Tuesday, December 10, 2019
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	**Absent with Notice**	**X**	**X**	**X**	**X**

ALSO PRESENT:

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

Vice Chairman Tucker opened the meeting at 7:00 pm.

There were no Citizen Comments.

MEDWAY PLACE SHOPPING PLAZA SITE PLAN:

Vice Chairman Tucker opened the public hearing for Medway Place Shopping Plaza Site Plan.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice for Medway Place Shopping Plaza site plan.

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

- Public Hearing Notice dated 11-18-19
- Abutter Notice dated 11-19-19
- Tenant Notice prepared 12-4-19
- Application and plan submittal letter dated 10-28-19 from Attorney Gareth Orsmond
- Project Narrative prepared by Attorney Gareth Orsmond
- Site Plan Application
- Site Plan documents – collection of 3 drawings
- Requests for Waivers
- SAC memo dated 11-18-19 to town staff requesting review and comments
- SAC memo dated 12-5-19 to DPW Director Dave D'Amico
- PGC Review letter dated 12-6-19
- Tetra Tech comments dated 12-10-19.
- Letter from Alder Pollock & Sheehan dated 12-10-19.

The Board was made aware that the applicant proposes changes in the layout and landscaping for the 446 space Medway Plaza parking lot. The parking lot work will align the parking spaces with the Mass DOT constructed boulevard style main entrance to improve traffic circulation on the site. The work will include installation of a berm near the entrance to the Shell station at 86 Main Street and widening of the east side of the western entrance aisle to the property to 20'wide. The applicant also proposed new stormwater management controls to treat stormwater collected from the parking lot.

Attorney Gareth Orsmond was present representing the applicant. Also present was Jim Griffin from Diversified Funding, owner of the shopping center. Attorney Orsmond explained the background of the site. The change in the layout of the existing lot is a result of the MassDOT Route 109 project. There was a new traffic light installed at the entrance into Medway Plaza. The Town of Medway took, by eminent domain, approximately 5,668 sq. feet of land for permanent easements over Medway Plaza for the boulevard-style entrance near the new traffic light.

Attorney Orsmond stated that discussions with the Town about the change in the parking lot began in 2014. A draft site plan at that time added 14 parking spaces and would have required only a minor site plan. Then in 2017, a comprehensive redevelopment site plan was prepared by the owner. It underwent interdepartmental review by the Town officials. That plan was put on hold to explore other possible alternatives for redevelopment of plaza. Mr. Orsmond explained that in 2018, Medway Realty was informed by the Town that they would need to make changes to the Plaza's existing stormwater system. The applicant hired Grady Consulting LLC to investigate on-site soil conditions and look at alternatives for controlling stormwater at the Plaza. Another meeting was held with Town staff in August 2019 at which time the Fire Chief indicated that the east side of the new main entrance to the Plaza did not comply with the Massachusetts Fire Code, which requires an emergency access fire lane to be at least 20 feet wide. This entrance was constructed by Mass DOT and was shown on the draft site plan as 16 feet.

Mr. Orsmond explained that the current site plan application addresses the changes to the parking lot layout and the proposed stormwater drainage system and enlarging an entrance way to the plaza. The changes to the parking lot include restriping the spaces to align with the MassDOT constructed, boulevard-style main entrance with some landscaping additions along the main entrance and on the east and west corners of the site. At the Town's request, a proposed berm will be added near the entrance to the Shell station at 86 Main Street to discourage vehicles from cutting across the plaza's parking lot. The plan also proposes to widen the second (western) entrance to the plaza to 20 feet to address the Fire Chief's concerns. The proposed stormwater system would use three stormceptors to treat runoff from the parking lot. Stormwater calculations of this are provided on the Drainage Improvement Plan dated October 2, 2019. The applicant will also be adding bicycle racks, motorcycle spots and speed bumps to slow traffic. Attorney Orsmond communicated that the proposed changes fall short of the complete redesign of the plaza pursuant to Section 3.5.3.1.c of the Zoning Bylaw. However, it remains a priority of the applicant to work with the Town.

Comments from the Board:

- There is a sign on site that says "Exit Only". This appears to conflict with the site. This needs to be checked.

- The new entrance signs as authorized by a previous variance decision from the ZBA were supposed to include landscaping around their base. There was a letter from Design Review Committee. Attorney Orsmond will follow-up on this.
- The measurement of the revised entry lane will need to be done to make sure it meets the 20 ft. requirement.
- The current angle parking is not working. Spots are being used as a pull through. The proposed angle parking does not comply with the new *Site Plan Rules and Regulations*. Consider changing to a two-way perpendicular configuration. The applicant should also investigate raised islands with signage to direct the proper way of travel.
- Travel aisles to the southeast near the bank look tight. Those should be reviewed.
- Make sure the lighting complies with the standards.
- Suggestion to put the motorcycle parking in more than one location.
- Look into having some electric vehicle charging stations.
- Be sure to enclose the trash dumpster area.
- Landscaping needs to be considerably enhanced.

Consultant Comments:

Consultant Carlucci:
The following recommendations were noted:

- A cover sheet should be included to consolidate the separate sheets and have a cohesive set.
- Details of the site amenities should be included along with standards set for "new tenant signs".
- There is a requirement for perimeter landscaping around entire site.

Consultant Bouley:
The following recommendations were noted:

- The proposed striping and berm addition are not included on plan.
- The applicant should provide erosion control measures to protect existing catch basins.
- There will be a revised letter provided at the next meeting.

Representatives from law firm Alder Pollock & Sheehan P.C. were present representing Colbea Enterprises, L.L.C. which is the owner of property at 86 Main Street (Shell station). It is their opinion that the proposed reduction in said curb cut would be detrimental to the ingress and egress to and from the Colbea Property from Route 109 and could cause traffic concerns.

Also, Colbea maintains an express easement over a portion of Sunset Lane pursuant to a quitclaim deed granted to one of Colbea's predecessors in interest (Shell Company) with respect to the Medway Place Property. The Shell Company was granted a "right to pass and repass over that portion of said Sunset Lane".

Attorney Orsmond stated the applicant will not violate the easement and had not been aware of it.

The Board would like to continue this hearing to a later date.

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

to continue the hearing for Medway Plaza to January 14, 2020 at 8:30 pm.

2 MARC ROAD Site Plan Modification Public Hearing

Vice Chairman Tucker opened the hearing for 2 Marc Road.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice for the 2 Marc Road site plan modification.

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

- Public Hearing Notice dated 11-18-19
- Abutter Notice dated 11-18-19
- Dan Merrikin (Legacy Engineering) site plan modification submittal letter dated 11-7-19
- Application for Site Plan Modification
- Site Plan modification dated 11-6-19 by Legacy engineering
- Waiver Request.
- 2 Marc Road Recreational Marijuana Special Permit dated 2-26-19
- SAC memo dated 11-18-19 to Town Staff requesting review and comments
- Noise modeling analysis dated 6-26-19 by Acentech, the applicant's noise consultant.
- Memo dated 7-7-19 from Ron Dempsey of Noise Control Engineering, the Board's noise consultant
- BRD drawing of noise attenuation enclosure around HVAC equipment dated 10/28/19
- SAC email to Fire Chief Jeff Lynch and Deputy Chief Mike Fasolino
- Tetra Tech Review Letter dated 12-10-19.

Dan Merrikin from Legacy Engineering was present representing applicant Ellen Rosenfeld. Ellen Rosenfeld was also present. He explained that this application is a modification to the previously approved 2 Marc Road site plan dated July 18, 2016 for the CommCan marijuana cultivation and processing facility. There have been issues regarding the noise generated by the existing rooftop chiller. Pursuant to the 2 Marc Road recreational marijuana special permit, the applicant has undertaken a noise study and designed a custom at-grade enclosures with silencers that allow air to flow to the chiller units while attenuating noise generation to the thresholds in the Medway Zoning Bylaw. To achieve this, a 25.7' x 75.4' pad is proposed to be installed along the westerly side of the existing building. Both the existing first floor chiller and the new second floor chiller will be housed inside this enclosure including silencers along the side and top of the enclosure. The pad will extend into the existing 20' wide bituminous driveway due to the sizing requirements for the various noise attenuation components of the enclosure. The applicant indicated that they met with the Fire Chief and it was requested that the driveway be shifted around the new chiller enclosure to provide a 15' fire lane width around it. A small portion of the existing stormwater swale along the side of the driveway will need to be filled in along the side of the driveway and replaced with two 12" drainage pipes. This new chiller pad and driveway relocation increases the impervious coverage by 1,550. s.f. The existing stormwater infiltration basin has ample capacity to accommodate this.

Member Tucker wanted to know if there is enough space to bring the equipment in and out. The applicant also informed the Board that there will be a meeting with the Conservation Commission this week for the action on their Request for Determination of Applicability.

Abutter John Lally thanked the applicant for addressing the issues and he is in support of the modification. Mr. Lally wanted to know about the timeline for completion.

Ms. Rosenfeld informed all that the equipment has been ordered and it is planned to be delivered soon. The expectation is to have the chiller installed within a month.

Mr. Lally wanted to know if the Board could establish a time limit by which the work must be completed.

Ms. Rosenfeld responded that there is no reason to believe this work will not be done since all the equipment has been ordered.

The Board would like the applicant to provide a work schedule.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing for 2 Marc Road to January 14, 2020 at 9:15 pm.

CHOATE TRAIL WAY DEFINITIVE SUBDIVISION PLAN PUBLIC HEARING:

Vice Chairman Tucker opened the public hearing for the Choate Trail Subdivision Plan.

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

- Public Hearing Notice dated 11-21-19
- Abutter Notice dated 11-22-19
- Subdivision Application
- Development Impact Report
- Definitive Subdivision Plan dated 11-8-19 by Connorstone Engineering
- Historical Commission Demolition Approval dated 5-2-19
- SAC memo dated 12-3-19 to Town staff requesting review and comments
- PGC plan review comments dated 12-4-19

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice for Choate Trail.

The applicant, Residences at Choate Trail, LLC, was present to explain the plan. Bob Pace is the principal. The Engineer for the project is Vito Colonna from Connorstone Engineering. The parcel is 5.88 acres located on the north side of Highland Street, a Medway Scenic Road in the Agricultural Residential 1 Zoning District. The plan dated November 8, 2019 shows the division of the property into four residential lots, one lot with the existing house at 42 Highland Street, and three new house lots with frontage on a proposed, 578' long permanent private road. The property includes wetlands under jurisdiction of the Conservation Commission; the project will need an Order of Conditions and a Land Disturbance Permit. This project is also subject to

review by the Board for a Scenic Road Work Permit. It was explained that the proposed roadway drainage has been directed to a large subsurface infiltration system. The stormwater drainage from the roadway will be collected in deep sump hooded catch basins for pretreatment and directed to an infiltration system for recharge and treatment. There is a proposed sidewalk on one side of the street. The existing mature trees would be preserved to the maximum extent feasible. Most of the development including three of the four lots would be clustered to the rear portion of the parcel reducing the visual impact from Highland Street. The applicant did go to the Medway Historical Commission and a letter was submitted dated May 2, 2019 indicating that the house is not historically significant to the Town of Medway. There will be individual post lights at each home.

Consultant Carlucci commented that a calculation needs to be done on Lot 1. The existing conditions sheet needs to show the location of trees with a diameter greater than 12 inches. A 20' right-of-way is shown on the abutting lots, but the purpose of that easement is not clear. Section 7.9.6 of the Subdivision Rules and Regs requires that the subdivision provide an extension to abutting undeveloped land. A possible pedestrian extension to provide access to Choate Park should be considered. Existing and proposed streetlight locations on Highland Street should be shown. Regarding the streetlights, the applicant needs to follow-up with Sergeant Watson.

There is also a requirement for sidewalks along the frontage of existing Town ways as well as within the subdivision but the plan has no sidewalks proposed along the Highland Street frontage. The applicant may consider a payment in lieu for the sidewalks.

The applicant responded that it is not their intention to allow children and students going through the backyards. This will devalue the lots.

A suggestion was made to have a private trail easement for only the residents.

It was explained that the Board has discretion to require easements across lots within the subdivision to connect the subdivision to schools, playgrounds, parks or other areas.

There will need to be follow-up with the Fire Department about this project. They have yet to provide comments.

The applicant commented about the grading and to meet the 2% requirement for grading, fill would need to be brought in so the applicant is trying to meet the existing grade. There was a concern that if the site is raised, there may be an impact of the water flow to abutters.

Paul Atwood from the Medway Trail Club would like to see some connection to the Choate Trail at the High School.

The Board will be continuing this public hearing to January 28, 2020.

On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing for the Choate Trail to January 28, 2020 at 7:05 pm.

EVERGREEN VILLAGE PUBLIC HEARING CONTINUATION - MULTI FAMILY SPECIAL PERMIT, SITE PLAN & SCENIC ROAD WORK PERMIT:

Vice Chairman Tucker opened the hearing for Evergreen Village.

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

- Public Hearing Continuation Notice dates 11-13-19
- Revised Project Narrative dated 11-26-19
- Revised Evergreen Site Plan dated 11-20-19
- Revised Building Elevations dated 11-15-10
- Revised Waiver Requests dated 11-25-19
- PGC review letter of the revised site plan, dated 12-4-19

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to waive the reading of the public hearing notice for Evergreen Village.

Engineer, Ronald Tiberi was present along with applicant Maria Varicchione. Mr. Tiberi explained the revised plan which was dated November 20, 2019. Mr. Tiberi explained that the proposed development will include construction of 6 (formerly 7) townhouse units in two triplex buildings on the 1.44-acre site. There will be one affordable housing unit provided. There will be patios which are shown and are within the side setbacks. The access will be from a single curb cut from Evergreen Street. Sub-surface stormwater management systems will be installed.

The site does have wetland resource areas which are under the jurisdiction of the Conservation Commission. The applicant indicated that they will be in front of the Conservation Commission on January 9, 2020 for a Notice of Intent and Land Disturbance Permit. The building on the northerly side of the property has been razed pursuant to approval of the Historical Commission. All the setbacks have been met.

The drainage from the site will flow to recharge chambers and treatment areas at the lower end of the property. There will be added landscaping to create a perimeter buffer with adjacent properties. Between the streets and structures there will be designated open space areas for the residents' use. The primary access will be from Evergreen Street along a 150-foot common driveway. The buildings will be fully sprinklered for fire suppression. A stone wall is proposed to be reconstructed. The plan also shows a split rail fence close to the front of the northeast portion of the site and a solid vinyl fence close to the building on the northwest side of the site.

Consultant Carlucci provided comments about the project. This site is within the Multi-Family Housing Overlay District and is eligible for this project. There is no sign plan shown on plan.

Mr. Tiberi noted that they will provide a letter with revisions to address the various comments received from Consultants Carlucci and Bouley.

It was recommended that the applicant follow-up with MA Department of Housing and Community Development about what their recommendation would be for the affordable unit. Should it be a 2 or 3 bedroom unit.

Abutter, 17 B Evergreen Mr. Murray:
Ms. Murray is concerned about the access roadway to the site being too narrow.

On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted unanimously to continue the hearing for Evergreen Village to January 28, 2020 at 7:45 pm.

PUBLIC HEARING CONTINUATION: 20 Broad Street Multi-Family Housing Development Special Permit and Site Plan:

Vice Chairman Tucker opened the continued public hearing for 20 Broad Street.

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

- Public Hearing Continuation Notice
- GLM response letter dated 11-22-19 to the Board's consultants' previous plan review letters.
- Revised site plan dated 11-20-19
- Email dated 11-24-19 from abutter Lisa Mitchell of 25 Broad Street
- DRC status letter dated 10-24-19
- Email dated 11-5-19 from DPW Director Dave D'Amico re: sidewalk on Broad Street
- PGC review letter dated 12-4-19 regarding the revised site plan
- TT review letter dated 12-4-19 regarding the revised site plan

Rob Truax from GLM Engineering Consultants was present along with applicant Steve Brody. Mr. Truax explained that the comments and suggestions offered during the first hearing were incorporated into the revised site plan. The consultants' comments have been addressed. The plan was revised to include a raised landscape area to screen parking. There has also been added a new building rear walkway with a 4' wide striped lane to the parking area. The last change was the infiltration of roof runoff from the existing building. The proposed drainage system has been modified, eliminating the bio-retention areas and installing Stormceptor catch basins and underground Cultec recharge systems to achieve 44% TSS removal. The runoff from the existing house will be directed to the underground recharge systems. There is no change to the lighting plan. It was communicated that the applicant received a letter from Design Review Committee and the recommendations have been incorporated into the plan. There will be the installation of a privacy fence to screen yard space at 20 Broad from the adjacent parking area. There was discussion about the sidewalk along Broad Street which is in rough shape. It runs about 185'. DPW Director Dave D'Amico responded in an email that there are no immediate plans to redo the sidewalk but when it is redone it will be Cape Cod berm and asphalt deck. The Board does have the authority to require the applicant to replace the sidewalk as part of this project. There is also an option to have the applicant provide a payment in lieu of sidewalk construction. Susy will communicate with Steve Bouley and Dave D'Amico to discuss options.

The applicant is eager to start work on the existing house and it was suggested that he speak with the Building Inspector about when this can begin.

Abutter, Lisa Mitchell, 25 Broad Street:
The Board is in receipt of an email from Ms. Mitchell dated November 24, 2019. She was present at the hearing and continues to have concerns about the drainage. She has problems with

water in her basement. Another concern is that these will be rental units and she wants to maintain the value of her investment.

Abutter, Kathleen Burns, 18 Broad Street:
She is concerned about her property value. Another concern is the safety risk of the current building on this site. It is abandoned and is a fire hazard.

The owner agrees is it a fire hazard and wants to improve this and it is his plan to finish the current house before work begins on the new structure.

Abutter, Scott Salvucci, 17 Broad Street:
The abutter wanted to see the landscape plan. He does not see the benefit of the walkway to the new building. There is also a concern about the potential for spillover parking into the street. He is wondering if there could be a condition written into the decision about not allowing this and not allowing more than 2 cars per unit. The applicant informed the abutter that there is language about parking within the lease agreement which the tenants will sign.

The Board would like Susy to start drafting the decision.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing for Broad Street to January 28, 2020 at 8:30 pm.

CONSULTING PLANNER SERVICES PROPOSAL TO IDENTIFY SITES FOR COTTAGE COMMUNITY:

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

- PGC Proposal dated 12-6-19
- MAPC Scope of Work for Living Little 2

The Board discussed at the last meeting that one component of the MAPC Living Little Phase 2 project is to develop a new sub-section on cottage communities to be included in Section 8 - special regulations of the Medway Zoning Bylaw. There is funding available for this in the Consulting Services line item of the PEDB FY 20 budget. A $500 contribution to MAPC for this project is requested along with $350 to PGC Associates to identify possible sites in Medway that would be suitable for cottage clusters.

On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted unanimously to approve the PGC Associates estimate of $350.00 and the MAPC Scope of Work as presented.

APPLEGATE SUBDIVISION:

The Board is in receipt of paperwork relating to the contractor invoices - Village Green Landscaping for $1,400 and Rodenhiser Excavating for $4,507.59.

On a motion made by Tom Gay, and seconded by Matt Hayes, the Board voted unanimously to authorize that Needham Bank to pay the invoices totaling $5,907.59.

MEETING MINUTES:

November 26, 2019:

On a motion made by Rich Di Iulio and seconded Matt Hayes, the Board voted unanimously to accept the minutes of November 26, 2019 PEDB meeting as presented.

FUTURE MEETING:

- Tuesday, January 14, 2020.

ADJOURN:

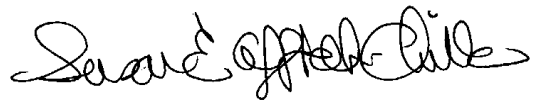
On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 10:15 pm.

Prepared by,

Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

December 10, 2019
Medway Planning & Economic Development Board Meeting

Medway Place Shopping Plaza Site Plan Public Hearing

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- Tenant Notice prepared 12-4-19 and provided to Applicant to distribute
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- SAC memo dated 12-5-19 to DPW Director Dave D'Amico
- PGC Review letter dated 12-6-19

NOTE – Tetra Tech's review letter is forthcoming. I will forward it to you upon receipt.

RECEIVED
NOV 18 2019
TOWN CLERK

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 Hayes, P.E.
Richard Di Iulio

November 19, 2019

NOTICE OF PUBLIC HEARING

Medway Plaza Major Site Plan
98, 108, and 114 Main Street

In accordance with the Medway Zoning Bylaw, Section 3.5 Site Plan Review and the provisions of Chapter 40A, Massachusetts General Laws, notice is given that ***the Medway Planning and Economic Development Board will conduct a Public Hearing on Tuesday, December 10, 2019 at 7:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street to consider the application of Medway Realty LLC of Boston, MA for approval of a site plan for proposed improvements at the Medway Place shopping center (commonly referred to as Medway Plaza) located at 98, 108, and 114 Main Street. The meeting room is accessible via elevator for individuals with physical disabilities.***

The applicant proposes changes in the layout and landscaping for the 446 space Medway Plaza parking lot. The change in the layout is a result of the recently completed Mass Department of Transportation Route 109 improvement project which included a new traffic light and entrance into Medway Plaza. The parking lot work will align the parking spacing with the Mass DOT constructed boulevard style main entrance to improve traffic circulation on site. The work will include installation of a berm near the entrance to the Shell Station at 86 Main Street and widening of the east side of the entrance aisle to the property to 20' wide.

The applicant also proposes new stormwater management controls to treat stormwater collected from the parking lot before it is discharged into the Town's municipal storm drain system. This includes installation of three stormwater treatment devices to improve stormwater quality.

The application, site plan, and supporting documentation were filed with the Town on October 28, 2019. The site plan and landscaping revisions are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019 by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019 and was prepared by Grady Consulting, LLC of Kingston, MA.

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

The application and associated documents are available at the office of Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall office hours. The information is also posted at the Planning and Economic Development web page at: https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be forwarded to planningboard@townofmedway.org. Questions should be directed to 508-533-3291.

Andy Rodenhiser
Chairman

To be published in the *Milford Daily News: Tuesday, November 26, 2019 and Monday, December 2, 2019*

cc: *Planning Boards* – Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

Medway Town Officials/Departments – Board of Selectmen/Town Administrator, Board of Assessors, Board of Health, Building Commissioner/Zoning Enforcement Officer, Conservation Commission, Department of Public Works, Design Review Committee, Fire Department, Police Department, Treasurer/Collector.

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
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Richard Di Iulio

November 19, 2019

ABUTTER NOTICE OF PUBLIC HEARING
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98, 108, and 114 Main Street

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OVER ►

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planningboard@townofmedway.org

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You are receiving this notice because you are a party of interest or you own property located within 300' of any of the three properties which comprise Medway Plaza. This is the only written notice you will receive regarding this project and public hearing.

The application documents are available at the office of the Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall office hours. The information is also posted at the Planning and Economic Development Board web page at: https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan

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The applicant has proposed changes in the layout and landscaping for the 446 space Medway Plaza parking lot. The change in the layout is a result of the recently completed Mass Department of Transportation Route 109 improvement project which included a new traffic light and entrance into Medway Plaza. The parking lot work will align the parking spacing with the Mass DOT constructed boulevard style main entrance to improve traffic circulation on site. The work will also include installation of a berm near the entrance to the Shell Station at 86 Main Street and widening of the east side of the entrance aisle to the property to 20' wide.

The applicant also proposes new stormwater management controls to treat stormwater collected from the parking lot before it is discharged into the Town's municipal storm drain system. This includes installation of three stormwater treatment devices to improve stormwater quality.

The site plan and landscaping revisions are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019 by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019 and was prepared by Grady Consulting, LLC of Kingston, MA.

OVER ►

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

The site plan and application documents are available at the office of the Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall office hours. The information is also posted at the Planning and Economic Development Board web page at: https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be forwarded to planningboard@townofmedway.org. Questions should be directed to 508-533-3291.

Andy Rodenhiser
Chairman

PIERCE ATWOOD LLP

Gareth I. Orsmond

100 Summer Street, 22nd Floor
Boston, MA 02110

617.488.8181 voice
617.824.2020 fax
gorsmond@pierceatwood.com

www.pierceatwood.com

Admitted in: MA, NH

October 28, 2019

By Hand

Andy Rodenhiser, Chairman
Town of Medway Planning and Economic Development Board
Town Hall
155 Village Street
Medway, MA 02053

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

Dear Chairman Rodenhiser and Board Members:

On behalf of the property owner, Medway Realty, LLC ("Medway Realty"), I enclose an application and supporting plans and materials for a major site plan review pursuant to Section 3.5.3.A.1.c of the Town of Medway Zoning Bylaw (the "Zoning Bylaw") and the newly-revised Rules and Regulations for Submission, Review and Approval of Site Plans, effective as of October 9, 2019 (the "New Site Plan Rules"). The application proposes relatively minor changes in the layout and landscaping for the existing parking lot at Medway Plaza. The application also proposes new stormwater controls that would treat stormwater collected from the parking lot before it is discharged into the municipal storm drain.

Background

The change in the layout of the existing parking lot is a result of the Massachusetts Department of Transportation ("MassDOT") Route 109 project (the "Route 109 Project"). The Route 109 Project affected Medway Plaza in two ways. First, MassDOT installed a new traffic light and entrance into Medway Plaza. By eminent domain, the Town of Medway (the "Town") took approximately 5,668 square feet of land for permanent easements over Medway Plaza. Most of this taking was for the boulevard-style entrance nearest the new traffic light (the "Main

Entrance").[1] MassDOT then constructed the Main Entrance. For reasons that are not clear, the west side of the Main Entrance is 24 feet wide, whereas the east side is only 16 feet wide. MassDOT also put in place a curb cut for a second entrance west of the Main Entrance (the "Second Entrance").

The second way in which the Route 109 Project affected Medway Plaza was the use of the Plaza for construction-related activity. Among other things, the Town exercised its eminent domain powers to take temporary construction easements over approximately 13,907 square feet Medway Plaza. Those easements expired on August 16, 2018, although MassDOT continued to use the Plaza for construction-related purposes after that date.

Discussions between Medway Realty and the Town over changes to the parking lot layout in connection with the Route 109 Project began in late 2014. Those discussions, which included the Route 109 Design Review Committee, culminated in a draft site plan dated July 5, 2017 (the "Draft Site Plan"). The Draft Site Plan would have added 14 parking spaces; under the Zoning Bylaw then in effect, the addition of 14 spaces required minor site plan review. On December 21, 2017, the Draft Site Plan underwent interdepartmental review by Town officials. Following the interdepartmental review meeting, further review of the Draft Site Plan was put on hold while Medway Realty and Town officials explored possible alternatives for redevelopment of the Plaza.

