

**Tuesday, January 12, 2021  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
<b>Attendance</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>

**PRESENT VIA ZOOM MEETING:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland Recording Secretary
- Steve Bouley, Tetra Tech
- Barbara Saint Andre, Director of Community and Economic Development

Chairman Rodenhiser read the following statement:

*Pursuant to Governor Baker's Orders imposing strict limitations on the number of people that may gather inside in one place, attendance by members of the public will be limited due to the size of the meeting space. All persons attending this meeting are required to wear a face covering, unless prevented by a medical or disabling condition. Meeting access via ZOOM is also provided and members of the public are encouraged to use ZOOM for the opportunity for public participation; information for participating via ZOOM is included at the end of the Agenda. Members of the public may watch the meeting on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable's Facebook page @medwaycable.*

**PUBLIC COMMENTS:**

- There were no public comments

**APPOINTMENT TO EDC:**

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

- Memo dated January 8, 2021 to PEDB re: Appointment of Jennifer Kendall to EDC

Jennifer Kendall was present to express her interest in serving on the EDC and being reappointed. It was noted that Jennifer chairs the Cultural Council and her involvement with the EDC will provide great opportunities for collaboration.

**On a motion made by Matt Hayes, seconded by Tom Gay, the Board voted by roll call to appoint Jennifer Kendall to the EDC for a term through June 30, 2022.**

**Roll Call Vote:**

**Bob Tucker            aye**  
**Andy Rodenhiser    aye**

<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

### **GOOD FEELS MARIJUANA SPECIAL PERMIT:**

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

- Public Hearing Continuation Notice
- Memo dated January 5, 2021 from Jeff Komrower
- Letter dated January 4, 2021 from Bruce Straughan
- Email dated January 6, 2021 from Chris Menge
- Revised draft Special Permit Decision dated January 8, 2021

Present via ZOOM was Jason Reposa, applicant.

The Board was informed that all the information discussed at the last meeting on January 5, 2021 was incorporated into the decision. The applicant communicated that his attorney has reviewed the decision and is OK with it. References to the proposed use standards for noise and odors have been incorporated. There was clarification included regarding outdoor storage along with the hours of operation which will be 7:00 am to 8:00 pm seven days a week. There will be consistency with the zoning requirements in the area. There was also clarity on the applicant's transportation and delivery policy dated December 19, 2021. Abutter John Lally reviewed the draft decision and participated in the ZOOM meeting. He expressed his support for the decision and Mr. Reposa's business.

**On a motion made by Tom Gay, seconded by Matt Hayes, the Board voted by roll call vote to approve the decision and conditions for the Registered Marijuana Establishment Special Permit for Good Feels, Inc. for 23 Jayar Road.**

#### **Roll Call Vote:**

<b>Bob Tucker</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

### **35 Milford Street – Request for Lot Release:**

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

- Email dated December 14, 2020 from Patrick Larkin
- Copy of the Subdivision Covenant for the Knollwood Road subdivision.
- Proposed lot releases from 35 Milford Street

The parcel at 35 Milford was never released from Knollwood Road subdivision covenant since there was already a house on the lot at that time. This is a request to clear up the paperwork. Michael Larkin and applicant Cameron Bagherpour were part of ZOOM meeting to ask for release of those documents. A copy of the subdivision covenant from November 1988 and

previously issued lot releases from December 1990 and July 1992 for the other subdivision properties were provided and reviewed. The applicant is not creating a new road.

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call to release 35 Milford Street (Subdivision Parcel A on Knollwood Road subdivision) from the subdivision covenant.**

**Roll Call Vote:**

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

Susy Affleck-Childs has board members to come into the office to sign the Release of Covenant.

**MEDWAY GREEN COMPLETION CERTIFICATE:**

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

- Medway Greens Completion Certificate dated January 8, 2021.

All of the funds and invoices have been paid and it is recommended to issue a Certificate of Completion for Medway Green Multi-Family Condominium Development.

**On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to approve the Certificate of Completion for the Medway Green multi-family development.**

**Roll Call Vote:**

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

**PEDB MEETING MINUTES:**

**January 5, 2021:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to approve the PEDB meeting minutes of January 5, 2021.**

**Roll Call Vote:**

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

## **CONSTRUCTION REPORT:**

### **Salmon:**

The Salmon development has provided a drone flyover from mid-December which has been added to the Town's website. They will be going for occupancy permit in May 2021. They are moving along. There are residents who are putting deposits on units. They would like to do the top course before building the other single-family homes.

### **Choate Trail Subdivision - 42 Highland Street:**

The trees have been marked in the field for clearing and preservation. There were some erosion control issues which needed to be fixed. There will be a six week turn around for completing the road.

## **MEDWAY MILL SITE PLAN:**

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

- Public hearing Continuation Notice dated November 12, 2020
- Letter from Guerriere and Halnon dated December 30, 2020
- Letter from Guerriere and Halnon dated December 29, 2020 in response to the PGC review comments dated March 19, 2020
- Letter from Guerriere and Halnon dated December 29, 2020 in response to the Tetra Tech review comments dated July 9, 2020
- Revised Site Plan dated December 24, 2020 by Guerriere and Halnon
- Review letter from PGC Associates dated January 5, 2021 regarding the revised site plan.
- Review letter from Tetra Tech dated January 7, 2021 regarding the revised site plan.

The Board was informed that Mike Hassett from Guerriere and Halnon was present to address the letter which was submitted December 30, 2020 from Amanda Cavaliere. He presented the revised site plan via the ZOOM share screen option. The new parking layout minimizes disturbance within the 100 -200-foot riverfront area and still achieves the additional parking as originally intended. The revised layout decreases the amount of impervious area of both the entire project and the area within the riverfront by approximately 1,000 square feet.

Consequently, there is also a reduction in the amount of stormwater mitigation required. A 22-foot side turnaround has been placed at the northern end of the parking area so vehicles do not need to back out of the lot to accommodate the flow of traffic in and out. A question was asked about the ADA sidewalk and compliance. They require an accessible walkway be provided. The proposed parking area will be positioned a minimum of 15 ft off the property line and the previously requested waiver is no longer needed. The stormwater management system has been redirected away from the roadway. The applicant will need another continuation for the hearing since the Conservation Commission still needs to address some items. The Board would like the handicap parking to be closer to the main building. The Board would still like the applicant to look at putting the parking lot stormwater drainage control underground. The applicant indicated that the cost for this is substantially higher. The landscaping sheet was also shown.

The photometric plan was reviewed. The light posts are located on the east side of the parking lot. Member Hayes suggested they be relocated to the west side of the parking lot and include shields to reduce the glare from the lights on the abutters to the west. The stormwater system has been designed for a 100-year storm. The pipe sizing is adequate. Consultant Bouley noted that the revised stormwater plan has not been discussed with Conservation Commission. (NOTE –



That is scheduled for 1-28-21.) The basin meets all standards with the new layout and the applicant and engineers hope the Commission is comfortable with this layout. There will also need to be an alternatives analysis on the stormwater to be provided to the Conservation Commission. Chairman Rodenhiser asked that the Board be provided a copy of the alternatives analysis when it is provided to the Conservation Commission.

The Board would also like a bigger buffer on the west side of the site for the abutters. There is a double row 6-foot-high fence and also a row of arborvitae plantings. This needs to be reviewed by the DRC. The fence should be non-reflective. It was suggested to make the landscaping more organic with varied and seasonal plantings.

The applicant would like to continue the hearing to February 9, 2021. The applicant will plan on going to the DRC on February 1, 2021. Amanda Cavalarrrie of Guerriere and Halnon arrived and confirmed their availability for a 2-1-21 DRC meeting and that they will meet with the Conservation Commission on January 28<sup>th</sup>. The applicant will also be “penciled in” for the February 23, 2021 PEDB meeting for decision.

**On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to continue the hearing to February 9, 2021 at 7:00 pm.**

**Roll Call Vote:**

<b>Bob Tucker</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

**HARMONY VILLAGE:**

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

- Public Hearing continuation notice dated December 9, 2020
- DRC review memo dated January 7, 2021
- Revised DRAFT Special Permit, Land Disturbance Permit and site Plan dated January 11, 2021.
- Further revised DRAFT Special Permit decision dated January 12, 2021 with edits by Barbara Saint Andre.

The Board is in receipt of the revised draft decision for the Harmony Village Multi-Family Special Permit and Site Plan with edits recommended by Barbara Saint Andre. This has been provided to the applicant.

The applicant Gary Feldman and Drew Garvin were present. The draft decision was posted using ZOOM’s Share Screen feature.

The following suggested edits were noted:

- Change all references from Harmony Estates to Harmony Village
- Received email from Dave Damico with comments about I & I which were turned into a condition.
- Village Street will be changed to Main Street

- Tree replacement formula was revised to include the more standard version. The applicant's landscaper advised that another 30-inch tree will need to be removed for site preparation and this was added to the calculations. The tree is over the driveway and is half dead and encroaches to the driveway. Per the formula, 1,059.50 square inches of tree replacement are needed. The site plan was posted via Share Screen. The applicant thinks this tree replacement amount is unrealistic. This issue was to go to the DRC for review. The DRC did so on January 4<sup>th</sup> and provided a letter that the landscaping plan provides adequate buffering and meets the design guidelines. The trees on the plan will grow and will provide canopy. The Board has no issue with the 30-inch tree coming down. The Board does not want the tree replacement formula and equation in the decision. The Board wants this topic to have further discussion. It was noted that the formula was used for the Choate subdivision and Evergreen Village decisions.

**Waivers:**

**On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted by Roll Call to approve the waivers as discussed and presented.**

**Roll Call Vote:**

<b>Bob Tucker</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

**Conditions:** The Board next discussed conditions:

- Comments have been added about performance security and covenant. This was included in Section K which indicated that if a developer seeks an occupancy permit before completion or the approved site improvements, the developer may request that the Board accept a deposit of funds or other form of security acceptable to the Board. Do not need a covenant but need bond or surety. This is not a subdivision so it does not need a covenant.
- The time of recording of the master deed is an issue for Town staff since the building permits are online and tied to map and parcel numbers. The map and parcel numbers are not assigned until the Assessor's office has proof of sale of units. This will need to be worked out internally. The declaration of trust will be recorded for condominium along with the master deed.
- Trees will be flagged for retention and if the contractor does not retain the designed trees, there will be plantings or a contribution to the tree fund.
- The O & M Plan will need to be recorded. The long term plans. This was also going to be added to the plans.
- There will be the inclusion of the language provided by Dave Damico re I & I.
- Addresses - The access will be from Harmony Lane. It was noted by Barbara to leave this to the Assessors.
- There is language about the preconstruction meeting.
- There needs to be a stormwater pollution plan.
- Remove #4 applicable guidelines and replace with language referencing the long term O & M plan.

- Perform an I & I Survey which could be a video inspection of system. This should be clarified with Dave.

**Decision:**

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to approve the decision as written with the noted changes and conditions.**

**Roll Call Vote:**

<b>Bob Tucker</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

**Close Hearing:**

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call to close the Harmony Village public hearing.**

**Roll Call Vote:**

<b>Bob Tucker</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

**ZONING FOR SPRING 2021 TOWN MEETING:**

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

- 1-7-21 email from consultant Ted Brovitz
- DRAFT text of proposed new section 10 of the ZBL Central Business District

Consultant Brovitz was present via ZOOM to explain the first draft of proposed new CBD zoning amendments. This is the creation of a new Section 10 which integrates the existing Special Permit Mixed Use provisions of Section 5.4.1. This Section invokes some of the things from the Oak Grove Park zoning. Consultant Brovitz offered a collection of slides which he reviewed via Share Screen.

The following items have been addressed in the proposed new zoning:

- Definition of Mixed-Use Building.
- Establishment of Districts which would be Section 4. This would include the districts and also the zoning map. The boundaries of the Central Business District appear to be appropriate in terms of incorporating existing and potential future commercial and mixed-use development with sufficient transitional buffers from adjacent residential areas.
- Section 5. Use Regulations – This will include changes to Table 1 - Schedule of Uses.
- Section 5.4.1 Special Permits in the Central Business District for which some revisions were adopted at the Fall Town meeting has been relocated and integrated into the proposed new Section 10 - CBD Standards.

- Section 6. Dimensional Regulations – There will be a schedule of dimensional and density regulations included in Table 2.
- Section 7. General Regulations include Site Developments Standards with off-street Parking and Loading and Table 3.
- Section 8. Special Regulations will require affordable housing for mixed use development.

The Table of Uses was discussed and the following was recommended:

- C. Residential Uses – included was Multi-Family Building, Apartment Building, Rowhouses and Multifamily Developments. This would be allowed by Special Permit from the PEDB
- Add Mixed Use Development and Mixed /use Buildings in the CB district. This allows flexibility in types of residential and restrictions in the placement. This was passed at the Fall Town Meeting. This is a residential building which is primarily a mixed-use building. There is a concern about losing commercial space to residential. There has been no investment in this strip development for 20 years and is not investment driven. For a more tax base, we need to balance residential and commercial. Right now, in the Town of Wellesley there are vacant stores in retail and Church Street is completely vacant. Communities are looking at how to reinvigorate commercial strips.
- The Consultant has spoken with the owner of the Medway Plaza and he seems amenable to this. Conceptual plans have been drawn up.
- Consider Hotel and Motel and allow the possibility for them.
- Repair Shop would be by Special Permit but no outdoor storage would be allowed.
- Adult day care would be Special Permit for those working or living in or nearby the CBD.
- There was the inclusion of the vehicle fuel station with convenience store only for existing fuel station redevelopment with backwards gas station design standards. This is for something new not existing. Suggest to prohibit new gas stations. The goal is to provide the opportunity to reconfigure the existing stations but not allow new ones. Barbara Saint Andre suggested this could be considered spot zoning and the Board needs to be careful about this. Can the Board restrict the number of gas stations? This needs to be discussed with town counsel. Barbara recommends leaving this as prohibited. If they want to redevelop an existing site, the applicant should be able to conform with the standards. The redevelopment of a site needs to be considered in the development standard section. This should not be addressed in the use table.
- The prohibition on drive-thrus was an amendment from 4 years ago to promote pedestrian activity. We should allow for curb side food pick-up. This could be addressed a site plan amenity in the Site Plan Rules and Regs.
- Lodge/Club was added as Special Permit use. The original thought was that it could not be mixed use. This would be over commercial and could be stand-alone also.
- Veterinarian hospital should be added as an allowed use in this area. There is only one place now in town where that can be built.
- The brewery classification is the volume. There is brew pub.
- Communal work space should be included. This is happening in cities. Trying to find a spot for inexpensive commercial space where one can walk to get lunch and a drink is a challenge. This is an office use and may not need its own category in the Use Table. This could be a great use for the buildings set far back. Ex. We Work/We Live.

Members felt it would be good to specifically authorize this use. This would need a definition and then add it to the table of uses.

- There was a suggestion that when a commercial lot abuts a residential property, there should be a larger setback with buffer.
- Minimum lot sizes may not be necessary as building types have lot size requirements. This would allow flexibility and allows development to only use as much land as actually needed.
- Frontage may not be necessary with more residential and mixed-use developments where the residential use could be at the rear on separate lots with an access street.
- There could be a combination of uses on a particular lot.
- Proposing amendments to the parking to allow flexibility.
- Allow buildings to be placed directly on the right on the right of way.
- Look at the plan which Gino Carlucci prepared a few years back with infill.
- There will be transitional buffer areas.
- Put language in the site plans rules and regulations to address new development vs. redevelopment.

The Board thanked Consultant Brovitz for providing such a comprehensive presentation. It was discussed that the Board hold a workshop meeting on January 19, 2021 to focus on zoning.

### **FUTURE MEETING:**

- Tuesday, January 19, 2021

### **ADJOURN:**

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to adjourn the meeting at 10:15 pm.**

### **Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

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



**January 12, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Appointment to EDC**

- Memo dated January 8, 2021 to PEDB re:  
Appointment of Jennifer Kendall to EDC



**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**COMMUNITY AND ECONOMIC**  
**DEVELOPMENT DEPARTMENT**

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Planning and Economic  
Development Coordinator  
*Susan E. Affleck-Childs*

## **MEMORANDUM**

January 8, 2021

TO: Planning and Economic Development Board  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: Appointment to Medway Economic Development Committee (EDC)

The Medway General Bylaw which established the EDC provides for up to 11 members who shall reside or work in Medway. Currently there are 5 members - Zach Knowlton, Khalid Abdi, Rich Di Iulio (as PEDB representative), Mark Schultz, and Cassandra McKenzie.

Jennifer Kendall is interested in serving again on the EDC. She previously did so for a short period of time in 2017 and 2018. Jennifer also serves on and chairs the Medway Cultural Council so her involvement with the EDC will be a very positive step toward strengthening connections and collaboration between economic and cultural development programming.

I recommend the PEDB appoint Jennifer Kendall to the Economic Development Committee effective immediately for a term through June 30, 2022.



**January 12, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Good Feels Marijuana Special Permit**

- Public Hearing Continuation Notice
- Memo dated January 5, 2021 from Jeff Komrower of Noise Control Engineering (applicant's noise consultant)
- Letter dated January 4, 2021 from Bruce Straughan (Board's odor consultant)
- Email dated January 6, 2021 from Chris Menge (Board's noise consultant)
- REVISED DRAFT Special Permit Decision dated January 8, 2021



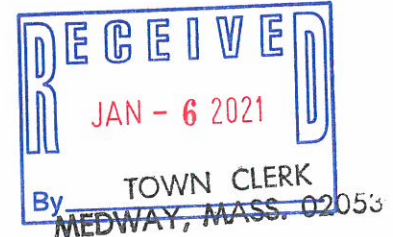
### Board Members

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



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



## MEMORANDUM

January 6, 2021

TO: Maryjane White, Town Clerk  
Town of Medway Departments, Boards and Committees  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: **Public Hearing Continuation for Good Feels, Inc. – Marijuana Establishment  
Special Permit**  
23 Jayar Road  
Public Hearing Continuation Date – Tuesday, January 12, 2021 at 7:00 p.m.

At its January 5, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Good Feels, Inc. of Medway, MA for approval of a marijuana establishment special permit to Tuesday, January 12, 2021 at 7:00 p.m. The Board will vote its decision at the January 12<sup>th</sup> meeting.

The applicant proposes to use 1,896 sq. ft. of the existing, multi-tenant, commercial/ industrial building at 23 Jayar Road for the production and packaging of marijuana infused products for adult recreational use. Neither a retail marijuana operation nor a marijuana cultivation facility are proposed for this site.

