetra Tech's site inspectors, will visit on Monday to re-inspect and provide an updated report.

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

Cc:

From: Steven M. Bouley, P.E. – Tetra Tech
Frank Guthman III – Tetra Tech



Date: June 8, 2016 (revised July 19, 2017)

Subject: Medway Gardens Punch List

On June 1, 2016 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a site inspection of the Medway Gardens site located at 38 Summer Street in Medway, MA. The site was inspected and a punch list generated of outstanding items which have not yet been installed by the Applicant. The inspections were conducted based upon a Site Plan titled "Site Plan for Medway Gardens, 38 Summer Street (Route 126), Medway, MA 02053" dated July 22, 2014, revised July 23, 2014.

On May 8, 2017, July 11, 2017 and July 19, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a site inspection of the Medway Gardens site located at 38 Summer Street in Medway, MA. The site was inspected and an updated punch list generated of outstanding items which have not yet been installed by the Applicant. The inspections were conducted based upon a Site Plan titled "Site Plan for Medway Gardens, 38 Summer Street (Route 126), Medway, MA 02053" dated July 22, 2014, revised November 30, 2016 and our previous Punch List dated June 8, 2016.

The following is a list of items and issues that are still outstanding:

Parking Lot

1. Proposed Bituminous Pavement driveway apron and appurtenant railroad ties have not been installed. (See Photos 1-2)
 - TT 07/19/17 Update: The bituminous pavement driveway apron has been installed. The flush railroad ties (or approved equal) to provide edge protection have not yet been installed where the bituminous pavement apron meets the gravel parking lot. The applicant stated he will be installing a sixteen inch thick layer of concrete to back up the asphalt driveway apron during the fall/winter. (See Photos 1-2)
2. Proposed Bituminous Pavement parking area south of the wooden pergola has not yet been installed. (See Photo 3)
 - TT 07/19/17 Update: The proposed bituminous pavement parking area located south of the wooden pergola is no longer shown as proposed on the revised plan dated November 30, 2016. This item has been addressed to our satisfaction.

3. Proposed Pavement markings and striping (2 coats of paint required) has not yet been installed. (See Photo 4)
 - TT 07/19/17 Update: The proposed parking stall striping was installed on April 18, 2017 (See Photos 3-5). However, during the site inspection conducted on July 11, 2017, a majority of the paint striping in the higher traffic areas of the lot has been worn from the gravel (See Photos 6-8). The proposed pavement markings located on the bituminous driveway apron, in the drive isles of the existing gravel lot and on the gravel access drive to Milford Street have not yet been installed. (See Photo 9)
4. Proposed Directional and Accessible Signs have not yet been installed. (See Photo 4-5)
 - TT 07/19/17 Update: The proposed accessible signs and sign posts have not been installed per the details on the approved plan. (See Photo 10)
5. Proposed Concrete Wheel Stops have not yet been installed in any of the locations shown on the Site Plan. (See Photo 4-5)
 - TT 07/19/17 Update: A majority of the proposed concrete wheel stops have been installed. However, the concrete wheel stops in the parking stalls in front of the wooden pergola have not been installed in the location shown on the approved plan (See Photos 11-12). The concrete wheel stops have not yet been installed in the five parking stalls adjacent to the gated fence at the gravel access drive to Milford Street. (See Photo 13)
6. It appears the Gravel Access drive to Milford Street has not yet been formally installed. An overgrown gravel path exists but it appears it is not what was intended on the Site Plan. (See Photo 5)
 - TT 07/19/17 Update: It does not appear the gravel access drive has been installed per the plan. The area is overgrown with vegetation and requires maintenance. (See Photo 14)

Landscape

7. The “Medway Garden Center” sign has not yet been relocated with new plantings. (See Photo 5)
 - TT 07/19/17 Update: The new “Medway Garden Center” sign with new plantings has not yet been installed as shown on the approved plan. The applicant has stated they will be installing the sign in the near future. (See Photo 15)
8. Evergreen Trees every 20’ have not yet been planted along the southern property line. (See Photo 5)
 - TT 07/19/17 Update: This item has not been completed.

Additional Items (7/19/17)

9. The applicant has installed 6’ Vinyl fence adjacent to the entrance to the site from Cumberland Farms. However, it does not appear the fence is installed per the intentions of the Plans or the Decision. The Decision states “The owner shall modify the existing swing barrier gate at the northern edge of the internal driveway to Milford Street by attaching six (6) foot high white vinyl panels to screen the back of the Medway Gardens site...” The panels are not attached to the swing gate. Furthermore, it appears the swing gate has been hit by a vehicle forcing the gate posts out of alignment. We also recommend the gate be repaired. (See Photo 14)

10. The proposed perennials along the chain link fence at the asphalt driveway apron on Summer Street have not yet been installed (See Photo 15).
11. The applicant has installed 16 LF of wood stockade fence along the eastern boundary of property at 2 Knollwood Road. However, this style of fence does not meet the requirements called out in the most current revision of the approved site plan (See Photo 16).
12. The applicant has installed a 6' high wood stockade fence around the existing dumpster located in the southern corner of the parking lot. However, the applicant did not install the stockade fence around the dumpster as shown on the most current approved site plan (See Photos 17-18).

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.

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Photograph 1

Bituminous pavement
driveway apron at
Summer Street



Photograph 2

Bituminous Pavement to
gravel transition



Photograph 3

Gravel lot striping



Photograph 4

Gravel lot striping



Photograph 5

Gravel lot striping



Photograph 6

Existing gravel striping



Photograph 7

Existing gravel striping



Photograph 8

Existing gravel striping



Photograph 9

Missing directional arrows



Photograph 10

Accessible sign and post



Photograph 11

Accessible sign and wheel stops



Photograph 12

Concrete wheel stop alignment



Photograph 13

Missing concrete wheel stops



Photograph 14

Gravel access drive overgrown with vegetation



Photograph 15

Location of Medway
Garden Center sign and
proposed perennials along
chain link fence



Photograph 16

Wood stockade fence
installed in place of 6' high
white vinyl fence



Photograph 17

Standing on the center parking stalls in the gravel lot facing proposed location of existing dumpster



Photograph 18

Current location of existing dumpster standing in the snow storage area facing southwest.





TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

August 2, 2017

Mr. Joe Avellino
Medway Gardens
34 Summer Street
Medway, MA 02053

Dear Joe,

The Board's inspector from Tetra Tech conducted a site visit on July 19th to ascertain the completion status of the improvements shown on the modified Medway Gardens Site Plan (endorsed December 13, 2016). I have attached the approved site plan and Tetra Tech's inspection report for your reference.

The Tetra Tech inspection report notes that some of the planned site improvements have been made. However, the report also notes that some items are incomplete or not carried out properly, and many things remain unaddressed.

I draw your attention to Condition I of the Medway Gardens Modified Site Plan Decision dated November 8, 2016 which requires that substantial work commence by June 30, 2017 and all improvements must be completed by December 31st. See excerpt below from the Decision. The full Decision is also attached.

- I. ***Schedule for Project Completion*** – The Planning and Economic Development Board's approval of this site plan modification shall lapse after June 30, 2017 of the grant thereof if substantial work has not commenced except for good cause. All site improvements shown on the endorsed plan shall be completed by the applicant or its assignees by December 31, 2017.

Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning & Economic Development 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 and public briefing have been held by the Board.

At its meeting on July 25, 2017, the Board discussed the lack of progress in carrying out the approved Medway Gardens site plan. Based on the Tetra Tech report, it does not appear that substantial work had commenced by June 30, 2017. Your inattention to these matters is troubling.

At its next meeting on August 8th, the Board will consider this matter further and vote whether substantial work had commenced on the Medway Garden site plan by June 30, 2017 except for good cause. You are invited to attend that meeting to provide an update/status report on all of the site improvement items as shown on the site plan and specified in the Decision and to explain why substantial work had not commenced by June 30, 2017.

Please be advised that if the Board finds that the site plan approval has lapsed due to lack of progress, you will need to file a new site plan application with the Board.

Best regards,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs", with a stylized, cursive script.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



















508-321-4987



TETRA TECH

MEMO

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

Cc:

From: Steven M. Bouley, P.E. – Tetra Tech
Frank Guthman III – Tetra Tech

SB

Date: June 8, 2016 (revised July 19, 2017)

Subject: Medway Gardens Punch List

On June 1, 2016 at the request of the Medway Planning and Economic Development Board (PEDB) Tetra Tech (TT) conducted a site inspection of the Medway Gardens site located at 38 Summer Street in Medway, MA. The site was inspected and a punch list generated of outstanding items which have not yet been installed by the Applicant. The inspections were conducted based upon a Site Plan titled "Site Plan for Medway Gardens, 38 Summer Street (Route 126), Medway, MA 02053" dated July 22, 2014, revised July 23, 2014.

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The following is a list of items and issues that are still outstanding:

Parking Lot

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(See Photos 1-2)
 - TT 07/19/17 Update: The bituminous pavement driveway apron has been installed. The flush railroad ties (or approved equal) to provide edge protection have not yet been installed where the bituminous pavement apron meets the gravel parking lot. The applicant stated he will be installing a sixteen inch thick layer of concrete to back up the asphalt driveway apron during the fall/winter.
(See Photos 1-2) ** will be done*
2. Proposed Bituminous Pavement parking area south of the wooden pergola has not yet been installed.
(See Photo 3)
 - ✓ TT 07/19/17 Update: The proposed bituminous pavement parking area located south of the wooden pergola is no longer shown as proposed on the revised plan dated November 30, 2016. This item has been addressed to our satisfaction.

3. Proposed Pavement markings and striping (2 coats of paint required) has not yet been installed. (See Photo 4)

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Striping done 6x per year

4. Proposed Directional and Accessible Signs have not yet been installed. (See Photo 4-5)

- TT 07/19/17 Update: The proposed accessible signs and sign posts have not been installed per the details on the approved plan. (See Photo 10)

Will add "van accessible" to existing sign.

5. Proposed Concrete Wheel Stops have not yet been installed in any of the locations shown on the Site Plan. (See Photo 4-5)

- TT 07/19/17 Update: A majority of the proposed concrete wheel stops have been installed. However, the concrete wheel stops in the parking stalls in front of the wooden pergola have not been installed in the location shown on the approved plan (See Photos 11-12). The concrete wheel stops have not yet been installed in the five parking stalls adjacent to the gated fence at the gravel access drive to Milford Street. (See Photo 13)

** 5 wheel stops relocated to allow fence install.*

6. It appears the Gravel Access drive to Milford Street has not yet been formally installed. An overgrown gravel path exists but it appears it is not what was intended on the Site Plan. (See Photo 5)

- TT 07/19/17 Update: It does not appear the gravel access drive has been installed per the plan. The area is overgrown with vegetation and requires maintenance. (See Photo 14)

** Area Maintained bi-weekly as discussed at board meetings.*

7. The "Medway Garden Center" sign has not yet been relocated with new plantings. (See Photo 5)

- TT 07/19/17 Update: The new "Medway Garden Center" sign with new plantings has not yet been installed as shown on the approved plan. The applicant has stated they will be installing the sign in the near future. (See Photo 15)

** Currently in the works.*

8. Evergreen Trees every 20' have not yet been planted along the southern property line. (See Photo 5)

- TT 07/19/17 Update: This item has not been completed. ** Will be done*

Additional Items (7/19/17)

9. The applicant has installed 6' Vinyl fence adjacent to the entrance to the site from Cumberland Farms. However, it does not appear the fence is installed per the intentions of the Plans or the Decision. The Decision states "The owner shall modify the existing swing barrier gate at the northern edge of the internal driveway to Milford Street by attaching six (6) foot high white vinyl panels to screen the back of the Medway Gardens site..." The panels are not attached to the swing gate. Furthermore, it appears the swing gate has been hit by a vehicle forcing the gate posts out of alignment. We also recommend the gate be repaired. (See Photo 14)

Completed

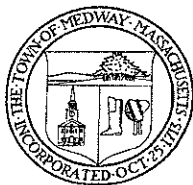
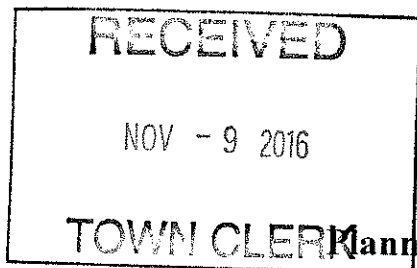
10. The proposed perennials along the chain link fence at the asphalt driveway apron on Summer Street have not yet been installed (See Photo 15). ** will install*