Following numerous meetings and iterations of possible redevelopment plans, Medway Realty and the Town tabled the redevelopment discussions for the time being and agreed that Medway Realty should move forward the parking lot layout changes previously discussed. However, Medway Realty continues to employ its real estate brokers to explore the market for an anchor tenant that could precipitate a redevelopment.

By letter dated December 19, 2018, the Town informed Medway Realty that, in addition to changing the parking lot layout, Medway Realty would have to make changes to the Plaza's long-existing stormwater system on account of the Town's Stormwater and Land Disturbance Bylaw.[2] In response, Medway Realty retained Grady Consulting LLC ("Grady") to investigate on-site soil conditions in the spring and to evaluate the alternatives for controlling stormwater at the Plaza. Because the stormwater controls potentially could have required significant changes in the parking lot layout, Medway Realty waited for Grady to conclude its investigations before proceeding with site plan review for the parking lot.

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[1] *See* Order of Taking recorded with the Norfolk County Registry District of the Land Court on August 18, 2018 as Document No. 1,335,903, and accompanying plans filed in Plan Book 641, Pages 1-17.

[2] Section 26.4.2 of this bylaw states, "Illicit discharges in existence prior to the adoption of this bylaw shall be addressed in compliance with the Town's Illicit Discharge Detection and Elimination ("IDDE") program." At the time of the December 2018 letter, the IDDE program was still under development.

After performing test pits and other investigations, Grady concluded that soil conditions at the Plaza made it impossible to manage the stormwater on-site. Grady instead set about designing a system to treat stormwater before discharging it to the municipal storm drain. Throughout this past summer, Grady performed dye testing and other site investigations to prepare its stormwater design and drainage calculations. Grady completed these steps in September and completed its drainage calculations in early October.

On August 1, 2019, Medway Realty and Town officials convened another interdepartmental review to discuss changes in the parking lot layout and the new stormwater design. At that meeting, Medway Realty informed Town officials that some additional investigations were needed before the stormwater system design could be finalized. Also at that meeting, the Fire Chief stated that the east side of the Main Entrance (which, as noted, had been constructed by MassDOT and was shown on the Draft Site Plan as 16 feet wide) did not comply with the Massachusetts Fire Code, which required an emergency access fire lane to be at least 20 feet wide.

Application for Site Plan Review

The enclosed application for site plan review addresses both (a) changes to the parking lot layout and (b) the proposed stormwater drainage system.

The changes to the parking lot layout mainly comprise restriping of the parking spaces to align with the MassDOT-constructed, boulevard-style Main Entrance, with some landscaping additions along the Main Entrance and on the east and west corners of the site. In addition, at the Town's request, Medway Realty proposes to add a berm near the entrance to the Shell Station at 86 Main Street to discourage vehicles from cutting across the Plaza's parking lot when traffic is backed up at the traffic light. It also proposes to widen the Second Entrance to 20 feet to address the Fire Chief's comment at the August 1st interdepartmental meeting, and to put in place some curbing to control the way in which vehicles can enter and exit the Second Entrance. Additional proposed changes are shown on the site plan itself.

The proposed stormwater drainage system would use three stromceptors to treat runoff from the parking lot before discharging that runoff to the municipal storm drain in Route 109. The treatment will remove sediment, suspended solids, debris, nutrients, heavy metals, and oil and grease. As a result, Medway Realty anticipates that the stormwater discharged from the Plaza to the municipal storm drain will be cleaner than the water otherwise conveyed through the storm drain and should improve water quality. Additional information and calculations are provided on the Drainage Improvement Plan (comprising 3 sheets) and in the Stormwater Report dated October 2, 2019.

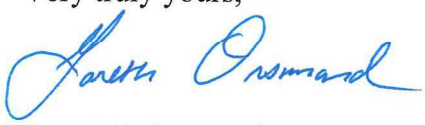
Because the proposed changes are modest, encapsulate discussions with the Town that predate the New Site Plan Rules, and do not trigger many of the concerns addressed by the New Site Plan Rules, Medway Realty has requested a number of waivers. The grounds for these waivers are set forth in more detail in the application.

Finally, following consultation with Town officials, Medway Realty has submitted its application under the rules applicable to major site plan review. On a number of occasions, I have expressed my view that the proposed changes fall short of the complete redesign of a parking lot with 40 or more spaces contemplated by Section 3.5.3.A.1.c of the Zoning Bylaw.[3] That said, it remains Medway Realty's priority to work with the Town to improve the existing conditions and explore future redevelopment scenarios, so we have cooperated with the Town as to the form and level of review. We likewise hope that the Town continues to work cooperatively with Medway Realty, given the lengthy background to this application, the efforts Medway Realty put into its stormwater investigations and design, and its continuing efforts and openness with respect to long-term redevelopment of the Plaza.

We look forward to continuing work with the Town's departments, the Planning and Economic Development Board, and others throughout the site plan review process.

Thank you in advance for your courtesy and consideration.

Very truly yours,



Gareth I. Orsmond

GIO/smg
Enclosures
cc: Maryjane White, Town Clerk
Michael E. Boynton, Town Administrator (by email without enclosures)
Barbara Saint Andre, Director, Community and Economic Development (by email without enclosures)
Susan E. Affleck-Childs, Planner (by email without enclosures)

[3] This threshold for major site plan review was adopted by the Town at its May 21, 2018 Annual Town Meeting, while Town officials and Medway Realty were discussing possible redevelopment of the Plaza. I reserve Medway Realty's rights with respect to the applicability of major site plan review.

Project Narrative

Medway Plaza, 98, 108, 114 Main Street (Route 109)

Introduction

The owner, Medway Realty, LLC ("Medway Realty"), submits this Project Narrative pursuant to Section 204-3-C of the Planning and Economic Development Board ("Board") Rules and Regulations adopted October 9, 2019 ("Rules and Regulations") as part of a Major Site Plan Review application for at Medway Plaza, located at 98, 108, 114 Main Street (the "Plaza").

The project is a re-striping of an existing parking lot due to the installation of a traffic signal along Main Street in Medway and a new Plaza entrance by the Massachusetts Department of Transportation ("MassDOT").[1] In consultation with Medway Realty representatives, Town officials said to treat the site plan review application as a "redesign of the layout/configuration of an existing parking area of forty or more parking spaces," which would require Major Site Plan Review under Town of Medway Zoning Bylaw ("Bylaw") Section 3.5.3-A-1-c, while acknowledging that a large number of waivers would be required given how much this project differs from project typically requiring major site plan review.[2] Medway Realty also is proposing to install landscaping and other improvements to the existing parking lot that are consistent with the Bylaw and the Rules and Regulations, and to install a series of stormwater controls that will significantly improve the quality of the water discharging from to the Town's stormwater drainage system.

Because of the limited scope of the project and the fact that discussions and meetings with Town officials predate the Rules and Regulations, Medway Realty is seeking a number of waivers from the filing requirements for an application for Major Site Plan Approval set out under Section 204-3 and 204-5 of the Rules and Regulations. The sum total of the proposed improvements to the Plaza include: minor landscaping, installation of curbs, installation of stormceptors for stormwater quality improvement, and re-striping of the parking lot. No vertical construction will occur, and there will be no alteration or improvement of structures, no change of use of existing buildings, no material land disturbance, and no increase in impervious surface area. For this reason the Board can determine that each "Rule or Regulation requested to be waived does not apply to the particular site or situation under review" pursuant to Rules and Regulations Section 202-5-A-1. The Board can also find that each "waiver is consistent with the purpose and intent" of the Bylaw and Rules and Regulations pursuant to Section 202-5-A-5. A

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[1] Additional background information is set forth in the cover letter from Gareth I. Orsmond, Esq., dated October 28, 2019.

[2] Under the Zoning Bylaw in effect when changes to the parking lot layout were first discussed, the project would have required minor site plan review, at most, or administrative review if Medway Plaza decreased the number of additional parking spaces (14) initially contemplated. As noted in the cover letter, Section 3.5.3-A-1-c of the Zoning Bylaw was adopted at the 2018 Annual Town Meeting at a time when Town officials and Medway Realty had put site plan review on hold to discuss possible redevelopment of the Plaza.

form for each section of the Rules and Regulations from which Medway Realty requests a waiver is submitted with this application. The specific sections and subsections are:

1. Section 204-3-F;
2. Section 204-3-G;
3. Section 204-3-H;
4. Section 204-3-I;
5. Section 204-3-J;
6. Section 204-3-K;
7. Section 204-5-A;
8. Section 204-5-B-1
9. Section 204-5-B-4;
10. Section 204-5-C (with exceptions for relevant existing conditions);
11. Section 204-5-D-2;
12. Section 204-5-D-5;
13. Section 204-5-D-6;
14. Section 204-5-D-7;
15. Section 204-5-D-8;
16. Section 204-5-D-9;
17. Section 204-5-D-10;
18. Section 204-5-D-11;
19. Section 204-5-D-12;
20. Section 204-5-D-13;
21. Section 204-5-D-14;
22. Section 204-5-D-15;
23. Section 204-5-D-16;
24. Section 204-5-D-17;
25. Section 204-5-D-18;
26. Section 204-5-D-19; and
27. Section 204-5-D-20.

The descriptions that correspond to the sections of 204-3-C are set out below, followed by additional explanations for the waivers regarding plans.

Section 204-3-C-1 – Current and Proposed Uses

Current Uses

The current uses of the Plaza are commercial in nature. The Plaza for many years has been used as a commercial shopping center for retail and service businesses and restaurants. There will be no change to the use of the Plaza and no changes to the structures on the Plaza. The parking on the Plaza is now adequate to serve the commercial use by all of the commercial tenants on the site.

Proposed Uses

There will be no change in the use of the Plaza.

Section 204-3-C-2 – Proposed Site Improvements

Medway Realty proposes to change the configuration of the parking lot as shown on the Site Plan & Landscape Plan. This change is driven by the installation of a new entrance and a new traffic light on Main Street that further controls ingress to and egress from the Plaza, both of which were done by MassDOT. There are presently 446 parking spaces on the Plaza. Following the reconfiguration there will be an additional eight (8) spaces for a total of 454 with: 429 standard parking spaces, seventeen (17) accessible parking spaces for persons with disabilities, and eight (8) motorcycle parking spaces. The additional eight motorcycle spaces are provided in response to the request of Town officials at the interdepartmental meeting.

Much of the Plaza along Main Street (Route 109) has been reconfigured by the MassDOT as part of the improvements to Route 109. MassDOT analyzed the impact of the installation of the traffic signal on Route 109, which required changes to Medway Realty's parking lot near the location of the light in order to make traffic flow safely. Medway Realty's site plan is designed to provide safe ingress to and egress from the Plaza given the installation of this traffic light in accordance with the requirements of MassDOT. The reconfigured parking spaces will allow each tenant to continue to have adequate parking near their respective entryways and still provide a safe route of travel to and from Main Street.

Medway Realty also proposes to treat stormwater on site as shown on the Drainage Improvement Plans. Medway Realty proposes to install three stormceptor stormwater treatment devices on the Plaza in order to improve the quality of the stormwater. The proposed re-striping does not bring Medway Realty within Article XXVI of the Town's General Bylaws, however Medway Realty does wish to improve stormwater quality in a manner that is consistent with the Town's goals for all discharges to the Municipal Separate Stormwater Sewer System. Medway Realty has included a Stormwater Report by Grady Consulting, LLC that describes in detail the proposed stormwater treatment system, and relies on that report to more fully describe the stormwater improvement proposal as shown on the attached Drainage Improvement Plan.

Section 204-3-C-3 – Building Construction and Renovation

There will be no building construction, renovation, façade improvement, or demolition.

Section 204-3-C-4 – Water and Sewer Demand

There will be no change to the water and sewer demand because there will be no change in use and no change to any existing structure on the Plaza.

Section 204-3-C-5 – Number of Employees or Occupants

There will be no change to the employees/occupants of the structures on the Plaza.

Section 204-3-C-6 – Hours of Operation

There will be no change to the hours of operation of the businesses on the Plaza.

Section 204-3-C-7 – Existing and Proposed Means of Vehicular and Pedestrian Access

The existing means of vehicular and pedestrian access will change some as shown on the Site Plan & Landscape Plan, but the curb cuts now in use will continue to be used. MassDOT did an analysis of vehicular and pedestrian traffic in connection with its work, and the Site Plan & Landscaping Plan reflects what MassDOT required due to the installation of the traffic signal at the easterly curb cut. There is a sidewalk running from the traffic signal at the easterly curb cut to a crosswalk at the northerly end of the reconfigured parking which will provide improved pedestrian movement on the Plaza. The westerly curb cut provides access for fire trucks to the parcel in the case of an emergency. The existing fire lanes on the Plaza will be maintained with the reconfigured parking.

The reconfiguration will allow for improved traffic flow on site. In particular there will be a widening of the traffic lane on the westerly end of the parcel between the parking along the Plaza line and the first row of parking spaces to the east. Another significant improvement is the installation of dedicated lanes leading up to the new traffic signal, this successfully splits the internal circulation into three distinct areas (with the bank building separating two areas of internal circulation). The location of a stop sign at the end of the entrance lane will increase the safety as well. Another improvement is the widening of the non-parking area at both the northerly and southerly extent of the parking rows to allow for greater safety for the cars backing out of the respective spaces on the end of the rows.

The reconfiguration also improves accessibility by creating more van-accessible parking spaces. All of the accessible parking spaces are located at the most convenient location for access to the existing structures. There are also dedicated motorcycle parking spaces that will free up other areas of the parking lot that are more appropriate for parking larger vehicles. These spaces are located close to the main structures on the Plaza to encourage their use.

Section 204-3-C-8 – Parking Spaces Required

The total number of conventional car parking spaces, 446, remains unchanged both before and after the re-striping. There will be an addition of 8 motorcycle parking spaces. This number of parking spaces approximates, and exceeds slightly, the number of spaces required under Section 7.1 of the Bylaw given the particular mix of retail, service, and restaurant uses on the Plaza (the Bylaw requires around 400 parking spaces). The parking spaces are adequate for the uses being made of the Plaza, and, in exceeding slightly the required spaces, allow room for a different tenants to engage in uses allowed of-right under the Bylaw without the need for additional parking.

Section 204-3-C-9 – Lot Coverage and Impervious Surface

There will be no change in lot coverage or increase in the amount of impervious surface area. There will be a slight decrease in impervious surface due to the installation of stormwater controls and landscaping features.

Section 204-3-C-10 – Timetable for Project Completion

The timetable for project completion includes a project of very short duration. The re-striping of the parking area will take no more than a few days, and may be carried out in sections to avoid disrupting access to the various establishments located on the Plaza.

The timetable for construction of the stormwater improvements will also likely be of a short duration. A number of controls will be implemented to avoid any harm to the stormwater system, and these are described in the section of the Stormwater Report appended to this application titled "Operation and Maintenance Plan; Proposed Drainage System – During Construction." The installation of each of the stormceptors to increase the treatment of stormwater should take at most a few days.

Section 204-3-C-11 – Proposed On and Off-Site Mitigation Measures

Given the limited nature of the project, Medway Realty is not proposing any on or off-site mitigation measures. There will be no increase in impervious surface area, no increase in area of the lot covered, and no change in use. The number of parking spaces will largely be the same before and after the re-striping. The re-striping will include improvements to the interior circulation of vehicles and improvements to pedestrian safety on site. The stormwater controls are being installed in order to improve stormwater quality.

Section 204-3-C-12 –Other Permits Required

Medway Realty does not need any other permits to undertake the re-striping or stormwater improvements.

Section 204-3-C-13 –Other Information

This project is limited in scope. Medway Realty is following the process for Major Site Plan Review because Town officials requested it to do so, but the impact of the re-striping is ultimately positive. It provides safer circulation of vehicular and pedestrian traffic. The stormwater improvements are a positive for the Town. Given the very limited scope of this proposal, Medway Realty is seeking several waivers from several regulations for the reasons that follow

Waivers Requested

Section 204-3-F

Medway Realty seeks a waiver from this section of the Rules and Regulations because the impact of the use of the Plaza will remain unchanged if the Board grants site plan approval.

The number of parking spaces will remain unchanged, except only that eight motorcycle parking spaces will be added. The new traffic signal will increase safety as will the internal circulation from the re-striping. MassDOT studied the impacts of installing this traffic signal on the surrounding community before installing the signal. Any additional traffic study would be redundant, and Medway Realty does not propose any changes that would increase traffic at the Plaza over existing conditions. There will be no negative environmental impact because there is no significant grading,[3] no increase in impervious surface area, and no change in use. There will be a slight reduction in impervious surface area and an increase in stormwater treatment—both environmental positives. Because there is no change in use, the neighborhood impact assessment does not apply. The parking impact assessment also does not apply because there will be few additional parking spaces and no reduction in parking spaces, the number of parking spaces will largely remain constant.

Section 204-3-G

Medway Realty requests waivers of Section 204-3-G only to the extent the Stormwater Report provided does not comply with this section (it may be entirely compliant). The Stormwater Report was prepared prior to the recent change in the Rules and Regulations. The report does include a Post-Construction Stormwater Management Plan, and provides a robust description of current site conditions and the proposed improvements to stormwater treatment.

Section 204-3-H

Given the very limited nature of the proposal here, Medway Realty does not believe a Construction Management Plan for the re-striping of the parking lot is needed. There is a Construction Management Plan for the stormwater improvements in the Stormwater Report.

Section 204-3-I

The only removal of earth that will be undertaken will be material removed from beneath an existing paved parking lot to install the stormwater treatment system as set out in the Stormwater Report. This amount of material is so minimal that Medway Realty does not believe Earth Removal Calculations are needed here.

Section 204-3-J

Medway Realty does not intend to bring any fill to the site except only what is required to install and maintain the landscaping. This amount of fill is so minimal that Medway Realty does not believe Earth Fill Estimates are needed.

Section 204-3-K

[3] To the extent the proposed changes result in any grade changes, they would be incidental and inconsequential.

The Plaza is 95 percent developed, has no order of conditions, is in Flood Plain Zone X, and the proposal will not increase impervious surface area. Given the nature of the site Medway Realty requests a waiver of the requirement that an Order of Resource Area Delineation be obtained.

Section 204-5-B-1

Given the limited nature of the proposal, Medway Realty does not believe that the Site Context Sheet is required showing the site at a scale of 1 inch = 1,000 feet. The proposal is simply a plan to re-stripe the parking lot and make certain improvements to the stormwater. A single site plan and landscaping plan is adequate for this purpose.

Section 204-5-B-4

The topography of the site is shown on the Drainage Improvement Plan at two foot intervals. Medway Realty requests that the Board find that this is adequate to show the site topography and to meet the requirements this regulation.

Section 204-5-C

Given the limited nature of the proposal Medway Realty does not believe that the robust existing conditions plan described in this regulation is required. For the most part, the existing conditions are shown on the Site Plan & Landscaping Plan and the Drainage Improvement Plans (specifically, the existing watershed map included therewith), and Medway Realty requests that the Board find that the existing conditions shown on the Site Plan & Landscaping Plan and Drainage Improvement Plan be deemed adequate to meet the requirements this regulation.

Section 204-5-D-2

Because no significant grading is proposed, Medway Realty requests a waiver of this regulation.

Section 204-5-D-5

Because there will be no increase in impervious surface and because the site is 95% developed, Medway Realty requests a waiver of this regulation.

Section 204-5-D-6

The changes to the stormwater management are limited in nature, Medway Realty requests that the Drainage Improvement Plan and the Stormwater Report taken together be adequate to meet the requirements this regulation.

Section 204-5-D-7

Because there will be no change in use or change in the layout of utilities except what is shown on the Drainage Improvement Plan, Medway Realty requests a waiver of this regulation.

Section 204-5-D-8

The landscaping is shown on the Site Plan & Landscape Plan. Medway Realty requests that the Board find that this is adequate to show the proposed landscaping and to meet the requirements this regulation.

Section 204-5-D-9

No new structures or changes to existing structures are proposed, therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-10

No new structures or changes to existing structures are proposed, therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-11

No new structures or changes to existing structures are proposed, therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-12

No new structures or changes to existing structures are proposed, therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-13

Given the limited nature of this proposal, Medway Realty requests that the details shown on the Site Plan & Landscape Plan be deemed adequate to meet the requirements of this regulation.

Section 204-5-D-14

Medway Realty obtained relief from the Zoning Board of Appeals regarding signage on the Plaza prior to the adoption of Section 3.5.3-A-1-c of the Zoning Bylaw and the Rules and Regulations. No additional signage is requested in connection with this application; therefore this regulation does not apply or should be waived.

Section 204-5-D-15

Medway Realty does not propose to change the use of the Plaza, place parking in any new area, or otherwise take any action that would involve additional or reduced lighting, therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-16

Medway Realty is undertaking this re-striping as a requirement of MassDOT due to the placement of a traffic signal at one of the entrances to the Plaza. MassDOT studied the impacts of this signal on traffic, including traffic to and from the other entrance to the Plaza. Given the extensive nature of the traffic studies already undertaken, Medway Realty believes that any further information would simply be redundant. Additionally, Medway Realty proposes no changes that would increase traffic at the Plaza over existing conditions. For these reasons Medway Realty requests a waiver of this regulation.

Section 204-5-D-17

No new structures or changes to existing structures are proposed, therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-18

There will be no changes to the location of existing fire hydrants, and access for equipment, the fire lanes will remain in the same locations. Therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-19

No new structures or changes to existing structures are proposed, no new uses of the Plaza are proposed, and the stormceptors to be installed should not generate any noise or odors, therefore Medway Realty requests a waiver of this regulation.

Section 204-5-D-20

No new off-site roadway and traffic management improvements are proposed, therefore Medway Realty requests a waiver of this regulation.

RECEIVED
NOV - 5 2019
TOWN CLERK

RECEIVED
OCT 28 2019
PLANNING

Planning & Economic Development Board - Town of Medway, MA

SITE PLAN REVIEW

Application for Major Site Plan Approval

INSTRUCTIONS TO APPLICANT/OWNER

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

The Town's Planning and Engineering Consultants will review the Application and the proposed Site Plan and provide review letters to the Planning and Economic Development Board. A copy of those review letters will be provided to you in advance of the meeting.

You and/or your duly authorized Agent/Official Representative are expected to attend the Board meetings at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request. Your absence at hearings may result in a delay in the Board's review of the site plan.

October 25, 2019

APPLICANT INFORMATION

Applicant's Name: Medway Realty, LLC c/o Todd Wilson

Mailing Address: 63 Atlantic Avenue
Boston, MA 02110

Name of Primary Contact: Todd Wilson

Telephone:
Office: (781) 760-8230 Cell:

Email address: twilson@dfi.cc

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

MAJOR SITE PLAN INFORMATION

Development Name: Medway Place

Plan Title: Site Plan & Landscape Plan

Plan Date: October 16, 2019

Prepared by:
Name: Richard E. Latini, P.E.
Firm: Howard Stein Hudson
Phone #: (617) 482-7080
Email: rlatini@hshassoc.com

PROPERTY INFORMATION

Location Address: 98, 108, 114 Main Street

The land shown on the plan is shown on Medway Assessor's Map # 40 as Parcel # 055

Total Acreage of Land Area: 10.3

General Description of Property: Adjoining parcels that together comprise a commercial shopping center used for service and retail businesses and by restaurants

Medway Zoning District Classification: Central Business

Current Use of Property: Commercial shopping center

Length of Existing Frontage: 265.09 On what street? Main Street

Setbacks for Existing Structure (if applicable)

Front: 10' Side: 10'

Back: 25' Side: 10'

Scenic Road

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

☐ Yes ☑ No If yes, please name street: _____

Historic District

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

☐ Yes - Rabbit Hill ☐ Yes - Medway Village

Wetlands

Is any portion of the property within a Wetland Resource Area? ☐ Yes ☑ No

Groundwater Protection

Is any portion of the property within a Groundwater Protection District? ☐ Yes ☑ No

Flood Plain

Is any portion of the property within a Designated Flood Plain? ☐ Yes ☑ No

PROPOSED DEVELOPMENT PROJECT INFORMATION

Development Name: Medway Place

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

☐ a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use which involves one or more of the following:
   i. the addition of 2,500 square feet or more of gross floor area; or
   ii. the addition of twenty or more new parking spaces

☐ b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of twenty or more new parking spaces

☑ c. The redesign of the layout/configuration of an existing parking area of forty or more parking spaces

☐ d. Construction of ground mounted solar photovoltaic installations of any size in any zoning district including solar canopy type systems in parking areas

☐ e. Removal, disturbance, and/or alteration of 20,000 sq. ft. or more of existing impervious surface

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

_____ Yes X No

Explanation: _____

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

☐ Yes ☑ No

Explanation: _____

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Medway Realty, LLC

Mailing Address: 63 Atlantic Avenue
Boston, MA 02110

Primary Contact: Todd Wilson

Telephone:
Office: (617) 227-0893 Cell: _____

Email address: twilson@dfi.cc

The owner's title to the land that is the subject matter of this application is derived under deed from: Medway Realty Trust to Medway Realty, LLC dated December 21, 2001 and recorded in Norfolk County Registry of Deeds, Book _____ Page _____ or Land Court Certificate of Title Number 161308, Land Court Case Number 26706 & 36413, registered in the Norfolk County Land Registry District Volume 807, Page 108.

CONSULTANT INFORMATION

ENGINEER: Richard E. Latini, PE, Howard Stein Hudson

Mailing Address: 11 Beacon Street, Suite 1010
Boston, MA 02108

Primary Contact: Richard E. Latini, P.E.

Telephone:
Office: (617) 482-7080 Cell: _____

Email address: rlatini@hshassoc.com

Registered P.E. License #: 41033

SURVEYOR: Grady Consulting, L.L.C.

Mailing Address: 71 Evergreen Street, Suite 1
Kingston, MA 02364

Primary Contact: Darren M. Grady, P.E.