The planned scope of work includes interior renovations to the existing building to accommodate the proposed new use including the creation of interior space for storage, processing, offices, shipping and receiving. The work is shown on *Good Feels Inc. Permit Plan*, dated October 23, 2020, prepared by Joe the Architect, LLC of Somerville, MA. Except for the installation of an outside generator and rooftop HVAC system, no site improvements are planned.

The application and associated documents are on file at the offices of the Town Clerk and the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The application materials have been posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/good-feels-inc-23-jayar-road-recreational-marijuana>

We welcome any review comments you may wish to offer. This is the last opportunity to do so. **Please forward any comments to me by January 11<sup>th</sup>.** Please don't hesitate to contact me if you have any questions.



## NCE JOB MEMO 2020-039 Revised

TO: Jason Reposa

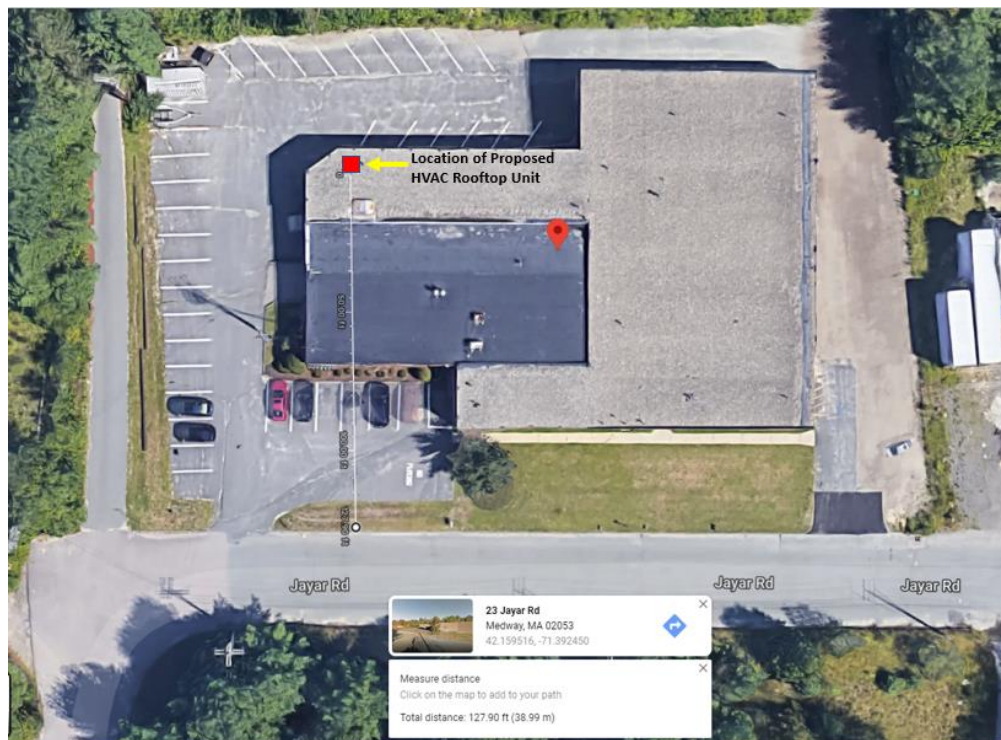
COMPANY: Good Feels, Inc.

FROM: Jeffrey Komrower, Noise Control Engineering

DATE: January 5, 2021

SUBJECT: Noise Predictions for Rooftop HVAC Equipment

Good Feels, Inc. is proposing to establish a Marijuana Product Manufacturing (MPM) facility located at 23 Jayar Road in Medway, MA. The location is in an industrial park and is not near any residential abutters, but still must meet noise regulations if any equipment will be installed that would be a noise source. Because of the type of facility, there is no cultivation requirements and thus no extreme requirements for supporting equipment. It is being proposed, however, to install a rooftop HVAC unit to support the facility operations. The location of the proposed unit is shown below in Figure 1. Originally, an Ingersoll Rand AM-PRQ-A4AC3036A-1E-EN split system air conditioner was chosen, and calculations were performed for that unit. However, due to a discovery of some inconsistencies with the published sound power levels causing it to exceed the specifications in the lowest frequency band, it was decided to perform calculations for a Mitsubishi MXZ-8C48NAHZ2 unit.



**Figure 1. Location of proposed rooftop HVAC unit**

Using measurements taken from MassGIS's online mapping tool (Figure 2), the distance to the property line of the closest commercial abutter (South property line) was determined to be 120 feet. Since there is no abutter to the North but only woods, this would seem the logical property line to use. However, the specification implies that the closest property line should be used in determining the noise requirements. This distance would be to the North property line and was determined to be 80 feet. Calculations will be performed to both property lines.



**Figure 2. Distance of proposed rooftop HVAC unit to property lines**

The Town of Medway Environmental Standards for continuous noise are as follows:

**Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the Table 1 below. In addition, maximum permissible sounds levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.



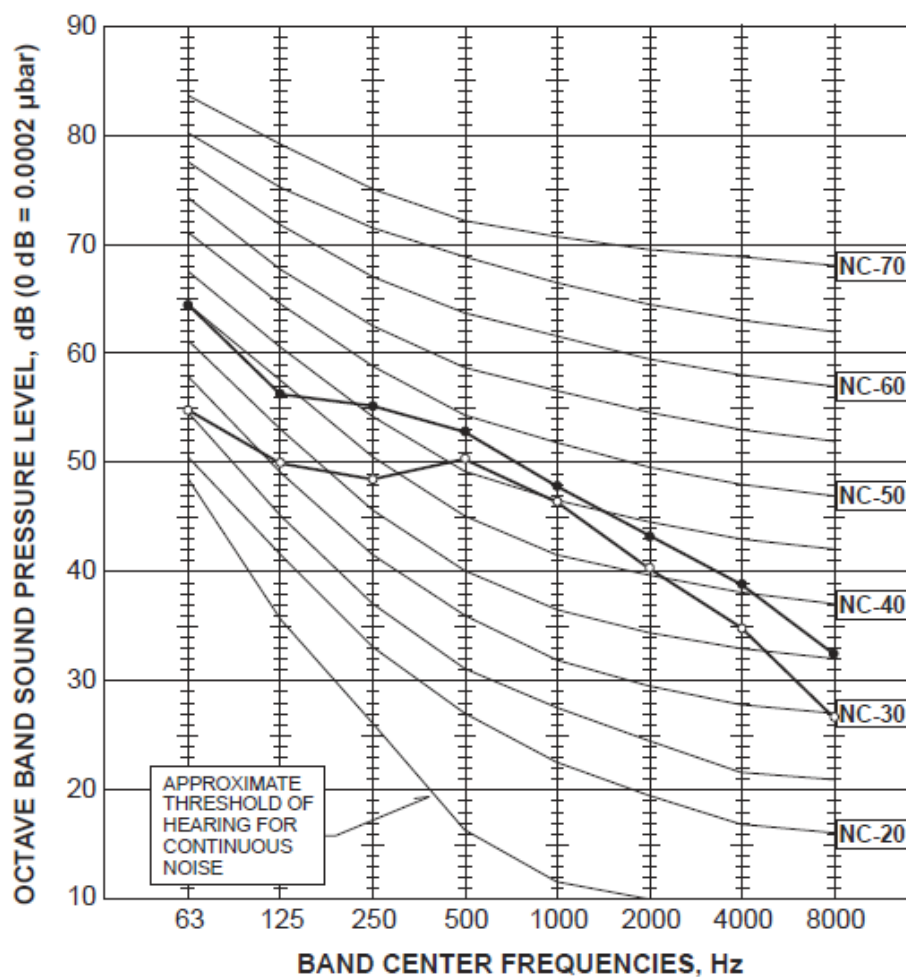
<b>Octave Band Center Frequency (Hz)</b>	<b>Daytime (dB) 7:00 a.m. – 9:00 p.m.</b>	<b>Nighttime (dB) 9:00 p.m. – 7:00 a.m.</b>
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
<b>Overall Level (dBA)</b>	<b>52</b>	<b>42</b>

**Table 1: Town of Medway maximum permissible sound pressure levels**

Published sound pressure levels taken at 1 meter from the unit were obtained from the manufacturer's specification sheet which is provided in Table 2. Calculations using hemispherical spreading were performed to predict noise levels from this unit at the property lines. The results of this calculation for the overall SPL in dB(A) as well as the SPL for the individual octave bands in unweighted dB is presented in Table 3 along with the Town of Medway noise limits. The higher noise levels generated during the heating cycle were used. As can be seen, the calculated noise levels at the property lines from operation of the proposed rooftop unit are well below both the overall dB(A) requirements for both daytime and nighttime operation as well as the individual octave band limits. It is thus not anticipated that the operation of this rooftop unit will result in any noise pollution as described in the Town of Medway Environmental Standards.

**MXZ-8C48NAHZ**

MODE	SPL(dB)	LINE
COOLING	51	○—○
HEATING	54	●—●



**Table 2: Sound pressure levels at 1 meter from manufacturer's specification sheet**

		Mitsubishi MXZ-8C48NAHZ2						Town of Medway Environmental Standards			
Hz	A-wt	Sound Pressure Level at 1 meter		Equivalent Sound Pressure Levels at 120 feet		Equivalent Sound Pressure Levels at 80 feet		Daytime Limits (7 am to 9 PM)		Nighttime Limits (7 am to 9 PM)	
Octave	Filters	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)	dB	dB(A)
63	-26	65	39	37	11	40	14	72	46	55	29
125	-16	56	40	28	12	31	15	60	44	48	32
250	-9	55	46	27	18	30	22	53	44	42	33
500	-3	53	50	25	22	28	25	47	44	39	36
1000	0	48	48	20	20	23	23	43	43	36	36
2000	1	43	44	15	16	18	19	40	41	33	34
4000	1	39	40	11	12	14	15	37	38	30	31
8000	-1	33	32	5	4	8	7	33	32	27	26
OA		66	54	38	26	41	29	72	52	56	42

**Table 3: Predicted noise levels from rooftop HVAC equipment at nearest property lines**

January 4, 2021

Susan Affleck - Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
Email: [sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

**Re: Good Feels Inc., 23 Jayar Road – Evaluation of Potential Odor**

Dear Ms. Affleck - Childs:

This letter documents the findings from my review of documents received related to the facility at 23 Jayar Road in Medway for production of marijuana infused products.

The following documents were received on 11-30-2020:

- Types of Products to be Manufactured - 2 pp.
- 20\_11\_06 302 Good Feels Inc – Building Permit Drawings R1 - 12 pp.
- Additional Odor Reference Information (11-9-20) – 1 p.
- Cannabis Oil Odor from Matt Catalano of CAC – 1 p.

The following documents were received on 12-23-2020:

- 2009200 Odor Memorandum - SED Associates Corp - 1 p.
- OdorControlExhibit\_20201218 - Fuss & O'Neil - 18 pp.

**Summary:**

In the document “Additional Odor Reference Information (11-9-20),” from Jason Reposa, it is stated that the facility will utilize “Cannabis distillate oil” as the base ingredient in their products. The key word here is “distillate.” While all distillates are oils, not all cannabis oils are distillates. A cannabis oil fits the definition of a distillate only if all other plant matter and compounds, including terpenes, have been removed through chemical and mechanical processes. There are many other types of marijuana oils on the market that have not undergone this type of processing. Any raw oil that has been extracted from a marijuana plant will have a strong odor before it has been processed.

Distillates are cannabis extracts that have been purified and processed to separate the cannabinoids, such as THC and CBD, into concentrated amounts. In order to produce a distillate, multiple processing steps are required, including winterization, decarboxylation, and then finally distillation. Since the terpenes have been removed, distillates do not contain the “skunky” odor that is typical of marijuana plants and unprocessed cannabis oils. The process of producing the distillate is described in the email from Sean Harrison to Jason Reposa dated 12-18-2020 (See OdorControlExhibit\_20201218 - Fuss & O'Neil p. 4).

Since the odor removing processes are performed on the distillate prior to being delivered to the Good Feels facility, I agree with the conclusion reached by Fuss & O'Neil that an odor mitigation system related to processes using cannabis oil distillate as described would be unnecessary due to the absence of the components that would produce an offensive cannabis odor. This should hold true as long as the oils used are distillates and no unprocessed cannabis oils are used in the facility.

However, other types of odors may or may not exist due to flavorings of the final products or the cooking or preparation processes of the final products. No documentation of these processes was received for review, thus no opinion is offered regarding any potential odors of that nature.

Respectfully,

A handwritten signature in cursive script that reads "Bruce Straughan".

Bruce Straughan, PE  
Straughan Forensic, LLC



## Susan Affleck-Childs

---

**From:** Christopher Menge <cmenge@hmmh.com>  
**Sent:** Wednesday, January 6, 2021 11:05 AM  
**To:** Susan Affleck-Childs  
**Subject:** RE: FW: FW: Marijuana facility at 23 Jayar Road in Medway, MA

Hello Susan,

We have reviewed the revised NCE JOB MEMO 2020-039 dated January 5, 2021. The applicant's newly-selected Mitsubishi HVAC unit and its clear and unambiguous specifications, along with NCE's proper analysis have lead me to conclude that there will be no violations of the Town of Medway's daytime or nighttime noise standards. Further, the noise levels from the unit will be well below the standards and not a cause for any concern by the Town.

Thank you for the opportunity to assist the Town of Medway in this matter.

Sincerely,

**Christopher Menge, INCE**  
Sr. Vice President/Principal Consultant



700 District Avenue | Suite 800 | Burlington, MA 01803  
O 781.852.3153 | M 781.223.8944  
[cmenge@hmmh.com](mailto:cmenge@hmmh.com)  
[www.hmmh.com](http://www.hmmh.com) | [Twitter](#) | [LinkedIn](#)

---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Tuesday, January 05, 2021 8:20 PM  
**To:** Christopher Menge <cmenge@hmmh.com>  
**Subject:** FW: FW: FW: Marijuana facility at 23 Jayar Road in Medway, MA

[EXTERNAL]  
Hi Chris,

See note below and attachment. Our applicant has changed to a Mitsubishi HVAC system.

Please review at your earliest convenience.

Thanks for your help.

Susy

**From:** Jason Reposa [<mailto:jason@getgoodfeels.com>]  
**Sent:** Tuesday, January 5, 2021 5:10 PM  
**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** Re: FW: FW: Marijuana facility at 23 Jayar Road in Medway, MA

Attached is the revised report from the engineer, regarding noise. As Chris noted the numbers published in the spec were not accurate, so we made the decision to go with a different model HVAC unit from Mitsubishi. Please forward this to your engineer at your earliest convenience.

Thank you!

On Tue, Jan 5, 2021 at 8:30 AM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Thanks.

**From:** Jason Reposa [mailto:[jason@getgoodfeels.com](mailto:jason@getgoodfeels.com)]

**Sent:** Tuesday, January 5, 2021 8:29 AM

**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Subject:** Re: FW: FW: Marijuana facility at 23 Jayar Road in Medway, MA

Just forwarded it to him. I've prepared a short presentation for tonight if necessary.

----- Forwarded message -----

From: **Susan Affleck-Childs** <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

Date: Tue, Jan 5, 2021 at 8:03 AM

Subject: FW: FW: Marijuana facility at 23 Jayar Road in Medway, MA

To: Jason Reposa <[jason@getgoodfeels.com](mailto:jason@getgoodfeels.com)>

Hi Jason,

See email note below from our noise consultant. Would you please review, check with the manufacturer on whether the octave band sound power levels are weighted or not, discuss with Jeff Komrower, and if possible, prepare a response in time for tonight's meeting.

Thanks.

*Susy*

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

---

**From:** Christopher Menge [mailto:[cmenge@hmmh.com](mailto:cmenge@hmmh.com)]  
**Sent:** Monday, January 4, 2021 10:25 AM  
**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** RE: FW: Marijuana facility at 23 Jayar Road in Medway, MA

Hello Susan,

In my opinion, there is still a problem with the octave bands and A-weighting used in the NCE calculations. They have assumed that the manufacturer's specified octave band sound power levels for the HVAC unit are unweighted. However, the summing math doesn't work unless we assume that they are A-weighted. When I A-weight the octave band power levels, convert them to energy and add them up, I get an overall (assumed) A-weighted sound power level of 68.2 dBA, not 75 dBA, as the manufacturer specifies. However, if we assume that the octave band levels are A-weighted already, the energy sum is 76.4 dB – much closer to 75. Unless the manufacturer is being extraordinarily conservative with his specified A-weighted sound power level, the math strongly suggests that the values are already A-weighted (which is not an unheard of way to specify sound power levels). Therefore, the octave band would have to be unweighted before being propagated to the property line and compared with the Medway standards.

The only issue here is with the 63 Hz octave band at night. That limit for Medway is 55 dB (unweighted). If we assume that the manufacturer's Lw of 74.7 dB in the 63 band is already A-weighted, the unweighted value would be 101.3 dB, and the sound pressure level in that band would be approximately 66 dB at 80 feet, and 63 dB at 120 feet, exceeding the limit.

Now, if the facility is not planned to operate between 9 PM and 7 AM, the noise levels from the unit are in compliance with all daytime limits, and there will not be any exceedances.

Chris

**Christopher Menge**

Sr. Vice President/Principal Consultant

**HMMH**

[www.hmmh.com](http://www.hmmh.com)

○ 781.852.3153 | M 781.223.8944

[cmenge@hmmh.com](mailto:cmenge@hmmh.com)

---

**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Sent:** Tuesday, December 29, 2020 8:34 AM  
**To:** Christopher Menge <[cmenge@hmmh.com](mailto:cmenge@hmmh.com)>  
**Subject:** Fw: FW: Marijuana facility at 23 Jayar Road in Medway, MA

[EXTERNAL]

Good morning, Chris.

See email with attachment from Jeff Komrower at Noise Control Engineering in response to your email questions.

Thanks for your help.

Happy almost New Years!