11. The applicant has installed 16 LF of wood stockade fence along the eastern boundary of property at 2 Knollwood Road. However, this style of fence does not meet the requirements called out in the most current revision of the approved site plan (See Photo 16). ** will change*

12. The applicant has installed a 6' high wood stockade fence around the existing dumpster located in the southern corner of the parking lot. However, the applicant did not install the stockade fence around the dumpster as shown on the most current approved site plan (See Photos 17-18). ** will be done*

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\143-21583-14013 (MEDWAY GARDENS)\CONSTRUCTION\PUNCH LIST\MEMO_MEDWAY GARDENS PUNCH LIST_2016-06-08 (REVISED 2017-07-19).DOC



TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street

Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio*

November 8, 2016

SITE PLAN DECISION **Medway Gardens Site Plan Modification** **34 Summer Street**

You are hereby notified that on November 8, 2016 at a duly called and properly posted meeting, the Medway Planning and Economic Development Board, after reviewing the application and information compiled during the public review process, voted on a motion made by Matthew Hayes and seconded by Richard Di Iulio, by a three (3) in favor and zero (0) opposed vote, to approve with conditions as specified herein, the application of Onilleva Realty, LLC of Medway, MA to modify the previously approved site plan for Medway Gardens from August 2014.

I. PROJECT LOCATION - Medway Gardens is located on a 2.27 acre portion of the 3.6 acre property at 34 Summer Street (Parcel 56-039) in the Commercial V zoning district. The property is owned by Onilleva Realty, LLC of Medway, MA. The site is bounded on the west by Summer Street, on the north by Milford Street, on the east by property owned by Jesse and Teigan Bain at 37 Milford Street and by Madelyn Rivera and Pamela Bellino at 2 Knollwood Road, and on the south by property owned by Richard and Helen Barry at 32 Summer Street. The parcel also includes a Cumberland Farms convenience store/vehicle fuel station constructed in 2014 (41 Milford Street). The Medway Gardens portion of the site also includes a detached single family home constructed in 1985.

II. BACKGROUND - The site plan decision for improvements at Medway Gardens was previously approved by the Medway Planning and Economic Development Board on August 12, 2014. Those improvements were shown on a plan dated August 21, 2014 which the Board endorsed on September 16, 2014. The approved scope of work included:

- construction of a new greenhouse and a wooden pergola; and
- various site improvements including a reorganized and striped parking arrangement, perimeter landscaping/buffering, outside merchandise display, and improved access/egress to the site

all of which were a result of a consolidation of the Medway Gardens operation on the southern portion of the parcel subsequent to the construction of the Cumberland Farms convenience store and vehicle fuel station facility on the northern portion of the property.

The site plan decision specified that work was to be completed within a two (2) year period after plan endorsement. Based on a June 1, 2016 inspection of the site by Tetra Tech Engineering, the Board's consulting engineer, and the resultant punch list dated June 8, 2016, the Board determined that the applicant had not fully completed the approved scope of work. The owner now wishes to modify/reduce the scope of site plan improvements.

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

After the public briefing process had commenced, the owner asserted that the use of the property by Medway Gardens is an agricultural use under G.L. c. 40A, §3, and therefore is not subject to site plan review. The applicant, acting through his attorney Marshall Newman in a letter dated and provided to the Board on September 13, 2016, challenged the Board's authority to conduct site plan review of the Medway Gardens project and further that the conditions being imposed by the Board were unreasonable regulations. However, the applicant did not appeal the original site plan approval issued by the Board, and the matter currently before the Board is the owner's own request to modify the existing site plan approval. The Board disputes that the primary use of this property is agricultural as defined in G.L. c. 40A, §3, or that the property is exempt from site plan review. In order to address the pending application, however, the owner worked with the Board to agree upon the conditions listed in this decision, while both parties reserve their positions with respect to whether the primary use of the property is agricultural as defined in G.L. c. 40A, §3.

III. PROJECT DESCRIPTION/PROPOSED MODIFICATION - *The primary purpose of this application for site plan modification is to update the plan to depict the revised scope of improvements the applicant will implement. Pursuant to the application, the applicant proposed a revised scope of work as reflected on the updated site plan dated July 22, 2016.*

Previously approved work to NOT be carried out includes paving 7 parking spaces in the parking area south of the wooden pergola. The owner wishes to be relieved of undertaking this particular site improvement and proposes to provide gravel parking spaces instead.

The previously approved work which the applicant has agreed to install includes the following items as shown on the plan:

- Installation of a bituminous concrete apron and the appurtenant railroad ties at the Summer Street entrance
- Installation of 30 concrete wheel stops in the parking area to clearly designate the parking space locations
- Installation of directional and accessible parking signs
- Installation of a stockade fence and shrubs to enclose the existing dumpster
- Installation of a free-standing sign at the entrance driveway to the site from Summer Street
- Installation of landscaping along the southern and eastern perimeter of the site as a buffer to the adjacent parcels.

IV. PROCEDURAL HISTORY

- A. August 8, 2016 – Application to modify a previously approved site plan was filed with the Medway Planning & Economic Development Board.
- B. August 9, 2016 – Public briefing notice was filed with the Town Clerk, posted to the Town of Medway web site and mailed to abutters via first class mail.
- C. August 23, 2016 – Public briefing commenced. The public briefing was continued to September 13, 27, October 4, and November 8, 2016 when it was concluded and the Board voted its decision.

V. INDEX OF SITE PLAN DOCUMENTS

- A. The application package submitted on August 8, 2016 to modify the previously approved Medway Gardens site plan included the following documents:
 - Application to Modify a Previously Approved Site Plan dated August 8, 2016
 - Project description dated July 12, 2016, received August 4, 2016
 - *Medway Gardens Site Plan*, dated July 22 2014, last revised July 22, 2016 prepared by Civil Design Group, LLC of North Andover, MA.