Telephone:
Office: (781) 585-2300 Cell: _____

Email Address: darren@gradyconsulting.com

Registered P.L.S. License #: 40715

ARCHITECT: _____

Mailing Address: _____

_____

Primary Contact: _____

Telephone:
Office: _____ Cell: _____

Email address: _____

Registered Architect License #: _____

LANDSCAPE ARCHITECT/DESIGNER: _____

Mailing Address: _____

_____

Primary Contact: _____

Telephone:
Office: _____ Cell: _____

Email address: _____

Registered Landscape Architect License #: _____

ATTORNEY: Gareth Orsmond, Esq., Pierce Atwood LLP

Mailing Address: 100 Summer Street, Floor 22
Boston, MA 02210

Primary Contact: Gareth Orsmond, Esq.

Telephone:
Office: (617) 488-8181 Cell: _____

Email address: gorsmond@pierceatwood.com

OFFICIAL REPRESENTATIVE INFORMATION

Name: Gareth Orsmond, Esq., Pierce Atwood LLP

Address: 100 Summer Street, Floor 22
Boston, MA 02110

Telephone:
Office: (617) 488-8181 Cell: _____

Email address: gorsmond@pierceatwood.com

SIGNATURES

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

(If applicable, I hereby authorize Gareth Orsmond, Esq. to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.)

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

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

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

Signature of Property Owner — *Date* 10/24/19

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

Gareth Orsmond (GO w/permission) — *Signature of Agent/Official Representative* — *Date* 10/28/19

MAJOR SITE PLAN FEES

SP Filing Fee

Filing Fee

For projects up to 4,999 sq. ft. /gross floor area = $750 plus $ .25/sq. ft.
For projects of 5,000 – 9,999 sq. ft. /gross floor area = $1,000 plus $ .25/sq. ft.
For projects of 10,000 – 14,999 sq. ft. /gross floor area = $1,500 plus $ .25/sq. ft.
For projects of 15,000 sq. ft. or more/gross floor area = $1,500 plus $ .25/sq. ft.

Advance on Plan Review Fee

PRadvance

For projects up to 4,999 sq. ft. /gross floor area = $1,000 deposit.
For projects of 5,000 – 9,999 sq. ft. /gross floor area = $1,500 deposit
For projects of 10,000 – 14,999 sq. ft. /gross floor area = $2,000 deposit
For projects of 15,000 sq. ft. or more/gross floor area = $2,500 deposit

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

WETLAND PLANTING AREAS – PLANT LIST				
SHRUB	GENUS/SPECIES	SIZE	PLANTING SPECIFICATIONS	QUANTITY
GRASS SOD				
HONEY LOCUST	GLEDITSIA TRIACANTHOS	30'	20'–35' SPREAD	11
GLABRA SHAMROCK	ILEX GLABRA	3–4'	36" SPACING	9
DAY LILY	HEMEROCALLIS STELLA D'ORO	1'	12"–18" SPACING	
VIRGINIA ROSE	ROSA VIRGINIANA	6–8'	96" SPACING	4

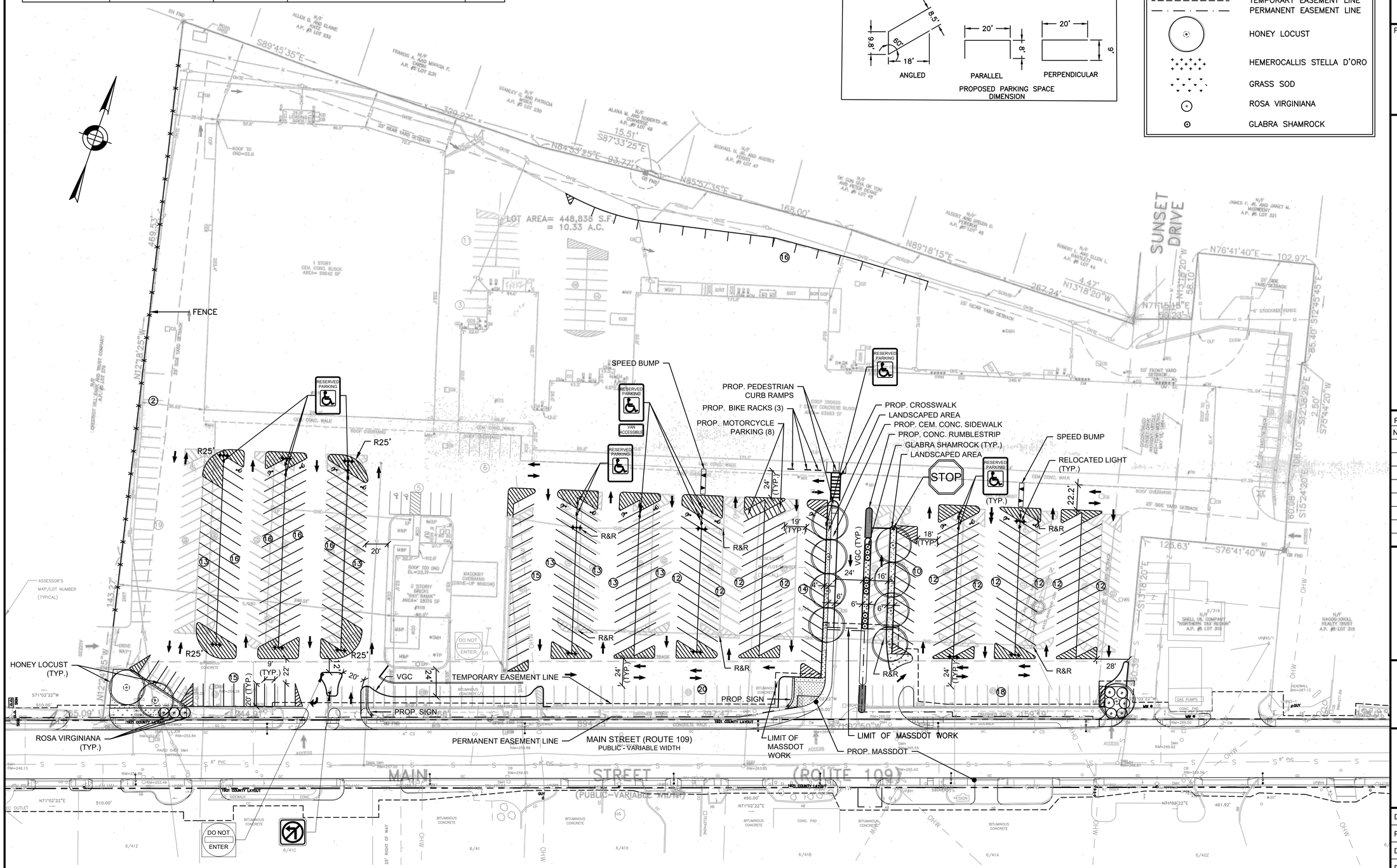
NOTES:

1. EXISTING CONDITIONS INFORMATION OBTAINED FROM A PLAN ENTITLED "#98, #108–114 MAIN STREET, ROUTE 109, MEDWAY, (NORFOLK COUNTY), MASSACHUSETTS," PREPARED BY MERRIMACK ENGINEERING SERVICES, DATED 12/17/01 AND REVISED THROUGH 12/24/01. SCANNED IMAGE PROVIDED. EXISTING CONDITIONS SHOULD BE VERIFIED IN THE FIELD.

PARKING SPACES SUMMARY	
EXISTING	446
PROPOSED STANDARD	429
PROPOSED ACCESSIBLE	17
PROPOSED MOTORCYCLE	8
TOTAL PROPOSED	454
CHANGE	+8

LEGEND

VGC	VERTICAL GRANITE CURB
R&R	REMOVE AND RESET
	LIGHT
	SIGN
	HANDICAP PARKING
10	NUMBER OF PARKING SPACES
	TEMPORARY EASEMENT LINE
	PERMANENT EASEMENT LINE
	HONEY LOCUST
	HEMEROCALLIS STELLA D'ORO
	GRASS SOD
	ROSA VIRGINIANA
	GLABRA SHAMROCK



HOWARD STEIN HUDSON
11 Beacon Street, Suite 1010
Boston, MA 02108
www.hshassoc.com

PREPARED FOR:

MEDWAY PLACE

98, 108-114 MAIN STREET (ROUTE 109)
MEDWAY, MA 02053
NORFOLK COUNTY

REVISIONS:

NO	BY	DATE	DESCRIPTION

COMMONWEALTH OF MASSACHUSETTS
RICHARD E. LATINI
CIVIL
No. 41033
REGISTERED PROFESSIONAL ENGINEER
10/16/19

PERMIT SET

NOT FOR CONSTRUCTION

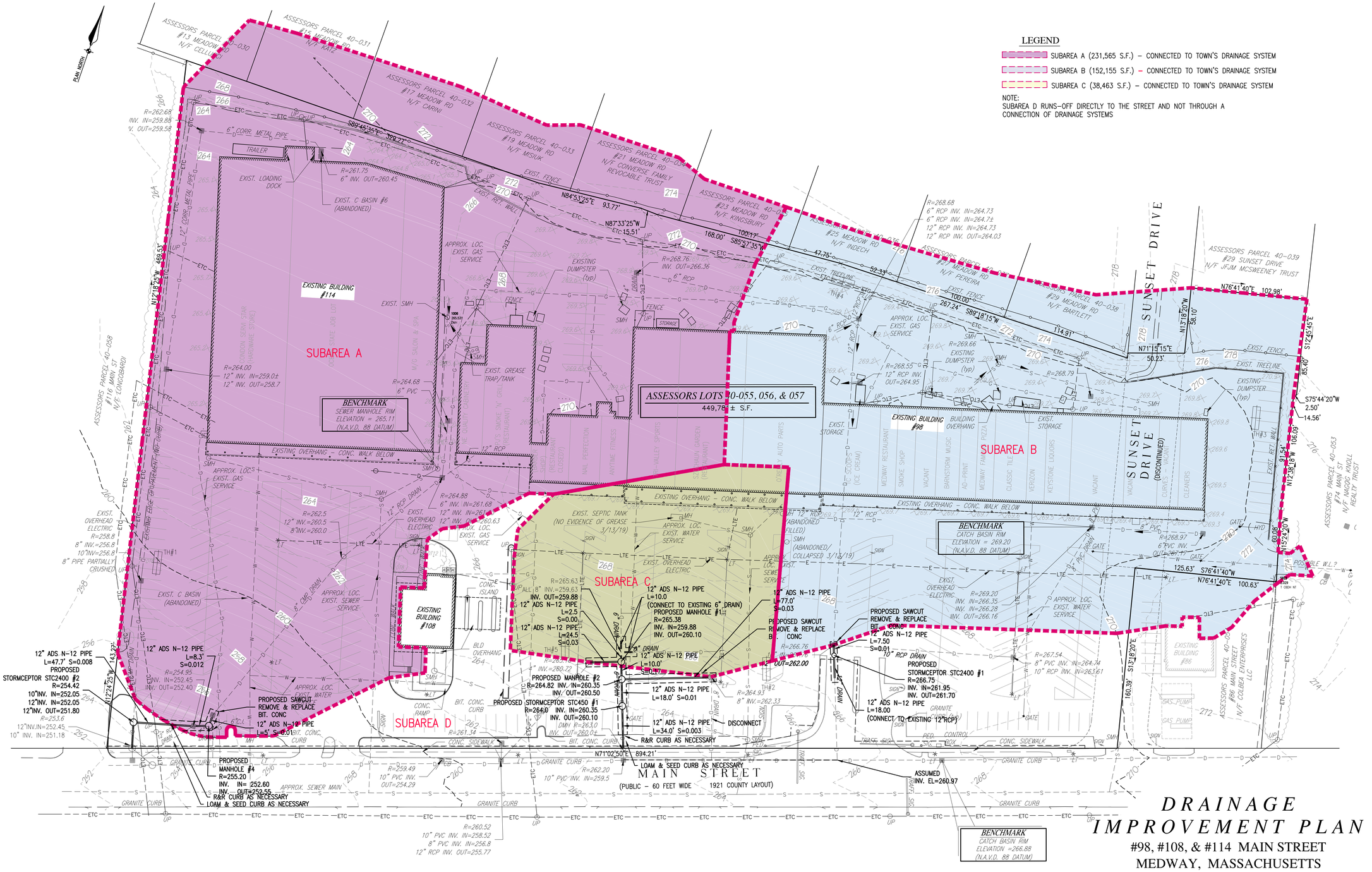
SITE PLAN & LANDSCAPE PLAN

DATE:	10/15/2019
PROJECT NUMBER:	14041
DESIGNED BY:	ML
DRAWN BY:	ML
CHECKED BY:	RL

C1.00

SHEET 1 OF 1

2/5/2015 L:\14041\CURRENT\CUT\SHEETS\SITE PLAN.dwg



DRAINAGE IMPROVEMENT PLAN

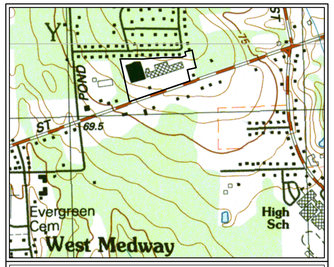
#98, #108, & #114 MAIN STREET
MEDWAY, MASSACHUSETTS

PREPARED FOR:
MEDWAY REALTY, LLC
63 ATLANTIC AVENUE
BOSTON, MA 02110

SEPTEMBER 7, 2019
SCALE: 1"=40'
JOB No. 19-015

COMMONWEALTH OF MASSACHUSETTS
DARREN M. GRADY
CIVIL
No. 40715
REGISTERED PROFESSIONAL ENGINEER

GRADY CONSULTING, L.L.C.
Civil Engineers, Land Surveyors & Landscape Architects
71 Evergreen Street, Suite 1, Kingston, MA 02364
Phone (781) 585-2300 Fax (781) 585-2378



LOCATION MAP SCALE: 1"=1000'±

NOTES:

1. PROPERTY LINE COMPRISES LOTS NUMBERED 1 AND 2 ON A PLAN DRAWN BY BOWIE ENGINEERING CO., SURVEYORS DATED MAY 19, 1972 FILED IN THE NORFOLK REGISTRY OF DEEDS, LAND COURT PLAN NO. 36413A. LOT 66, 3, AND 4 ON PLAN DRAWN BY RUSSELL S. BOWIE, CIVIL ENGINEER, DATED FEBRUARY 26, 1956 RECORDED IN THE NORFOLK REGISTRY OF DEEDS, LAND COURT PLAN NO. 26706A. LOT 69 ON PLAN DRAWN BY BOWIE ENGINEERING COMPANY, SURVEYORS, DATED NOVEMBER 8, 1962, RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS LAND COURT PLAN NO. 26706B.
2. TOPOGRAPHY INFORMATION SHOWN ON THIS PLAN IS BASED UPON AN ON THE GROUND SURVEY PERFORMED BY GRADY CONSULTING, L.L.C. ON FEBRUARY 22, 2019.
3. SUBJECT SITE IS IN THE CB CENTRAL BUSINESS DISTRICT AS DEPICTED ON THE TOWN OF MEDWAY ZONING MAP.
4. EXISTING UTILITIES, WHERE SHOWN, HAVE BEEN COMPILED BASED ON OBSERVED ABOVE GROUND EVIDENCE ONLY AND ARE TO BE CONSIDERED APPROXIMATE. GRADY CONSULTING, L.L.C. DOES NOT GUARANTEE THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN OR THAT ALL EXISTING UTILITIES AND/OR SUBSURFACE STRUCTURES ARE SHOWN.

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE X AS DEPICTED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 25021C 0143E, WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 2012.

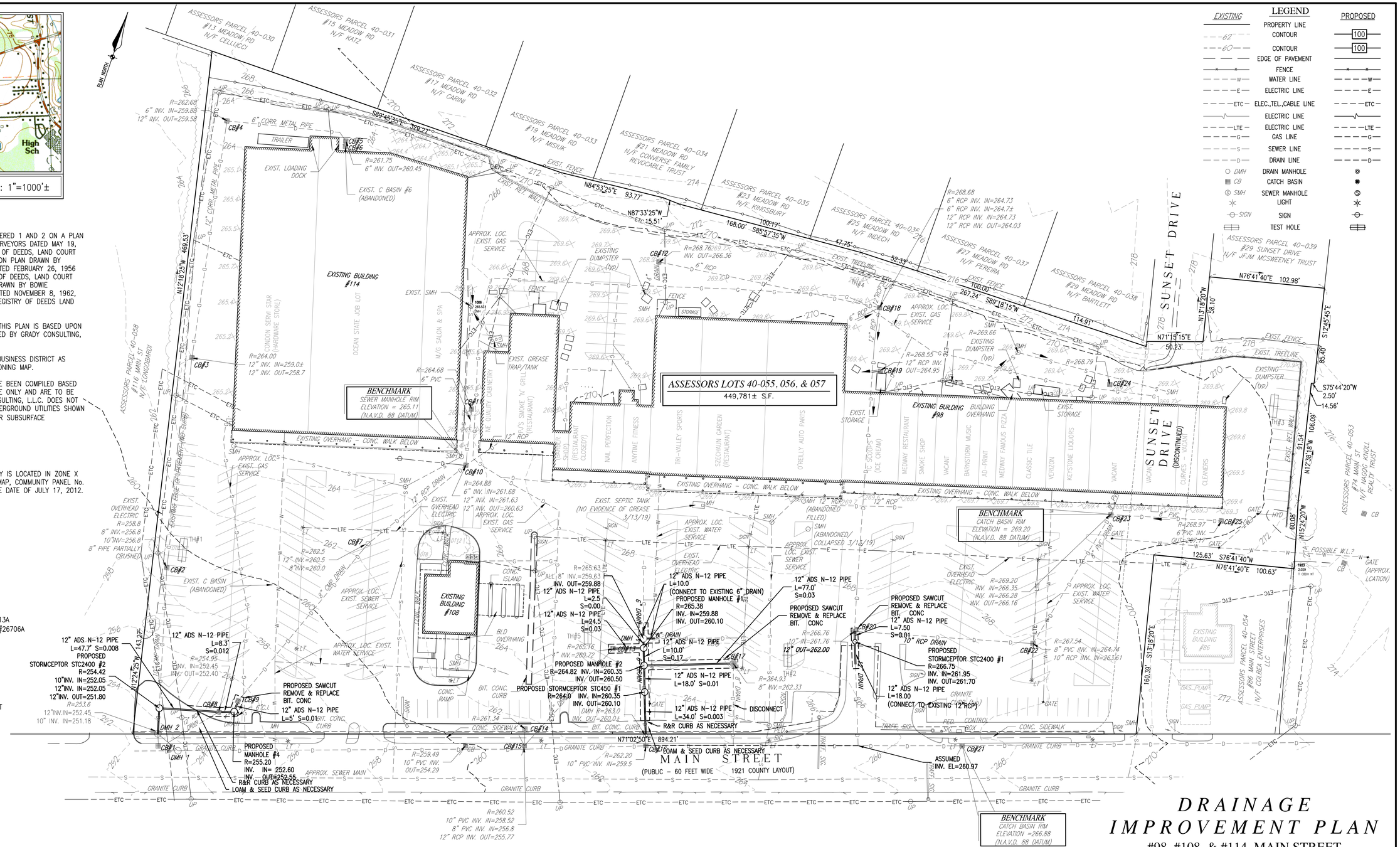
RECORD OWNER:

ASSESSOR LOTS 40-055, 056, & 057

MEDWAY REALY, LLC
63 ATLANTIC AVENUE
BOSTON, MA 02110
CERTIFICATE #161308
LOTS 1 AND 2, LAND COURT PLAN #36413A
LOTS 3, 4, AND 66, LAND COURT PLAN #26706A
LOT 69, LAND COURT PLAN #26706B

PLAN REFERENCES:

1. LAND COURT PLAN #36413A
2. LAND COURT PLAN #26706A
3. LAND COURT PLAN #26706B
4. 1921 COUNTY LAYOUT – MAIN STREET
5. PLAN BOOK 641 PAGES 1–17



40 0 40 80 120

Scale 1" = 40'

CONSTRUCTION NOTES

GENERAL:

1. CONTRACTOR SHALL VERIFY INVERTS PRIOR TO CONSTRUCTION.
2. THE ACCURACY OF EXISTING UTILITY LOCATIONS, DIMENSIONS AND LINES IS FROM EXISTING INFORMATION OF RECORD AND IS NOT WARRANTED. CONTRACTOR TO VERIFY PRIOR TO INITIATING CONSTRUCTION.
3. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL SECURE ALL NECESSARY STATE, MUNICIPAL AND OTHER UTILITY PERMITS AND VERIFY THE PROPOSED LOCATIONS OF UTILITIES.
4. CONTRACTOR SHALL NOTIFY "DIG SAFE" (1–888–344–7233) AT LEAST 4 DAYS PRIOR TO CONSTRUCTION.
5. UNDERGROUND UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE APPROPRIATE DEPARTMENT OR COMPANY. THE CONTRACTOR SHALL NOTIFY THE MEDWAY D.P.W. AT LEAST 4 DAYS PRIOR TO CONSTRUCTION OF DRAINAGE & WATER SYSTEMS.
6. CONTRACTOR SHALL COORDINATE WITH OWNER WITH REGARDS TO CLOSING ANY DRIVEWAY ENTRANCES.
7. CONTRACTOR SHALL PROVIDE NECESSARY TRAFFIC CONTROL DEVICES TO ENSURE SAFETY AT THE ENTRANCES WHILE PERFORMING WORK.
8. EXISTING FRAMES, COVERS, & GRATES SHALL BE REMOVED & RESET WHERE NECESSARY.

PROPOSED DRAIN NOTES:

CONTRACTOR SHALL VERIFY PIPE SIZES AND INSTALL HOODS ON ALL CATCH BASIN OUTLETS.
(24 NUMBER TOTAL, CB#6 IS ABANDONED)

NOTE:

THIS DESIGN PROVIDES ADDITIONAL TREATMENT PRIOR TO DISCHARGE TO THE TOWN'S SYSTEM. PIPE SIZES WERE NOT ANALYZED DUE TO THE LIMITED SIZE OF THE EXISTING CONNECTIONS.

COMMONWEALTH OF MASSACHUSETTS
DARREN M. GRADY
CIVIL
No. 40715
REGISTERED PROFESSIONAL ENGINEER

DRAINAGE IMPROVEMENT PLAN

#98, #108, & #114 MAIN STREET
MEDWAY, MASSACHUSETTS

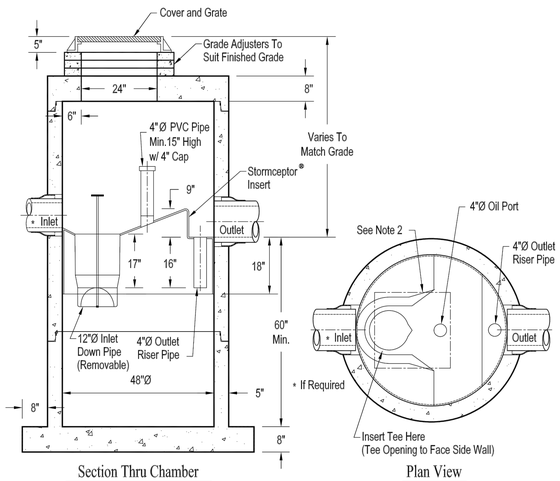
PREPARED FOR:
MEDWAY REALY, LLC
63 ATLANTIC AVENUE
BOSTON, MA 02110

SEPTEMBER 7, 2019
SCALE: 1"=40'
JOB No. 19–015

GRADY CONSULTING, L.L.C.
Civil Engineers, Land Surveyors & Landscape Architects
71 Evergreen Street, Suite 1, Kingston, MA 02364
Phone (781) 585–2300 Fax (781) 585–2378

(SITE PLAN) SHEET 1 OF 2

STC 450i Precast Concrete Stormceptor®
(450 U.S. Gallon Capacity)



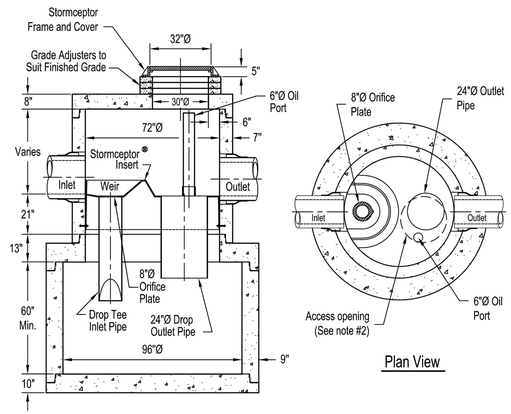
Section Thru Chamber

Plan View

Notes:

1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
2. The Cover Should be Positioned Over The Inlet Drop Pipe and The Oil Port.
3. The Stormceptor System is protected by one or more of the following U.S. Patents: #4985148, #5498331, #5725760, #5753115, #5849181, #6068765, #6371690.
4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

STC 2400 Precast Concrete Stormceptor®
(2400 U.S. Gallon Capacity)



Section Thru Chamber

Plan View

Notes:

1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
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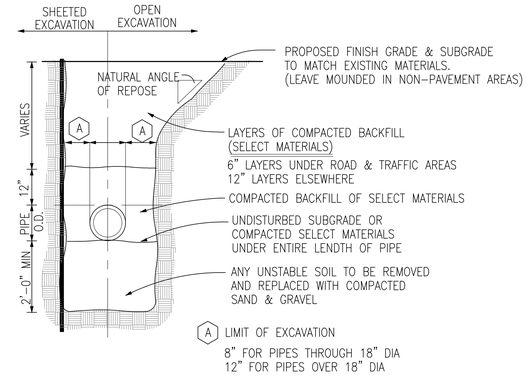
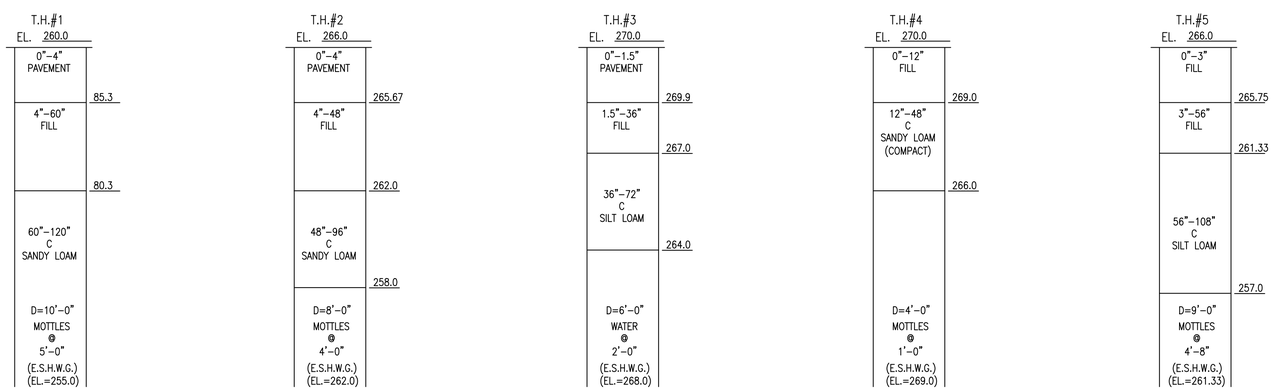