**Susy**

Susan E. Affleck-Childs

Town of Medway

Planning and Economic Development Coordinator

155 Village Street

Medway, MA 02053

508-533-3291

**From:** Jeff Komrower <[jeffk@noise-control.com](mailto:jeffk@noise-control.com)>  
**Sent:** Sunday, December 27, 2020 5:19 PM  
**To:** Jason Reposa <[jason@getgoodfeels.com](mailto:jason@getgoodfeels.com)>  
**Cc:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** RE: FW: Marijuana facility at 23 Jayar Road in Medway, MA

Hi Jason,

Attached please find a revised memo based on some of the comments that were received by Susan Affleck-Childs by Chris Menge at HMMH. I'll address these as they were addressed in the revised memo:

1. The overall A-weighted values in the Town of Medway tables are not mixed up with the unweighted values – the overall unweighted value is not presented in the Table. Similarly, in the original table presented, the overall unweighted values were not presented. To avoid confusion, I did present both values in the final table in the revised document. I did notice, however, in the original table that there was a mistake in the calculated A-weighted overall levels – they were actually lower than presented.
2. Based on the location of the HVAC unit on the roof and the location of the property lines, it is not expected that there would be ANY significant contribution due to rooftop or ground reflections. However, to take the conservative approach, I did use the hemispherical spreading calculation in the revised calculations as suggested by Chris Menge. The values are still well below the town specifications.
3. Originally, based on the intent of the ordinances, and since there is only woods and nothing else beyond the North property line, I calculated the noise levels at the property line to the closest abutter where any high noise levels would be an issue. However, yes, technically these noise levels should be calculated at the closet property line, which is the North property line as pointed out by Chris. So, in the revised memo, I calculated for both these property line. The values are still well below the town specifications even at the closet property line.

Please let me know if you have any questions. Thanks!

Best regards,

Jeff

**Jeffrey M. Komrower**  
Noise Control Engineering, LLC  
978-584-3026 (direct line)  
410-960-9243 (mobile)  
[www.noise-control.com](http://www.noise-control.com)

---

**From:** Jason Reposa <[jason@getgoodfeels.com](mailto:jason@getgoodfeels.com)>  
**Sent:** Tuesday, December 22, 2020 1:26 PM  
**To:** Jeff Komrower <[jeffk@noise-control.com](mailto:jeffk@noise-control.com)>  
**Subject:** Fwd: FW: Marijuana facility at 23 Jayar Road in Medway, MA

Hi Jeff,

Can you take a look at this?

Thanks,

Jason

----- Forwarded message -----

**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Date:** Tue, Dec 22, 2020 at 11:53 AM  
**Subject:** FW: Marijuana facility at 23 Jayar Road in Medway, MA  
**To:** Jason Reposa <[jason@getgoodfeels.com](mailto:jason@getgoodfeels.com)>  
**Cc:** Jeff Komrower ([jeffk@noise-control.com](mailto:jeffk@noise-control.com)) <[jeffk@noise-control.com](mailto:jeffk@noise-control.com)>, Andy Rodenhiser <[andy@rodenhiser.com](mailto:andy@rodenhiser.com)>

Hi Jason,

See note below received this morning from our noise consultant, Chris Menge, at HMMH. He has some preliminary comments and questions on the noise information provided.

Please authorize Jeff Komrower to provide additional information and/or reach out directly to Mr. Menge to discuss.

Thanks.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

---

**From:** Christopher Menge [mailto:[cmenge@hmmh.com](mailto:cmenge@hmmh.com)]  
**Sent:** Tuesday, December 22, 2020 11:03 AM  
**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** RE: Marijuana facility at 23 Jayar Road in Medway, MA

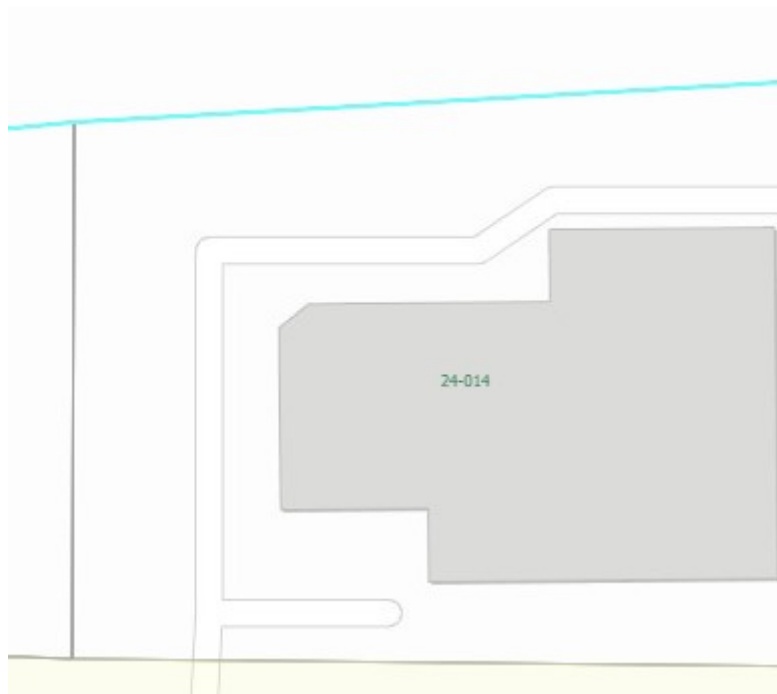
Hello Susan,

In my preliminary review of the NCE report, I've found three issues that I think you should have them address in a revised report prior to my formal review.

The first is that they have mixed A-weighted octave band values for the sound power levels and predicted sound pressure levels with the un-weighted octave band limits that the town has. I determined this via adding the octave band energy values and comparing with the stated A-weighted values.

Another issue is that to determine the sound levels at the property line, NCE used the equation for “spherical spreading” from the noise source. This assumption is not as conservative as “hemispherical spreading,” which assumes sound reflection from the ground and/or building roof during sound propagation. We recommend using hemispherical spreading because such reflections will occur. Hemispherical spreading yields sound levels approximately 3 to 4 decibels higher, due to the reflection from the ground/rooftop.

Finally, NCE assumed that the property line at Jayar Rd. was the closest to the noise source. The existing noise standard specifies that the noise levels should be determined at the property line nearest to the noise source. We looked at the Town of Medway’s parcel boundaries for 23 Jayar Rd in the Town’s GIS system. An image of that parcel, its boundaries and the building’s placement on the parcel is shown below. These boundaries suggest that the north property line is approximately 80 feet from the proposed location of the HVAC unit on the building, and the west property line is approximately 91 feet away.



Sincerely,

Chris

**Christopher Menge, INCE**

Sr. Vice President/Principal Consultant

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**Board Members**

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



Medway Town Hall  
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[www.townofmedway.org](http://www.townofmedway.org)

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

January 8, 2021 - REVISED DRAFT

**SPECIAL PERMIT DECISION**  
**Adult Recreational Marijuana Establishment**  
**Good Feels, Inc. – 23 Jayar Road**  
**with Conditions**

**Decision Date:** \_\_\_\_\_

**Name/Address of Applicant:** Jason Reposa  
Good Feels, Inc.  
1 Shady Lane  
Medway, MA 02053

**Name/Address of Property Owner:** William F. Reardon Revocable Trust  
89 Main Street, Suite 105  
Medway, MA 02053

**Location:** 23 Jayar Road

**Assessors' Reference:** Map 24, Parcel 014

**Zoning District:** East Industrial

Telephone: 508-533-3291

Fax: 508-321-4987

[planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)

**I. PROJECT DESCRIPTION** – The Applicant seeks a special permit pursuant to sub-Section 8.10 of the Medway *Zoning Bylaw* for authorization to use 1,896 sq. ft. of the existing commercial/industrial building at 23 Jayar Road on the north side of Jayar Road in the East Industrial zoning district to operate a registered marijuana establishment (Good Feels, Inc.) to manufacture, process and package marijuana infused products for adult recreational use. This application does not request cultivation or retail sale of adult recreational marijuana on the premises.

**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 \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS as specified herein a recreational marijuana establishment special permit to operate a business to manufacture and package marijuana infused products in a specified portion of the building located at 23 Jayar Road in Medway, MA.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	
Matthew Hayes	
Thomas A. Gay	
Andy Rodenhiser	
Robert Tucker	

### **III. PROCEDURAL HISTORY**

- A. November 9, 2020 – Special permit application filed with the Board; filed with the Town Clerk on November 10, 2020.
- B. November 12, 2020 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. October 12, 2020 - Public hearing notice mailed to parties in interest by certified sent mail.
- D. November 23, 2020 and December 1, 2020 - Public hearing notice advertised in *Milford Daily News*.
- E. December 8, 2020 - Public hearing commenced. The public hearing was continued to January 5, 2021 and January 12, 2021 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 23 Jayar Road for a recreational marijuana establishment included the following information that was provided to the Board at the time the application was filed:

- Marijuana Establishment special permit application dated November 9, 2020
  - Good Feels Project Description prepared by Jason Reposa, received November 9, 2020
  - Status of application to Cannabis Control Commission, prepared and submitted by the applicant November 9, 2020
  - Certified abutters' lists prepared by the Medway and Millis Assessors
  - Letter dated September 18, 2020 from David Moniz, property manager for property owner Reardon Properties, lease for 23 Jayar Road space between Good Feels and Reardon Properties, and property deed dated March 22, 2007 confirming property ownership of 23 Jayar Road.
  - Building fit-out plans dated October 23, 2020 prepared by Joe The Architect
  - As-Built Plan of Land, dated November 3, 2020 prepared by Colonial Engineering
  - Host Community Agreement with the Town of Medway dated September 8, 2020
  - Notarized Declaration of Ownership Affidavit dated November 9, 2020
  - Prior ZBA decisions for 23 Jayar Road dated January 17, 1990 and May 2, 2001.
  - Memorandum dated November 6, 2020 from Attorney Adrienne Dean
  - Memorandum dated November 5, 2020 from Jeff Komrower of Noise Control Engineering (on behalf of the applicant) re: noise generation
  - Miscellaneous odor generation information and documentation submitted by the applicant
- 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:
- Review memo dated November 16, 2020 from Charles River Pollution Control District
  - Good Feels Security Plan received November 25, 2020
  - Overview of Types of Products to be Manufactured received November 30, 2020
  - Applicant's attestation of completion of the required community outreach meeting, held October 20, 2020, as required by the Cannabis Control Commission
  - Documentation provided by the Cannabis Control Commission of its receipt of the Good Feels, Inc.'s application and subsequent follow-up communications from the CCC to the applicant
  - Project review memorandum dated December 2, 2020 from Susy Affleck-Childs, Planning and Economic Development Coordinator
  - Letter dated December 7, 2020 from Medway Police Chief Allen Tingley
  - Email dated December 7, 2020 from Garden Remedies (marijuana oil distillate vendor)
  - Memorandum dated December 18, 2020 from SED Associates Consulting Engineers (odor consultant for the applicant)

- Letter dated December 21, 2020 from Fuss and O’Neil (odor consultant for the applicant)
- Email dated December 23, 2020 from Medway Building Commissioner Jack Mee
- Good Feels, Inc. Transportation Overview dated December 16, 2019.
- Email dated December 27, 2020 from Jeff Komrower, P.E., Noise Control Engineering (noise consultant for the applicant) providing further information as requested 12-22-20 by the Board’s noise consultant
- Email dated January 4, 2021 from Chris Menge, PE, HMMH (noise consultant for the Board)
- Letter dated January 4, 2021 from Bruce Straughan, PE, Straughan Forensics, LLC (odor consultant for the Board)
- Memorandum dated January 5, 2021 from Jeff Komrower, PE, Noise Control Engineering (noise consultant for the applicant) providing updated HVAC plan and analysis of noise generation therefrom
- Email dated January 6, 2021 from Chris Menge, PE, HMMH (noise consultant for the Board)

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

- Resident and abutter John Lally, 35 Coffee Street – email dated 12-7-20 and testimony at the 12-8-20 hearing
- Selectman Glenn Trindade - testimony at the 12-8-20 hearing

**VI. FINDINGS**

The Planning and Economic Development Board, at its meeting on January 5, 2021, on a motion made by Matthew Hayes and seconded by Robert Tucker, voted to approve the **FINDINGS** regarding the special permit application for adult recreational marijuana establishment for 23 Jayar Road. The motion was approved by a vote of 4 in favor (Gay, Hayes, Rodenhiser and Tucker) and 1 opposed (Di Iulio).

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

- (1) Section 8.10.B. Applicability - The proposed use of this space for marijuana product processing and packaging qualifies as a Recreational Marijuana Establishment (RME) as defined in SECTION 2 of the *Zoning Bylaw*. NOTE - The premises shall not be used for cultivation nor retail sales.
- (2) Section 8.10.D. Eligible Location – The property at 23 Jayar Road is located in the East Industrial Zoning District which is one of the eligible locations for an RME as specified in the *Zoning Bylaw*. The site is 1.374 acres. The existing commercial/industrial building on the property is 18,212 sq. ft. in area. The applicant will use 1,896 sq. ft. of the building for the RME establishment; that space is located in the northwest corner of the building and is accessed from the parking lot on the west side of the building.

- (3) Section 8.10.E.1 & 2 - The proposed establishment meets the General Requirements for an RME as specified in Section 8.10 E. including being contained within a proper building which does not include residential uses or doctor's offices.
- (4) Section 8.10.E.3. - At the time of application, the petitioner proposed the hours of 10 a.m. to 4 p.m. Monday through Friday. The specific hours of operation are included as a condition of the special permit (See Condition \_\_\_\_).
- (5) Section 8.10.E.4. - The building's location is more than 500 linear feet from an existing public or private school serving students in grades K-12. The Medway Dance Authority is a private dance school located within the 23 Jayar Road building. However, the Dance Authority is a commercial operation and does not constitute a public or private school in the meaning of the bylaw; instead it most suitably fits the definition of Education/Instructional Facility, Commercial as included in SECTION 2 Definitions of the Zoning Bylaw. To support this assertion, the applicant has provided a memorandum dated November 6, 2020 from Attorney Adrienne Dean of Yoo Dean Law of Westford, MA which presents a solid explanation to address this criterion. Further, Building Commissioner Jack Mee, in a December 23, 2020 email communication, provided his determination that the Medway Dance Authority is not a public or private school pursuant to the Medway Zoning Bylaw.
- (6) Section 8.10.E.5. - The petitioner has stated, in the application materials, that no smoking, burning or consumption of marijuana or marijuana infused products will be allowed on the premises. Prohibition relative to such activity has been included as a condition of the special permit. (See Condition #\_\_\_\_)
- (7) Section 8.10.E.6. - As proposed, the establishment does not include a drive-through service. A prohibition regarding any drive-through capability has been included as a condition of the special permit. (See Condition # \_\_\_\_)
- (8) Section 8.10.F. Signage - The applicant plans to have a small sign near its entrance (on the west building façade) indicating the name of the business and Suite #6. A sign permit through the Building Department is required. Sign design review with the Design Review Committee is required for any sign six sq. ft. in area or larger. There are no plans for any advertising or primary wall signage on the exterior of the building, no free-standing monument sign, nor does the applicant intend to employ any off-site signage.
- (9) Section 8.10.G. Contact Information - Contact information for purposes of the special permit application and review process has been provided. A condition has been included to require the contact information to be updated to include all management staff and any holders of keys or access devices to the Good Feels premises and that the applicant and operator will provide current information with the Town. (See Condition # \_\_\_\_)
- (10) Section 8.10.H Prohibition Against Nuisances - 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. (See Conditions #\_\_\_\_ & \_\_\_\_). Both the Applicant and the Town have contracted with noise and odor consultants to review the noise and odor generating components of the planned establishment. Both noise consultants (Noise Control Engineering and HMMH) have determined that the operation of the selected rooftop HVAC unit will comply with the Town's noise standards. Both

odor consultants (Fuss & O'Neill and Straughan Forensics) have determined that the planned use of cannabis oil distillate to produce marijuana infused products does not generate the offensive cannabis odor associated with cultivation.

- (11) Section 8.10.I Openness of Premises - 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 building’s primary parking lot. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed. As conditioned herein, there will be no displays of marijuana infused products visible from the exterior of the establishment. (See Condition \_\_\_\_).
- (12) Section 8.10.J. Special Permit Requirements - The special permit authorizes only the following adult recreational marijuana establishment activities: manufacturing, processing and packaging of marijuana and marijuana products and the transport and delivery of such to other recreational marijuana establishments. Neither cultivation nor retail sales are allowed on the premises. (See Condition \_\_\_\_).
- (13) Section 8.10.J.2 - This special permit application is not subject to site plan review as it does not meet the threshold requirements of Section 3.5. The business will be located in an existing building, with the only exterior changes being the installation of a business sign.
- (14) Section 8.10.J.5. Application a & b – The applicant has successfully submitted a complete application to the Board for public hearing and review. Copies of all required licenses and permits issued for the RME to the applicant by the Commonwealth of Massachusetts are required to be included with the application. The petitioner has submitted documentation to confirm the filing of its application with the Cannabis Control Commission (CCC) on November 9, 2020. However, the Commission cannot issue even a Provisional License without evidence that the local approval has occurred. Accordingly, it is not possible for the applicant to have its CCC license or permit in hand at this time. Receipt of the required license and permit from the Cannabis Control Commission is included as a condition of the special permit. (See Condition \_\_\_\_)
- (15) Section 8.10.J.5. Application c. requires the applicant to provide evidence that they have the right to use the site for an RME. The applicant has submitted a letter dated September 18, 2020 from David Moniz, Property Manager for Reardon Properties, the owner of the subject premises, authorizing the applicant to use the space for the production of cannabis infused items. Also provided is a copy of the applicant’s lease for the space dated October 28, 2020.
- (16) Section 8.10.J.5. Application d. requires the applicant to provide a statement under oath disclosing the applicant’s ownership of the proposed registered marijuana establishment. A notarized Declaration of Ownership Affidavit signed November 9, 2020 was provided; it indicates that Jason Reposa is the sole owner of the corporate entity known as Good Feels, Inc. of Medway, MA.
- (17) Section 8.10.J.5. Application e. requires the applicant to provide a list of all parties entitled to receive notice of the hearing for the special permit application. The area to be notified includes owners of property located within 300 feet of 23 Jayar Road. Certified

lists of parties in interest from the Medway and Millis Assessor's offices were provided with the application. See Section III of this decision for details.