- Certified abutters list
- B. During the course of the public briefing, the applicant provided the following additional documents to the Board:
- A collection of site photos provided by the applicant during the August 23, 2016 meeting to document completed work.
 - An information sheet regarding a parking lot striping machine Mr. Avellino intends to purchase as provided during the August 23, 2016 meeting
 - A letter dated and provided to the Board on September 13, 2016 from Attorney Marshall Newman representing Onilleva Realty LLC and Medway Gardens, Inc. challenging the Board's site plan review of the property due to the premise that the property is exempt from site plan review due to its use for horticultural purposes and that the conditions being imposed were unreasonable regulations. The letter also alleged that Planning and Economic Development Board Chairman Andy Rodenhiser was biased against Mr. Avellino due to the chairman's involvement with the Medway Lions Club which is a principal competitor to Medway Gardens in the sale of Christmas trees in the Medway area.
 - A written communication to the Board provided by Mr. Avellino at the September 27, 2016 meeting.
- C. Previous minor site plan decision dated August 12, 2014 and the previously approved site plan endorsed by the Board on September 16, 2014.

VI. TESTIMONY - In addition to the site plan application materials submitted and provided by the applicant during the course of its review, the Planning & Economic Development Board received written or verbal testimony as follows:

Written Documents

- Inspection report/punch list dated June 8, 2016 from Steve Bouley, Tetra Tech Engineering
- Site plan modification review letter dated August 16, 2016 from Gino Carlucci, the Town's consulting planner.
- Email communication dated August 21, 2016 from abutter Teigan Bain, 37 Milford Street including site photos
- Email communication dated August 23, 2016 from abutter Pamela Bellino-Rivera of 2 Knollwood Drive
- Confidential email communication dated September 23, 2016 from Town Counsel Barbara Saint Andre to address issues raised by the applicant's attorney Marshall Newman.
- Disclosure of Appearance of Conflict of Interest form prepared by Andy Rodenhiser and filed with the Town Clerk and Board on September 26, 2016
- Summary of property value and land area information for 34 Summer/41 Milford Streets compiled September 26, 2016 by Susan Affleck-Childs, Planning and Economic Development Coordinator
- Summary information about the definition of agriculture and its exempt status under G.L., c. 40A, §3.

Verbal Testimony

- Joe Avellino, owner and applicant
- Gino Carlucci, consulting planner
- Pamela Bellino-Rivera, 2 Knollwood Drive
- Teigan and Jesse Bain, 37 Milford Street

VII. SPECIFIC CONDITIONS OF APPROVAL – The Board's approval of this site plan modification is subject to the following specific conditions which the Board determines are reasonable to protect adjacent property owners.

A. **Plan Revisions** - Prior to endorsement, the site plan titled *Medway Gardens Site Plan*, dated June 22, 2014, last revised July 22, 2016 prepared by Civil Design Group of North Andover, MA shall be further revised to include the following:

1. the location and description/specifications including height and materials for sixteen (16) linear feet of fencing to be installed along the parcel's eastern boundary with property owned by Bellino-Rivera at 2 Knollwood Road as requested as specified in Condition C.
2. the notes regarding perimeter landscaping shall be revised to specify that the evergreen trees to be planted every twenty (20) feet shall be a minimum of four (4) feet in height above finished grade at the time of planting, and the shrubs to be planted in between the trees shall be a minimum of two (2) feet in height above finished grade at the time of planting; the species of evergreen trees and shrubs shall be varied.
3. the location for the outdoor storage area as specified in Condition F.
4. the free-standing sign to be located at the entrance driveway from Summer Street shall be noted as being a "new" sign instead of a "relocated" sign.
5. details for the modification of the swing gate per Condition G.
6. the final plan revision date.

B. **Landscape Installation and Maintenance**

1. All trees and shrubs to be planted on the site shall be species that are certified by a horticulturist as native, drought-resistant and deer proof. Such certification shall be provided to the PEDB prior to endorsement of the site plan.
2. The owner shall regularly water the landscape plantings to be installed on the perimeter of the site as shown on the plan so that they will be maintained and thrive. To accomplish this, the owner has agreed to install soaker hoses for irrigating the plants.
3. The site's landscaping shall be maintained in good condition to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced during the next planting season.

C. The owner shall install sixteen (16) linear feet of fencing along the parcel's eastern boundary with property owned by Bellino-Rivera at 2 Knollwood Road as requested. The fencing shall be white vinyl, six (6) feet tall, comparable to the fencing at the adjacent Cumberland Farms development.

D. The owner will arrange for the regular spray painting of striping to outline the 9' x 18' parking spaces on the gravel parking areas where no wheel stops are installed. Such spray painting shall be performed as often as needed to provide for clearly demarcated parking locations.

- E. A new free-standing, two sided Medway Garden Center sign shall be installed near the entrance driveway from Summer Street in conformance with the Zoning Bylaw.
- F. A specific, organized outdoor storage area shall be established and maintained north of the house on the premises and west of the access road for the purpose of storing vehicles, equipment, unused shipping materials, the Conex type container/trailer and any other such items on the premises. Plant materials need not be stored within the designated outdoor storage area.
- G. The owner shall modify the existing swing barrier gate at the northern edge of the internal driveway to Milford Street by attaching six (6) foot high white vinyl panels to screen the back of the Medway Gardens site from the Cumberland Farms development and Route 109/Milford Street.
- H. The height of the dumpster enclosure shall fully screen the height of the dumpster inside. The enclosure shall screen all four (4) sides of the dumpster.
- I. **Schedule for Project Completion** – The Planning and Economic Development Board's approval of this site plan modification shall lapse after June 30, 2017 of the grant thereof if substantial work has not commenced except for good cause. All site improvements shown on the endorsed plan shall be completed by the applicant or its assignees by December 31, 2017.

Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning & Economic Development 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 and public briefing have been held by the Board.