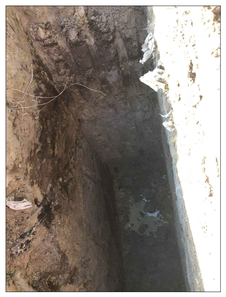
TRENCH EXCAVATION DETAIL

NOT TO SCALE

SOIL LOGS

TESTHOLES 1-5 BY DARREN GRADY P.E. APRIL 4, 2019





COMMONWEALTH OF MASSACHUSETTS
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DRAINAGE IMPROVEMENT PLAN

#98, #108, & #114 MAIN STREET
MEDWAY, MASSACHUSETTS

PREPARED FOR:
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SEPTEMBER 7, 2019
SCALE: 1"=40'
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Civil Engineers, Land Surveyors & Landscape Architects
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Phone (781) 585-2300 Fax (781) 585-2378

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-3-G
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation relates to stormwater management. No land disturbance is proposed and there will be improvements to stormwater conditions.
What aspect of the Regulation do you propose be waived?	All of the regulation.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108,114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-3-H
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation requests a construction management plan. The proposal is for short-duration lot re-striping and installation of stormwater controls.
What aspect of the Regulation do you propose be waived?	All of the regulation.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-3-F
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation involves the potential and anticipated impacts of the development. Not applicable as this is simply a parking lot re-striping.
What aspect of the Regulation do you propose be waived?	All of the regulation.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-3-I
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation involves earth removal. The only earth removed will be a few square feet beneath existing pavement to install stormwater controls.
What aspect of the Regulation do you propose be waived?	All of the regulation.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-3-J
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation involves earth fill. The proposal here does not call for fill material except a minimal amount support the proposed landscaping.
What aspect of the Regulation do you propose be waived?	All of the regulation.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-3-K
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation involves earth fill. The proposal here does not call for fill material except a minimal amount support the proposed landscaping.
What aspect of the Regulation do you propose be waived?	All of the regulation.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-5-A
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation requires a cover sheet for site plans. This is unnecessary because there is only one site plan which has the required information.
What aspect of the Regulation do you propose be waived?	All of the regulation
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-5-B-1 and 204-5-B-4
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Requires: information regarding streets within 2,000 ft. of locus at scale of 1" = 1,000 feet and topography at 2 ft. intervals.
What aspect of the Regulation do you propose be waived?	Both subparts of the regulation.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review. Only re-striping and stormwater improvement -- no grading, traffic analyzed by MassDOT.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-5-C
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation requires an existing conditions plan showing numerous features.
What aspect of the Regulation do you propose be waived?	All parts of the regulation not related to parking and stormwater drainage.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

Project Name:	Medway Place
Property Location:	98, 108, 114 Main Street (Route 109)
Type of Project/Permit:	Major Site Plan Review
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	204-5-D-2; 204-5-D-5 through 204-5-D-20
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	This regulation requires numerous plans.
What aspect of the Regulation do you propose be waived?	All parts of the regulation not related to parking and stormwater drainage.
What do you propose instead?	N/A
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Section 202-5-A-1 - the Rule or Regulation requested to be waived does not apply to the particular site or situation under review. No grading change, no building or alteration; traffic analyzed by MassDOT; variance for signage.
What is the estimated value/cost savings to the applicant if the waiver is granted?	N/A
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	N/A
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	N/A
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Joel Quick, Esq.
Date:	October 24, 2019

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

Susan Affleck-Childs

From:	Susan Affleck-Childs
Sent:	Monday, November 18, 2019 4:07 PM
To:	Michael Boynton; Barbara Saint Andre; Joanne Russo; Jack Mee ; David Damico; Peter Pelletier; Bridget Graziano; Donna Greenwood; Beth Hallal; Jeff Watson; Jeff Lynch (ChiefLynch@townofmedway.org); Mike Fasolino
Cc:	Andy Rodenhiser ; Stephanie Carlisle
Subject:	Medway Place Shopping Center Site Plan - December 10th public hearing

Hi,

The Planning and Economic Development Board has received an application from Medway Realty LLC of Boston, MA for approval of a site plan for proposed site improvements at the Medway Place shopping center (commonly referred to as Medway Plaza) located at 98, 108, and 114 Main Street.

The Board will hold a public hearing on the proposed site plan on Tuesday, December 10th at 7:00 p.m. in Sanford Hall at Medway Town Hall.

The applicant has proposed changes in the layout and landscaping for the 446 space Medway Plaza parking lot. The change in the layout is a result of the recently completed Mass Department of Transportation Route 109 improvement project which included a new traffic light and entrance into Medway Plaza. The parking lot work will align the parking spacing with the Mass DOT constructed boulevard style main entrance to improve traffic circulation on site. The work will also include installation of a berm near the entrance to the Shell Station at 86 Main Street and widening of the east side of the entrance aisle to the property to 20' wide.

The applicant also proposes new stormwater management controls to treat stormwater collected from the parking lot before it is discharged into the Town's municipal storm drain system. This includes installation of three stormwater treatment devices to improve stormwater quality.

The application, site plan, and supporting documentation were filed with the Town on October 28, 2019. The site plan and landscaping revisions are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019 by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019 and was prepared by Grady Consulting, LLC of Kingston, MA.

The site plan application and associated documents are available for viewing and downloading at: https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan

Please review the provided site plan documents and provide any comments to me by Wednesday, December 4, 2019 so they can be distributed to the Board, included in the public hearing record, and shared with the applicant and project engineer.

I have extra sets of the site plan in my office and would be glad to provide one to you to assist in your review.

The Board's consulting engineer and consulting planner are reviewing the site plan and will provide comments to the Board.

Thanks for your help and please let me know if you have any questions.

Susy

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

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, December 05, 2019 2:16 PM
To: David Damico
Cc: Stephanie Carlisle; Barbara Saint Andre
Subject: FW: Medway Place Shopping Center Site Plan - December 10th public hearing

Importance: High

Hi,

Just a reminder that the Board will begin the public hearing on December 10th on the proposed site improvements at the Medway Place shopping plaza. These include some important drainage improvements. The hearing starts at 7 pm. Can you attend?

Will you have any comments for the Board? Are you satisfied with the scope of the proposed drainage work? Is it your expectation that they will comply with the recently adopted changes to the stormwater bylaw? I believe that would require them to apply to DPW for an MS4 permit.

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

From: Susan Affleck-Childs
Sent: Monday, November 18, 2019 4:07 PM
To: Michael Boynton; Barbara Saint Andre; Joanne Russo; Jack Mee ; David Damico; Peter Pelletier; Bridget Graziano; Donna Greenwood; Beth Hallal; Jeff Watson; Jeff Lynch (ChiefLynch@townofmedway.org); Mike Fasolino
Cc: Andy Rodenhiser ; Stephanie Carlisle
Subject: Medway Place Shopping Center Site Plan - December 10th public hearing

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traffic circulation on site. The work will also include installation of a berm near the entrance to the Shell Station at 86 Main Street and widening of the east side of the entrance aisle to the property to 20' wide.

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Please review the provided site plan documents and provide any comments to me by Wednesday, December 4, 2019 so they can be distributed to the Board, included in the public hearing record, and shared with the applicant and project engineer.

I have extra sets of the site plan in my office and would be glad to provide one to you to assist in your review.

The Board's consulting engineer and consulting planner are reviewing the site plan and will provide comments to the Board.

Thanks for your help and please let me know if you have any questions.

Susy

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

PGC ASSOCIATES, LLC
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
gino@pgcassociates.com

December 5, 2019

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

RE: MEDWAY PLACE SITE PLAN REVIEW

Dear Mr. Rodenhiser:

I have reviewed the major site plan for parking lot alterations and drainage improvements at Medway Place under the Site Plans Rules and Regulations adopted by the Planning and Economic Development Board on October 8, 2019. The owner/applicant is Medway Realty, LLC of Boston.

The proposal is to restripe and install drainage improvements within the existing parking lot. The number of spaces is essentially unchanged except 8 motorcycle spaces will be added. Some landscaping is also proposed. The drainage plan was prepared by Grady Consulting LLC of Kingston, and is dated September 7, 2019. The Site Plan and Landscape Plan was prepared by Howard Stein Hudson of Boston and is dated October 15, 2019. I have comments as follows:

1. The project qualifies for major site plan review since it involves "The redesign of the layout/configuration of an existing parking lot of forty or more parking spaces," as specified in Section 3.5.3.c of the Zoning Bylaw.

2. Section 204-5-A of the Site Plan Rules and Regulations requires a cover sheet. The applicant has requested a waiver. However, a cover sheet could consolidate the separate sheets that have been submitted into a cohesive set, as well as list waivers and provide other identifying information.

3. Section 204-5-D (8) specifies the contents of a landscape plan. A waiver has been requested. Most of the required information has been presented. A waiver of the requirement for a Landscape Architect may be appropriate, but another requirement that should be complied with is a maintenance program to ensure the viability of the new plants.

4. Section 205-5-D (13) requires details of certain site amenities. Among these are bike racks. Details of the proposed bike racks should be provided.

5. Section 205-5-D (14) requires a master signage plan. While new signage is not proposed, one element of the signage plan is "standards for tenant signs." These could be established.

6. Section 207-13-G (3)(a) requires parking drive aisles to be 24 feet wide. Most of the aisles are one-way for angle parking and those aisles are 18 or 19 feet wide. Section 207-13-G (2)(b) allows for angle parking if the applicant can show proper maneuverability can be achieved. However, pull though angle parking is not allowed. It is not clear if this is achieved.

7. Section 207-13-I requires electric charging stations. Under the formula, 9 charging stations are required for 400-500 spaces.

8. Section 207-19-B (2) requires perimeter landscaping around the entire site.

9. Section 207-19-C (1) (a) requires that a minimum of 10% of internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping. 207-19-C (1)(b) requires landscape islands at the ends of rows with more than 15 parking spaces. The plan shows striping rather than islands. Section 207-19-C (1)(d) requires at least 1 deciduous shade tree per 6 parking spaces. At 446 car spaces, 75 trees are required. The plan shows 11.

10. Section 207-19-C (2) requires perimeter landscaping to screen parking areas to prevent direct views of parked vehicles from streets and sidewalks.

11. Section 207-19-F specifies the allowable species of trees. The proposed honey locusts are not on the list. However, alternatives are allowed to be proposed if they are more suitable to the site. The Board may seek advice from the Tree Warden on this issue.

12. Section 207-19-I specifies that tree size shall be at least 2 ½" caliper and 12 feet in height upon planting. No specifications for the proposed trees are provided.

If there are any questions about these comments, please call or email me.

Sincerely,

Gino D. Carlucci, Jr.

ADLER POLLOCK & SHEEHAN P.C.

One Citizens Plaza, 8th floor
Providence, RI 02903-1345
Telephone 401-274-7200
Fax 401-751-0604 / 351-4607

175 Federal Street
Boston, MA 02110-2210
Telephone 617-482-0600
Fax 617-482-0604

www.apslaw.com

December 10, 2019

VIA E-MAIL (planningboard@townofmedway.org) AND HAND DELIVERY

Medway Planning and Economic Development Board
155 Village Street
Medway, Massachusetts 02053

RE: Objection to Major Site Plan Application by Medway Realty LLC 98, 108-114 Main Street (Route 109), Medway, Massachusetts

Dear Mr. Chairman and Members of the Board:

This office represents Colbea Enterprises, L.L.C. ("Colbea"). Colbea is the owner of the property situated at the address commonly known as 86 Main Street, Medway, Massachusetts (the "Colbea Property").

Reference is hereby made to that certain major site plan application (the "Application") submitted by Medway Realty LLC ("Medway LLC") to the PED dated October 25, 2019 in connection with real property situated at the address commonly known as 98, 108-114 Main Street (Route 109), Medway, Massachusetts (the "Medway Place Property") pursuant to which Medway LLC desires to make changes to the parking layout and landscaping currently situated on the Medway Place Property. The Colbea Property directly abuts the property of Medway LLC, the applicant.

Pursuant to the site plan and landscape plan submitted with the Application and the reason for this letter, Medway LLC is desirous, among other things, of reducing the curb cut situated on the southeast corner of the Medway Place Property in order to insert new landscaping and curbing thereon and in the area now or formerly known as Sunset Drive and/or Sunset Lane ("Sunset Lane"); over which Colbea and Medway LLC share access. A copy of said plan is enclosed herewith as ***Exhibit A*** (the "Site Plan").

The proposed reduction in said curb cut would greatly and detrimentally affect the ingress and egress to and from the Colbea Property from Route 109 and could raise traffic concerns. Further, Colbea maintains an express easement over a portion of Sunset Lane pursuant to a quitclaim deed granted to one of Colbea's predecessors in interest (Shell Oil Company) with respect to the Medway Place Property.

Pursuant to that certain quitclaim deed registered with the Norfolk County Registry District of the Land Court (the "Land Court") as Document No. 240441-1, a copy of which is enclosed herewith as ***Exhibit B***) (the "Deed"), Shell Oil Company was granted a "right to pass and repass over that portion of said Sunset Lane contiguous to Lots 1 and 68" and as shown in a plan also recorded with the Land Court (the "Easement"), a copy of which plan is enclosed herewith as ***Exhibit C*** (the "Plan"). The Easement provided for, among other things, the right of the owner of the Colbea Property to use that portion of Sunset Lane contiguous to the Colbea Property for "all purposes for which streets and ways are commonly used in the Town of Medway, including the right to construct and maintain a driveway therein…" The Easement provided that said right of way shall run with the land in perpetuity. Pursuant to the Plan, the Colbea Property was formerly known as Lot 1 thereon. Said deed further provided that neither of the grantor and grantee (and their respective successors and assigns) may make an application to or petition the Town of Medway in any manner whatsoever to layout and/or accept that portion of Sunset Lane abutting to Lot 1 thereon (which is the Colbea Property).

In the event of judicial appeal resulting in a determination that the express Easement was somehow extinguished, for which we have no evidence, Colbea would have long ago satisfied the elements for a prescriptive easement over the same area set forth in the Easement.

Best regards,

JOHN D. RUSSELL

Enclosures

EXHIBIT A

WETLAND PLANTING AREAS – PLANT LIST				
SHRUB	GENUS/SPECIES	SIZE	PLANTING SPECIFICATIONS	QUANTITY
GRASS SOD				
HONEY LOCUST	GLEDITSIA TRIACANTHOS	30'	20'–35' SPREAD	11
GLABRA SHAMROCK	ILEX GLABRA	3'–4'	36" SPACING	9
DAY LILY	HEMEROCALLIS STELLA D'ORO	1'	12"–18" SPACING	
VIRGINIA ROSE	ROSA VIRGINIANA	6'–8'	96" SPACING	4

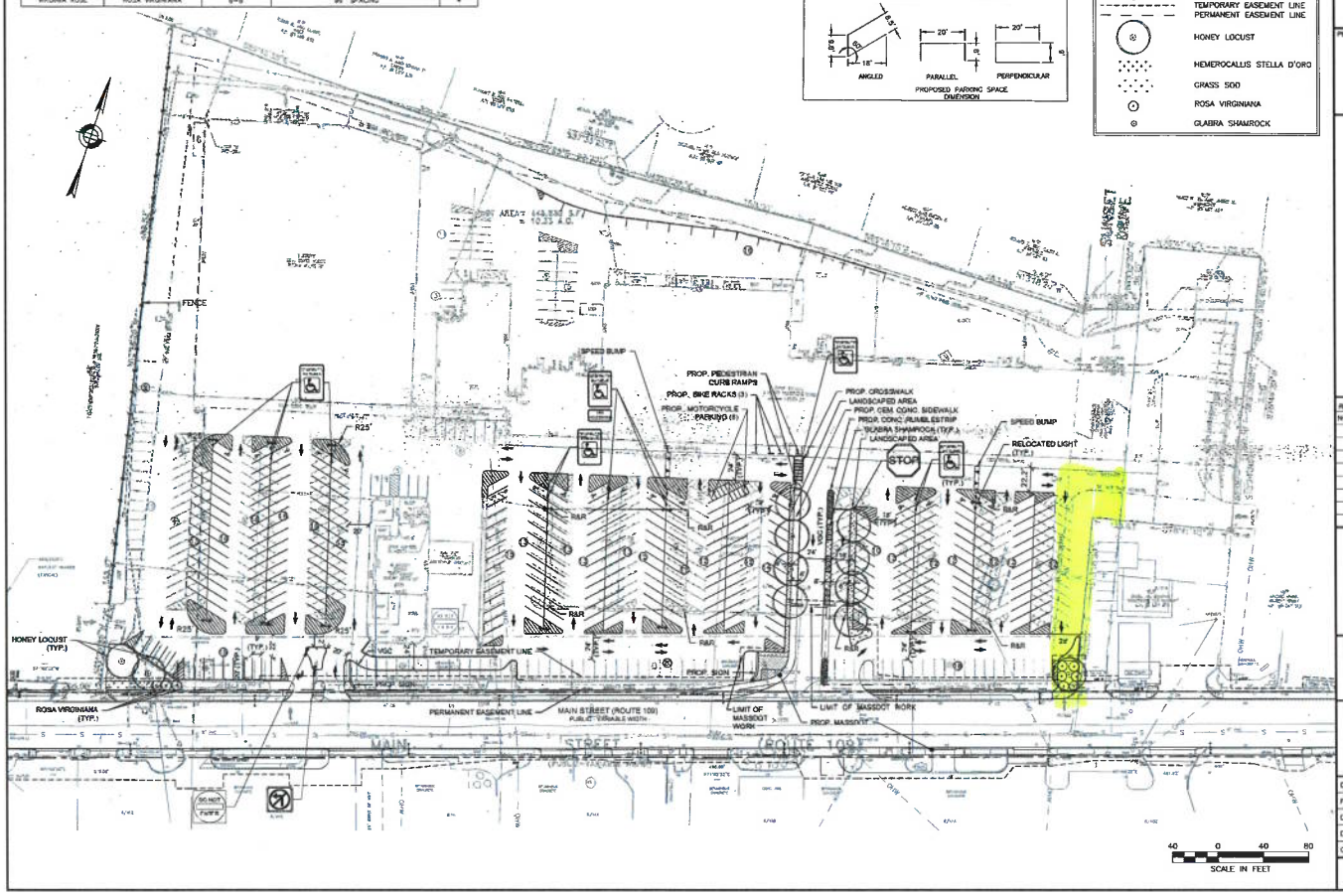
NOTES:

1. EXISTING CONDITIONS INFORMATION OBTAINED FROM A PLAN ENTITLED "#98, #108-114 MAIN STREET, ROUTE 109, MEDWAY, (NORFOLK COUNTY), MASSACHUSETTS," PREPARED BY METRIMACK ENGINEERING SERVICES, DATED 12/17/01 AND REVISED THROUGH 12/24/01. SCANNED IMAGE PROVIDED. EXISTING CONDITIONS SHOULD BE VERIFIED IN THE FIELD.

PARKING SPACES SUMMARY	
EXISTING	445
PROPOSED STANDARD	429
PROPOSED ACCESSIBLE	17
PROPOSED MOTORCYCLE	8
TOTAL PROPOSED	454
CHANGE	+8

PROPOSED PARKING SPACE DIMENSION

LEGEND	
VGC	VERTICAL GRANITE CURB
R&R	REMOVE AND RESET
	LIGHT
	SIGN
	HANDICAP PARKING
10	NUMBER OF PARKING SPACES
	TEMPORARY EASEMENT LINE
	PERMANENT EASEMENT LINE
	HONEY LOCUST
	HEMEROCALLIS STELLA D'ORO
	GRASS SOD
	ROSA VIRGINIANA
	GLABRA SHAMROCK



HOWARD STEIN HUDSON
11 Beacon Street, Suite 1010
Boston, MA 02108
www.hshassoc.com

PREPARED FOR:

MEDWAY PLACE
98, 108-114 MAIN STREET (ROUTE 109)
MEDWAY, MA 02053
NORFOLK COUNTY

REVISIONS:			
NO	BY	DATE	DESCRIPTION

PERMIT SET
NOT FOR CONSTRUCTION

SITE PLAN & LANDSCAPE PLAN

DATE:	10/15/2019
PROJECT NUMBER:	14041
DESIGNED BY:	ML
DRAWN BY:	ML
CHECKED BY:	RL

C1.00

SHEET 1 OF 1

= Contiguous areas to the Colbea Property by which Colbea maintains an express easement thereto.

EXHIBIT B

BOS-70245.pdf

We, Morris Nirenberg and Florence B. Nirenberg, husband and wife, both

of Medway, Norfolk County, Massachusetts,

~~being unmarried~~ for consideration paid, grant to Shell Oil Company, a corporation duly established under the laws of the State of Delaware having a usual place of business in Boston, Suffolk County, Massachusetts

of

with ~~quitclaim covenants~~

the land in said Medway, situated on the Northeasterly corner of Main Street (Route 109) and Sunset Lane, a private way, shown as Lots 1 and 68 on a plan entitled, "Subdivision Plan of Land in Medway, Mass. (Registry District of Norfolk), Scale: 1" = 40', Nov. 8, 1962, Bowie Engineering Company, Civil Engineers & Land Surveyors" to be recorded herewith, bounded according to said plan as follows:

SOUTHEASTERLY by said Main Street, 82.40 feet;

SOUTHWESTERLY by a curved line forming the intersection of said Main Street and Sunset Lane, 30.07 feet;

SOUTHWESTERLY by Sunset Lane, 137.92 feet;

NORTHERLY by Lot 69 on said plan, 100.63 feet; and

NORTHEASTERLY by land now or formerly of Agnes E. Hobart, 147.85 feet.

For Grantors' title, see Certificate of Title No. 65404, filed with Norfolk Registry District of the Land Court, Book 328, Page 4.

Together with the right to pass and repass over that portion of said Sunset Lane contiguous to said Lots 1 and 68 as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Medway, including the right to construct and maintain a driveway therein, subject, however, to rights of others entitled thereto. Said right of way to run with the land hereby conveyed.

The Grantors hereby covenant with the Grantee and its assigns that they will not make application to or petition the Town of Medway in any manner whatsoever to layout and/or accept that portion of Sunset Lane contiguous to Lots 1 and 68 as a public street or way.

Also together with the right to install and maintain an identification sign and light pole in the Southwesterly corner of said Sunset Lane, said identification sign and light pole to be erected within an area not less than five (5) feet or more than ten (10) feet from the Easterly line of Lot 66 as shown on said plan.

Grantee's Address: 441 Stuart Street
Boston 16, Massachusetts

DataRoom Portal Confidential 3/15/2010 5:24:50 PM John Russell

521 11-16-62 (9)

BDS-7024

DOCUMENTARY STAMPS 20 5 2 50

COMMONWEALTH OF MASSACHUSETTS EXCISE
CANCELLED DEC 19 1962 2795

xxxxxxx wife xxxxxx

EXHIBIT C

NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY

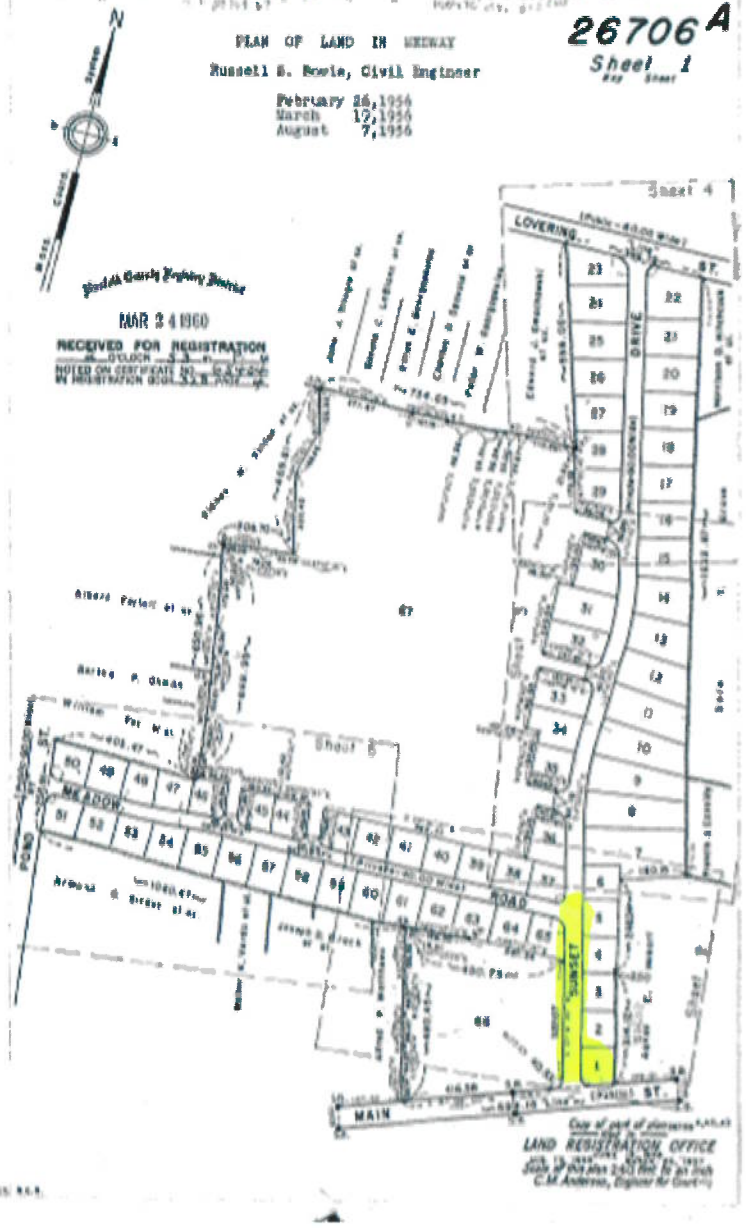
26706 A

Sheet 1

PLAN OF LAND IN HEDWAY

Russell S. Bowie, Civil Engineer

February 26,1956
March 12,1956
August 7,1956



Dorchester County Registry District

MAR 2 4 1960

RECEIVED FOR REGISTRATION
O'CLOCK M.
NOTED ON CERTIFICATE NO.
IN REGISTRATION BOOK NO. PAGE

LAND REGISTRATION OFFICE

NOT AN OFFICIAL COPY

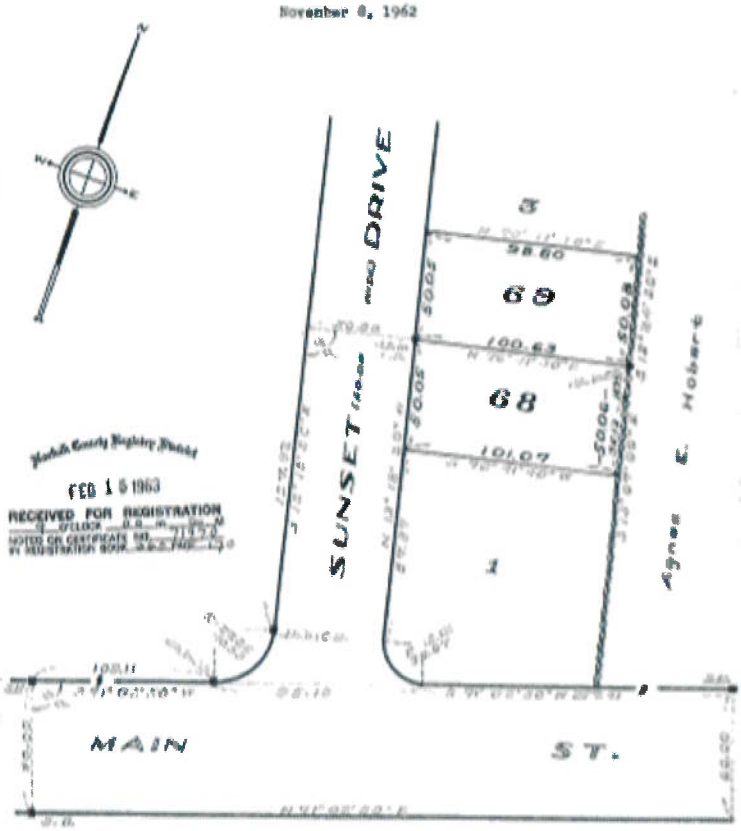
NOT AN OFFICIAL COPY

26706 B

SUBDIVISION PLAN OF LAND IN WRENTHAM

Rowle Engineering Company, Surveyors

November 8, 1962



Norfolk County Registry District

FEB 15 1963

RECEIVED FOR REGISTRATION

O'CLOCK M.