- (18) Section 8.10.J.5. Application f. requires the applicant to provide a site plan which shows a detailed floor plan of the proposed RME and the various security measures. The applicant has provided building improvement plans dated 10/23/20 by Joe the Architect of Somerville, MA which address these items and include a security plan which has been reviewed and approved by Police Chief Allen Tingley.
- (19) Section 8.10.J.5. Application g. requires the applicant to provide a copy of the policies/procedures for delivery services. The applicant's transportation plan dated December 19, 2019 has been provided. The applicant has indicated their intention to contract with a licensed delivery company to deliver products to various retail marijuana establishments throughout Massachusetts
- (20) Section 8.10.J. Application h. requires the applicant to provide a comprehensive noise mitigation plan. The noise producing components of the proposed establishment have been described, documented and reviewed by the noise consultants for the applicant (Noise Control Engineering) and the Town (HMMH). Both consultants have determined that the noise to be generated by the planned rooftop Mitsubishi HVAC system comply with Section \_\_\_\_ Environmental Standards of the Zoning Bylaw and other noise standards. As the equipment is compliant, there is no need for any supplemental noise mitigation measures. A condition has been included to address any unanticipated noise issues that may arise in the future. (See Condition # \_\_\_\_).
- (21) Section 8.10.J Application i. requires the applicant to provide a comprehensive odor control, abatement and mitigation plan. The potential odor producing components of the proposed establishment have been described, documented and reviewed by the odor consultants for the Applicant (Fuss & O'Neill and SED) and the Town (Straughan Forensics). Both consultants have opined that the installation of an odor mitigation system related to processes using cannabis oil distillate to be undertaken by Feels Good, Inc. is unnecessary due to the absence, in the planned use of cannabis oil distillate, of the components that produce the offensive cannabis odor. A condition has been included to prohibit the use of unprocessed cannabis oils for this establishment and to require the use of only cannabis oil distillates and to address any unanticipated odor issues that may arise in the future. (See Condition # \_\_\_\_).
- (22) Section 8.10, J. 6. Procedures, a. requires that the special permit application and public hearing procedure for a RME shall be conducted in accordance with Section 3.4 of the *Zoning Bylaw* and G.L. c. 40A, § 9. The application has been submitted, reviewed and the public hearing has been properly noticed in accordance with the requirements. See Section III of this decision for details.
- (23) Section 8.10.J.6 Procedures b. requires the Board to make certain mandatory FINDINGS as follows:
  - a. 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.



- b. 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.
  - c. As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 Special Permits of the *Zoning Bylaw*. See below.
- (24) Section 8.10.O. Host Community Agreement - The Town of Medway and Good Feels, Inc. entered into a Host Community Agreement in September 2020 to operate a registered marijuana establishment. Maintenance of the Host Community Agreement is a condition included in this decision.

**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 certain recreational marijuana establishments are allowed by special permit in the East and West Industrial Zoning Districts. The subject site at 23 Jayar Road is located within the East Industrial zone and is therefore an eligible location. The property is within an industrial park and has been used for 40 years for various commercial and industrial uses. The subject site is not within 500 feet from any of the uses where a registered marijuana establishment is prohibited from locating (existing public or private school serving students in grades K-12).

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

The subject space is being renovated to create suitable space to operate the proposed recreational marijuana establishment including space for reception, receiving, deliveries, processing, open and secure storage, offices, utilities and shipping. Employee parking is readily available to the west of the building.

- (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 establishment is expected to have five employees. Because this is not a retail operation, traffic to the site shall consist of limited employee traffic, receipt of supply deliveries, and transport of finished products to off-site retail operations. The site's access is from Main Street (Route 109), a major east-west arterial roadway, so there is no traffic impact on nearby residential roads or neighborhoods.

- (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 establishment is to be located within an existing commercial/industrial building which is located within an industrial park with other manufacturing businesses. The building has housed multiple and varied business tenants over the years since its construction in 1979. There are no plans to expand the building or modify the site for this particular use. The Applicant has indicated that refuse materials will be removed from the premises to an off-site location. The noise and odor generating aspects of the operation have been described and reviewed by the Town's outside noise consultant, Chris Menge of HMMH, and odor consultant Bruce Straughan of Straughan Forensics and found to be compliant. As conditioned herein, the Board finds that suitable mitigation measures will be taken to comply with the Town's environmental regulations and standards for noise and odor. (See Conditions # \_\_ and # \_\_)

- (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 and the industrial park in which the subject property is located. This applicant plans use marijuana oil distillate to produce marijuana infused products. The Board finds that the proposed expanded use will not significantly alter the character of the East Industrial zoning district.

- (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 2009 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. This permit is conditioned on the applicant's receipt of the required license and permit from the Cannabis Control Commission to operate the registered marijuana establishment as described in the application, associated materials, and this decision.
- B. 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 manufacture and package marijuana infused products 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 license, permit, and approvals from the Massachusetts Cannabis Control Commission.
  2. The Applicant shall provide an annual report of Good Feels, Inc. operations to the Board, Building Commissioner, Health Agent, and Police Chief no later than January 31<sup>st</sup> 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 Good Feels, 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, Good Feels, Inc. as the owner of the establishment.
  4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.
  5. The provision of any drive-through service for this establishment is prohibited.
  6. There shall be no displays of marijuana infused products visible from the exterior of the establishment.
- C. **Noise Management**
  1. The Applicant is required to comply with the noise control provisions of Section 7.3.D of the *Zoning Bylaw*. Any new or altered mechanical equipment installed for this establishment shall be designed to comply with Section 7.3 of the *Zoning Bylaw*.

**Commented [SA1]:** Expanded this considerably to correspond to the proposed new noise standards.

2. The Applicant has agreed to also comply with the following updated noise control standards:

- a) The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation, he may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.
- b) **Continuous Noise.** Continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the table below. In addition, maximum permissible sounds levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

- c) Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line. Compliance is required at all property lines of the noise source and at sensitive receptors located within one-thousand feet of a property line of the noise source. Noncompliance at any property line of the noise source or at any sensitive receptor located within one-thousand feet of a property line of the noise source is a violation.
3. **Corrective Measures** – If the operation of the authorized use produces non-compliant noise, the Permittee shall be required to come into compliance with the above standards. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance. The plan shall address how the site will become compliant. Compliance shall be achieved through

industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience. The Permittee shall be required to install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

D. **Odor Management**

1. The Applicant is required to comply with the odor control provisions of Section 7.3.D of the *Zoning Bylaw*. Any new or altered mechanical equipment or processing practices installed or instituted for this establishment shall be designed to comply with Section 7.3 of the *Zoning Bylaw*.
2. The Applicant has agreed to also comply with the following updated odor control standards:
  - a. The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.
  - b. Disturbing, offensive or objectionable odors which are those at or above the detection threshold of a person with normal olfactory sensitivity, shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation.
    - 1) **Sensorial Reasonableness Standard** – The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.
    - 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2<sup>nd</sup> Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.

**Commented [SA2]:** Expanded this considerably to correspond to the proposed new odor regulations.

- c. **Corrective Measures** – If the operation of the authorized use produces non-compliant odor, the Permittee shall be required to come into compliance with the above standards. The Building Commissioner shall require the owner and/or operator of the odor-producing use to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval or otherwise bring the property into compliance. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Permittee shall be required to install and maintain odor-eliminating equipment in accordance with the odor control plan. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.
- 3. The Permittee is prohibited from using unprocessed cannabis oils and is required to use only cannabis oil distillates for its production of cannabis infused products.
- E. **Outdoor Storage of Equipment** – The Permittee is not authorized to construct a permanent installation for a back-up generator outside the building.
- F. **Hours of Operation** – The authorized hours of operation for Good Feels, Inc. shall be from 7 am to 9 pm, Sunday – ~~Saturday~~.
- G. The Permittee 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.
- H. There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of the registered marijuana establishment.
- I. The Permittee is required to provide current information to the Town with updated contact information for all management staff and any holders of keys or access devices to the Good Feels premises.
- J. **Limitations** - This special permit is limited to the operation of a recreational marijuana manufacturing, processing and packaging establishment at 23 Jayar Road. This permit does not authorize operation of a retail outlet for the sale of marijuana products, the cultivation of marijuana, the operation of a testing facility on the premises, or the operation of product delivery service directly to consumers. Any change to the approved use shall require a modification to this special permit and shall be in compliance with the *Zoning Bylaw*.

**Commented [SA3]:** Added this

**Commented [SA4]:**  
 NOTE - ComCann's authorized hours are 7 am to 8 pm Sunday – Saturday.

- K. Delivery of products shall be in accordance with the applicant's transportation plan dated December 19, 2019. The Permittee may contract with one or more licensed Marijuana Transporters, as that term is defined in 935 CMR 500.102, to deliver products to various retail marijuana establishments throughout Massachusetts. The Permittee may also contract with one or more licensed Marijuana Delivery Operators as defined in 935 CMR 500.102 to purchase Permittee's products for resale to consumers; such Marijuana Delivery Operators shall transport Permittee's products from Permittee's location to the Operators' Warehouses for inventory and storage purposes prior to resale. Because this RME special permit is only for manufacturing, production and packaging and not for retail, deliveries directly to consumers are prohibited.

Commented [SA5]: I checked the document. This is the correct date.

#### GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to the Board's filing of 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. 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 Permittee 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** - After the twenty day appeal period has expired and before this special permit takes effect, the Applicant must obtain a certified notice from the Town Clerk and provide such certification to the Board before the decision and certificate are recorded at the Norfolk County Registry of Deeds. Proof of recording of the decision and the certificate must be delivered to the Building Commissioner and the Board.
- D. **Conflicts** – If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

#### IX. APPEAL

The Board and the Applicant have complied with all statutory requirements for the issuance of this special permit on the terms set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in Massachusetts General Laws chapter 40A, section 15.

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

In accordance with General Laws chapter 40A, section 11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk, that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant.

###

DRAFT



**Medway Planning and Economic Development Board  
Adult Recreational Marijuana SPECIAL PERMIT DECISION  
Good Feels, Inc. – 23 Jayar Road**

\_\_\_\_\_ the Medway Planning & Economic Development Board: \_\_\_\_\_ 2021

**AYE:**

**NAY:**

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**ATTEST:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

\_\_\_\_\_  
Date

**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 Commissioner and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Allen Tingley, Police Chief  
Jeff Watson, Police Department  
Jason Reposa, Good Feels, Inc.  
David Moniz, Reardon Properties



**January 12, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Medway Green Completion Certificate**

- Medway Greens Completion Certificate dated  
January 8, 2021



**TOWN OF MEDWAY**  
**Planning and Economic Development Board**

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**Certificate of Completion**  
**Medway Green Multi-Family Condominium Development**

January 8, 2021

Project Location: Northeast corner of Main and Mechanic Streets  
176 Main Street (Units 1 - 4  
2 Mechanic Street (Units 1-4)

Assessor's Map/Parcel Numbers: 47-34 and 47-36

Title of Plan: *Medway Greens*  
Date of Plan: December 17, 2016, last revised March 7, 2017  
Drawn by: Ron Tiberi, P.E., Natick MA

Date of Special Permit/Site Plan Decision: March 21, 2017  
Recording Information: Book 35102, Pages 391-414 (May 11, 2017)

Date of Site Plan Endorsement: April 25, 2017  
Recording Information: Plan Book 658, Pages 10 – 27 (May 11, 2017)

Permittee's Name: 176 Main Street Realty Trust  
Permittee's Address: 57 Draper Road, Dover, MA

Developer: Courtland Pines, LLC – Mark Heavner  
Developer's Address: 838 Washington ST., Holliston, MA 01746

Date of As-Built Plan: June 3, 2020  
Drawn by: Colonial Engineering, Medway, MA

Performance Security: \$47,250 (Wellesley Bank)

Affordable Housing: 1 unit (176-2 Main Street)  
AH Regulatory Agreement recorded in Book 37282, starting on Page 130

***Project Status***

- ☒ X Engineer's Certification of Completion & Compliance for site plan work and/or stormwater management facilities: Dan Merrikin, P.E., July 27, 2020
- ☒ X Town Consulting Engineer's Project Completion Sign-off: Steve Bouley, August 3, 2020
- ☐ NA Acceptance of required public off-site improvements by BOS and/or DPW

☐\_NA\_ Acceptance of required private off-site improvements by PEDB:

☐\_NA\_ CONCOM Certificate of Compliance, if applicable:

☒\_X\_ As-Built Plan reviewed and accepted by Town's Consulting Engineer: June 10, 2020

☒\_X\_ Treasurer's Certification of Taxes Paid: August 11, 2020

☒\_X\_ Construction Account: Balance owed was paid December 21, 2020

☒\_X\_ Board Vote to Release Performance Security: August 11, 2020

☒\_X\_ PEDB vote of project completion:



**January 12, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**PEDB Meeting Minutes**

- January 5, 2021 PEDB Meeting

**Tuesday, January 5, 2021**  
**Medway Planning and Economic Development Board**  
**155 Village Street**  
**Medway, MA 02053**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
<b>Attendance</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>	<b>X Remote</b>

Pursuant to Governor Baker’s Orders imposing strict limitations on the number of people that may gather inside in one place, attendance by members of the public will be limited due to the size of the meeting space. All persons attending this meeting are required to wear a face covering, unless prevented by a medical or disabling condition. Meeting access via ZOOM is also provided and members of the public are encouraged to use ZOOM for the opportunity for public participation; information for participating via ZOOM is included at the end of the Agenda. Members of the public may watch the meeting on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable’s Facebook page @medwaycable.

**PRESENT VIA ZOOM MEETING:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland. Recording Secretary

**PUBLIC COMMENTS:**

- There were no public comments

**CONTINUATION PUBLIC HEARING -Good Feels – Marijuana Special Permit:**

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

- 12-29-20 Public Hearing Continuation Hearing Notice
- Other submittals provided by the applicant
- Transportation Overview
- Odor Control letter from Fuss & O’Neil dated December 18, 2020
- Odor Memorandum from SED Associates dated December 18, 2020
- Email from Noise Control Engineering dated December 27, 2020 in response for additional information.
- Email from Building Commissioner Jack Mee dated December 23, 2020
- DRAFT Special Permit Decision dated January 4, 2021
- Email from Bruce Straughan, the Board’s odor consultant, dated January 4, 2021.
- Email from Chris Menge, the Board’s noise consultant, dated January 4, 2021.

The Chairman opened the continued public hearing for the Good Feels marijuana establishment special permit

NOTE – Applicant Jason Reposa and his architect, Alex Siekierski participated in the meeting via ZOOM.

The Board was informed that Fuss & O’Neil provided a report to the applicant on odor control for 23 Jayar Road. The report explained that cannabis oil distillate is stripped of all plant-based components that produce an identifiable cannabis odor. The narrative has determined that an odor mitigation system related to the edibles manufacturing process using THC distillate due to the absence of the components that would produce an offensive odor is not necessary. The applicant also explained that there was an email from Sean Harrison from Commonwealth Alternative Care, one of his likely suppliers of cannabis oil distillate. It was explained that the process distills off and purifiers the molecular compounds. The final product is completely void of any distinct scent commonly attributed to cannabis. This leaves a very faint “burnt popcorn” smell if any smell at all. The applicant also referred to an email from Gene Ray, VP of Laboratory Operations with Garden Remedies Cannabis, another supplier, who has noted that the distillate is stripped of its essential oil (terpenes) that give it the “weed” smell. The final product of distillate typically has a potency around +85% THC, which is then utilized to make infused items.

Mr. Raposa provided a slide presentation via SHARE SCREEN. (See attached). This presentation explained that there were reports provided two odor engineers along with statements from various suppliers of the cannabis oil distillate product. There was also a peer review report from the town’s odor consultant (Bruce Straughan). The conclusion of the report from Timothy St. Germain of Fuss and O’Neil noted that an “odor mitigation system related to the edibles manufacturing process using THC distillate would be unnecessary due to the absence of the components that would produce an offensive cannabis odor. There was also documentation provided by Martin Richardson of SED Associates Consulting Engineers that upon his review, the “facility will be in full compliance with the Town of Medway’s Bylaws for Environmental Standards. Sean Harrison from the Commonwealth Alternative Care noted that the final product is completely void of any distinct scent commonly attributed to cannabis. The peer review report from the town’s odor consultant, Bruce Straughan, indicated that he agrees with the conclusion reached by Fuss & O’Neil.

The next part of the presentation focused on Noise. Senior Engineer Jeffrey Komrower of Noise Control Engineering, the applicant’s noise consultant, communicated in a letter that the “calculated noise levels at the property lines from operation of the proposed rooftop unit are well below both the overall dB(a) requirements for both daytime and nighttime operations as well as the individual octave band limits. The operation of the rooftop unit will result in no noise pollution as described in the Town of Medway Environmental Standards.”

The anticipated timeline is that the full license will be granted by the Cannabis Control Commission in May 2021. The production could begin in June 2021.

Member Gay noted that the odor standards were put in place not just for marijuana. There may be a burnt popcorn smell and also smells from the associated flavoring to be added to products. What is the mitigation going to be for those? The applicant responded that this is a

contained smell within the building and it will disappear. The example he gave is that this is like a candle. This will be in a closed HVAC system processing room. There was also information provided that this will be temperature controlled environment. The Board informed the applicant that there are odor thresholds put in place via the Bylaw that will have to be met.

The applicant informed Susy that there was additional information provided today about the noise. They plan to change the HVAC equipment to Mitsubishi which will meet the standards. This information will be forwarded to Chris Menge, the Town's noise consultant.

Resident, John Lally was present for the ZOOM call. Mr. Lally wanted to know if the HVAC unit will comply with the new noise and odor standards. The applicant responded that he will comply with the proposed new standards, but those have not yet been voted on by town meeting. He asked why he would be held to those standards if they are not approved. It was explained that this is a special permit application and those new standards were vetted for over a year and those are not just for marijuana. The Special Permit allows for more stringent rules and regulations.

The draft decision was reviewed.

The following were recommended changes to the FINDINGS section:

- Page 5: #10 Include language from the consultants.
- Page 7: Add language that the applicant does not have to provide a noise mitigation plan due to limited nature of this enterprise.

Member Di Iulio does not want to vote on the FINDINGS section of the decision until the recommended language is incorporated into the decision.

**On a motion made Matt Hayes, seconded by Bob Tucker, the Board voted by roll call to accept the FINDINGS as written with the edits as discussed.**

**Roll Call Vote:**

<b>Bob Tucker</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>nay</b>

The Board discussed the proposed Conditions as presented.

The was discussion about the dumpster. Usually, the Board requires dumpsters to be enclosed. The applicant communicated that he does not have a lot of trash and would probably just take it off site instead of using a dumpster at 23 Jayar Road. The property manager for the building said that he can take his trash to their other building at 85 Main Street. There was also discussion about the outdoor location of the back-up generator and if this will be on site permanently. The applicant explained that the generator will be not be permanently installed outside but will be a portable device. When the unit is not in use outside, it will be kept inside. For hours of operation, the applicant would like to have the permit be for Sunday through Saturday. The applicant does not think he will begin the operations until 10:00 am. The Board recommends that the hours be



from Monday through Sunday from 7:00 am to 9:00 pm. This provides for flexibility for possible deliveries on weekends.