VIII. GENERAL CONDITIONS OF APPROVAL

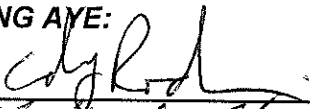
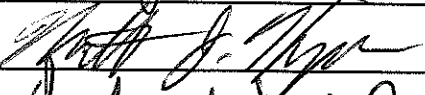
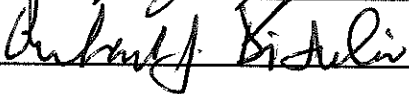
- A. **Appeal** – Any person aggrieved by the Planning & Economic Development Board's Decision may appeal such to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.
- B. **Plan Endorsement** - Within thirty (30) days after the Planning & Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification drawing reflecting all required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision* before plan endorsement.
- C. **Fees/Taxes** - Prior to endorsement of the modified site plan by the Planning & Economic Development Board, the Applicant shall pay the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering and planning consultants, and any other outstanding expenses or obligations due the Town of Medway, including real estate and personal property taxes and business licenses. The Applicant's failure to pay these fees in their entirety shall be reason for the Planning & Economic Development Board to withhold plan endorsement.
- D. **Construction Standards** - All construction shall be 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.

- E. **Plan Revisions** – Any change to the approved site plan modification shall necessitate a further modification of the site plan requiring Planning & Economic Development Board approval pursuant to Section 3.5 of the Medway Zoning Bylaw. Whenever additional reviews by the Planning & Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing if required including legal notice and abutter notification. If the proposed revisions affect only very limited aspects of the site, the Planning & Economic Development Board may reduce the scope of the required review, public notice and waive part of the filing and review fees.
- F. **Project Completion** – At the conclusion of the installation/construction of the site plan improvements, the applicant shall provide the Board with a written certification of a professional engineer registered in the Commonwealth of Massachusetts that all construction work has been completed in strict compliance with the decision and the endorsed site plan.

Approved by the Medway Planning & Economic Development Board: November 8, 2016

BOARD MEMBERS:

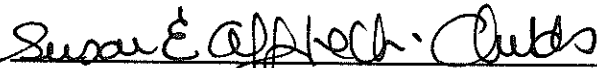
VOTING AYE:

VOTING NAY:

VOTING TO ABSTAIN:

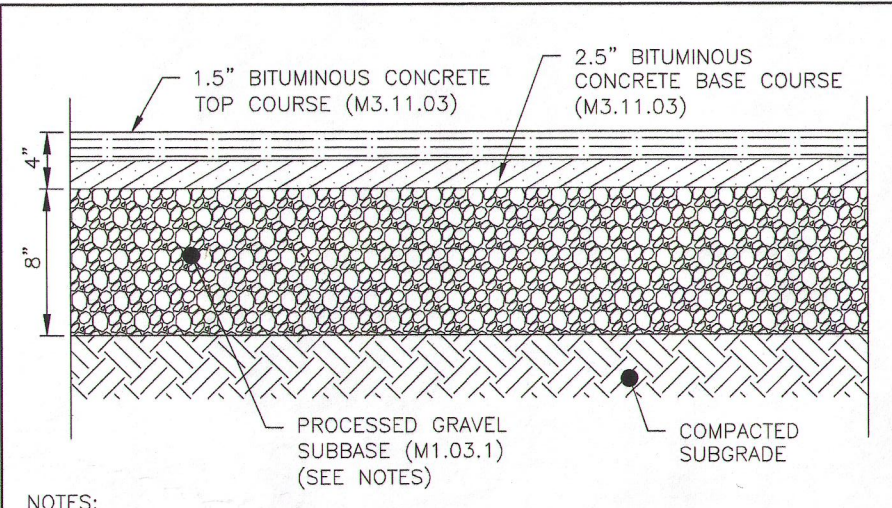
ATTEST:



Susan E. Affleck-Childs
Planning & Economic Development Coordinator

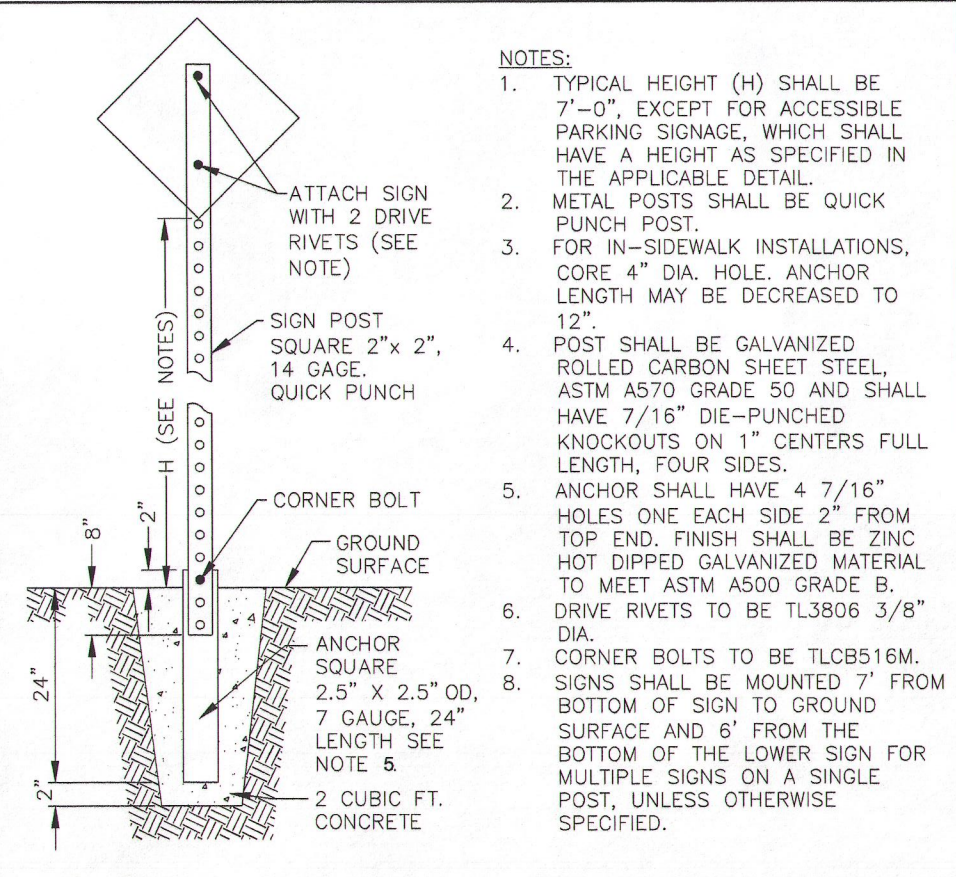
11-8-16
Date

COPIES TO: Michael Boynton, Town Administrator
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Thomas Holder, DPS Director
Jeff Lynch, Fire Department
Jack Mee, Building Commissioner/Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Department
Steve Bouley, Tetra Tech
Gino Carlucci, PGC Associates
Joe Avellino