NOTED ON CERTIFICATE NO.

IN REGISTRATION BOOK PAGE

Subdivision of Lot 3
Shown on Plan 26706 Sheet 2
Filed with Cert. of Title No. 61888
Registry District of Norfolk County

Separate certificates of title may be issued for land shown hereon as Lots 68 & 69
By the Court

Margaret M. Foley
Recorder

One of part of plan
LAND REGISTRATION OFFICE
Copy of this plan 40 feet to an inch
C.M. Anderson, Registrar for Court

December 10, 2019
Medway Planning & Economic Development Board Meeting

2 Marc Road Site Plan Modification

- Public Hearing Notice dated 11-18-19
- Abutter Notice dated 11-18-19
- Dan Merrikin site plan modification submittal letter dated 11-7-19
- Application for Site Plan Modification
- Site plan modification dated 11-6-19 by Legacy Engineering
- Waiver Request
- 2 Marc Road Recreational Marijuana Special Permit dated 2-26-19 with requirement for upgraded noise mitigation measures
- SAC memo dated 11-18-19 to Town staff requesting review and comments
- Noise modeling analysis by Acentech dated 6-26-19
- Memo dated 7-7-19 from Ron Dempsey of Noise Control Engineering with his review of the proposed noise mitigation measures
- BRD drawing of noise attenuation enclosure around HVAC equipment, dated 10-28-19
- SAC email to Fire Chief Jeff Lynch and Deputy Chief Mike Fasolino

NOTE – Tetra Tech's review comments are forthcoming. I will email them to you upon receipt.

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 Hayes, P.E.
Richard Di Iulio

November 18, 2019

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
NOTICE OF PUBLIC HEARING
Modification of 2 Marc Road Site Plan (CommCan)

In accordance with the Medway Zoning Bylaw, Section 3.5 Site Plan Review and the provisions of Chapter 40A, Massachusetts General Laws, notice is given that ***the Medway Planning and Economic Development Board will conduct a Public Hearing on Tuesday, December 10, 2019 at 7:30 p.m. at Medway Town Hall, 155 Village Street to consider the application of Ellen Realty Trust of Millis, MA for approval of a modification to the previously approved 2 Marc Road Site Plan dated July 18, 2016. The meeting room is accessible via elevator for individuals with physical disabilities.***

This proposed modification pertains to the previously approved site plan for the CommCan marijuana cultivation and processing facility located at 2 Marc Road. That development was authorized by a site plan and special permit issued by the Planning and Economic Development Board on June 28, 2016 (medical use) and by a separate special permit approved on February 26, 2019 (adult recreational use).

Noise generated by the existing rooftop chiller equipment on the 2 Marc Road CommCan building constructed in 2017 was raised as an important issue during the 2019 permitting to authorize the additional use of the facility for the cultivation and processing of marijuana for adult recreational use. The 2019 special permit decision included a requirement for the applicant to undertake a noise study and to develop a proposal to address the noise issues. That noise study has been completed and the site plan reflects the applicant's proposal. The proposal includes installation of ground located chiller equipment within a custom, at-grade enclosure incorporating noise silencing materials around its top and side. A 25.7' by 75.4' concrete slab pad is proposed to be installed along the westerly side of a portion of the existing CommCan building to house the existing and new chiller equipment. An approximately 11' tall enclosure will be installed around the equipment. To ensure suitable emergency access around that side of the building, the existing driveway must be shifted around the new enclosure. This necessitates rerouting a portion of the existing retaining wall and guard rail, filling in a small portion of the existing stormwater swale along the western side of the driveway, and replacing it with two 12' drainage pipes.

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

The application, site plan modification, and supporting documentation were filed with the Town on November 7, 2019. The plan revisions are shown on the *2 Marc Road Site Plan Modification*, *Plan of Land in Medway, MA,* dated November 6, 2019, by Legacy Engineering LLC of Millis, MA. The documents are available at the offices of Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall office hours. The information is also posted at the Planning and Economic Development web page at: https://www.townofmedway.org/planning-economic-development-board/pages/current-applications-pedb-0

Interested persons or parties are invited to review the plan modification, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be forwarded to planningboard@townofmedway.org. Questions should be directed to 508-533-3291.

Andy Rodenhiser
Chairman

To be published in the *Milford Daily News: Tuesday, November 26, 2019 and Monday, December 2, 2019*

cc: *Planning Boards* – Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

Medway Town Officials/Departments – Board of Selectmen/Town Administrator, Board of Assessors, Board of Health, Building Commissioner/Zoning Enforcement Officer, Conservation Commission, Department of Public Works, Design Review Committee, Fire Department, Police Department, Treasurer/Collector.

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 Hayes, P.E.
Richard Di Iulio

November 18, 2019

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
ABUTTER NOTICE OF PUBLIC HEARING
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OVER ►

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

You are receiving this notice because you are a party of interest or the record owner of property located within 300' of 2 Marc Road. This is the only written notice you will receive of this public hearing.

The application, site plan modification, and supporting documentation were filed with the Town on November 7, 2019. The plan revisions are shown on the *2 Marc Road Site Plan Modification*, *Plan of Land in Medway, MA,* dated November 6, 2019, by Legacy Engineering LLC of Millis, MA. The documents are available at the offices of Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall office hours. The information is also posted at the Planning and Economic Development web page at: https://www.townofmedway.org/planning-economic-development-board/pages/current-applications-pedb-0

Interested persons or parties are invited to review the plan modification, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be forwarded to planningboard@townofmedway.org. Questions should be directed to 508-533-3291.

Andy Rodenhiser
Chairman

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

November 7, 2019

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

Ref: 2 Marc Road
Site Plan Modification Request

Dear Members of the Board:

Please find enclosed the following relative to a proposed modification of the 2016 Site Plan for the marijuana cultivation facility at 2 Marc Road:

- Two original application forms;
- Three full-size and one 11x17 copy of a one-sheet modification site plan depicting the proposed changes on the site asbuilt;
- A copy of an isometric drawing showing the noise enclosure;
- A certified abutters list;
- A request for an additional waiver to allow a driveway within 15 feet of a side property line;
- A check in the amount of $500 for the modification fee; and
- A check in the amount of $1,000 as an advance on a plan review fee.

As the Board will recall, an issue about noise generated by the existing rooftop chiller was raised during the public hearing process for the 2019 special permit for the site. As required in said special permit, the Applicant has undertaken a noise study and designed a custom at-grade enclosure with silencers that allow air to flow to the chiller units while attenuating noise generation to the thresholds identified in the Medway Zoning Bylaw. A submittal with the specifics of this study was provided in June.

In order to achieve the required noise attenuation, a 25.7' x 75.4' pad is proposed to be installed along the westerly side of the existing building. Both the existing first-floor chiller and the new second floor chiller will be housed in this enclosure and the enclosure is surrounded by various noise attenuation components, including silencers along the side and top of the enclosure. The pad extends into the existing 20' wide bituminous driveway due to the sizing requirements for the various noise attenuation components of the enclosure.

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

We met with the Fire Department to review the plan and they requested that the driveway be shifted around the new chiller enclosure to provide a 15' width around it. This necessitates filling in a small portion of the existing stormwater swale along the side of the driveway and replacing it with two 12" pipes.

Aside from the change from swale to pipe, there is no further change to the site's stormwater management system. The new chiller pad and driveway relocation increases impervious coverage by 1,550 s.f. The rear stormwater management basin, however, was designed to accommodate the future construction of a building addition in the existing grass area behind the building (this existing grass island has an area of approximately 8,750 s.f.). As such, the existing stormwater basin has ample capacity to accommodate the modest increase in impervious coverage associated with the pad and driveway location.

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

Yours Truly,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.
President

cc: File

Planning & Economic Development Board - Town of Medway, MA

SITE PLAN REVIEW

Application to Modify a Previously Approved Site Plan and/or Site Plan Decision

INSTRUCTIONS TO APPLICANT/OWNER

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

The Board may ask the Town's Planning and Engineering Consultants to review the Application and the proposed Site Plan Modification and provide review letters. A copy of those review letters will be provided to you in advance of the meeting.

You and/or your duly authorized Agent/Official Representative are expected to attend the Board meetings at which your Application will be considered to answer any questions and/or Submit such additional information as the Board may request.
Your absence may result in a delay in the Board's review of the proposed modification.

November 6, 2019

APPLICANT INFORMATION

Applicant's Name: Ellen Realty Trust

Mailing Address: 730 Main Street, Suite 2A
Millis, MA 02054

Name of Primary Contact: Ellen Rosenfeld

Telephone:
Office: 508-376-2041
Cell: n/a

Email address: ellen@rosenfeld-law.com

____ please check here if the Applicant is the equitable owner *(purchaser on a purchase and sales agreement.)*

PREVIOUS SITE PLAN INFORMATION

Development Name: 2 Marc Road

Plan Title: 2 Marc Road Site Plan of Land in Medway, Massachusetts

Plan Date: Original date: March 30, 2016; Revised through July 18, 2016

Prepared by:
Name: Daniel J. Merrikin, P.E.
Firm: Merrikin Engineering, LLP

Phone #: 508-376-8883
Email: dan@legacy-ce.com

Date of Site Plan Decision: 2016-06-28

Date Site Plan was endorsed: 2016-07-26

Date of Constructive Approval by Town Clerk (*usually not applicable*): n/a

Was the previously approved site plan a Major or Minor Site Plan? Major

PROPERTY INFORMATION

Location Address: 2 Marc Road

The land shown on the plan is shown on Medway Assessor's Map # 33 as Parcel # 001

Total Acreage of Land Area: 6.93

General Description of Property: The site contains a marijuana grow facility and appurtenances

Medway Zoning District Classification: East Industrial, Groundwater Protection District

The owner's title to the land that is the subject matter of this application is derived under deed From: Huna Rosenfeld to Ellen Realty Trust
Dated July 21, 1989 and recorded in Norfolk County Registry of Deeds, Book 8379; 18164 Page 83; 320 or Land Court Certificate of Title Number n/a, Land Court Case Number n/a, registered in the Norfolk County Land Registry District Volume n/a, Page n/a.

SCOPE OF PROPOSED MODIFICATION

This is a petition to: (check all that apply)

1. X **Amend/Modify/Revise a previously approved Site Plan**

What modifications are proposed? Why does the Plan need to be modified?

Attach a complete description of the proposed modified scope of work.

Plan Modification Title: 2 Marc Road Site Plan of Land in Medway, MA

Plan Date: November 6, 2019

Prepared by:
Name: Daniel J. Merrikin, P.E.
Firm: Legacy Engineering LLC
Phone #: 508-376-8883
Email: dan@legacy-ce.com

2. _____ **Amend/Modify/Revise a previously approved Site Plan Decision**

How and why does the Decision need to be modified?

Attach a thorough description/explanation.

3. X ***Request Additional Waivers from the Site Plan Rules and Regulations***

Provide a completed Waiver Request form for each additional waiver request you seek.

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Same as applicant

Mailing Address:

Primary Contact:

Telephone:
Office: Cell:

Email address:

CONSULTANT INFORMATION

ENGINEER: Legacy Engineering LLC

Mailing Address: 730 Main Street, Suite 2C
Millis, MA 02054

Primary Contact: Daniel Merrikin

Telephone:
Office: 508-376-8883 Cell: 508-868-8353

Email address: dan@legacy-ce.com

Registered P.E. License #: 43309

SURVEYOR: Colonial Engineering LLC

Mailing Address: PO Box 95
Medway, MA 02053

Primary Contact: Paul Desimone

Telephone:
Office: 508-533-1644 Cell: n/a

Email Address: n/a

Registered P.L.S. License #: 30466

ARCHITECT: n/a

Mailing Address:

Primary Contact: _____

Telephone:
Office: _____ Cell: _____

Email address: _____

Registered Architect License #: _____

LANDSCAPE ARCHITECT/DESIGNER: n/a

Mailing Address: _____

_____

Primary Contact: _____

Telephone:
Office: _____ Cell: _____

Email address: _____

Registered Landscape Architect License #: _____

OFFICIAL REPRESENTATIVE INFORMATION

Name: Daniel J. Merrikin

Address: 730 Main Street, Suite 2C

Millis, MA 02054

Telephone:
Office: 508-376-8883 Cell: 508-868-8353

Email address: dan@legacy-ce.com

SIGNATURES

The undersigned, being the Applicant for approval of Site Plan Modification, herewith submits this application and proposed Modified Site Plan to the Medway Planning and Economic Development Board for review and approval.

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

(If applicable, I hereby authorize Daniel J. Merrikin *to serve as my Agent/ Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.)*

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

_____ 11/6/2019
Signature of Property Owner *Date*

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

Signature of Agent/Official Representative

2019-11-06
Date

SITE PLAN MODIFICATION FEES

Filing Fee – Minor Site Plan Modifications
$250

Filling Fee - Major Site Plan Modifications
For projects up to 4,999 sq. ft. /gross floor area = $ 500.
For projects of 5,000 – 9,999 sq. ft. /gross floor area = $750
For projects of 10,000 – 14,999 sq. ft. /gross floor area = $1,000
For projects of 15,000 sq. ft. and more/gross floor area = $1,500.

Advance on Plan Review Fee
For minor site plan projects = $500
For major site plan projects = $1,000

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

Please call the Planning and Economic Development Office with any fee questions. 508-533-3291.

SITE PLAN MODIFICATION APPLICATION CHECKLIST

_____ Two (2) original site plan modification applications with signatures.

_____ IF APPLICABLE, three (3) full size copies and one (1) 11" x 17" version of the proposed Site Plan Modification prepared in accordance with Sections 204-4 and 204-5 of the *Medway Site Plan Rules and Regulations* plus an electronic version.

_____ IF APPLICABLE, Certified Abutters List from the Medway Assessor's office – for 300 feet around the subject property – Form E. Needed for major modifications.

_____ Explanation as to how and why the plan and/or decision need to be modified.

_____ A written determination from the Building Commissioner/ Zoning Enforcement Officer as to whether the scope of planned changes constitutes a major or minor modification.

_____ IF APPLICABLE, Request(s) for Waivers from the *Medway Site Plan Rules and Regulations* - Form Q.

_____ IF APPLICABLE, two (2) copies of revised Stormwater Drainage Calculations prepared in conformance with Section 204 – 3, 3) of the *Site Plan Rules and Regulations*

_____ Site Plan Modification Filing Fee – Payable to Town of Medway

_____ Advance of Plan Review Fee – Payable to Town of Medway

10-26-2017 (sac)

GENERAL NOTES:

1. SURVEY & PLAN REFERENCES:
   A. DEED REFERENCES:
      BOOK 8379, PAGE 83
      BOOK 18164, PAGE 320
   B. PLAN REFERENCES:
      PLAN BOOK 299 NO. 900
      PLAN BOOK 300 NO. 955
      PLAN BOOK 326 NO. 1145
      PLAN BOOK 410 NO. 749
      PLAN BOOK 454 NO. 94
2. DATUM: NAVD88
3. EXISTING UTILITY INFORMATION IS BASED ON BEST AVAILABLE RECORDS AND VISIBLE SURFACE FEATURES SUCH AS MANHOLES, CATCH BASINS, UTILITY POLES, HYDRANTS, VALVE BOXES, ETC... EXISTING UTILITY INFORMATION DEPICTED ON THESE PLANS ARE NOT WARRANTED TO BE CORRECT AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL LOCATIONS PRIOR TO COMMENCEMENT OF WORK.
4. FEATURES OUTSIDE OF THE SITE SUCH AS ADJACENT STRUCTURES ARE APPROXIMATE ONLY AND BASED ON AVAILABLE AERIAL PHOTOGRAPHY.

ZONING NOTES:

USE:
MARIJUANA CULTIVATION FACILITY
(ALLOWED BY SPECIAL PERMIT)

LOT FRONTAGE (WIDTH):
REQ'D: 100'
PROVIDED: 220.12'

LOT AREA:
REQ'D: 20,000 S.F.
PROVIDED: 6.92 AC.±

LOT SHAPE FACTOR:
REQ'D: P*P/A<=22
PROVIDED:
IMAGINARY LOT AREA (A) = 49,529 S.F.±
IMAGINARY LOT PERIMETER (P) = 890.25'
SHAPE FACTOR=16.00

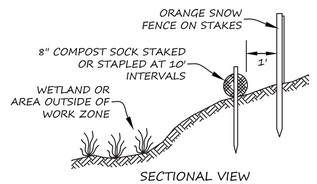
COVERAGE BY STRUCTURES:
MAX. ALLOWED: 40%
PROVIDED: 10.7%

IMPERVIOUS COVERAGE:
MAX. ALLOWED: 80%
PROVIDED: 26.1%

PARKING:
REQ'D: TBD BY S.P.G.A.
PROVIDED: 35 SPACES (INCLUDING 2 HANDICAP SPACES)

SETBACKS:
FRONT YARD:
MIN. ALLOWED: 30'
PROVIDED: 128.8'
REAR YARD:
MIN. ALLOWED: 30'
PROVIDED: 202.6'
RIGHT SIDE YARD:
MIN. ALLOWED: 20'
PROVIDED: 45.1'
LEFT SIDE YARD:
MIN. ALLOWED: 20'
PROVIDED: 24'

BUILDING HEIGHT:
MAX. ALLOWED: 40'
PROVIDED: 34'

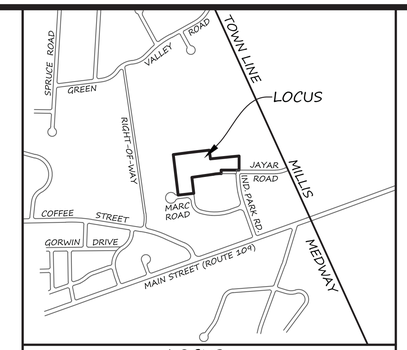


SECTIONAL VIEW

NOTE: NON-BIODEGRADABLE SOCK SHELL FILLED WITH COMPOST MEDIA. JOINTS SHALL BE OVERLAPPED BY AT LEAST TWO FEET. ORANGE SNOW FENCE IS ONLY NEEDED IF THERE IS EVIDENCE OF THE COMPOST SOCK BEING BURIED BY CONSTRUCTION ACTIVITIES.

EROSION CONTROL DETAIL (COMPOST SOCK)

NOT TO SCALE



LOCUS
SCALE: 1" = 1,000'

SITE ADDRESS
2 MARC ROAD

MAP AND PARCEL
MAPS 33 PARCEL 001

ZONING CLASSIFICATION
EAST INDUSTRIAL
GROUNDWATER PROTECTION DISTRICT

OWNER
ELLEN REALTY TRUST
730 MAIN STREET
MILLIS, MA 02054

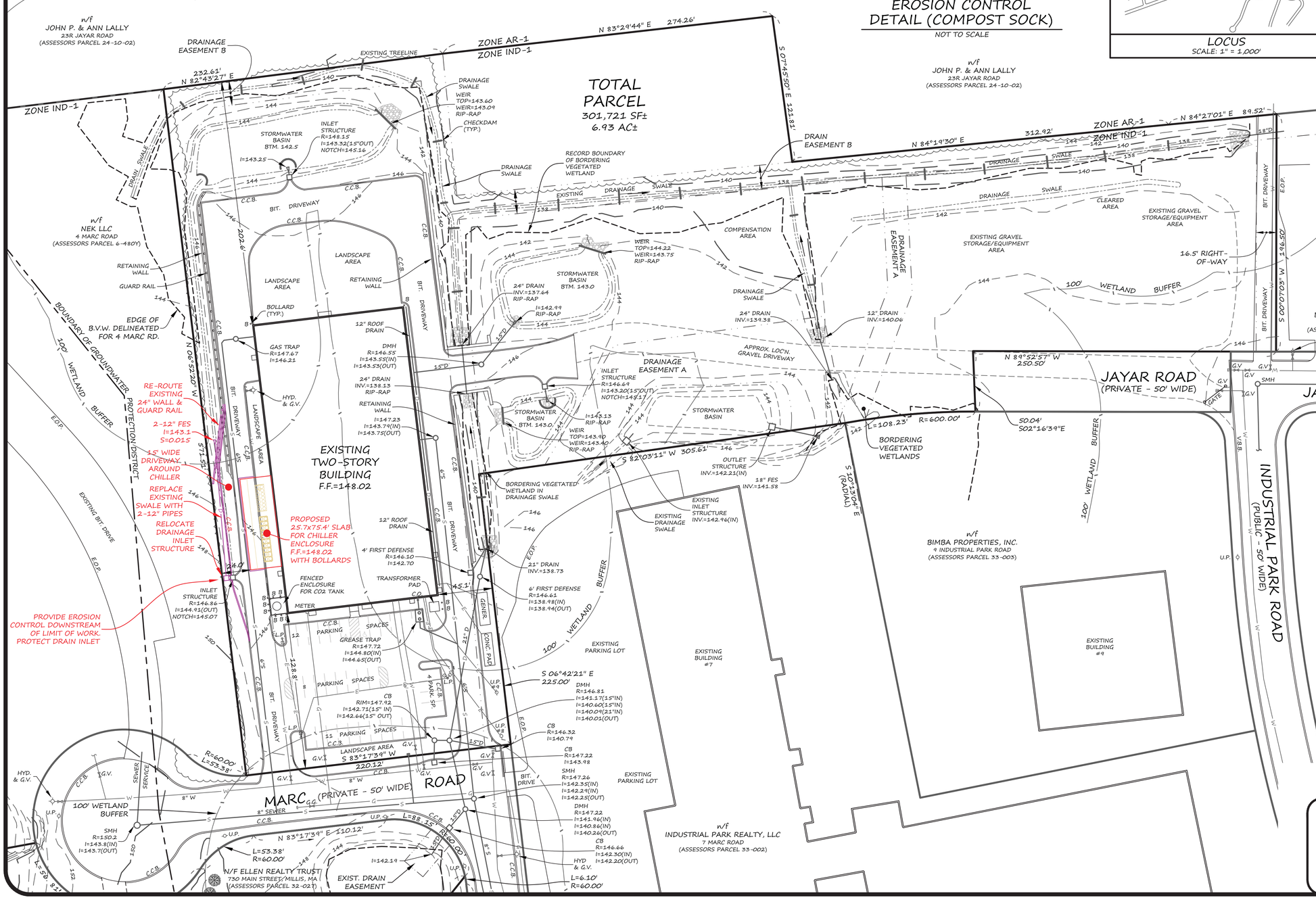
EASEMENT REFERENCES
DRAINAGE EASEMENT A:
DEED BOOK 12258, PAGE 315
PLAN BOOK 454, PAGE 95

DRAINAGE EASEMENT B:
DEED BOOK 21247, PAGE 578
PLAN BOOK 299, PAGE 900
PLAN BOOK 410, PAGE 749

16.5' RIGHT-OF-WAY
DEED BK 8379, PAGE 83
LAND COURT PLAN 35335A

COMMONWEALTH OF MASSACHUSETTS
DANIEL J. MERRIKIN
CIVIL
No. 43309
REGISTERED PROFESSIONAL ENGINEER

Digitally signed by Daniel J. Merrikin, P.E.
Date: 2019.11.07 11:43:10 -05'00'



PLAN SCALE: 1" = 40'
0' 40' 80' 160'

LEGEND & ABBREVIATIONS

CB: EXISTING CATCH BASIN
CB: PROP. SINGLE-GRATE CATCH BASIN
CB: PROP. DOUBLE-GRATE CATCH BASIN
STC xxx: STORMCEPTOR TREATMENT UNIT
DMH: DRAIN MANHOLE
TR. DR.: TRENCH DRAIN
INFIL. TR.: INFILTRATION TRENCH
—— X" D —— DRAIN PIPELINE
RCP: REINFORCED CONCRETE PIPE
PVC: POLYVINYL CHLORIDE PIPE
SMH: SEWER MANHOLE
—— X" S —— SEWER PIPELINE
C.O.: SEWER SERVICE CLEANOUT
—— X" W —— WATER MAIN
HYD: HYDRANT
G.V.: WATER GATE VALVE
C.S.: WATER SERVICE CURB STOP
M.B.: WATER SERVICE METER BOX
—— G —— GAS PIPELINE
L.P.: LIGHT POLE
U.P.: UTILITY POLE
G.Y.: GUY WIRE
S.P.: TRAFFIC SIGNAL POLE
252 EXISTING CONTOUR
252 PROPOSED CONTOUR