**On a motion made Bob Tucker, seconded by Matt Hayes, the Board voted by Roll Call to Approve the Conditions as written and amended.**

**Roll Call Vote:**

Bob Tucker	aye
Tom Gay	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	nay

All the information provided will be added to the draft decision. This will be reviewed further at the meeting on January 12, 2021.

**On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted by Roll Call to continue the hearing to January 12, 2021 at 7:00 pm.**

**Roll Call Vote:**

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

**PEDB MEETING MINUTES:**

**December 8, 2020:**

**On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to approve the PEDB meeting minutes of December 8, 2020 as presented.**

**Roll Call Vote:**

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

**CONSTRUCTION REPORTS:**

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

- Project Engineer's Report on William Wallace Village from Dan Merrikin dated December 18, 2020.

- Project Engineer's Report on Evergreen's Village from Ron Tiberi dated December 31, 2020.

### **OTHER BUSINESS:**

- The RFP for the Master Plan was issued on January 4, 2021.

### **FUTURE MEETING:**

- Tuesday, January 12, 2020

### **ADJOURN:**

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

### **Roll Call Vote:**

<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Tom Gay</b>	<b>aye</b>

The meeting was adjourned at 8:15 pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

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



**January 12, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Medway Mill Site Plan**

- Public Hearing Continuation Notice dated November 12, 2020
- Letter from Guerriere & Halnon dated December 30, 2020 with summary of plan changes
- Letter from G & H dated December 29, 2020 in response to PGC review comments dated March 19, 2020
- Letter from G & H dated December 29, 2020 in response to TT review comments dated July 9, 2020
- Revised site plan dated December 24, 2020 by G & H.
- Review letter from PGC dated January 5, 2021 regarding the revised site plan
- Review letter from Tetra Tech dated January 7, 2021 regarding the revised site plan

## Board Members

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



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

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

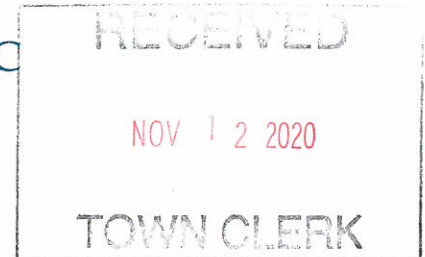
## MEMORANDUM

November 12, 2020

TO: Maryjane White, Town Clerk  
Town of Medway Departments, Boards and Committees

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

RE: **Public Hearing Continuation for Medway Mill Site Plan – 165 Main Street**  
**Continuation Date – Tuesday, January 12, 2021 at 7:30 p.m.**



At its November 10, 2020 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of 165 Main Street Realty Trust of Medway, MA for site plan approval for proposed site improvements at Medway Mill at 165 Main Street to the January 12, 2021 meeting at 7:30 p.m.

Proposed are a series of site improvements to the 7.28 acre property located at 165 Main Street in the Agricultural-Residential II zoning district. These include creating a 41-space surface parking area with electrical vehicle charging stations and bike racks; installation of stormwater management facilities for the parking area; landscaping and lighting; and expansion of the bridge across Chicken Brook for approximately 25 linear feet on each side. As the site includes riverfront areas under the jurisdiction of the Conservation Commission, the project is also subject to its review for an Order of Conditions and a Land Disturbance Permit.

The application, site plan, and supporting documentation were filed with the Town on February 18, 2020. The *Site Plan – Medway Mills* originally dated February 14, 2020, last revised May 13, 2020, was prepared by Guerriere and Halnon of Franklin, MA. The documents are on file with the Medway Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA. Project information has been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-mills-major-site-plan-review>.

**A revised site plan will be submitted to the Board within the next few weeks. Upon receipt, we will post it to the Board's web page and notify you with a request to review the plan and forward your comments to me.** Please don't hesitate to contact me if you have any questions. Thanks.





# Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

[www.guerriereandhalnon.com](http://www.guerriereandhalnon.com)

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**Franklin Office**  
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(508) 528-3221/Fax (508) 528-7921

**Whitinsville Office**  
1029 Providence Road  
Whitinsville, MA 01588-2121  
(508) 234-6834/Fax (508) 234-6723

F-3519

December 30, 2020

Medway Planning and Economic Development  
155 Village Street  
Medway, MA 02053  
Attn: Susan Affleck-Childs

RE: *Medway Mill, 163-165 Main Street, Medway, MA Summary of Revisions*

Dear Members of the Board:

On behalf of our client, NRG Concepts, Guerriere & Halnon, Inc. has provided the Board with a revised set of design plans based on comments and recent discussions with Tetra Tech, Planning and Economic Development and Conservation. As previously discussed, the intent of the proposed project is to enhance site safety and maximize parking, while minimizing disturbance within the wetland resource areas and buffer zones.

In accordance with Tetra Tech's findings, comments and recommendations, alternative parking layouts were evaluated. We have revised the parking layout to minimize disturbance within the 100-200 ft riverfront and still achieve the additional parking as originally intended. The revised layout decreases the amount of impervious area of both the entire project and the area within the riverfront by approximately 1,000 square feet as well as reduce the amount of stormwater mitigation required, which will provide for a better design. We have also provided a turnaround at the end of the parking area so vehicles do not need to back out of the lot to accommodate the flow of traffic in and out of the lot.

Additional revisions include the following:

- The proposed parking area will maintain a minimum of 15-feet off the property line and a waiver is no longer necessary;
- A 22-foot-wide turn around at the end of the parking lot has been provided;
- The stormwater management system has been relocated further outside the 100'-200' Riverfront Area and the emergency overflow has been redirected away from the roadway;
- Traffic flow and speed management signage has been added;

We believe these revisions have addressed the concerns expressed by Tetra Tech and the Town. Should you have any further questions or concerns, please contact our office.

Sincerely,  
**Guerriere & Halnon, Inc.**



Amanda Cavaliere  
Franklin Office Manager



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F-3519-1

December 29, 2020

Medway Planning Board  
155 Village Street  
Medway, MA 02053  
Attn: Andy Rodenhiser, Chairman

RE: *Comments from PGC Associates, LLC: Medway Mill, 163-165 Main Street, Medway, MA*

Dear Members of the Board:

On behalf of our client, NRG Concept Inc, Guerriere & Halnon, Inc. has prepared the following information to address the comments contained in the letter from PGC Associates, LLC dated March 19, 2020.

**PGC's** findings, comments and recommendations are shown in *italics* followed by our response in **bold**.

1. *The project qualifies for major site plan review since it involves "the addition of twenty or more new parking spaces," as specified in Section 3.5.3.b of the Zoning Bylaw.*

**GH: Acknowledged.**

2. *Section 204-3-F of the Site Plan Rules and Regulations requires a Development Impact Statement. This was not done, and applicant has requested a waiver. This may be reasonable since no additional development is proposed.*

**GH: Acknowledged.**

3. *Section 204-3 H requires a Construction Management Plan. Some of the details of such a plan (limit of work and stockpile area) are included on the Erosion Control Plan but a more detailed plan may be useful due to the close proximity of the work to residential abutters.*

**GH: Construction fence and notes have been added to the proposed work area for safety of abutters.**

4. *Section 204-5-D (8) specifies the contents of a landscape plan. 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. The Conservation Commission Order of Conditions will likely address the maintenance of the remediation area, but the parking lot trees and row of shrubs between the parking lot and abutters should be addressed.*

**GH: A note has been added to the landscaping plan.**

5. *Section 204-5-D (13) requires details of certain site amenities. Most of the details have been provided. However, there are no details for the bike racks (which are specifically required). Details of the proposed bike racks, as well as the proposed charging stations should be provided.*

**GH: Details for bike racks and pervious pavers have been added to the detail sheets.**

6. *Section 204-5-D (14) requires a master signage plan. Proposed signage should be addressed, including messages to prohibit disposing of trash in the detention basin.*

**GH: Signage for electric car parking, stop sign, no parking fire lane, no trash within the detention Area, and no snow storage on the sidewalk has been added to the detail sheets.**

7. *Section 207-9-B requires sidewalks to be 5 feet wide. A sidewalk of pavers is proposed to be 4 feet wide. The sidewalk (and bike racks) does comply with the requirement to maximize pedestrian and bicycle access.*

**GH: The sidewalks have been widened to 5 ft. See bike rack detail sheet 12 of 12**

8. *Section 207-12 H requires curbing around parking lots. It's not clear what type of curbing is proposed.*

**GH: Vertical granite curb is proposed and labeled on the site plan. Detail added to sheet 12 of 12**

9. *Section 207-13-I requires electric charging stations. Two stations are provided which complies with the requirement.*

**GH: Added pavement markings for charging parking only.**

10. *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 islands with trees within the parking area. No calculation indicates if the islands represent 10% of the area. Section 207-19-C (1)(d) requires at least 1 deciduous shade tree per 6 parking spaces. At 41 car spaces, 7 trees are required and 7 are provided.*

**GH: A new parking configuration has been provided with a total parking area = 13,486 sf., 7 trees have been added around the perimeter of parking area. Seven (7) Trees at the bottom of the slope at the detention area also have been provided**

We believe these responses have addressed the concerns expressed by PGC from their review letter. Should you have any further questions or concerns, please contact our office.

Sincerely,  
**Guerriere & Halnon, Inc.**

Amanda Cavaliere



Franklin Office Manager



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F-3519

December 29, 2020

Medway Planning and Economic Development  
155 Village Street  
Medway, MA 02053  
Attn: Susan Affleck-Childs

RE: *Comments from Tetra Tech: Medway Mill, 163-165 Main Street, Medway, MA*

Dear Members of the Board:

On behalf of our client, NRG Concepts, Guerriere & Halnon, Inc. has prepared the following information to address the comments contained in the letter from Tetra Tech, dated July 9, 2020.

**Tetra Tech's** findings, comments and recommendations are shown in *italics* followed by our response in **bold**.

## *Site Plan Review*

9. *Provide parking setbacks on the Site Plan. (Ch. 200 §204-5.D.3)*  
**GHI 6/18/20 Response: The parking offsets have been added to the plan and parking dimensions have been added to the plan.**  
*TT 7/9/20 Update: Parking setbacks are 15 feet and are not shown on the Plans. The setbacks shall be shown similar to building setbacks for reference during the review process.*

**GH: Parking offsets have been revised to maintain a minimum of 15 feet off the property line.**

10. *A site utilities plan has not been provided. Lighting is proposed in the parking lot and electrical runs will need to be shown on the Plans. All utilities are to be installed underground. (Ch. 200 §204-5.D.7)*  
**GHI 6/18/20 Response: Electrical lines and location shall be coordinated with National Grid and information will be provided after approval of site plan.**  
*TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project.*

**GH: On behalf of the Applicant, Guerriere & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.**

21. *Show dimensioning from property line to limit of parking area to ensure minimum 15-foot setback is provided. (Ch. 200 §207-12.G.3.b)*

**GHI 6/18/20 Response: Requesting a waiver to 12 ft. to minimize disturbance within the riverfront.**

*TT 7/9/20 Update: No action necessary until PEDB decision on waivers. We believe an alternate design is possible for this Project which would allow this requirement to be met while also decreasing impact to the Riverfront Area and reducing impervious cover. A few possible design alternatives include relocating proposed stormwater mitigation below the proposed pavement area, reconfiguring the parking into one drive aisle with parking on either side and decreasing proposed parking to only that required by zoning. The stormwater design is currently under review with the Medway Conservation Commission.*

**GH: An alternate design has been provided where a minimum setback of 15 feet from the property line has been provided. No waiver is required.**

22. *Provide radii on protruding edges of curb within the proposed parking area. (Ch. 200 §207-12.H.2)*

**GHI 6/18/20 Response: The radii have been added to the layout of the parking.**

*TT 7/9/20 Update: The intention of the regulation is to provide a minimum 3 foot radius on all outside, square corners within the parking area to prevent tire puncture.*

**GH: Acknowledged**

26. *We expect light levels to be much greater than shown at the property line as what is provided. Light levels shown on the plan end at the property line at reasonably high values (ie. 0.17, 0.18, 0.19, etc.). This may be due to the proposed fence but that information should be provided on the Plan to confirm. We recommend the Applicant also place shielding on the light fixtures to ensure no light trespass extends to residential abutters. (Ch. 200 §207-19.B.2)*

**GHI 6/18/20 Response: The fence and landscaping is designed to minimize glare onto the abutters. Notes were added to the lighting plan indicating the use of shields if determined if necessary.**

*TT 7/9/20 Update: We believe an alternate design of the parking layout is possible which will relocate the parking, and appurtenant lighting, further away from abutters as compared to the current design. See Update at Comment 21.*

**GH: An alternative parking layout has been provided for review.**

29. *It does not appear the proposed parking layout accounts for the minimum 10% landscaped island area. Parking area calculation shows approximately 15,000 sf of new parking area with 10%, or 1,500 sf, of landscaped island required. These islands are exclusive of perimeter landscaping. (Ch. 200 §207-19.C.a)*

**GHI 6/18/20 Response: The parking was designed to minimize disturbance within the riverfront area.**

*TT 7/9/20 Update: We believe an alternate design of the parking layout is possible to help reduce impervious cover at the site. Reduction in impervious cover would reduce the scope of required landscaped islands to help the Project better align with the Regulations. See Update at Comment 21.*

**GH: An alternative parking layout has been provided for review where impervious coverage has been reduced.**

33. *Proposed fence is white PVC. Fence type and color will need to be reviewed by the Medway Design Review Committee. (Ch. 200 §207-20.A)*

**GHI 6/18/20 Response: Acknowledged.**

*TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project. We anticipate the Medway Design Review Committee will recommend alternative colors and textures for the proposed fence.*

**GH: On behalf of the Applicant, Guerriere & Halnon, Inc. respectfully requests PEDB condition this item in the Decision for the Project.**

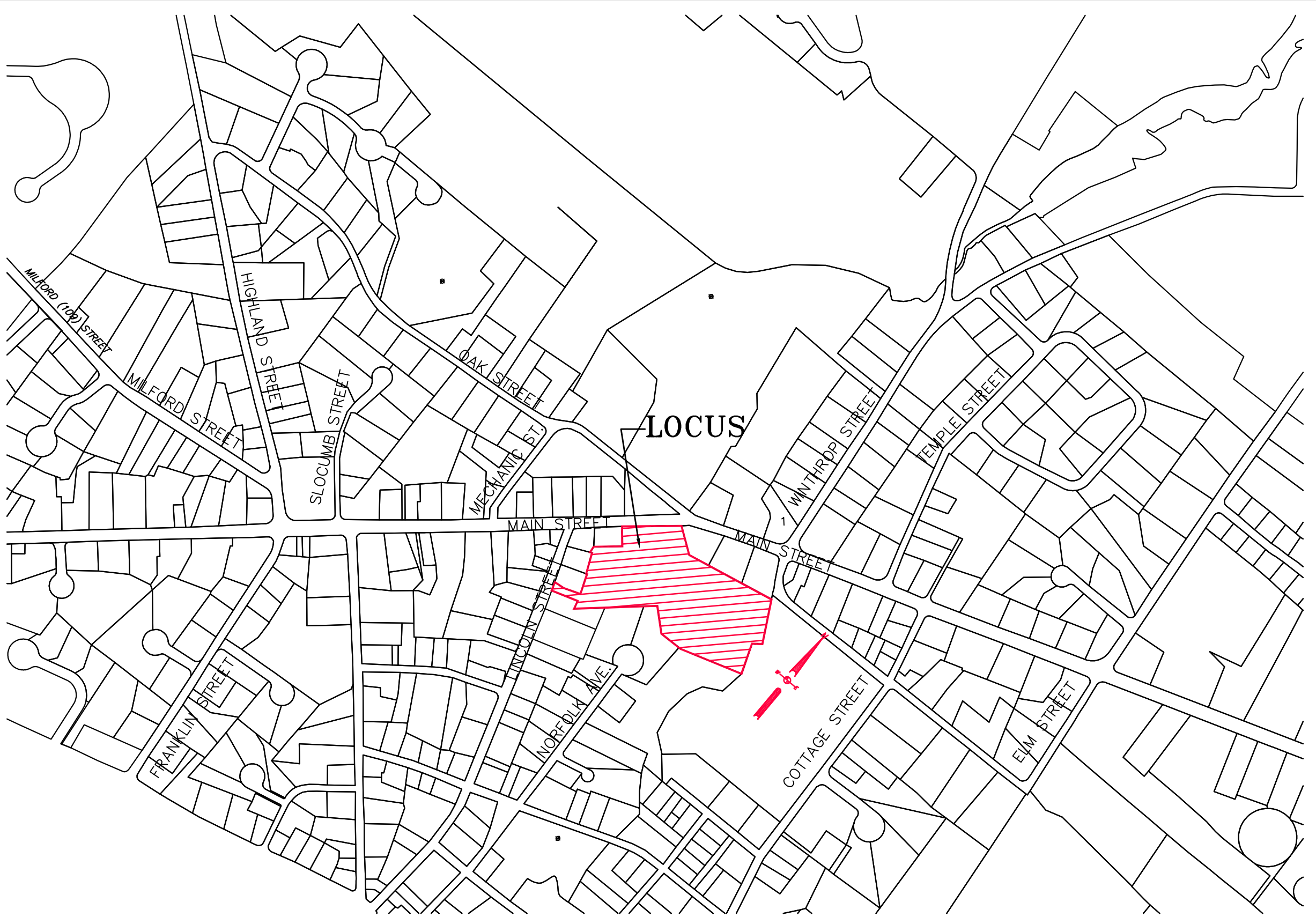
We believe these responses have addressed the concerns expressed by Tetra Tech from their review letter. Should you have any further questions or concerns, please contact our office.