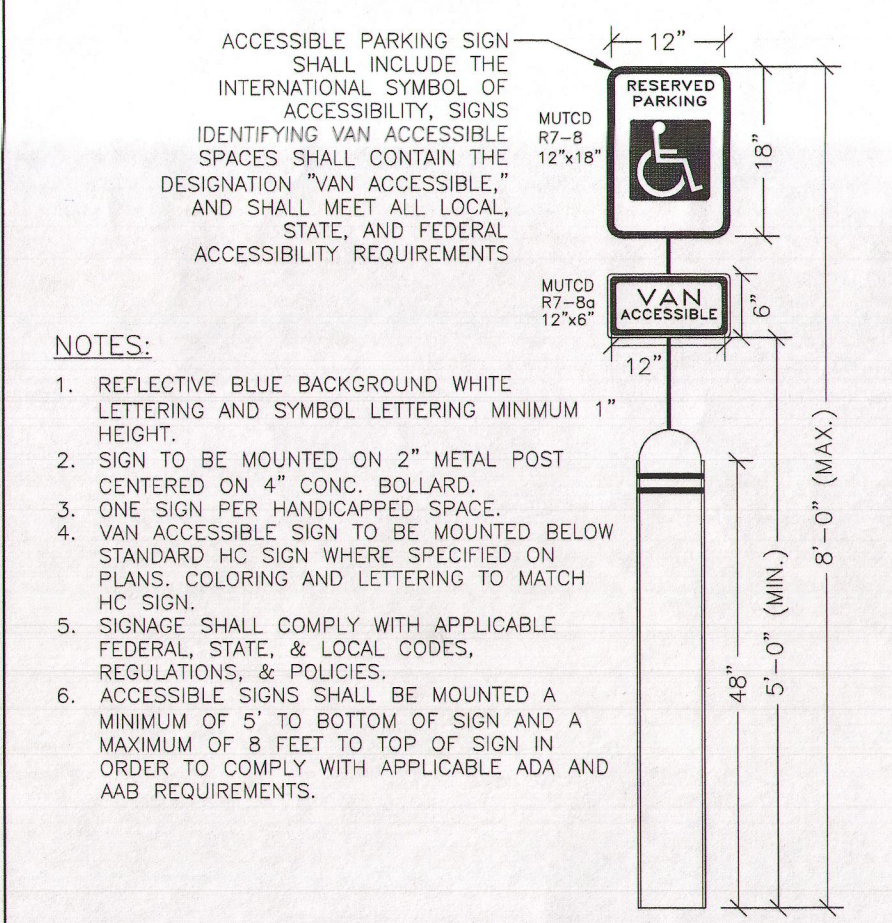


- NOTES:
- HIGH EARLY STRENGTH CEMENT CONCRETE SUB-BASE SHALL BE USED WITHIN THE RIGHT OF WAY IN LIEU OF PROCESSED GRAVEL SUBBASE WHERE SAWCUT WIDTHS ARE LESS THAN 4 FEET.
 - THIS DETAIL PROVIDES A MINIMUM STANDARD FOR PAVEMENT CONSTRUCTION BASED ON THE ASHTO GUIDE FOR DESIGN OF PAVEMENT STRUCTURES (1993). THE FINAL PAVEMENT SECTION SHALL BE DESIGNED BY A GEOTECHNICAL ENGINEER AND SHALL BE UTILIZED IF MORE STRINGENT THAN THIS DETAIL.
 - MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MASSDOT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.