E.O.P.	EDGE OF PAVEMENT
C.C.B.	INTEGRAL SLOPED BIT. BERM
V.B.B.	VERTICAL BITUMINOUS BERM
S.G.C.	SLOPED GRANITE CURB
V.G.C.	VERTICAL GRANITE CURB
V.C.C.	VERTICAL CONCRETE CURB
E.C.S.	EDGE CONCRETE SLAB
G.V.	GATE VALVE
C.L.F.	CHAIN LINK FENCE
W.S.F.	WOOD STOCKADE FENCE
P.P.F.	PVC PICKET FENCE
G.R.	GUARD RAIL
C.C.	HANDICAP CURB CUT

PLAN DATE: NOVEMBER 6, 2019

REVISION	DATE	BY

2 MARC ROAD
SITE PLAN MODIFICATION
PLAN OF LAND
IN
MEDWAY, MA

730 MAIN STREET
SUITE 2C
MILLIS, MA 02054
508-376-8883(o)

SHEET 1 OF 1

LEGACY ENGINEERING

354-D63

Medway Planning and Economic Development Board

FORM Q - Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	*2 Marc Road*
Property Location:	*Cultivation Facility*
Type of Project/Permit:	*Site Plan Modification*
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	207-11.A.13 Planning Board Rules and Regulations
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	No part of a driveway shall be within 15 feet of a side property line.
What aspect of the Regulation do you propose be waived?	15 foot requirement.
What do you propose instead?	7 feet
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	In order to mitigate noise complaints by nearby residential property owners the rooftop chiller is being relocated to the ground in an enclosure. The Fire Department has requiested a driveway access around the enclosure with a minimum width of 15 feet.
What is the estimated value/cost savings to the applicant if the waiver is granted?	None
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	It allows for emergency vehicle access around the chiller enclosure.
What is the impact on the development if this waiver is denied?	It could restrict vehicular access around the chiller enclosure.
What are the design alternatives to granting this waiver?	Not providing driveway access around the chiller.
Why is granting this waiver in the Town's best interest?	It provides a better design.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	The purpose of the modification request is to mitigate noise complaints from the existing rooftop chiller.
What is the estimated value of the proposed mitigation measures?	None
Other Information?	None
Waiver Request Prepared By:	Legacy Engineering LLC
Date:	6-Nov-19

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

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

February 26, 2019

SPECIAL PERMIT DECISION
Adult Recreational Marijuana Establishment
Ellen Realty Trust – 2 Marc Road
APPROVED with Conditions

Decision Date: February 26, 2019

Name/Address of Applicant: Ellen Realty Trust
730 Main Street, Suite 2A
Millis, MA 02054

Name/Address of Property Owner: Ellen Realty Trust
730 Main Street, Suite 2A
Millis, MA 02054

Location: 2 Marc Road, 19 Jayar Road and 21 Jayar Road

Assessors' Reference: 33-001, 24-015 and 24-016

Zoning District: East Industrial

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

I. PROJECT DESCRIPTION **–** The Applicant seeks a Special Permit pursuant to sub-section 8.10 of the Medway *Zoning Bylaw* to use a two story, 60,000 sq. ft. industrial facility at 2 Marc Road, and 19 & 21 Jayar Road *(Medway Assessors' Parcels 33-001, 24-015 and 24-016)* (collectively "2 Marc Road"*)* on the north side of Marc Road in the East Industrial zoning district for the cultivation, processing and manufacturing of marijuana for adult recreational use by CommCan, Inc. The property is already subject to a medical marijuana special permit issued June 28, 2016 by the Planning and Economic Development Board ("the Board") and an approved site plan endorsed on July 26, 2016 (the "2016 Approval"). This proposal pertains to the fit-out of the second floor of the building to allow for the expanded operation to produce marijuana for adult recreational use. The current special permit application does not include the retail sales of medical or adult recreational marijuana.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives and comments offered by the public, the Medway Planning and Economic Development Board, on February 26, 2019, on a motion made by Bob Tucker and seconded by Rich Di Iulio, voted to APPROVE with CONDITIONS as specified herein a recreational marijuana establishment special permit for 2 Marc Road in Medway, MA.

The vote was approved by a vote of four in favor and none opposed.

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

III. PROCEDURAL HISTORY

A. October 9, 2018 – Special permit application filed with the Board; filed with the Town Clerk on October 11, 2018.

B. October 11, 2018 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.

C. October 15, 2018 - Public hearing notice mailed to abutters by certified sent mail.

D. October 29 and November 6, 2018 - Public hearing notice advertised in *Milford Daily News.*

E. November 13, 2018 - Public hearing commenced. The public hearing was continued to November 27 and December 11, 2018 and to January 8, 22, 29 and February 12 and 26, 2019 when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

A. The special permit application materials for the proposed use of the building at 2 Marc Road for an adult recreational marijuana establishment included the following information that was provided to the Board at the time the application was filed:

1. *2 Marc Road Site Plan of Land in Medway, MA*, dated January 26, 2016, last revised July 18, 2016, prepared by Merrikin Engineering of Millis, MA – ENDORSED July 26, 2016.
2. Sworn statement of ownership of CommCan, Inc. dated October 8, 2018.
3. Special permit application submittal letter from Daniel J. Merrikin, P.E. dated October 9, 2018 as official representative of the Applicant.
4. Policy and Procedures document titled *Transportation of Marijuana for CommCan*, received October 9, 2018.
5. Floor plan of the CommCan facility, dated May 2, 2016 by Keenan & Kenney Architects, Ltd.

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

1. Results of Noise Study by Acentech, Inc. provided November 13, 2018.
2. Noise Survey by Noise Control Engineering, LLC dated November 27, 2018.
3. Host Community Agreement between CommCan and the Town of Medway dated May 16, 2016 and the associated amendment dated April 17, 2018.
4. Email communications dated October 23, 2018 from the MA Cannabis Control Commission acknowledging receipt of CommCan's applications for recreational marijuana cultivation and product manufacturing licenses.
5. Medical marijuana special permit decision dated June 28, 2016 for 2 Marc Road and final site plan endorsed by the Board on July 26, 2016.
6. Gino Carlucci, PGC Associates, the Town's Consulting Planner – Special permit review letter dated November 7, 2018 and commentary throughout the public hearing process.
7. Email dated January 16, 2019 from Ron Dempsey of Noise Control Engineering, the Town's noise consultant, converting the existing and long-standing noise measurement standards from the *Zoning Bylaw* to the current, modern noise measurement standards.
8. Marijuana Odor Control Plan Template for Denver, Colorado.
9. *Cannabis-Related Odor Mitigation @1073 Main Street*, Millis, MA by GroThink, Oasis Spring, LLC, and Lynch Associates for the Millis Planning Board.
10. Exelon expansion project site plan decision dated July 26, 2016.
11. Letter dated February 12, 2019 from Michael Lannan, of TechEnvironmental, Inc., the Board's odor consultant and email communications dated February 20, 2019 between Planning and Economic Development Coordinator Susan Affleck-Childs and Michael Lannan of TechEnvironmental.
12. Uvonair_CD_Brochure 2017 (existing air filtration system at 2 Marc Road)

C. Other Documentation

1. Mullins Rule Certification dated November 27, 2018 for Board member Andy Rodenhiser for the November 13, 2018 hearing.
2. Mullins Rule Certification dated December 5, 2018 for Board member Robert Tucker for the November 27, 2018 hearing.
3. Mullins Rule Certification dated December 5, 2018 for Board member Thomas Gay for the November 27, 2018 hearing.

V. TESTIMONY - In addition to the special permit application materials as submitted and provided during the course of our review, the Board heard and received verbal or written testimony from:

- Gino Carlucci, PGC Associates, the Town's Consulting Planner
- Ellen Rosenfeld, Applicant.
- Dan Merrikin, Legacy Engineering, project engineer for the Applicant – Commentary throughout the public hearing process and comments on multiple drafts of the draft special permit decision.
- Andy Carballeria, Acentech Inc., acoustic sound consultant for the Applicant.
- Ron Dempsey, Noise Control Engineering LLC, acoustic sound consultant for the Town.
- Resident and abutter John Lally, 35 Coffee Street – Emails (some with attachments) dated November 5, November 16, November 26, December 10, 2018 and January 22 and 29, 2019 about noise; emails dated December 16 and 21, 2018 and January 22, 2019 about odor; email dated February 19, 2019; and regular attendance and commentary throughout the public hearing process.
- Email communications dated December 10, 2018 between Susan Affleck-Childs and Ron Dempsey of Noise Control Engineering, LLC, the Town's noise engineering consultant.
- Email communication with attachments dated January 3, 2019 between Ron Dempsey of Noise Control Engineering and Andy Carballeira of Acentech.
- Email communication dated January 29, 2019 from Ron Dempsey of Noise Control Engineering, LLC in response to January 23, 2019 email from resident Leigh Knowlton.
- Emails dated December 17 and 27, 2018 between Susan Affleck-Childs and Ellen Rosenfeld about odor.
- Resident, Leany Oliveria, 402 Village Street.
- Resident Jane Studennie, address unknown.
- Resident Heidi Sia, 8 Main Street, emails dated January 10 and 22, 2019.
- Resident Phil Giangarra, 24 Green Valley Road.
- Resident Leigh Knowlton, 11 Green Valley Road - Email dated January 22, 2019 with attachments; email dated January 23, 2019 with attachment; emails dated February 26, 2019 with attachments; and regular attendance and commentary throughout the public hearing process.
- Resident Jeanette Gibson, 45 Coffee Street.
- Selectman Dennis Crowley.
- Town Administrator Michael Boynton.
- Email from attorney Susan Murray dated January 29, 2019
- Michael Lannan, TechEnvironmental, Inc., odor consultant for the Board.

VI. FINDINGS

The Planning and Economic Development Board, at its meeting on February 26, 2019, on a motion made by Bob Tucker and seconded by Rich Di Iulio, voted to approve the following ***FINDINGS*** regarding the special permit application for adult recreational marijuana establishment for 2 Marc Road. The motion was approved by a vote of four in favor and none opposed.

FINDINGS from PUBLIC HEARING TESTIMONY

(1) CommCan, Inc., currently operates a medical marijuana cultivation and manufacturing business at 2 Marc Road as authorized by the Massachusetts Department of Public Health and pursuant to a medical marijuana special permit issued by the Board on June 28, 2016. CommCan, Inc. is a tenant in the 2 Marc Road building owned by Ellen Realty Trust and will continue to operate that use at this location. The Applicant now seeks to secure a special permit pursuant to section 8.10 of the Medway *Zoning Bylaw* to also use the facility to grow and process marijuana for adult recreational use. Ellen Rosenfeld, Trustee of Ellen Realty Trust, is one of three owners and shareholders of CommCan, Inc.

(2) NOISE ISSUES

A. Pursuant to Section 7.3.C.2. of the *Zoning Bylaw*, the "Maximum permissible sound pressure levels measured at the property line nearest to the noise source for noise radiated continuously from the noise source between 10 PM and 7 AM shall be as follows."

Frequency Band (Cycles per Second)	**Sound Pressure Level (Decibels 43 0.0002 Dyne/CM2)**
2-72	69
75-150	54
150-300	47
300 - 600	41
600 – 1,200	37
1,200 – 2,400	34
2,400 - 4,800	31
4,800 – 10,000	28

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

- Daytime operation only: +5
- Noise source operated at less than20% of any 1-hour period: +5"

B. In response to complaints to the Applicant about noise emanating from the existing marijuana production and processing operation, the Applicant retained sound consultant Acentech to evaluate the noise levels at the 2 Marc Road facility and recommend mitigation measures to address the noise produced by a large air-cooled chiller installed on the building's roof which runs 24 hours a day, 7 days per week. Acentech conducted sound measurements at five locations on May 15, 2018 during the period of 12:00 am thru 2:00 am. Acentech found that the chiller did not result in conditions that violated the Massachusetts Department of Environmental Protection (DEP) Noise Policy but recommended mitigation measures to lessen emitted sound from the chiller, namely, the installation of noise control blankets on select components of the chiller. Those blankets were installed at the end of August 2018. Acentech concluded that the noise had been reduced by 7-10 dB

(depending on the frequency being measured) following the installation of the blankets.

C. In response to complaints to the Town about excessive noise emanating from the 2 Marc Road facility, the Town retained Noise Control Engineering, LLC (NCE) to evaluate the noise levels at the 2 Marc Road property under the DEP Noise Policy. NCE conducted attended noise measurements on the night of October 31, 2018 at several locations approximating the property lines of the 2 Marc Road property; these are known as source measurements. NCE also conducted attended noise measures from the street in front of two nearby residences (14 Green Valley Road and 45 Coffee Street); these are referred to as residential receiver locations. Measurements were also taken at 18 Henry Street to determine a reasonable background noise level. At the approximated north, west and south property line positions around the facility, noise levels were within the 10dB of the background noise levels measured at 18 Henry Street. The measured noise levels at the subject property's boundaries with abutting residential properties were within allowable levels with respect to the Mass DEP Noise Policy and do not reach the level of noise pollution per those standards.

   NCE did find there was a noticeable tonal noise originating from the southeast corner of the building, near the location of the building's emergency generator. The highest noise level on a property line was at the property line closest to that generator. However, because the abutter to the east is an industrial facility, the high tonal noise at this location does not come under the scope of the Mass DEP Noise Policy.

D. Both professional sound consultants have agreed that the frequency band range form of noise measurement specified in the *Zoning Bylaw* is outdated. The consultants concur that noise measurements in accordance with the *Zoning Bylaw's* standards are neither ideal nor typical today. The Board acknowledges that frequency band ranges presently included in the *Zoning Bylaw* do not accurately reflect contemporary sound measurement standards and provide challenges to interpretation and enforcement of the applicable provisions of the *Zoning Bylaw*. The Board is willing to allow a conversion to more modern standards, but only as long as the conversion is more, not less restrictive.

E. Although the DEP Noise Policy is often used as a maximum noise standard and the Applicant must comply with that Policy, the Board must look to the frequency band range noise standards included in the Section 7.3.C.2 of the *Zoning Bylaw* as it considers this application.

   The Town asked NCE to convert the noise levels as measured by NCE to the standards in the *Zoning Bylaw*. NCE estimated an adjustment factor to be applied to their data, to facilitate comparison to the Medway *Zoning Bylaw*. The method used is based on the frequency span of the octave bands and is consistent with the conversion documented in the 1980 EPA document *905-R-80-117 Noise Legislation Trends and Implications*. The table below shows the

conversion of the *Bylaw's* frequency band noise standards to the modern octave band noise standards.

Octave Band Center Frequency (Hz)	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa)
63	67
125	55
250	48
500	42
1000	38
2000	35
4000	32
8000	28

NCE's report and conversion data were reviewed by Acentech. Acentech provided an alternative conversion of the measurements and criteria which results in lower noise levels and partial compliance with the *Zoning Bylaw*. Both sound consultants concur that there is no way to directly convert the measurements between the two standards. However, their shared conclusion is that the measured sound levels on-site and near the facility's industrial property lines are in excess of the *Zoning Bylaw*, irrespective of how the data are viewed.

F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 2 Marc Road expressing serious concerns and objections to excessively loud and irritating noise emanating from the existing facility's operation as a medical marijuana cultivation and processing establishment. The Board, therefore, addressed this issue with the Applicant in conjunction with its request for a special permit expanded marijuana cultivation.

G. As specified in the conditions of approval and as stated during the public hearing, the Applicant has agreed to install additional noise mitigation systems within the facility to address the above referenced noise concerns. The Applicant stated that the existing chiller equipment on the roof of the 2 Marc Road facility will be removed and relocated to the ground on the premises within a structure.

(3) ODOR ISSUES

A. Pursuant to Section 7.3.D. of the *Zoning Bylaw*, "In all districts, no emissions of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement

Manual (copyright 1951 by manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted."

B. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 2 Marc Road expressing serious concerns and objections to offensive odors emanating from the existing facility's operation as a medical marijuana cultivation and processing establishment. The Board, therefore, addressed this issue with the Applicant in conjunction with its request for a special permit expanded marijuana cultivation. The Board sought and received advice from TechEnvironmental, Inc. in a letter dated February 12, 2019.

C. As specified in the conditions of approval and as stated during the public hearing, the Applicant has agreed to install additional odor mitigation systems within the facility to address the above referenced odor concerns.

(4) Hours of operation – As a marijuana growing facility, the establishment operates 24 hours a day/7 days a week. Occupancy of the facility by employees is generally limited to the hours of 7 am to 8 pm, Sunday – Saturday.

RECREATIONAL MARIJUANA ESTABLISHMENT SPECIAL PERMIT FINDINGS (Sub-section 8.10 of the Zoning Bylaw)

(1) The recreational marijuana establishment will operate inside the existing medical marijuana cultivation and processing facility at 2 Marc Road, a permanent, standalone building with no doctor's offices or other uses. The site includes driveways, parking areas, utility systems, and stormwater management facilities.

(2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* are located within 500 feet of the site of the proposed facility.

(3) Smoking, burning and consumption of marijuana products on the premises is not allowed.

(4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.

(5) The proposed signage is in compliance with Section 8.10 E. of the *Zoning Bylaw*

(6) The Applicant has previously provided the contact information for management staff and key holders of the facility.

(7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise consultants to monitor noise from the facility and both found the operation to be within DEP noise regulations. The Board is requiring the Applicant to prepare and implement a noise mitigation plan. Further, the Board is also requiring the Applicant to prepare and implement an odor control plan. The Building Commissioner, in consultation with the Health Agent, and the Town's consultant(s), will confirm compliance with the noise and odor requirements of

the *Zoning Bylaw* after the required noise and odor mitigation measures are installed.

(8) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance to the facility, is fully visible from the street. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed.

(9) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products and the transport and delivery of such to other recreational marijuana establishments. Retail sales are not allowed.

(10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.

(11) The Applicant, Ellen Realty Trust, is the owner of record of the subject property and building as shown on the Medway Assessor's records. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

(12) A sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment has been provided.

(13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the Special Permit application.

(14) No changes are needed or proposed to the 2016 approved site plan. A detailed floor plan of the premises showing the functional areas of the facility has been provided. Security measures including lighting, fencing, gates and alarms were previously reviewed and approved by the Police Chief during the 2016 Approval process.

(15) A copy of the policies and procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments has been provided.

(16) The required public hearing and review process for this special permit application has been followed.

(17) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize any adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than additional measures to further mitigate noise and odor impacts.

(18) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of

Massachusetts and will be in compliance with all applicable state laws and regulations.

(19) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

(20) The Town of Medway and CommCan, Inc. entered into a Host Community Agreement in May 2016 for the medical marijuana operation. The HCA was amended in April 2018 in anticipation of this application for a recreational marijuana establishment.

GENERAL SPECIAL PERMIT FINDINGS (Sub-section 3.4 of the Zoning Bylaw)

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

Section 8.10 of the *Zoning Bylaw*, Recreational Marijuana, specifies that recreational marijuana establishments are allowed by special permit in the East and West Industrial Zoning Districts. The subject site at 2 Marc Road is located within the East Industrial and is therefore an eligible location. The site is not within 500 feet of any of the uses from which such facilities are prohibited (existing public or private school serving students in grades K-12). Pursuant to the 2016 Approval, there is already a medical marijuana cultivation and manufacturing facility on the site.

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

The recreational marijuana cultivation and manufacturing uses are being added to the previously approved use of the facility for medical marijuana cultivation and manufacturing as provided in the 2016 Approval. The current activities in the building will essentially remain unchanged; the only difference is that more product will be produced and processed for recreational purposes. No changes are proposed to the 2016 Approval. Due to that 2016 Approval, adequate and appropriate facilities have been provided for the operation of the facility.

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

The existing site contains suitable driveways, parking areas and stormwater management systems. Reasonable noise and odor mitigation measures are included as Conditions herein.

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

The proposed facility is expected to have 30 employees, and because the retail sale of marijuana products is not permitted, other traffic to the site will be minimal. The Industrial Park Road system is adequate to handle the traffic. The Applicant previously reconstructed Marc Road as part of the approval of the 2016 Approval so the roadway quality is excellent. Furthermore, the site's access is

from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.

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

The proposed marijuana production and processing uses are not detrimental to adjoining properties, however, the operation of the rooftop HVAC equipment periodically generates conspicuous noise of concern to some residential abutters and nearby neighbors. Noise evaluation reports were provided by consultants for the Applicant (Acentech) and the Town (Noise Control Engineering). Throughout the permitting process, the Applicant has demonstrated a strong commitment to address and mitigate the noise issues as experienced by the residential abutters. The Applicant will supplement existing noise mitigation systems as part of the build-out of the second floor after a thorough evaluation process by sound and mechanical engineers to identify additional measures. As conditioned herein, the Board finds that suitable monitoring and mitigation measures will be taken to comply with the Town's *Zoning Bylaw* with respect to noise.

Testimony was also provided about offensive odors emanating from the existing facility. The Board has discussed the need for the Applicant to institute more aggressive odor control measures. The Applicant intends to supplement existing odor mitigation systems as part of the build-out of the second floor after the preparation of an odor mitigation plan. As conditioned herein, the Board finds that suitable mitigation measures will be taken to comply with the Town's *Zoning Bylaw* with respect to odors.

There is no outside storage of either materials or waste. While vegetation close to the building is limited by the State's security requirements for marijuana establishments, six trees have been planted around the parking lot and other low vegetation has been added as part of the 2016 Approval to improve aesthetics from the public way and nearby residences.

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

The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District in which the subject property is located. This application proposes to produce marijuana for adult recreational use within the existing building which is currently limited to the production and processing of medical marijuana. This expansion of use was expected at the time the 2016 Approval. The Board finds that the proposed expanded use will not significantly alter the character of the East Industrial zoning district.

The Board heard testimony from residential abutters and neighbors about adverse noise and odor conditions emanating from the 2 Marc Road facility which are negatively impacting the enjoyment of their property and quality of life. The Applicant made repeated verbal commitments during the public hearing that she will address their concerns through reasonable noise and odor mitigation

measures. The Board incorporates its findings under (5) above. The Applicant will be held to the environmental standards included in Section 7.3 of the *Zoning Bylaw*. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.

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

The Recreational Marijuana section of the *Zoning Bylaw* (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the limited establishment of non-retail recreational marijuana establishments in Medway. The stated purpose of Section 8.10 is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in an appropriate places and under strict conditions, therefore, it meets the purpose of the *Zoning Bylaw*.

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

The existing facility and the expanded use of the facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives section of the Medway Master Plan as follows:

- Goal 1: Maximize the area's economic resources
- Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.

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

As a facility in compliance with state and local law, consistent with the goals of the *Medway Master Plan*, and as conditioned herein, the proposed use will not be detrimental to the public good.

VIII. CONDITIONS The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this special permit is consistent with the *Zoning Bylaw* and that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

SPECIFIC CONDITIONS OF APPROVAL

A. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:

1. Upon approval and prior to commencing operations on the property to cultivate and process marijuana for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.

2. The Applicant shall provide an annual report of CommCan's operations to the Board and other Town officials no later than January 31st of each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit. Any change in ownership of CommCan, Inc. or change in management staff and key holders shall also be reported.

3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Ellen Realty Trust, as the owner of the premises and shall be considered to include the operation of the facility's tenant, CommCan, Inc.

4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.

B. ***Noise Management***

1. The Applicant shall install and maintain at all times effective noise reduction equipment. The Applicant will complete this through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness.

2. As indicated by the Applicant during the hearing, buildout of the second floor is expected to commence in the near future. As part of that effort, the Applicant has indicated that the existing rooftop chiller may be modified, replaced, retrofitted, or repositioned in some manner to address the noise concerns expressed by residents of property in proximity to the subject facility. The Applicant is in the process of investigating and evaluating these issues in order to develop a noise abatement and management plan to remedy the existing noise issues as part of that buildout. Within four months of the filing of this special permit decision with the Town Clerk, the applicant shall provide the Building Commissioner, the Board of Health agent, and the Planning Board with a plan to mitigate any existing noise issues associated with the existing facility. That plan shall identify the specific mechanical systems that will be implemented to mitigate noise violations.

3. Any new or altered mechanical equipment installed on the property shall be designed to comply with applicable regulations, including the provisions of Section 7.3 of the *Zoning Bylaw*.

4. Prior to the issuance of an occupancy permit for the second floor, the Applicant shall provide the Building Commissioner, Health Agent, and Board a noise study measuring ambient sound levels without the external mechanical equipment in operation and the sound at each of the property boundaries during full operating conditions. All sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices confirming that external mechanical noises have been addressed to comply with the applicable provisions of the *Zoning Bylaw*.

The sound measurements will consist of:

- Attended night time noise measurements at the facility property line and the residential receivers OR/
- Unattended noise monitoring for a period of at least one week at the facility property line and the residential receivers.

If the equipment is expected to produce higher noise levels at operating conditions other than full load, those conditions shall be measured as well.

With respect to nearby residential uses, measurements shall be taken at the nearest residential line to the north, south (behind the Coffee Street residents), southwest (near 35 Coffee Street), and west (on the County Layout/private way that abuts the industrial park to the west of 4 Marc Road).

Measurement instrumentation shall comply with class 1 in accordance with IEC 61678, and should be capable of measuring A-weighted and octave-band sound levels. The acoustic descriptor for reporting shall be the L90 sound level, to minimize the influence of transient sound. Sound level meters shall be provided with windscreens and their calibration shall be field-checked before and after the measurements. Measurements shall be conducted during periods of worst-case impacts, which is typically at night after midnight when ambient sound levels are lower. If possible, ambient conditions shall be measured for at least 10 minutes with the roof chiller turned off. If operational constraints make measuring ambient noise levels at the site impractical, said measurements shall be taken in a similar environment away from the facility. Measurements of operational conditions shall be taken and compared to the ambient noise levels and an analysis provided addressing the DEP Noise Policy and Section 7.3 of the *Zoning Bylaw*.