Sincerely,  
**Guerriere & Halnon, Inc.**

Amanda Cavaliere  
Franklin Office Manager

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

1. THIS SITE IS IN A FLOOD HAZARD ZONE AE AND X500.
2. THIS LAND IS ZONED AR-II.
3. THIS LAND IS LOCATED IN THE MILL CONVERSION OVERLAY DISTRICT, AN ADAPTIVE USE DISTRICT (AUOD), AND A MULTI FAMILY HOUSING OVERLAY DISTRICT (MHOD).
4. LINCOLN STREET IS CONSIDERED A SCENIC ROAD.
5. THIS LAND IS NOT LOCATED WITHIN THE NHESP AREA.
6. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES IN THE FIELD. ANY DISCREPANCY WITH THE PLANS SHOULD BE REPORTED TO THE DESIGN ENGINEER UPON DISCOVERY.
7. ALL STRIPING AND SIGNAGE TO CONFORM TO "THE MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES."
8. REFER TO MEDWAY ASSESSORS MAP 48 LOT 92.
9. THIS SITE IS NOT IN A GROUND WATER PROTECTION DISTRICT.
10. ALL EROSION CONTROL DEVICES SHALL BE IN PLACE PRIOR TO CONSTRUCTION.
11. THE OWNER/APPLICANT SHALL LIMIT CONSTRUCTION DEBRIS AND MATERIALS ON THE SITE. IN THE EVENT THAT DEBRIS IS CARRIED ONTO A PUBLIC WAY, THE OWNER/APPLICANT SHALL BE RESPONSIBLE FOR ALL CLEANUP OF THE ROADWAY.
12. THE EXISTING CONDITIONS TOPOGRAPHICAL SURVEY AND BOUNDARY SHOWN HEREIN WAS OBTAINED BY REED LAND SURVEYING, INC, 109 RHODE ISLAND ROAD, SUITE 4A, LAKEVILLE, MA 02347. MINOR FIELD SURVEY WAS DONE BY GUERRIERE & HALNON, INC TO UPDATE THE PARKING STRIPING AND OTHER MINOR FEATURES. GUERRIERE & HALNON, INC, WITH ELECTRONIC FILES PROVIDED BY REED LAND SURVEYING, CONVERTED THE DRAWING FROM THE PREVIOUS DATUM TO NAD83/NAVD88.
13. THE WETLANDS WERE DELINEATED BY GODDARD CONSULTING, INC. ON AUGUST 19, 2019



VICINITY MAP

SCALE: 1" = 500'

WAIVER REQUEST

REQUEST FROM THE TOWN OF MEDWAY PLANNING BOARD  
RULES AND REGULATIONS CHAPTER 200

1. SECTION 204-3.F WRITTEN DEVELOPMENT IMPACT STATEMENT
2. SECTION 204-5.B SITE CONTEXT SHEET
3. SECTION 204-5.D.8.a PLAN PREPARED BY LANDSCAPE ARCHITECT
4. SECTION 207-17.D USE OF SHARED COMPACTORS
5. SECTION 207-19.B.2 PERIMETER LANDSCAPING
6. SECTION 207-19.H TREE REPLACEMENT

I, MARYJANE WHITE, CLERK OF THE TOWN OF  
MEDWAY, RECEIVED AND RECORDED FROM THE  
PLANNING BOARD COVENANT APPROVAL OF  
THIS PLAN ON \_\_\_\_\_ AND NO  
APPEAL WAS TAKEN FOR TWENTY DAYS NEXT  
AFTER RECEIPT AND RECORDING OF SAME.

TOWN CLERK DATE



F3519

APPROVED DATE: \_\_\_\_\_

MEDWAY PLANNING BOARD

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BEING A MAJORITY

ENDORSEMENT DATE \_\_\_\_\_

LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENTS, MARKINGS AND OTHER OBSERVED EVIDENCE TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY EXIST. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(72333).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

OWNER

165 MAIN STREET REALTY TRUST  
JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA. 02053

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

COVER SHEET

FEBRUARY 14, 2020

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS



Guerriere &  
Halnon, Inc.

ENGINEERING & LAND SURVEYING

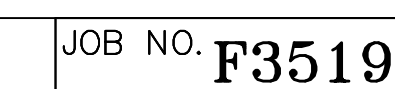
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FRANKLIN, MA 02038 FX. (508) 528-7921  
www.gandhengineering.com

SHEET 1 OF 13 JOB NO. F3519

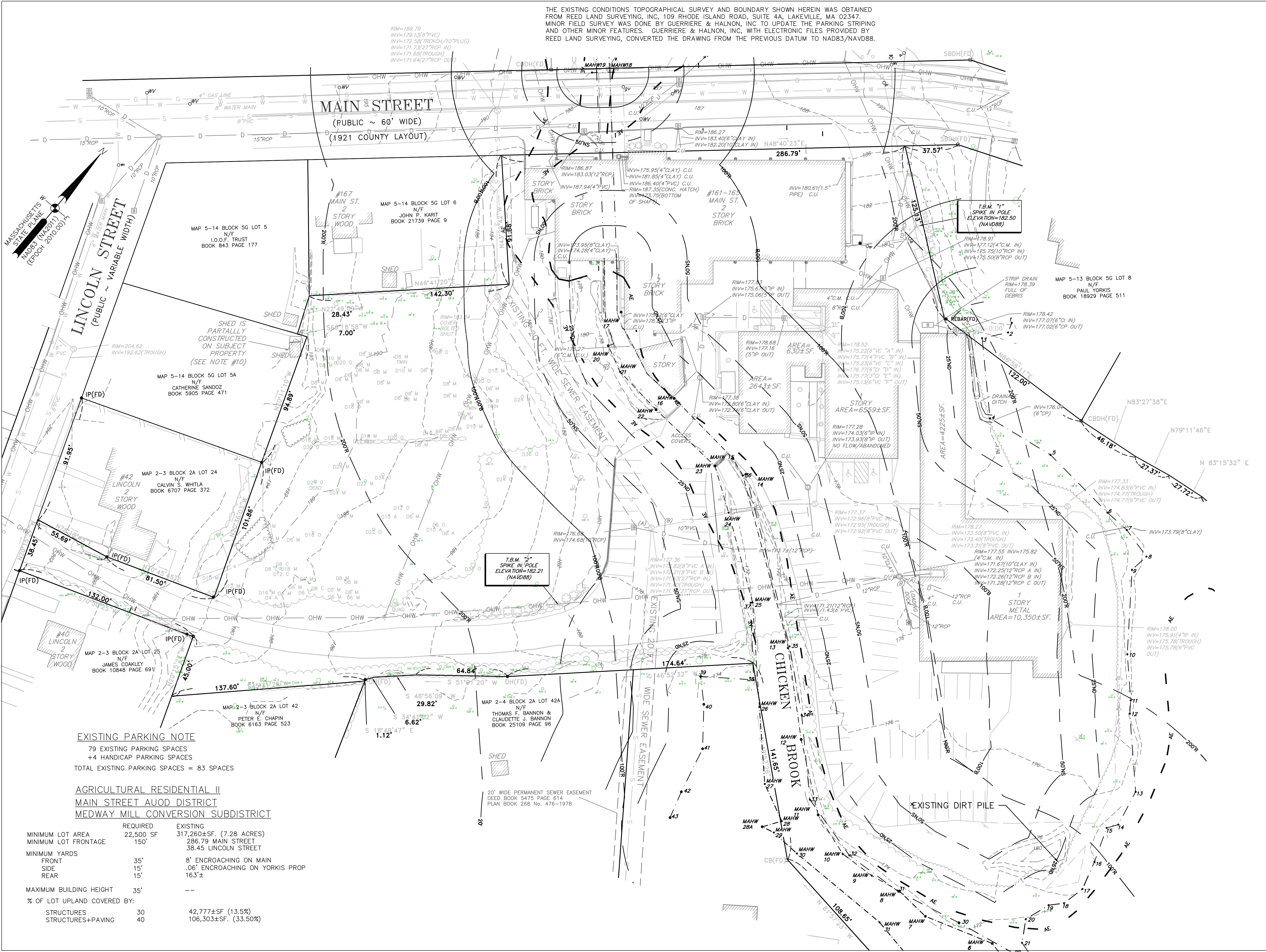




1 WINTHROP ST. LINDA S. RUSSO REVOCABLE TRUST MAP 48 PARCEL 3







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12/24/2020

DALE MACKINNON

CIVIL

No. 34575

REGISTERED PROFESSIONAL ENGINEER

COMMONWEALTH OF MASSACHUSETTS

REGISTERED PROFESSIONAL ENGINEER

DALE MACKINNON

CIVIL

No. 34575

REGISTERED PROFESSIONAL ENGINEER

F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

LEGAL NOTES

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OWNER

165 MAIN STREET REALTY TRUST  
JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA  
DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA 02053

SITE PLAN  
MEDWAY MILL  
161-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

EXISTING CONDITIONS

FEBRUARY 14, 2020

DATE	REVISION	DESCRIPTION
10/13/2020	REVISED	PARKING CONFIGURATION
12/23/2020	PER TOWN	COMMENTS

0 15 30 FEET 60 90

0 2.5 5 10 METERS 20

Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

55 WEST CENTRAL ST. FRANKLIN, MA 02038

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SHEET 3 OF 13

JOB NO. F3519



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STORM DRAINAGE NOTES

- SPECIAL CONSIDERATION FOR INLET CONTROLS FOR EROSION COLLECTION BEFORE ENTERING DRAINAGE SYSTEM:
1. INSTALL SILT SACKS.
  2. BARRIER AROUND CATCH BASIN, MULCH SOCK OR EQUAL
  3. INSTALL FILTER FABRIC ON ALL DRAIN MANHOLE OUTLETS DISCHARGING TO INFILTRATION SYSTEM.
  4. INSPECTIONS BEFORE AND AFTER STORM EVENTS ARE REQUIRED TO INSURE ADEQUACY OF EROSION CONTROL MEASURES.
  5. CONTRACTOR & ARCHITECT ARE TO VERIFY SITE UTILITIES PRIOR TO DESIGN & CONSTRUCTION.
  6. ALL DRAINAGE PIPES ARE TO BE 12" CLASS V RCP.
  7. ALL PIPE GASKETS SHALL BE PRE-MOLDED NEOPRENE O-RING TYPE (300-11 B.(2)(A)).

EXCESS MATERIALS WILL BE MAINTAINED AND REMOVED OFF SITE DUE TO LIMITED SPACE.

UTILITY NOTE

ALL UTILITIES SHALL BE CONSTRUCTED ACCORDING TO STATE AND LOCAL REGULATIONS.

TESTING INFORMATION

TESTING DATE: MARCH 25, 2010 SOIL EVALUATOR: DONALD NIELSEN, SE #1744

192.00	TP 1	186.10	TP 2	176.80	TP 3
	LOAM 10YR2/2	9"	LOAM 10YR3/2	6"	LOAM 10YR3/2
191.25	SUBSOIL 10YR5/8	24"	SUBSOIL 10YR5/6	12"	FILL 10YR5/6
189.25	SAND W/SILT TRACES 3"-6" COBBLES BONEY ANGULAR ROCK BOT. OF HOLE	63"	SAND W/ 3"-6" COBBLES	51"	NATURAL LOAM
184.00	10Y5/8		180.35	10Y5/4	SUBSOIL
	REFUSAL @ 8' NO GW @ 8'				COARSE SAND 3"-6" COBBLES
					15"
					171.80
					170.55
					RUST & GW @ 60"
181.20	TP 4	176.65	TP 5	176.10	TP 6
	LOAM	12"	FILL	6"	SANDY LOAM FILL
180.20	SUBSOIL	24"	LOAM	12"	NATURAL LOAM 10YR2/
178.20	SANDY LOAM 3"-6" COBBLES SOME SILT	54"	GRAVELLY SUBSOIL	24"	170.10
173.70	GW @ 88"		173.15	FINE SILTY SAND	12"
			172.15		169.10
					10Y5/6
174.50	TP 7				
174.34	MULCH	2"			
168.84	CLEAN SAND FILL	66"			
166.84	LOAM 10YR5/6	24"			
165.84	COARSE GRAVEL	12"			
	10Y5/3				
	GW @ 60"				

AGRICULTURAL RESIDENTIAL II  
MAIN STREET AUOD DISTRICT  
MEDWAY MILL CONVERSION SUBDISTRICT

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	22,500 SF	317,260±SF. (7.28 ACRES)	317,260±SF. (7.28 ACRES)
MINIMUM LOT FRONTAGE	150'	286.79 MAIN STREET	286.79 MAIN STREET
MINIMUM YARDS		38.45 LINCOLN STREET	38.45 LINCOLN STREET
FRONT	35'	8' ENCROACHING ON MAIN	8' ENCROACHING ON MAIN
SIDE	15'	.06' ENCROACHING ON YORKIS PROP	.06' ENCROACHING ON YORKIS PROP
REAR	15'	163'±	163'±
MAXIMUM BUILDING HEIGHT	35'	--	--
% OF LOT UPLAND COVERED BY:			
STRUCTURES	30	42,777±SF. (13.5%)	42,777±SF. (13.5%)
STRUCTURES+PAVING	40	106,303±SF. (33.50%)	125,029±SF. (39.40%)
PARKING	134	83 PARKING SPACES	144 TOTAL PARKING SPACES

EXISTING BUILDING AREAS:

	OFFICE SPACE	RETAIL	STORAGE
MAIN MILL			
FIRST FLOOR	10,790±SF.	4325±SF.	
SECOND FLOOR	8826±SF.	1505±SF.	258±SF.
THIRD FLOOR	1875±SF.		
REAR BUILDING			
FIRST FLOOR	4449±SF.		
TENANT BAY BUILDINGS			
FIRST FLOOR	1075±SF.	4537±SF.	8327±SF.
TOTAL AREAS	27,015±SF.	10,367±SF.	8585±SF.

REQUIRED PARKING FOR EXISTING USES:

PARKING SPACES REQUIRED 90 SPACES 35 SPACES 9 SPACES  
TOTAL PARKING REQUIRED= 134 PARKING SPACES

PARKING NOTES

1. EXISTING PARKING SPACES ON SITE = 83 PARKING SPACES.
2. 15 PARKING SPACES PROPOSED TO THE EAST SIDE OF SITE.
3. 42 NEW PARKING SPACES PROPOSED ON THE WEST SIDE OF SITE.
4. 5 PARKING SPACES REMOVED DUE TO THE BRIDGE EXPANSION.
5. A TOTAL OF PARKING SPACES FOR THIS SITE = 135 PARKING SPACES

LEGEND

⊞	CATCH BASIN	⊙	PROPOSED LIGHT POLE
⊙	DRAIN MANHOLE	⊙	UTILITY POLE
⊙	ELECTRIC MANHOLE	⊙	GUY WIRE
⊙	SEWER MANHOLE	⊙	SIGN
⊙	GAS VALVE	— S —	SEWER LINE
⊙	GAS SHUT OFF VALVE	— D —	DRAIN LINE
⊙	WATERGATE	— W —	WATER LINE
⊙	WATER SHUT OFF VALVE	— G —	GAS LINE
⊙	FIRE HYDRANT	— ETC —	ELEC., TEL, CABLE
VCC	VERTICAL CONC CURB	— OHW —	OVERHEAD WIRES
RW	RETAINING WALL	— 25' B —	25' WETLAND BUFFER
A.F.G.	ABOVE FINISH GRADE	EP	EDGE OF PAVEMENT
⊙	ARBORVITAE	X 000.0	SPOT ELEVATION
⊙	SHRUB	• C.O.	CLEAN OUT
⊙	TREE	⊙	ELECTRIC METER

TEMPORARY RETENTION AREA NOTES:

1. CONSTRUCT TEMPORARY RETENTION AREA TO COLLECT RUNOFF.
2. THE TEMPORARY RETENTION AREA IS TO BE UTILIZED AS A TEMPORARY SEDIMENTATION TRAP DURING CONSTRUCTION.
3. ALL CONSTRUCTION GRADES IN THE INTERIM SHALL BE SLOPED TO FLOW INTO THE TEMPORARY RETENTION AREA, WHERE POSSIBLE.
4. CLEAN ALL SEDIMENT OUT OF TEMPORARY RETENTION AREA PRIOR TO FINAL GRADING AND SURFACE STABILIZATION.
5. ONCE SITE IS STABILIZED REMOVE ALL REMAINING ACCUMULATED SEDIMENT AT THE BOTTOM OF THE SEDIMENT TRAP.
6. SEDIMENT CONTROL SHALL REMAIN IN PLACE UNTIL THE SITE IS STABILIZED.
7. CLEAN ALL ON SITE CATCH BASINS, MANHOLES, PIPING, TEMPORARY SEDIMENT TRAP, AND INFILTRATION CHAMBERS. INSTALL SILT BAGS AT EACH CATCH BASIN.
8. FOR FURTHER EROSION CONTROL NOTES REFER TO THE FOLLOWING SECTIONS ON THE DETAIL SHEETS:  
"INTERIM EROSION CONTROL AND CONSTRUCTION SEQUENCE"  
"GENERAL EROSION CONTROL AND CONSTRUCTION NOTES"



F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

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JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

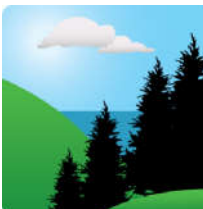
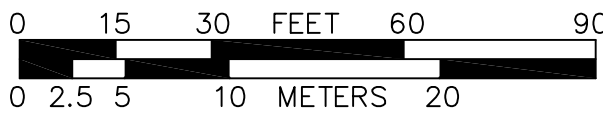
NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS

GENERAL NOTES

FEBRUARY 14, 2020

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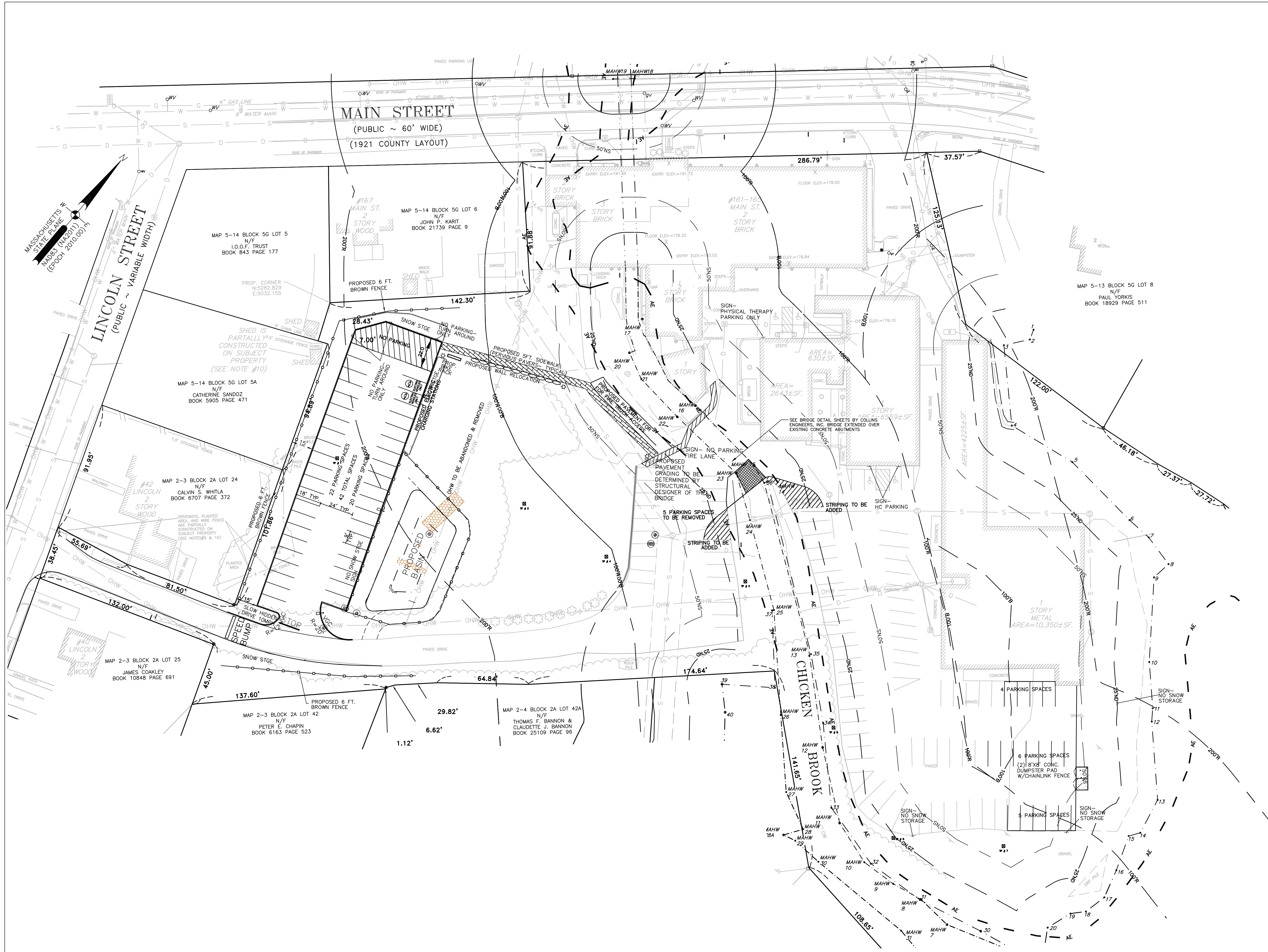
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SHEET  
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JOB NO. F3519



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12/24/2020

DALE MACKINNON  
CIVIL  
No. 34575

REGISTERED PROFESSIONAL ENGINEER

*Dale Mackinnon*

APPROVED DATE:  
MEDWAY PLANNING BOARD  
  
  
  
  
  
  
  
  
  
BEING A MAJORITY  
  
ENDORSEMENT DATE

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DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT  
  
NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA. 02053

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS


SITE LAYOUT

FEBRUARY 14, 2020

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10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS

0 15 30 FEET 60 90

0 2.5 5 10 METERS 20



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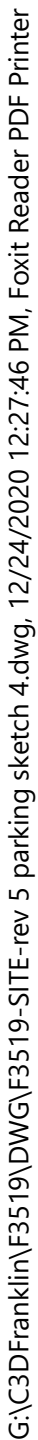
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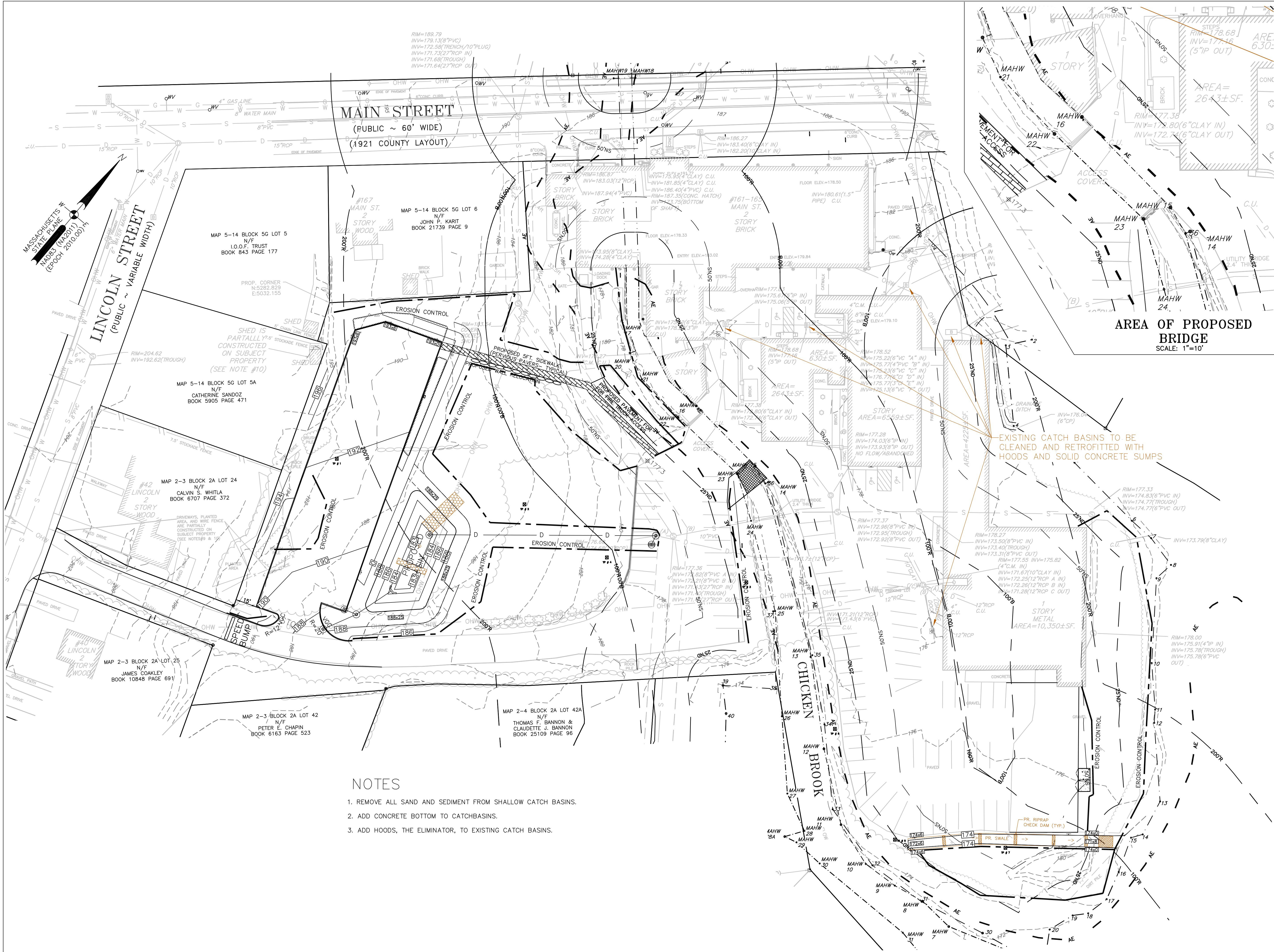


Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Cut-Fill Surface	<b>1.000</b>	<b>1.000</b>	30459 Sq. Ft.	217 Cu. Yd.	1819 Cu. Yd.	1602 Cu. Yd.<Fill>
Totals			30459 Sq. Ft.	217 Cu. Yd.	1819 Cu. Yd.	1602 Cu. Yd.<Fill>

JOB NO. **F3519**

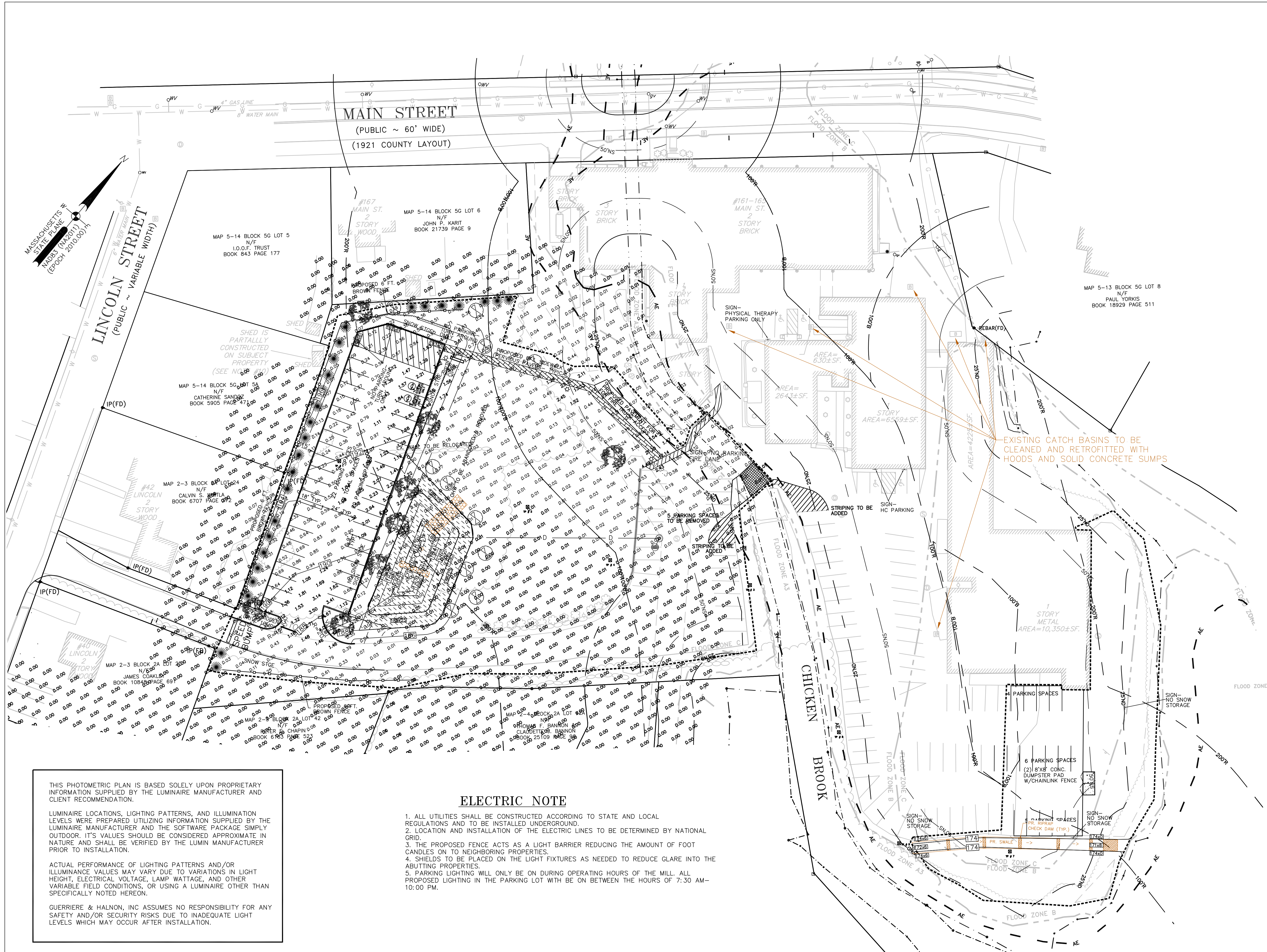


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THIS PHOTOMETRIC PLAN IS BASED SOLELY UPON PROPRIETARY INFORMATION SUPPLIED BY THE LUMINAIRE MANUFACTURER AND CLIENT RECOMMENDATION.

LUMINAIRE LOCATIONS, LIGHTING PATTERNS, AND ILLUMINATION LEVELS WERE PREPARED UTILIZING INFORMATION SUPPLIED BY THE LUMINAIRE MANUFACTURER AND THE SOFTWARE PACKAGE SIMPLY OUTDOOR. IT'S VALUES SHOULD BE CONSIDERED APPROXIMATE IN NATURE AND SHALL BE VERIFIED BY THE LUMIN MANUFACTURER PRIOR TO INSTALLATION.

ACTUAL PERFORMANCE OF LIGHTING PATTERNS AND/OR ILLUMINANCE VALUES MAY VARY DUE TO VARIATIONS IN LIGHT HEIGHT, ELECTRICAL VOLTAGE, LAMP WATTAGE, AND OTHER VARIABLE FIELD CONDITIONS, OR USING A LUMINAIRE OTHER THAN SPECIFICALLY NOTED HEREON.

GUERRIERE & HALNON, INC ASSUMES NO RESPONSIBILITY FOR ANY SAFETY AND/OR SECURITY RISKS DUE TO INADEQUATE LIGHT LEVELS WHICH MAY OCCUR AFTER INSTALLATION.

### ELECTRIC NOTE

1. ALL UTILITIES SHALL BE CONSTRUCTED ACCORDING TO STATE AND LOCAL REGULATIONS AND TO BE INSTALLED UNDERGROUND.
2. LOCATION AND INSTALLATION OF THE ELECTRIC LINES TO BE DETERMINED BY NATIONAL GRID.
3. THE PROPOSED FENCE ACTS AS A LIGHT BARRIER REDUCING THE AMOUNT OF FOOT CANDLES ON TO NEIGHBORING PROPERTIES.
4. SHIELDS TO BE PLACED ON THE LIGHT FIXTURES AS NEEDED TO REDUCE GLARE INTO THE ADJUTING PROPERTIES.
5. PARKING LIGHTING WILL ONLY BE ON DURING OPERATING HOURS OF THE MILL. ALL PROPOSED LIGHTING IN THE PARKING LOT WITH BE ON BETWEEN THE HOURS OF 7:30 AM-10:00 PM.

12/24/2020  
DALE MACKINNON  
CIVIL  
No. 34575  
REGISTERED PROFESSIONAL ENGINEER  
MASSACHUSETTS

F3519

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

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JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

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SUITE 307  
MEDWAY, MA. 02053

**SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS**

**PHOTOMETRICS**

**FEBRUARY 14, 2020**

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS

0 10 20 40 60  
0 2.5 5 METERS 10 15  
SCALE: 1"=20'

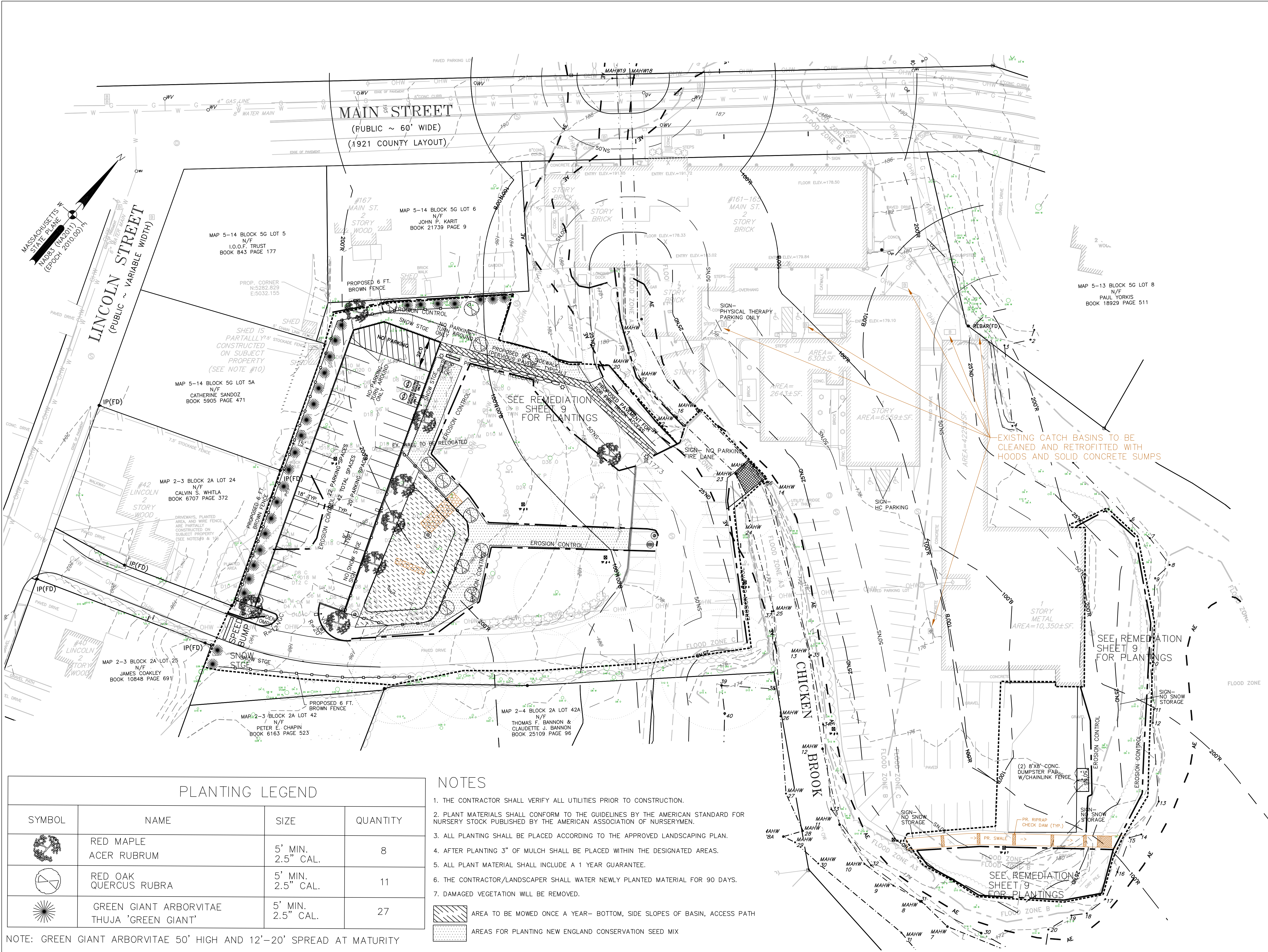
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PLANTING LEGEND			
SYMBOL	NAME	SIZE	QUANTITY
	RED MAPLE ACER RUBRUM	5' MIN. 2.5" CAL.	8
	RED OAK QUERCUS RUBRA	5' MIN. 2.5" CAL.	11
	GREEN GIANT ARBORVITAE THUJA 'GREEN GIANT'	5' MIN. 2.5" CAL.	27

NOTE: GREEN GIANT ARBORVITAE 50' HIGH AND 12'-20' SPREAD AT MATURITY

### NOTES

1. THE CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
2. PLANT MATERIALS SHALL CONFORM TO THE GUIDELINES BY THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
3. ALL PLANTING SHALL BE PLACED ACCORDING TO THE APPROVED LANDSCAPING PLAN.
4. AFTER PLANTING 3" OF MULCH SHALL BE PLACED WITHIN THE DESIGNATED AREAS.
5. ALL PLANT MATERIAL SHALL INCLUDE A 1 YEAR GUARANTEE.
6. THE CONTRACTOR/LANDSCAPER SHALL WATER NEWLY PLANTED MATERIAL FOR 90 DAYS.
7. DAMAGED VEGETATION WILL BE REMOVED.