TYPICAL BITUMINOUS PAVEMENT DETAIL
NOT TO SCALE



TYPICAL SIGN POST DETAIL
NOT TO SCALE

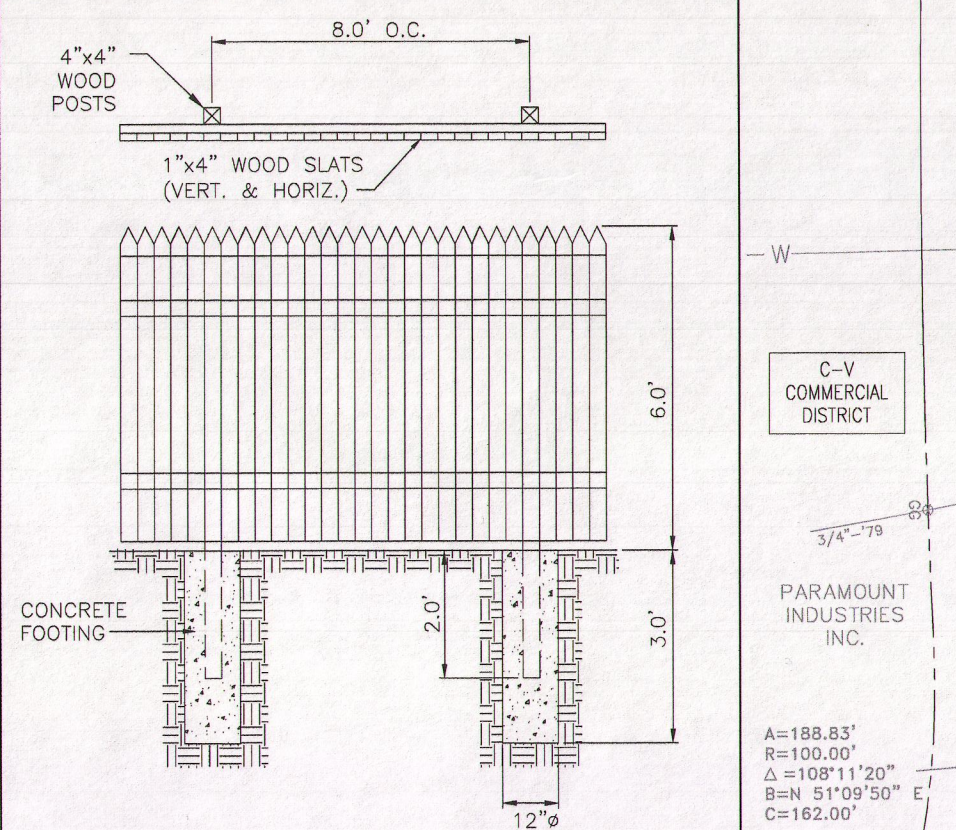
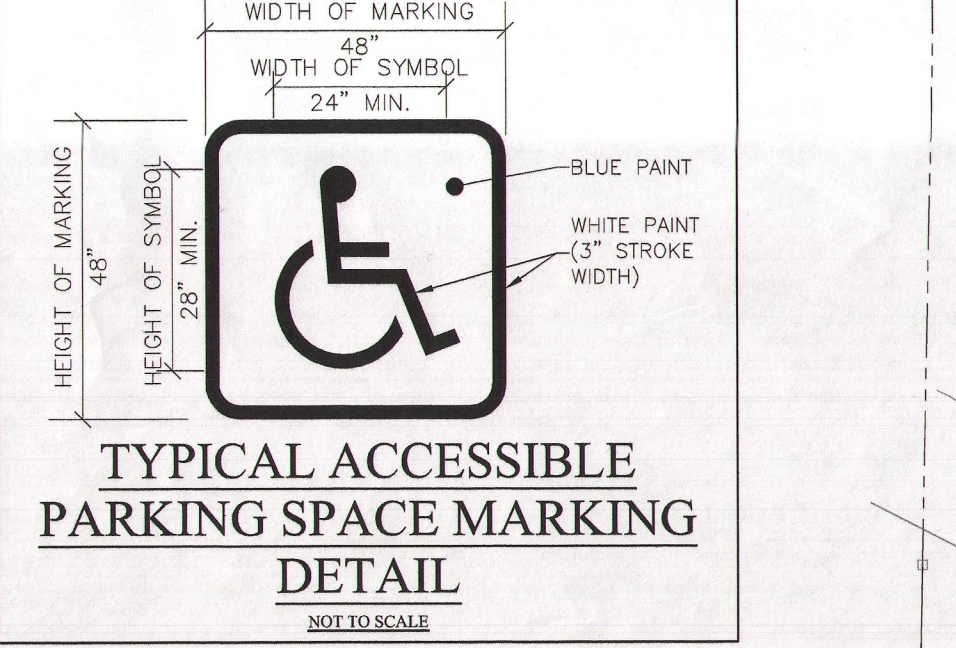


ACCESSIBLE PARKING SIGNAGE DETAIL
NOT TO SCALE

PARKING INFORMATION		
USE	REQUIRED	PROVIDED
RETAIL: 1 SPACE / 300 S.F. SALES AREA	52 SPACES	52 SPACES
8,558 S.F. / 300 S.F. = 29 SPACES	29 SPACES	(3 ACCESSIBLE SPACES)