The Board may forward the noise study to the Town's noise consultant for peer review and comment, at the Applicant's expense. The Board may require the Applicant to implement additional noise mitigation measures if the facility continues to be non-compliant with the Bylaw.

5. Approximately six months after beginning operations under this Special Permit, the Applicant shall provide a supplemental noise study. These measurements shall be carried out to the same standards and methods as the initial study.

   The intent of this second study is to assess the impact of seasonal changes. The scope and methods of the study shall be the same as in the initial study described above.

   The Applicant shall submit that study to the Building Commissioner, Health Agent and Board so as to determine continued compliance with the conditions set forth herein as to noise. The Board may forward the plan to the Town's noise consultant for review and comment, at the Applicant's

expense. The Board may require the Applicant to implement additional noise mitigation measures if the facility continues to be non-compliant with the Bylaw.

6. For each of the two successive years following occupancy of the second floor, the Applicant shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.

7. The Building Commissioner, in enforcing the conditions contained herein, may require the Applicant to provide additional noise studies by a qualified noise consultant and/or implement additional mitigation measures should legitimate concerns or complaints develop in the future about noise generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

C. ***Odor Management***

1. The Applicant is required to comply with the provisions of Section 7.3.D of the *Zoning Bylaw*.

2. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall ensure proper maintenance of all odor migration equipment to ensure maximum efficiency and effectiveness.

3. Within four months of the filing of this special permit decision with the Town Clerk, the applicant shall provide the Building Commissioner, the Board of Health agent, and the Board with a plan to enhance the odor control systems for the existing facility. That plan shall identify the specific mechanical systems that will be implemented to enhance the odor control systems in the facility. The applicant shall also provide an odor control plan which shall describe the proposed mechanical improvements along with associated operational and maintenance programs that will be implemented.

4. Prior to the issuance of an occupancy permit for the second floor, the Applicant shall review the updated odor control system as installed with the Building Commissioner and demonstrate that the measures specified in the odor control, abatement and mitigation plan including the secondary safeguard system have been implemented. The Applicant shall provide a certification made by a licensed engineer that the odor mitigation measures included in the plan have been installed. Additional odor mitigation measures may be required if determined to be required by the Building Commissioner.

5. For each of the two successive years following occupancy of the second floor, the Applicant shall annually submit a certification by a registered professional engineer that there have been no changes in the mechanical equipment that has been installed to reduce the odor emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.

6. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigations and/or odor mitigation measures should legitimate concerns and complaints develop in the future about odor generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

D. The permit holder shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificates or registration with the Massachusetts Cannabis Control Commission.

E. There shall be a valid Host Community Agreement in effect at all times during the operation of the marijuana establishment.

F. Limitations - This special permit is limited to the operation of a recreational marijuana cultivation and processing facility at 2 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products or the operation of a testing facility on the premises.

G. All applicable conditions of the previous site plan approval for the site and the 2016 Approval shall also apply to this special permit.

GENERAL CONDITIONS OF APPROVAL

A. ***Fees*** - Prior to filing the special permit decision with the Town Clerk, the Applicant shall pay:

1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning, noise, odor or other consultants;

2. an advance on fees for continued outside noise and odor consultants as approved by the Planning and Economic Development Board;

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.

B. ***Other Permits*** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, and comply with all other required Town permits.

C. ***Recording*** **-** Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision has been duly recorded, or supply another alternative verification that such recording has occurred.

D. ***Conflicts*** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

IX. APPEAL – Appeals if any, from this Decision shall be made to a court of competent jurisdiction within twenty days of the date the Board files the Decision with the Town Clerk in accordance with the provisions of G. L. Chapter 40A, Section 17.

After the appeal period has expired and before this special permit takes effect, the Applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Board before the decision and certificate are recorded. Proof of recording the certificate of no appeal must be delivered to the Building Commissioner and the Board.

###

Medway Planning and Economic Development Board
Adult Recreational Marijuana SPECIAL PERMIT DECISION
Ellen Realty Trust – 2 Marc Road

Approved by the Medway Planning & Economic Development Board: February 26, 2019

AYE:

NAY:

ATTEST: Susan E. Affleck-Childs

February 26, 2019
Date

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

COPIES TO: Michael Boynton, Town Administrator
Dave D'Amico, DPS Director
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Inspector and Zoning Enforcement Officer
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Jeff Watson, Police Department
Ellen Rosenfeld, Ellen Realty Trust
Dan Merrikin, Merrikin Engineering
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Monday, November 18, 2019 12:49 PM
To: Michael Boynton; Barbara Saint Andre; Donna Greenwood; Joanne Russo; David Damico; Peter Pelletier; Bridget Graziano; Beth Hallal; Jack Mee ; Jeff Watson; Jeff Lynch (ChiefLynch@townofmedway.org); Mike Fasolino
Cc: 'Daniel Merrikin'; Andy Rodenhiser
Subject: Site Plan Modification for 2 Marc Road (CommCan)

Hi,

On November 7, 2019, the Planning and Economic Development Board received an application from Ellen Realty Trust of Millis, MA to modify the previously approved site plan for the CommCan marijuana cultivation and processing facility at 2 Marc Road. That development was authorized by a site plan and special permit issued by the Planning and Economic Development Board on June 28, 2016 (for medical marijuana) and by a separate special permit approved on February 26, 2019 (for adult recreational marijuana).

The Board will hold a public hearing on the proposed site plan modification on Tuesday, December 10th at 7:30 p.m. in Sanford Hall at Medway Town Hall.

Noise generated by the existing rooftop chiller equipment on the CommCan building constructed in 2017 was raised as an important issue during the 2019 permitting process to authorize the additional use of the facility for the cultivation and processing of marijuana for adult recreational use. The 2019 special permit decision included a requirement for the applicant to undertake a noise study and to develop a proposal to address the noise issues. That noise study has been completed and the site plan reflects the applicant's proposal. The proposal includes installation of ground located chiller equipment within a custom, at-grade enclosure incorporating noise silencing materials around its top and side. A 25.7' by 75.4' concrete slab pad is proposed to be installed along the westerly side of a portion of the existing CommCan building to house the existing and new chiller equipment. An approximately 11' tall enclosure will be installed around the equipment. To ensure suitable emergency access around that side of the building, the existing driveway must be shifted around the new enclosure. This necessitates rerouting a portion of the existing retaining wall and guard rail, filling in a small portion of the existing stormwater swale along the western side of the driveway, and replacing it with two 12' drainage pipes. The application, site plan modification, and supporting documentation were filed with the Town on November 7, 2019. The plan revisions are shown on the *2 Marc Road Site Plan Modification*, *Plan of Land in Medway, MA,* dated November 6, 2019, by Legacy Engineering LLC of Millis, MA.

The site plan modification application and associated documents are available for viewing and downloading at: https://www.townofmedway.org/planning-economic-development-board/pages/2-marc-road-site-plan-modificiation

Please review the provided plan modification documents and provide any comments to me by Wednesday, December 4, 2019 so they can be distributed to the Board, included in the public hearing record, and shared with the applicant and project engineer.

I have extra sets of the site plan in my office and would be glad to provide one to you to assist in your review.

The Board's consulting engineer and consulting planner are reviewing the plan modification and will provide comments to the Board.

Thanks for your help and please let me know if you have any questions.

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

ACENTECH

33 Moulton Street
Cambridge MA 02138
617 499 8000
acentech.com

Memorandum

TO	Ellen Rosenfeld (CommCan)
FROM	Andrew Carballeira
DATE	June 26, 2019
PROJECT	CommCan Medway Chiller Noise
SUBJECT	Modeling Results
PROJECT NO	630410
CC	Alex Odom (Acentech)

Dear Ellen,

This memo presents the results of our computer modeling of the chiller upgrades to the CommCan Medway facility.

Model Description

We have developed a computer model of facility sound using CadnaA, an acoustic modeling software which considers 3-dimensional propagation of sound. This model implements the methods and equations of ISO 9613-2 “Attenuation of sound during propagation outdoors -- Part 2: General method of calculation”.

The facility has an existing chiller (Trane RTAC 225) on the southeast corner of the roof. In connection with the recent permit decision, the existing chiller will be relocated and a second chiller (Trane RTAF 310) will be added. Both chillers will be installed within a custom noise enclosure at ground level near the southwest corner of the facility. The chiller sound power levels as provided by Trane are given in TABLE I below.

TABLE I. Chiller sound power levels used in computer modeling

Description	Sound power level (dB re: 1pW)							
Octave-band center frequency (Hz)	63	125	250	500	1000	2000	4000	8000
RTAC 310 (new)	93	95	95	99	101	96	88	81
RTAC225 (existing)	103	104	100	101	98	93	88	85

APPENDIX A includes sound attenuation data from the enclosure vendor used in our computer model. The enclosure design as modeled includes 7-ft long attenuators on the air intakes (west face and roof of enclosure), and 4-ft long attenuators on the discharge (roof of enclosure). We have also considered sound transmission through the panels from which the north and south walls of the enclosure will be constructed. A 3D rendering of the modeled enclosure is shown in FIGURE 1 in APPENDIX B.

In addition to the enclosure, the chillers will be outfitted with source noise control treatments[1]. These additional measures will be beneficial, but we have not included them in the model in order to make conservative predictions.

[1] BRD compressor and oil separator lagging wraps, as described in APPENDIX A

Model Results

We have reviewed the permit decision, which outlines the Medway noise ordinance in modern octave bands. We understand the noise ordinance to be applicable at the source property lines, the nearest of which is about 30 ft from the intake of the chiller enclosure.

Based on our computer model, we expect that the proposed equipment housed in the custom noise enclosure will comply with the Medway noise ordinance at all facility property lines. Further, the equipment will also comply with the ordinance at all nearby residential property lines. FIGURE 2 in APPENDIX B presents the receptor locations used in computer modeling, and TABLE II summarizes the calculated noise levels at the property lines. As shown in TABLE II, all estimated sound levels are below the octave-band provisions of the Medway noise regulation.

* * * * *

I trust this memo provides the information you need at this time. Please contact me with questions at 617-499-8025 or acarballeira@acentech.com.

Sincerely,

Andy Carballeira, INCE Bd Cert
Senior Consultant

APPENDIX A

NOISE ENCLOSURE SPECIFICATIONS

HUSH DUCT Submittal

Email: dan.burley@brd-nonoise.com
Web: www.Hushcore.net

HD-48/H
High Pressure Silencer
Tag: Exhaust

Dimensions

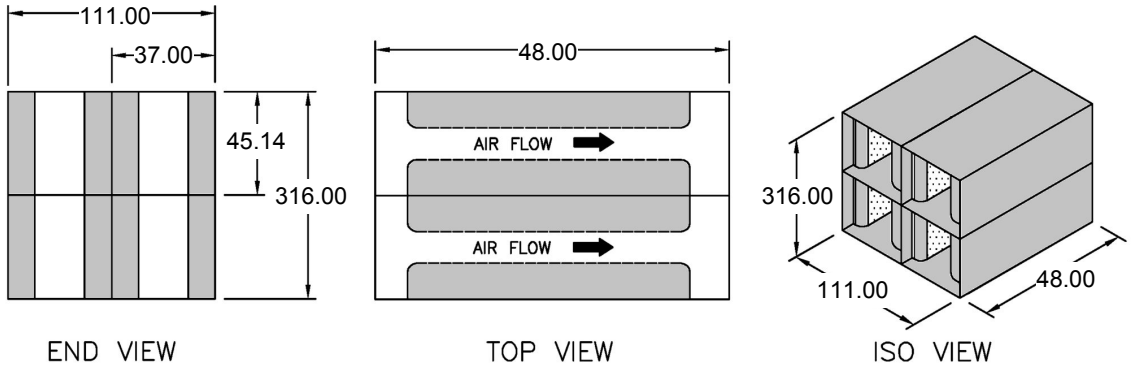
Quantity:	1
Weight (lb):	5106

Bank

Width (in.):	111.00
Height (in.):	316.00
Length (in.):	48.00

Components

Quantity:	21
Width (in.):	37.00
Height (in.):	45.14



Images are generic representations of and not to scale. The actual configuration may not be shown.

Performance

Air Volume (cfm):	119725
Air Velocity (fpm):	492
Air Direction:	Forward
Pressure Drop (in.w.g.):	0.09
Installed PD (in.w.g.):	0.12

Dynamic Insertion Loss (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
9	15	25	39	47	44	33	23

Generated Noise (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
56	33	40	49	48	44	34	27

Construction

Casing:	22 GA Galvanized	**Acoustic Media:**	Glass Fiber	**Inlet Connection:**	2" Slip
Perforated Liner:	22 GA Galvanized			**Outlet Connection:**	2" Slip

Notes

- HUSH DUCT silencer material has flame spread classification < 25 and smoke development rating < 50 when tested in accordance with ASTM E84, UL723 and NFPA255.
- System effects assume fan at the silencer inlet and ideal at the silencer outlet.
- HUSH DUCT silencers consist of ASTM A653(M) steel casings and liners.
- HUSH DUCT silencers are tested in our NVLAP-Accredited sound lab.
- Performance data is derived from ASTM E477-13.
- Silencer bank shall be structurally supported by Others.
- Silencer shipped in multiple components for assembly by Others. Customer to confirm all dimensions.
  Performance data is obtained in a similar fashion as other silencer manufacturers using 24" x 24" cross section area test units.

PROJECT: CommCann	**CUSTOMER:**	**SUBMITTAL DATE:** 6/11/2019
ENGINEER:	**UNIT OF MEASURE:** Imperial	**QUOTE NO: DRAWING**
DESCRIPTION: High Pressure Silencer		**REVISION:**

HUSH DUCT Submittal

HD-48/H
High Pressure Silencer
Tag: Exhaust

Email: dan.burley@brd-nonoise.com
Web: www.Hushcore.net

Dimensions

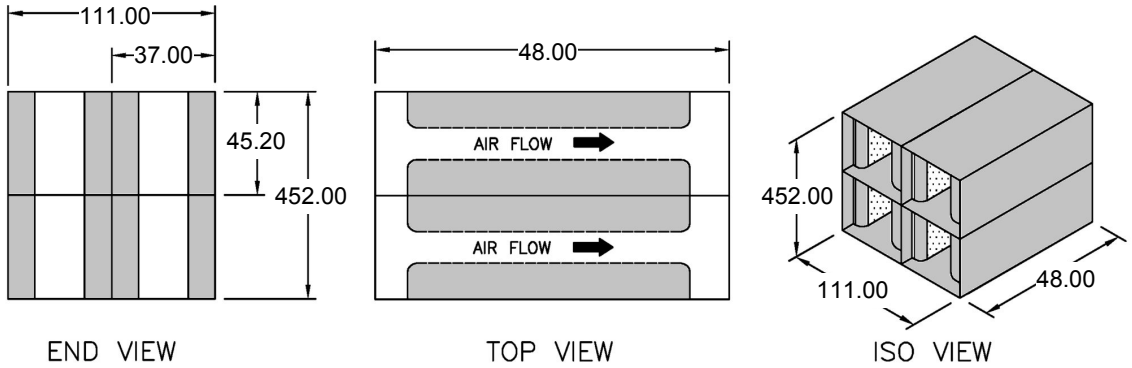
Quantity:	1
Weight (lb):	7302

Bank

Width (in.):	111.00
Height (in.):	452.00
Length (in.):	48.00

Components

Quantity:	30
Width (in.):	37.00
Height (in.):	45.20



Images are generic representations of and not to scale. The actual configuration may not be shown.

Performance

Air Volume (cfm):	154000
Air Velocity (fpm):	442
Air Direction:	Forward
Pressure Drop (in.w.g.):	0.08
Installed PD (in.w.g.):	0.10

Dynamic Insertion Loss (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
9	15	25	39	47	44	33	23

Generated Noise (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
55	31	39	48	48	42	32	25

Construction

Casing:	22 GA Galvanized	**Acoustic Media:**	Glass Fiber	**Inlet Connection:**	2" Slip
Perforated Liner:	22 GA Galvanized			**Outlet Connection:**	2" Slip

Notes

- HUSH DUCT silencer material has flame spread classification < 25 and smoke development rating < 50 when tested in accordance with ASTM E84, UL723 and NFPA255.
- System effects assume fan at the silencer inlet and ideal at the silencer outlet.
- HUSH DUCT silencers consist of ASTM A653(M) steel casings and liners.
- HUSH DUCT silencers are tested in our NVLAP-Accredited sound lab. Performance data is derived from ASTM E477-13.
- Silencer bank shall be structurally supported by Others.
- Silencer shipped in multiple components for assembly by Others.
- Customer to confirm all dimensions.
  Performance data is obtained in a similar fashion as other silencer manufacturers using 24" x 24" cross section area test units.

PROJECT: CommCann
ENGINEER:
DESCRIPTION: High Pressure Silencer

CUSTOMER:
UNIT OF MEASURE: Imperial

SUBMITTAL DATE: 6/11/2019
QUOTE NO: DRAWING
REVISION:

HUSH DUCT Submittal

HD-84/M
Medium Pressure Silencer
Tag: Intake

Email: dan.burley@brd-nonoise.com
Web: www.Hushcore.net

Dimensions

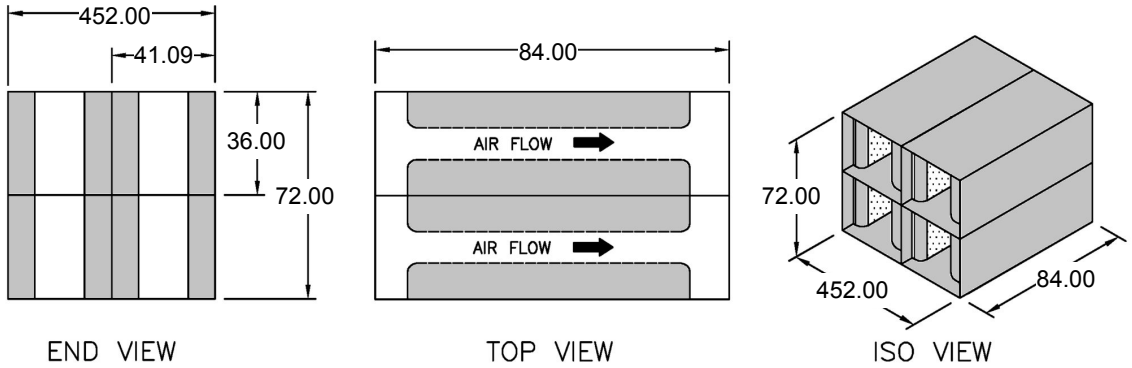
Quantity:	1
Weight (lb):	8209

Bank

Width (in.):	452.00
Height (in.):	72.00
Length (in.):	84.00

Components

Quantity:	22
Width (in.):	41.09
Height (in.):	36.00



Images are generic representations of and not to scale. The actual configuration may not be shown.

Performance

Air Volume (cfm):	77000
Air Velocity (fpm):	341
Air Direction:	Reverse
Pressure Drop (in.w.g.):	0.03
Installed PD (in.w.g.):	0.07

Dynamic Insertion Loss (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
11	21	36	50	55	53	46	29

Generated Noise (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
41	34	40	47	43	38	22	16

Construction

Casing:	22 GA Galvanized	**Acoustic Media:**	Glass Fiber	**Inlet Connection:**	2" Slip
Perforated Liner:	22 GA Galvanized			**Outlet Connection:**	2" Slip

Notes

- HUSH DUCT silencer material has flame spread classification < 25 and smoke development rating < 50 when tested in accordance with ASTM E84, UL723 and NFPA255.
- System effects assume ideal at the silencer inlet and abrupt plenum at the silencer outlet.
- HUSH DUCT silencers consist of ASTM A653(M) steel casings and liners.
- HUSH DUCT silencers are tested in our NVLAP-Accredited sound lab.
- Performance data is derived from ASTM E477-13.
- Silencer bank shall be structurally supported by Others.
- Silencer shipped in multiple components for assembly by Others. Customer to confirm all dimensions.
  Performance data is obtained in a similar fashion as other silencer manufacturers using 24" x 24" cross section area test units.

PROJECT: CommCan
ENGINEER:
DESCRIPTION: Medium Pressure Silencer

CUSTOMER:
UNIT OF MEASURE: Imperial

SUBMITTAL DATE: 6/11/2019
QUOTE NO: RAWING
REVISION:

HUSH DUCT Submittal

HD-84/M
Medium Pressure Silencer
Tag: Intake

Email: dan.burley@brd-nonoise.com
Web: www.Hushcore.net

Dimensions

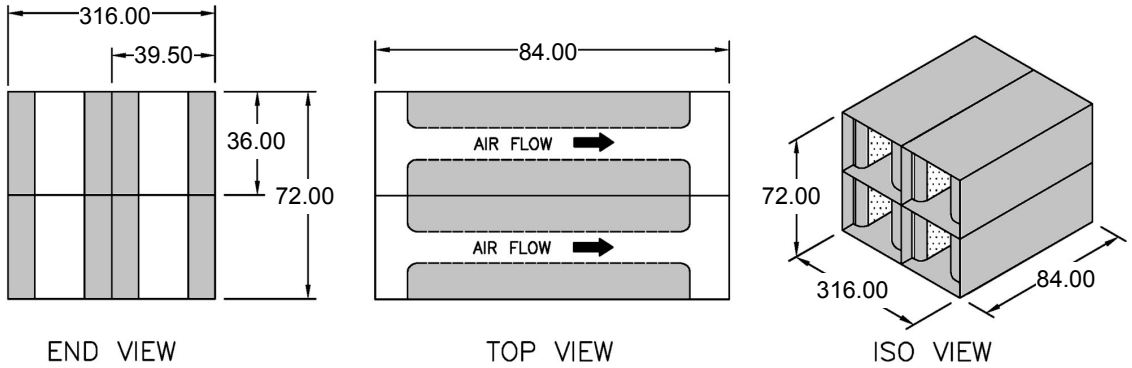
Quantity:	1
Weight (lb):	5866

Bank

Width (in.):	316.00
Height (in.):	72.00
Length (in.):	84.00

Components

Quantity:	16
Width (in.):	39.50
Height (in.):	36.00



Images are generic representations of and not to scale. The actual configuration may not be shown.

Performance

Air Volume (cfm):	59862
Air Velocity (fpm):	379
Air Direction:	Reverse
Pressure Drop (in.w.g.):	0.04
Installed PD (in.w.g.):	0.08

Dynamic Insertion Loss (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
11	21	36	50	55	53	46	29

Generated Noise (dB)

63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
41	34	40	47	43	39	24	18

Construction

Casing:	22 GA Galvanized	**Acoustic Media:**	Glass Fiber	**Inlet Connection:**	2" Slip
Perforated Liner:	22 GA Galvanized			**Outlet Connection:**	2" Slip

Notes

- HUSH DUCT silencer material has flame spread classification < 25 and smoke development rating < 50 when tested in accordance with ASTM E84, UL723 and NFPA255.
- System effects assume ideal at the silencer inlet and abrupt plenum at the silencer outlet.
- HUSH DUCT silencers consist of ASTM A653(M) steel casings and liners.
- HUSH DUCT silencers are tested in our NVLAP-Accredited sound lab.
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- Silencer bank shall be structurally supported by Others.
- Silencer shipped in multiple components for assembly by Others. Customer to confirm all dimensions.
  Performance data is obtained in a similar fashion as other silencer manufacturers using 24" x 24" cross section area test units.

PROJECT:
ENGINEER:
DESCRIPTION: Medium Pressure Silencer

CUSTOMER:
UNIT OF MEASURE: Imperial

SUBMITTAL DATE: 6/11/2019
QUOTE NO:
DRAWING REVISION:

Removable/Reusable Blanket Insulation For Sound Attenuation At The Source

Ball Mill Wrap with exposed liner bolts at a cement plant.

HUSH COVER™ Model HC-500S-1" blankets for air cooled screw chiller compressors.

Advantages:

- Completely removable and reusable
- Easy to install
- Can be reused after maintenance
- Custom-fit to existing conditions
- Guaranteed fit
- Predictable performance based on laboratory tests
- Suitable for harsh environments where solvents, acids, oils, and other contaminants are present
- Outdoor weather-resistant construction
- High temperature capability
- Self-contained insulation system
- Asbestos free
- Good combination of acoustic and thermal performance

Applications:

- Fans and blowers
- Compressor housings
- Gear boxes
- Valves
- Ejectors
- Steam and gas turbine casings
- Pumps
- Pipes and ducts
- Expansion joints
- Any hard to treat, irregular surface where removability is important
- Chillers and refrigeration equipment
- Engine exhaust systems
- Personnel protection (high temperature) for surfaces above 140°F
- Ball mills

GUARANTEED FIT ON ALL APPLICATIONS!

About BRD HUSH COVER™ Acoustic Insulation:

BRD HUSH COVER™ acoustic blanket insulation is an extremely versatile and efficient solution to common industrial noise problems. It combines high density fiberglass mat with a mass-loaded vinyl sandwiched inside a weatherproof jacketing. The purpose of the fiberglass is to reduce reflected noise and to absorb noise energy, while the mass-loaded vinyl blocks transmitted noise. The fiberglass also has excellent thermal insulation qualities. Combining both an absorber material and a barrier material that are well matched yields a highly efficient and cost-effective means for solving industrial noise control problems.

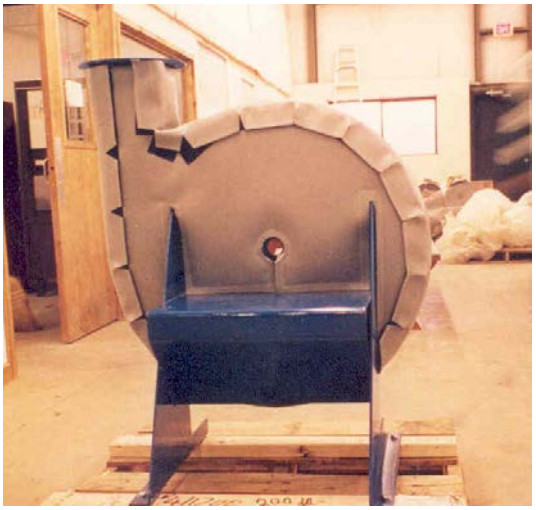
Design Components For HC-500S

OUTER JACKET: 16 oz./yd.^{2} PTFE silicone impregnated fiberglass cloth

ACOUSTIC BARRIER: Barium sulfate loaded vinyl (1 lb. to 2 lb. density)

INSULATION: Fiberglass needle mat (11 lbs./ft.^{3} density)

INNER JACKET: 16 oz./yd.^{2} PTFE silicone impregnated fiberglass cloth



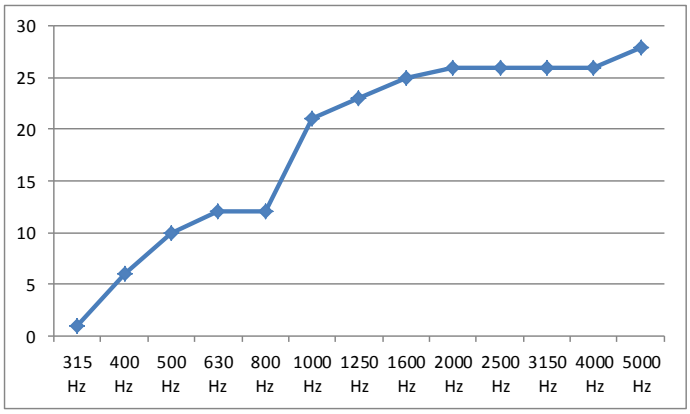
Pressure blower housing treated with two-piece Velcro system.

Service:

The standard design (HC-450) can be used on equipment not exceeding 450°F (232°C). Other designs are available for equipment with temperatures exceeding 450°F.

HC-800 is suitable for up to 800° F. HC-1200 is suitable for up to 1200° F. Design components for these and other custom HUSH COVERS™ are available upon request.

Test Frequency (in Hz)	Noise Reduction (in dB)
315	1
400	6
500	10
630	12
800	12
1000	21
1250	23
1600	25
200	26
2500	26
3150	26
4000	26
5000	28



The above data is representative of ASTM test procedure E-1222-87 for the laboratory measurement of the insertion loss of pipe lagging systems. BRD will not be warranted for performance results of HUSH COVER™ blanket insulation expressed or implied. Additional test data is available for a variety of blanket constructions.

Liquid cooled screw chiller noise is tamed using HUSH COVER™ model HC-500S-1”

Ball mill HUSH COVER™ using HC-500S-1” with banding attachment.

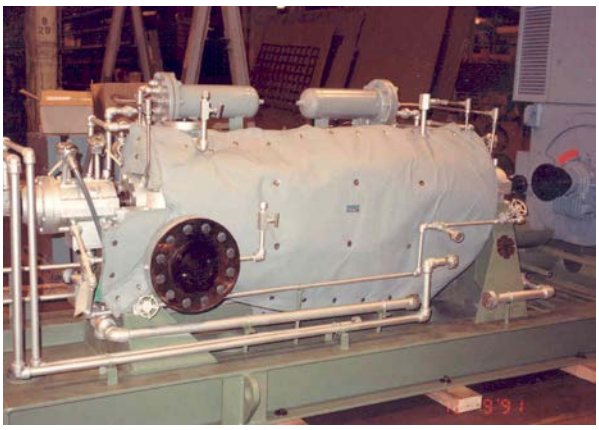
Acoustic Field Test Results

Based on previously tested installations, actual dBA reductions range between 3 – 5 dBA for HC-500S-1” and 4 – 6 dBA for HC-500S-2”.

True performance estimates must include field verification of dBA levels and frequency concentrations on an application basis.

General Installation Instructions

1. Many of the blankets will have 2" flaps on the edges. These flaps are to be installed so that the flap on the upper blanket will cover over the edge of the lower blanket, creating a shingle effect.



Boiler feedwater pump at fit-up prior to lacing.

2. Blanket installation should follow the recommended order of installation provided on the assembly drawings. Most blankets will either seam at the horizontal or vertical centerlines. All panels are tagged for easy identification.

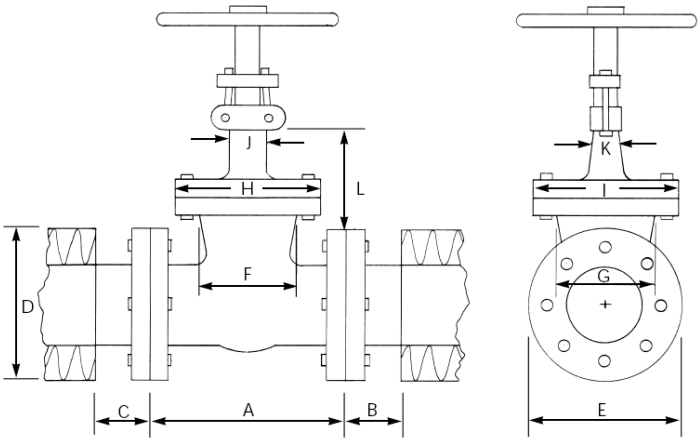
3. "D" Ring assemblies have been provided to ease installation. To use, simply lace the strap through the adjoining blankets "D" Ring assembly and secure. Velcro Flaps are provided to permanently secure closing seams and to lock material in place.

4. Occasionally, certain blankets may be difficult to install due to space limitations or obstructions. If this occurs, it may be necessary to modify the blanket's shape or size. Stainless steel staples are the recommended closure method for any modifications.

5. Generally, all tags should read from left to right and will be oriented horizontally. This will show the correct orientation of the acoustic blanket.

BRD Installation Services Available

Before and after views showing Velcro installation of HUSH COVER™ multi-piece design for a steam ejector.



Valve Cover Take-Off Sheet

A	B	C	D
E	F	G	H
I	J	K	L

- HUSH COVER™ blankets can be quoted based on field sketches, equipment cut sheets or templates created in the field.
- Standard items such as valves, elbows, fittings, pumps, etc. can be quoted based on standardized take-off sheets such as the one shown above.
- Field measurements by a qualified BRD Representative may be required prior to fabrication.
- Fabrication techniques include computer aided design (CAD) capabilities to assure proper fit (see below).
- HUSH COVER™ designs are complete and require no additional tools or materials.
- When requesting a quotation, please supply the make and model of the equipment if known.
- For OEM applications, private labeling can be provided to meet customer specifications.

HUSH COVER™ on air cooled screw chiller suction lines, compressor, discharge line and oil separator.

Typical "D" ring and strap attachment feature

Acoustic Performance Data:

Product	Sound Transmission Loss (dB) Frequency (Hz)						STC
	125	250	500	1000	2000	4000	
HG-200	17	23	34	47	55	57	37
HG-210	24	25	33	43	50	55	38
HG-400	21	28	39	48	56	58	40
HG-410	23	31	40	49	56	62	42
HG-420	27	34	41	46	53	59	44
HG-500	18	26	35	45	49	52	37

Product	Sound Absorption Coefficients Per Frequency (Hz)						NRC
	125	250	500	1000	2000	4000	
HG-200	0.15	0.66	1.07	1.06	0.97	0.86	0.95
HG-210	0.26	0.53	1.00	1.03	0.97	1.02	0.90
HG-400	0.60	1.13	1.12	1.09	1.03	0.91	1.00
HG-410	0.68	1.06	1.12	1.08	1.03	0.98	1.05
HG-420	0.45	0.96	1.15	1.10	1.05	0.97	1.05
HG-500	0.92	1.15	1.22	1.13	1.08	1.04	1.15

Panel Constructions:

	Thick-ness	Solid [1] Skin	Perf. [1] Skin [2]	Weight per sq. ft.
HG-200	2”	18 ga.	22 ga.	4.0 lbs.
HG-210	2”	16 ga.	22 ga.	4.7 lbs.
HG-400	4”	18 ga.	22 ga.	5.0 lbs.
HG-410	4”	16 ga.	22 ga	5.7 lbs.
HG-420	4”	16 ga.	22 ga.	9.6 lbs.
HG-500	5”	16 ga.	22 ga.	6.0 lbs.

1. Panel skins are all galvanized cold rolled steel.
2. Perf. skins have 3/32” holes on 3/16” staggered centers
3. Optional aluminum and high density polyethylene constructions.
4. All stiffeners and panel channel framing is minimum 18 ga. steel with face sheets spot welded in place.
5. Panels are designed to withstand wind loads of 25 lbs/sq. ft., both negative and positive.
6. Panel fill is non-combustible high density semi-rigid non-hygroscopic HUSH BATT™ packed under 5% compression.

Panel Finishes:

1. Galvanized steel (std.)
2. Galvanneal “Paint Ready” steel
3. Air dried shop applied
4. Thermosetting TGIC Polyester Powder Coating in color selected by Architect
5. Custom as specified

Steel Finishes:

1. Prime Painted (standard)
2. Primer with air dried shop applied finish paint
3. Hot dip galvanized (availability dependent on final steel member sizing)
4. Colors available to match panels
5. Sand blasting prep only as specified by contractor
6. Custom as specified

APPENDIX B

MODELING RESULTS

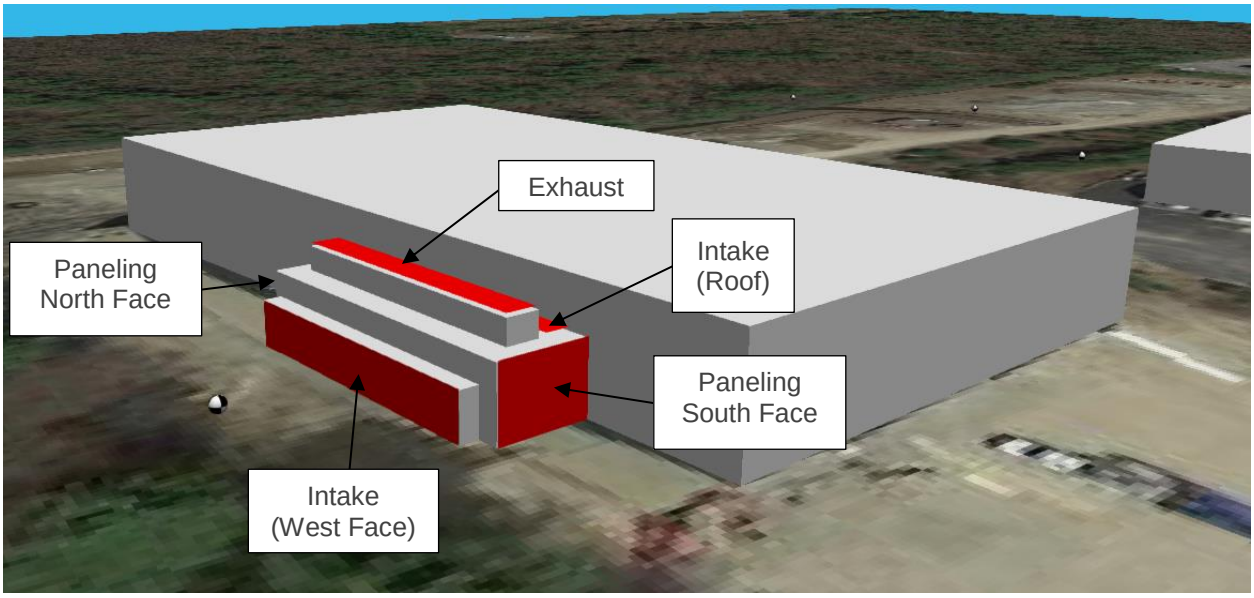


FIGURE 1. 3D Rendering of Modeled Enclosure, View from SW of Facility

FIGURE 2. Receptor points on source property line (see TABLE II)

TABLE II. Estimated octave-band sound levels at facility property lines (dB re: 20 µPa)

Property line location	63	125	250	500	1000	2000	4000	8000
PL01	46	40	26	<20	<20	<20	<20	<20
PL02	54	47	35	26	<20	<20	<20	<20
PL03	61	52	35	22	<20	<20	<20	24
PL04	42	36	24	<20	<20	<20	<20	<20
PL05	28	<20	<20	<20	<20	<20	<20	<20
PL06	25	<20	<20	<20	<20	<20	<20	<20
PL07	26	<20	<20	<20	<20	<20	<20	<20
PL08	26	<20	<20	<20	<20	<20	<20	<20
PL09	29	20	<20	<20	<20	<20	<20	<20
PL10	32	22	<20	<20	<20	<20	<20	<20
PL11	34	24	<20	<20	<20	<20	<20	<20
PL12	35	25	<20	<20	<20	<20	<20	<20
PL13	40	32	<20	<20	<20	<20	<20	<20
PL14	41	34	21	<20	<20	<20	<20	<20
PL15	33	26	<20	<20	<20	<20	<20	<20
PL16	31	25	<20	<20	<20	<20	<20	<20
PL17	36	28	<20	<20	<20	<20	<20	<20
PL18	38	30	<20	<20	<20	<20	<20	<20
PL19	38	30	<20	<20	<20	<20	<20	<20
PL20	37	28	<20	<20	<20	<20	<20	<20
PL21	33	25	<20	<20	<20	<20	<20	<20
PL22	33	25	<20	<20	<20	<20	<20	<20
PL23	32	23	<20	<20	<20	<20	<20	<20
Medway Noise Ordinance	67	55	48	42	38	35	32	28

Susan Affleck-Childs

From: Ron Dempsey <ron@noise-control.com>
Sent: Tuesday, July 30, 2019 4:36 PM
To: Jack Mee
Cc: Susan Affleck-Childs
Subject: 2 Marc Rd - Review of Mitigation Plan

Hello Jack,

Here is the email reiterating what we discussed on the phone this morning.

I have reviewed the Acentech memo discussing the modeling results for the proposed chiller upgrades. The proposed enclosure around the chillers appears to be sufficient for the reduction of noise levels based on the provided data sheets. The noise prediction methods described in the memo are industry standard and appropriate for the application. The memo acknowledges that the noise limit applies at the property line, not at the nearest residential abutter. I have also run an independent calculation for the worst case position, PL03, and the resulting noise levels are equivalent to those in the memo and under the town noise limit at all octave bands covered. My results compared to the Acentech values are provided below:

	63	125	250	500	1000	2000	4000	8000
NCE Calculation	61	53	34	28	24	19	14	26
Acentech Memo	61	52	35	22	<20	<20	<20	24
Medway By-Law	67	55	48	42	38	35	32	28

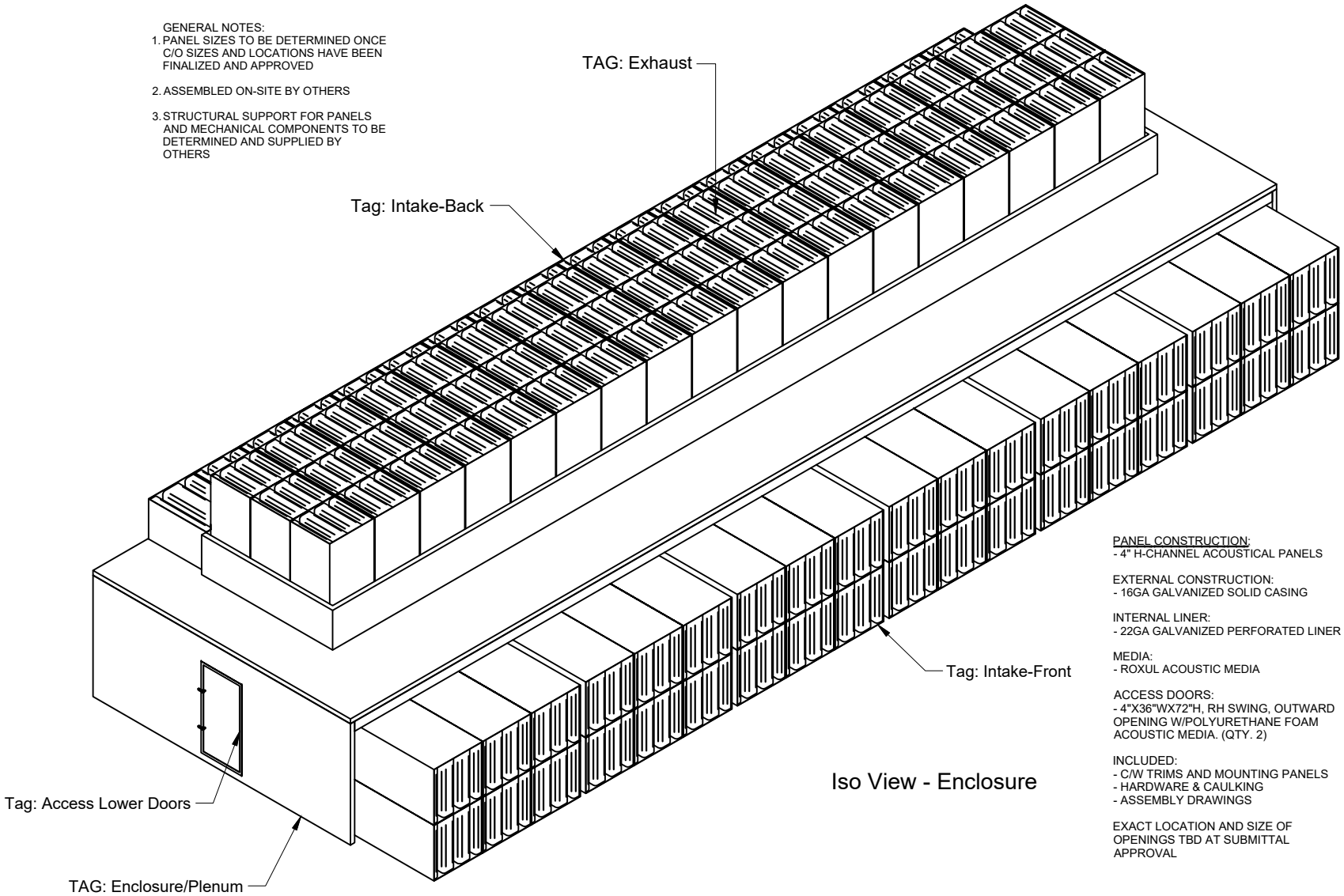
Based on this, the efforts satisfy the requirement that "Any new or altered mechanical equipment installed on the property shall be designed to comply with applicable regulations, including the provisions of Section 7.3 of the *Zoning Bylaw*" per the special permit decision.

Ron Dempsey
Senior Engineer
ron@noise-control.com

Noise Control Engineering, LLC
85 Rangeway Road
Building 2, 2nd Floor
Billerica, MA 01862
978-584-3025 (direct line)
978-670-5339 (main number)
www.noise-control.com

GENERAL NOTES:

1. PANEL SIZES TO BE DETERMINED ONCE C/O SIZES AND LOCATIONS HAVE BEEN FINALIZED AND APPROVED
2. ASSEMBLED ON-SITE BY OTHERS
3. STRUCTURAL SUPPORT FOR PANELS AND MECHANICAL COMPONENTS TO BE DETERMINED AND SUPPLIED BY OTHERS



Iso View - Enclosure

PANEL CONSTRUCTION:
- 4" H-CHANNEL ACOUSTICAL PANELS

EXTERNAL CONSTRUCTION:
- 16GA GALVANIZED SOLID CASING

INTERNAL LINER:
- 22GA GALVANIZED PERFORATED LINER

MEDIA:
- ROXUL ACOUSTIC MEDIA

ACCESS DOORS:
- 4"X36"WX72"H, RH SWING, OUTWARD OPENING W/POLYURETHANE FOAM ACOUSTIC MEDIA. (QTY. 2)

INCLUDED:
- C/W TRIMS AND MOUNTING PANELS
- HARDWARE & CAULKING
- ASSEMBLY DRAWINGS

EXACT LOCATION AND SIZE OF OPENINGS TBD AT SUBMITTAL APPROVAL

BRD Noise and Vibration Control, Inc.
HUSH CORE®
112 FAIRVIEW AVE., P.O. BOX 127, WIND GAP, PA 18091-0127 PH. 610-863-6300
E-MAIL: info@brd-nonoise.com WEBSITE: https://hushcore.net

TITLE: COMPLETED ULTIMATE SYSTEM	DRAFTER: SDS	DATE: 10/28/19
PROJECT: COMMONWEALTH CANNIBIS ULTIMATE	P.O. #: N/A	SCALE: N/A
CUSTOMER: TRANE BOSTON	JOB #: MA1450	DRAWING #: P-003

REV. NO:	REV. DATE:	REV. DESCRIPTION :

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, December 05, 2019 1:32 PM
To: Jeff Lynch (ChiefLynch@townofmedway.org); Mike Fasolino
Cc: 'Daniel Merrikin'
Subject: FW: Site Plan Modification for 2 Marc Road (CommCan)
Attachments: 2 Marc Road Site Plan Modification (11-6-2019).pdf

Importance: High

Hi there,

See my email below supplying the proposed site plan modification for 2 Marc Road.

There is a similar situation at 2 Marc Road (CommCan) as there is at the 4 Marc Road site. CommCan also needs to install a concrete pad and sound wall for the HVAC and noise mitigation equipment. See attached plan. To do so, they need to realign the driveway along the western side of their building. This plan shows a 15' wide driveway.

Please review this proposed modification and send me an email about their proposal. The Board will definitely want your input. The hearing on this is next Tuesday, December 10th. Perhaps the applicant or project engineer Dan Merrikin already discussed this with you?

Thanks for your help.

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

From: Susan Affleck-Childs
Sent: Monday, November 18, 2019 12:49 PM
To: Michael Boynton; Barbara Saint Andre; Donna Greenwood; Joanne Russo; David Damico; Peter Pelletier; Bridget Graziano; Beth Hallal; Jack Mee ; Jeff Watson; Jeff Lynch (ChiefLynch@townofmedway.org); Mike Fasolino
Cc: 'Daniel Merrikin'; Andy Rodenhiser
Subject: Site Plan Modification for 2 Marc Road (CommCan)

Hi,

On November 7, 2019, the Planning and Economic Development Board received an application from Ellen Realty Trust of Millis, MA to modify the previously approved site plan for the CommCan marijuana cultivation and processing facility at 2 Marc Road. That development was authorized by a site plan and special permit

issued by the Planning and Economic Development Board on June 28, 2016 (for medical marijuana) and by a separate special permit approved on February 26, 2019 (for adult recreational marijuana).

The Board will hold a public hearing on the proposed site plan modification on Tuesday, December 10th at 7:30 p.m. in Sanford Hall at Medway Town Hall.

Noise generated by the existing rooftop chiller equipment on the CommCan building constructed in 2017 was raised as an important issue during the 2019 permitting process to authorize the additional use of the facility for the cultivation and processing of marijuana for adult recreational use. The 2019 special permit decision included a requirement for the applicant to undertake a noise study and to develop a proposal to address the noise issues. That noise study has been completed and the site plan reflects the applicant's proposal. The proposal includes installation of ground located chiller equipment within a custom, at-grade enclosure incorporating noise silencing materials around its top and side. A 25.7' by 75.4' concrete slab pad is proposed to be installed along the westerly side of a portion of the existing CommCan building to house the existing and new chiller equipment. An approximately 11' tall enclosure will be installed around the equipment. To ensure suitable emergency access around that side of the building, the existing driveway must be shifted around the new enclosure. This necessitates rerouting a portion of the existing retaining wall and guard rail, filling in a small portion of the existing stormwater swale along the western side of the driveway, and replacing it with two 12' drainage pipes. The application, site plan modification, and supporting documentation were filed with the Town on November 7, 2019. The plan revisions are shown on the *2 Marc Road Site Plan Modification*, *Plan of Land in Medway, MA,* dated November 6, 2019, by Legacy Engineering LLC of Millis, MA.

The site plan modification application and associated documents are available for viewing and downloading at: https://www.townofmedway.org/planning-economic-development-board/pages/2-marc-road-site-plan-modificiation

Please review the provided plan modification documents and provide any comments to me by Wednesday, December 4, 2019 so they can be distributed to the Board, included in the public hearing record, and shared with the applicant and project engineer.

I have extra sets of the site plan in my office and would be glad to provide one to you to assist in your review.

The Board's consulting engineer and consulting planner are reviewing the plan modification and will provide comments to the Board.

Thanks for your help and please let me know if you have any questions.

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

TETRA TECH

December 10, 2019

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

Re: 2 Marc Road
Site Plan Modification Review
Medway, Massachusetts

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (PEDB). The proposed Modification includes a proposed concrete slab for a proposed chiller enclosure and proposed modifications to the site driveway to route traffic around the proposed slab.

TT is in receipt of the following materials:

- A Site Plan Modification Request containing application forms, abutters list, additional waivers, and an isometric drawing showing a proposed noise mitigation enclosure.

The Plans and accompanying materials were reviewed for conformance with Chapter 200 of the Town of Medway PEDB Rules and Regulations (amended October 8, 2019) (Regulations) and good engineering practice. Review of the project for zoning, stormwater and wetland related issues was not completed as these reviews are conducted by separate consultants/town permitting authorities.

SITE PLAN REVIEW

1. The Applicant has not submitted a Construction Management Plan. (Ch. 200 §204-3.H)
2. The proposed enclosure will be visible from Marc Road and we anticipate some level of review by the Medway Design Review Committee. (Ch. 200 §204-5.D.9)
3. It is unclear if the proposed enclosure will include lighting. (Ch. 200 §204-5.D.15)
4. The proposed driveway re-alignment is within 15 feet of the side property line to the west. However, the abutting property to the west is zoned industrial and the regulation applies to projects abutting residential zoning/use. A Waiver has been requested from this Regulation. (Ch. 200 §207-11.A.13)
5. The applicant shall provide confirmation that emergency vehicles can navigate the proposed re-alignment of the driveway. (Ch. 200 §207-11.A.17)

GENERAL COMMENTS

6. We recommend the PEDB condition approval of this modification to require the Applicant to re-examine site stormwater design at the time of future expansion of the building since the Applicant is not addressing stormwater in this modification. The system as it currently exists accounted for potential future expansion of the building and re-evaluation may be necessary if future expansion (in addition to this modification) increases impervious coverage as originally analyzed.

Infrastructure Northeast
Marlborough Technology Park 100 Nickerson Road, Marlborough, MA 01752
Tel 508.786.2200 Fax 508.786.2201 tetratech.com

7. Proposed bollards should be shown on the plan. Driveway width should be measured from the outside edge of the bollards, not the edge of slab.

8. Portions of the Project are located within jurisdiction to Medway Conservation Commission and may require review by the Commission prior to final acceptance of the modification.

9. Provide final plans in grayscale as color plans are not acceptable for recording.

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

Very truly yours,

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

Bradley M. Picard, E.I.T.
Civil Engineer

P:\21583\143-21583-20009 (PEDB 2 MARC RD MOD)\DOCS\2MARCROAD-PEDBREV(2019-12-10).DOCX