GENERAL & SITE LAYOUT NOTES

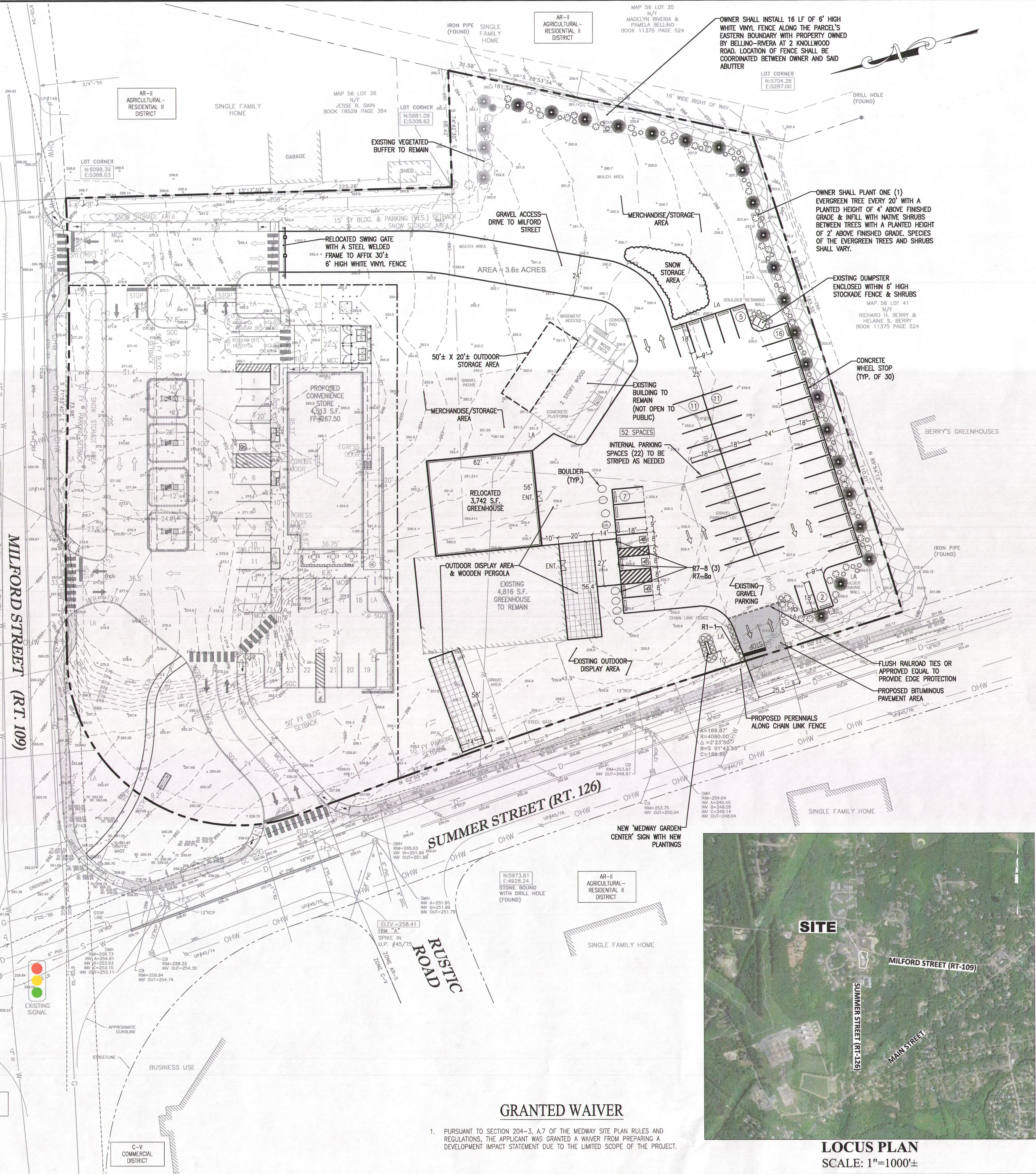
- ZONING DISTRICT INFORMATION OBTAINED FROM TOWN OF MEDWAY ZONING MAP, DATED APRIL 17, 2012, AND THE TOWN OF MEDWAY ZONING BYLAWS, DATED APRIL 17, 2012.
- THE PROJECT INCLUDES THE CONSTRUCTION OF A 3,742 SQUARE FOOT GREENHOUSE, AN OUTDOOR WOODEN PERGOLA AND THE STRIPING OF 52 PARKING SPACES.
- THE PROJECT LIES WITHIN COMMERCIAL V (C-V) DISTRICT.
- MODIFICATIONS TO THIS PLAN MAY OCCUR AS UNFORESEEN CONDITIONS ARISE. ALL CHANGES SHALL BE APPROVED BY THE ENGINEER.
- THIS SITE LIES ENTIRELY WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FLOOD RATE INSURANCE MAP (FRM), NORFOLK COUNTY, COMMUNITY PANEL 139 OF 430 (MAP #25021C0139E), WITH AN EFFECTIVE DATE OF JULY 7, 2012.
- ALTERNATIVE METHODS AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED IF REVIEWED AND APPROVED BY THE OWNER, SITE ENGINEER, AND APPROPRIATE REGULATORY AGENCY PRIOR TO INSTALLATION.
- PAVEMENT MARKINGS AND STRIPING SHALL PAINTED WITH 2 COATS OF PAINT (WHITE OR YELLOW) PER FEDERAL SPECIFICATION T1-P-115 TYPE 1; ALKYO (TO BE RESTRIPTED FOUR (4) TIMES PER YEAR).
- PAVEMENT LETTERS SHALL BE 2" WIDE X 8" LONG.
- STOP BARS SHALL BE 8" WIDE AND SOLID LINES SHALL BE 4" IN WIDTH (SEE SITE PLAN FOR LENGTH).
- ACCESSIBLE PARKING SPACES SHALL CONFORM TO THE LATEST EDITION OF THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA) AS SHOWN ON THE SITE LAYOUT PLAN.
- DIRECTIONAL AND ACCESSIBLE SIGNS SHALL CONFORM TO THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR COLOR AND SIZE.
- ALL FLAT WORK WITHIN THE RIGHT OF WAY SHALL CONFORM TO TOWN/STATE STANDARDS.
- SNOW PILES SHALL NOT EXCEED 6 FEET IN HEIGHT WITHIN THE DESIGNATED SNOW STORAGE AREAS. EXCESS SNOW SHALL BE REMOVED OFFSITE IN ACCORDANCE WITH TOWN REGULATIONS.
- THE VERTICAL DATUM OF THIS PLAN IN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). THE BENCHMARK UTILIZED TO ESTABLISH THE DATUM ON THE SITE IN MASS DOT BENCHMARK 88 E3.1 B. IT IS A MONUMENT SET IN LEDE OFF HIGHLAND STREET IN MEDWAY, MA. THE PUBLISHED NAVD88 ELEVATION OF 281.72 WAS CONVERTED TO NAVD88 ELEVATION OF 277.56 UTILIZING CORPSCON SOFTWARE.



TYPICAL CEDAR FENCE DETAIL
NOT TO SCALE

MUTCD REFERENCE	SIGN
R1-1	STOP
R7-8	RESERVED PARKING
R7-8a	VAN ACCESSIBLE

ZONING INFORMATION		
ZONING DISTRICT: COMMERCIAL DISTRICT V (C-V)		
SITE AREA: 2.23 ACRES		
REGULATION	REQUIRED	PROPOSED
MIN. LOT AREA	20,000 S.F.	155,156 S.F.
MIN. LOT FRONTAGE	100 L.F.	833.4 L.F.
MIN. FRONT YARD SETBACK	50'	43.9'
MIN. SIDE YARD SETBACK	15'	116.6'
MIN. REAR YARD SETBACK	15'	N/A
MAX. BUILDING HEIGHT	40'	<40'
MAX. LOT COVERAGE	0.30	0.10



GRANTED WAIVER

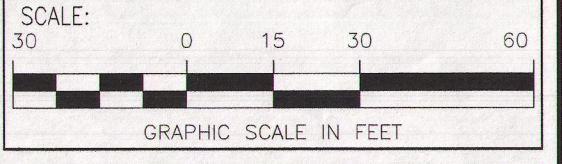
- PURSUANT TO SECTION 204-3, A.7 OF THE MEDWAY SITE PLAN RULES AND REGULATIONS, THE APPLICANT WAS GRANTED A WAIVER FROM PREPARING A DEVELOPMENT IMPACT STATEMENT DUE TO THE LIMITED SCOPE OF THE PROJECT.



LOCUS PLAN
SCALE: 1"=1000±

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD:
[Signature]
December 13, 2016

REVISIONS:		
REV	DATE	COMMENT
1	07/23/14	REV. PER PEDB COMMENTS
2	07/22/16	REV. PER CLIENT COMMENTS
3	11/11/16	REV. PER PB CONDITIONS
4	11/30/16	REV. PER PB CONDITIONS



DESIGNED BY: MAL
CHECKED BY: PRH

SEAL:
[Professional Seal]
PHILIP R. HENRY, P.E.

PROJECT:
MEDWAY GARDENS
38 SUMMER STREET (ROUTE-126)
MEDWAY, MA 02053

PREPARED BY:
Civil Design Group, LLC
21 HIGH STREET, SUITE 300A
NORTH ANDOVER, MA 01845
www.cdengineering.com
p: 978-794-5400 f: 978-914-6161

SHEET:
SITE PLAN
1
CDG PROJECT #: 14048
DATE: 07/22/2014