- AREA TO BE MOWED ONCE A YEAR- BOTTOM, SIDE SLOPES OF BASIN, ACCESS PATH
- AREAS FOR PLANTING NEW ENGLAND CONSERVATION SEED MIX

12/24/2020

DALE  
MACKINNON  
CIVIL  
No. 34575

REGISTERED PROFESSIONAL ENGINEER

*Dale Mackinnon*

F3519

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LANDSCAPING

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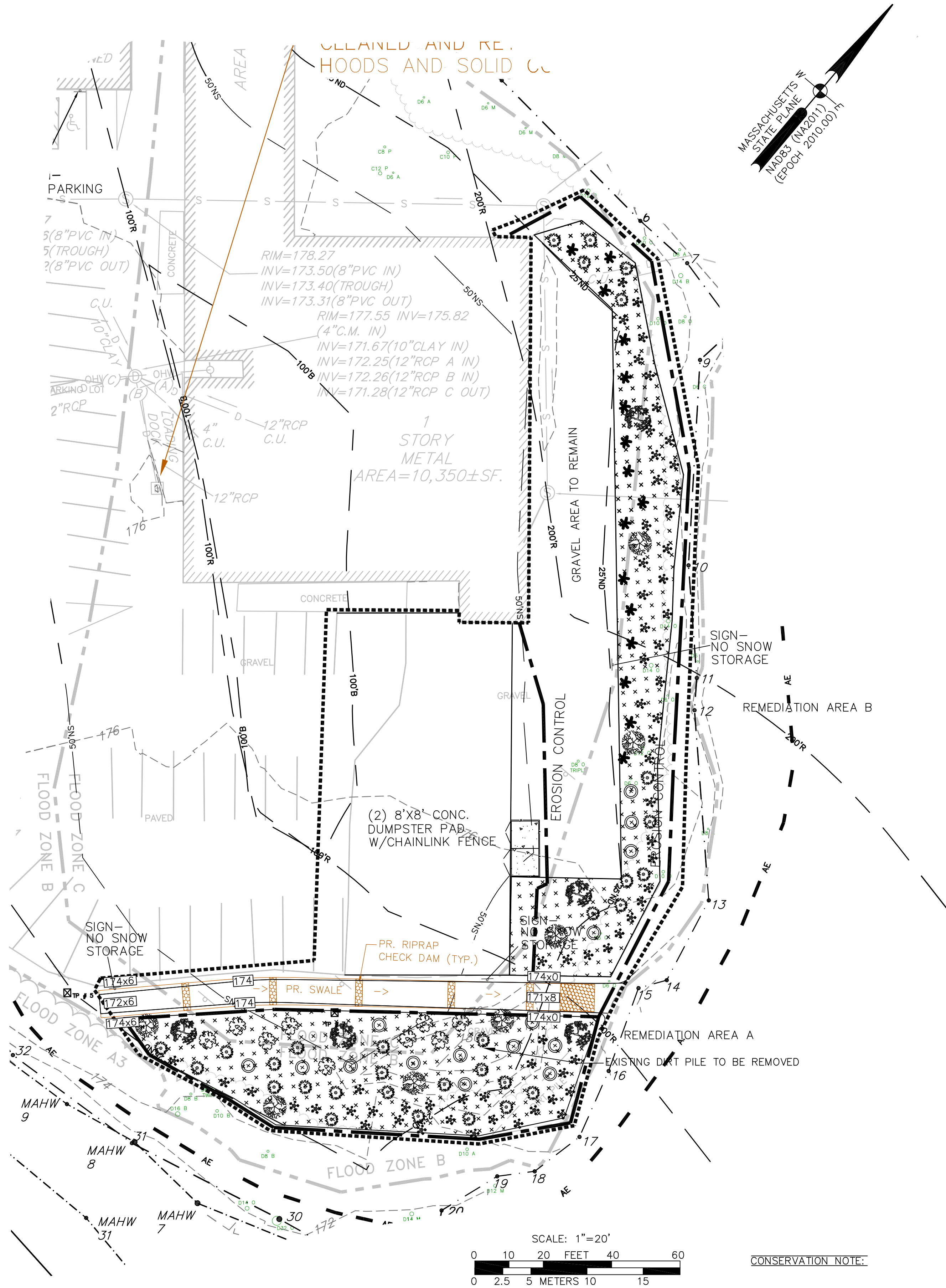
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F3519

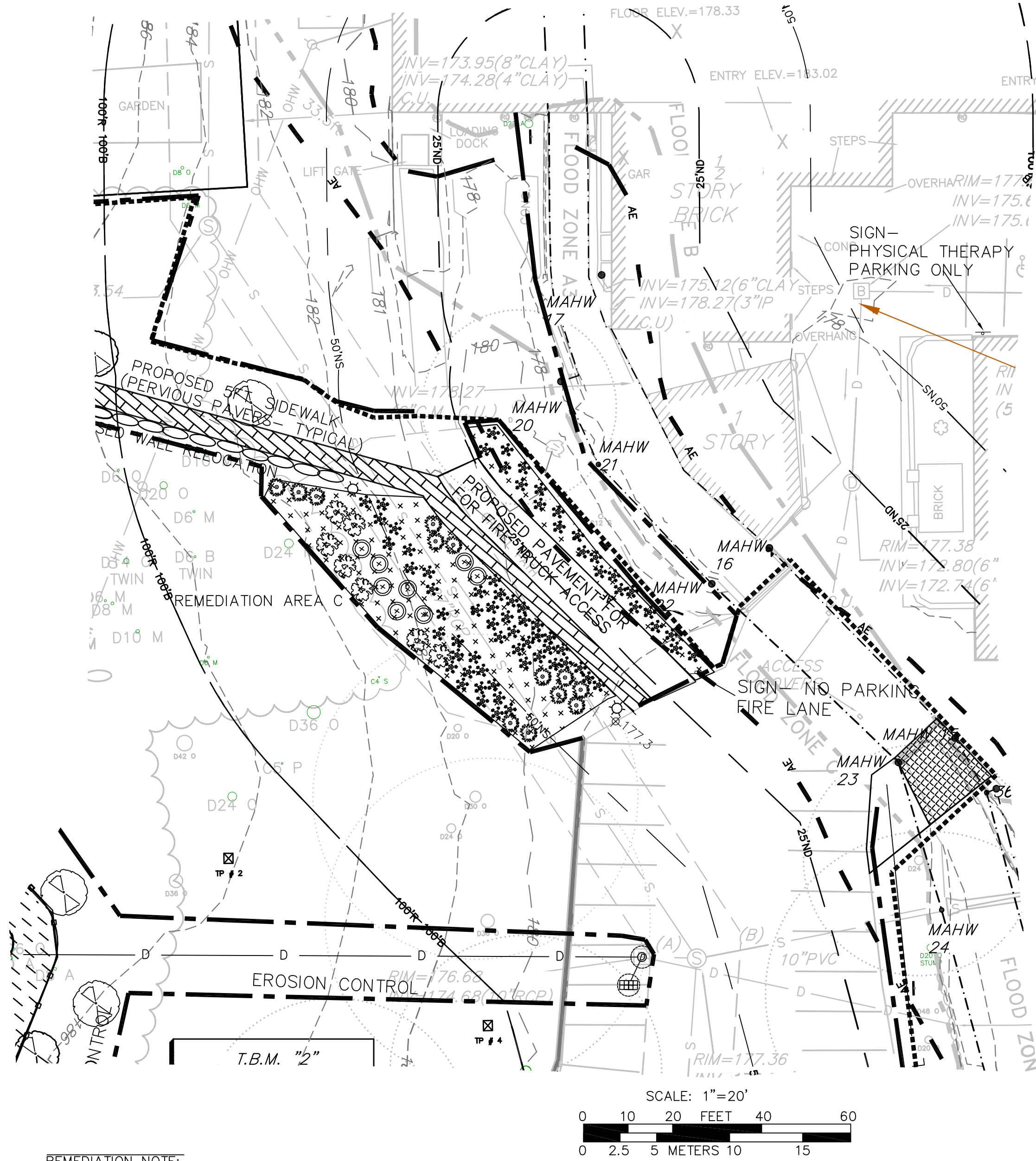


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**CONSERVATION NOTE:**

A CONSERVATION PLAQUE TO BE PLACED AT THE REMEDIATION AREAS ACCORDING TO THE MEDWAY CONSERVATION COMMISSION DECISION.



**REMEDATION NOTE:**

- ALL REMEDIATION AREAS;
1. RAKE TO LOOSEN ALL HARD PACKED SOIL
  2. ADD 6" MINIMUM TOPSOIL
  3. ADD 12LBS. CONSERAVTION MIX
  4. ADD 50LBS. OF RYE GRASS
  5. ALL DISTURBED AREAS TO BE MULCHED WITH STRAW UNTIL NEWLY PLANTED VEGETATION IS ESTABLISHED.

REMEDATION LEGEND			
SYMBOL	NAME	SIZE	QUANTITY
	RIVER BIRCH BETULA NIGRA	4' MIN. 2.5" CAL.	7
	MOUNTAIN PEPPERBUSH CLETHRA ACUMINATA	3 GAL.	43
	WITCHHAZEL HAMAMELIS VIRGINANA	5 GAL.	16
	WINTERBERRY ILEX VERTICILLATA	3 GAL.	23
	JUNIPER PLUMROSA COMPACTA	3 GAL.	16
	CINNAMON FERN OSMUNDA CINNAMOMEA	2 GAL.	113
	RED MAPLE ACER RUBRUM	4' MIN. 2.5" CAL.	5



APPROVED DATE:

MEDWAY PLANNING BOARD

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ENDORSEMENT DATE

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OWNER

165 MAIN STREET REALTY TRUST  
JOHN J. GREENE TRUSTEE  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA

DEED BOOK 24499 PAGE 10  
A.M. 48 LOT 092

APPLICANT

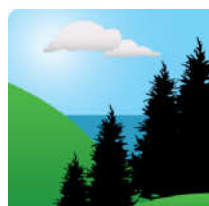
NRG CONCEPTS, INC.  
165 MAIN STREET  
SUITE 307  
MEDWAY, MA. 02053

**SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS**

**REMEDATION**

**FEBRUARY 14, 2020**

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS



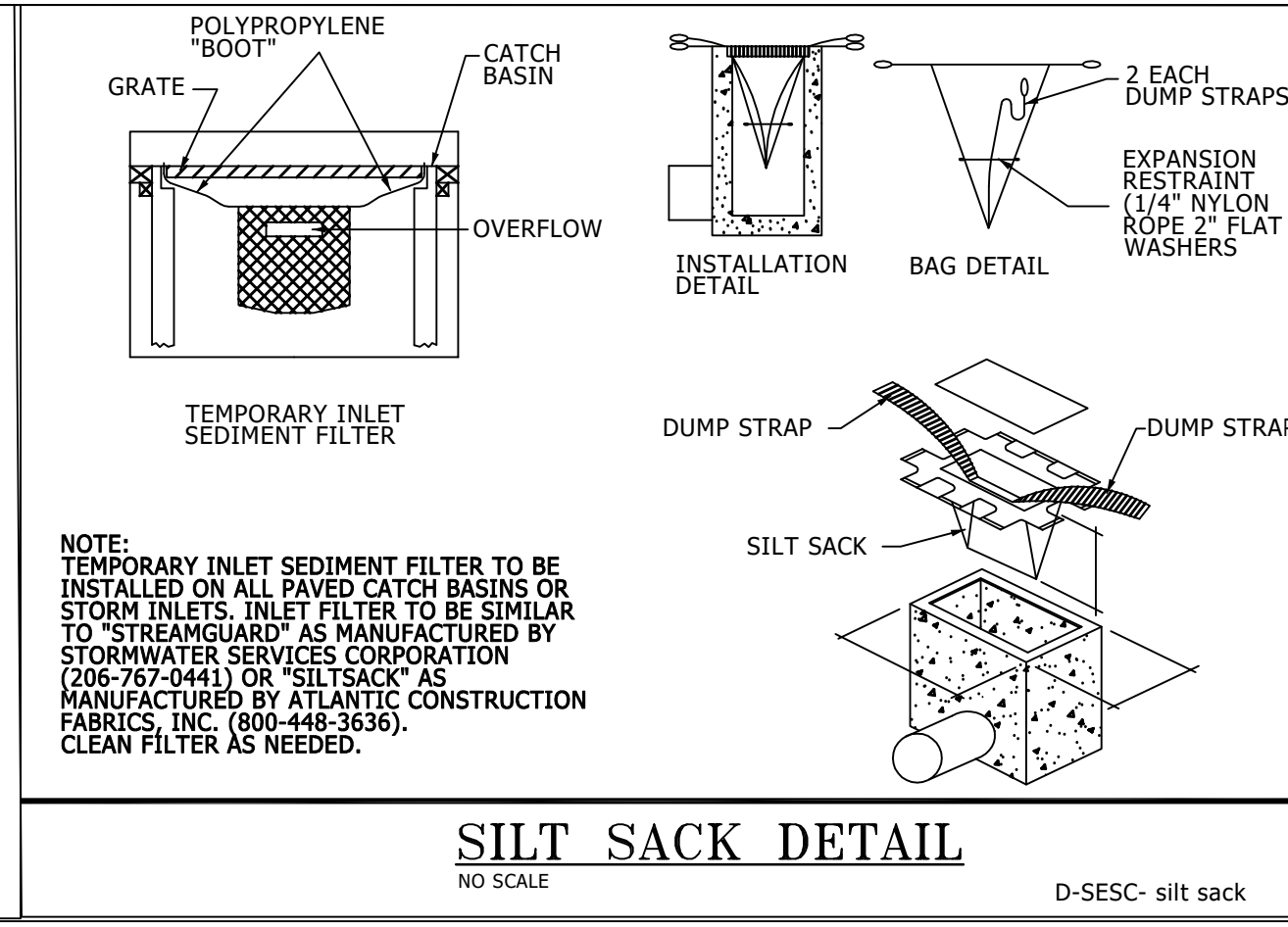
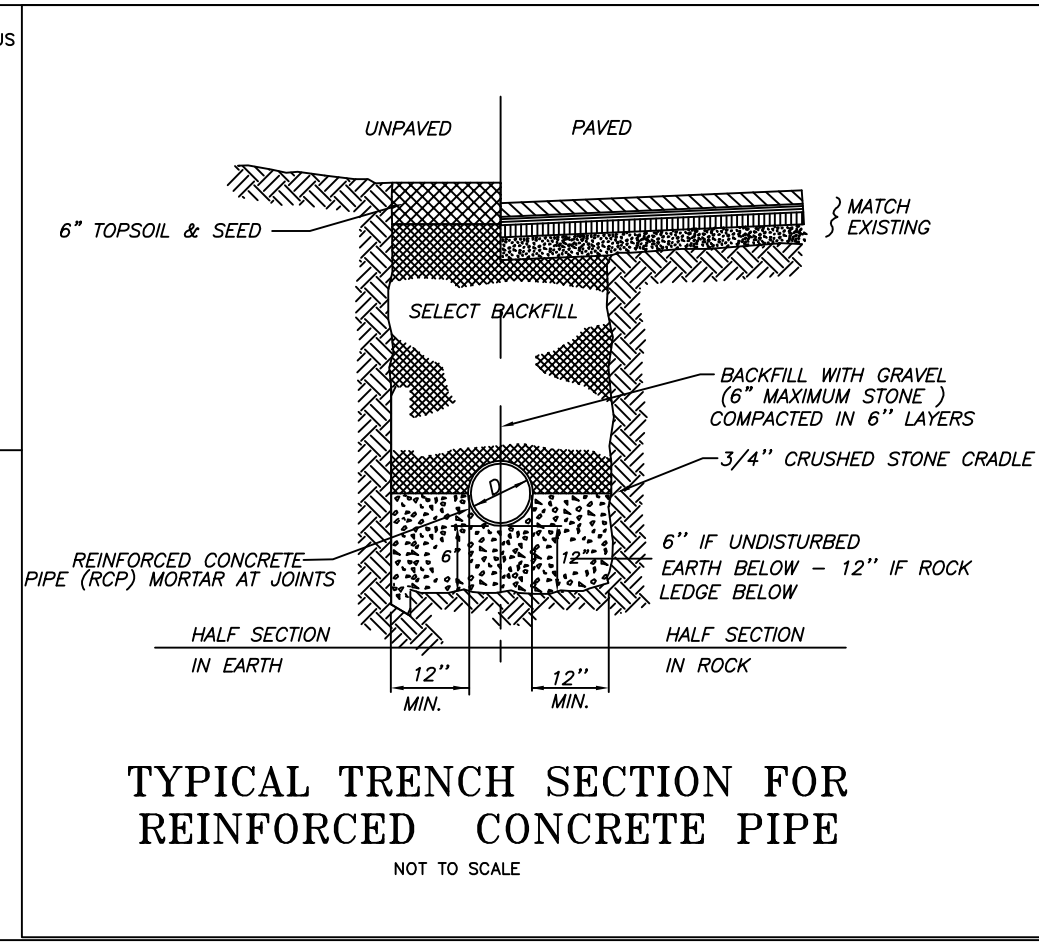
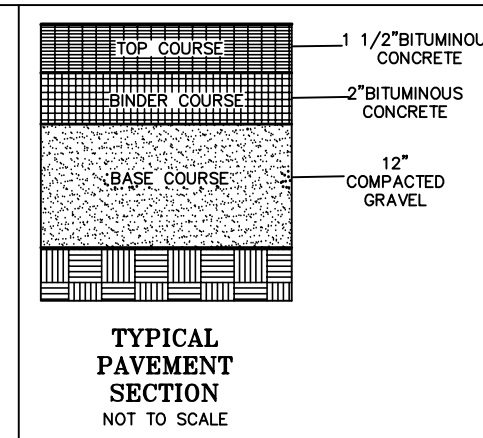
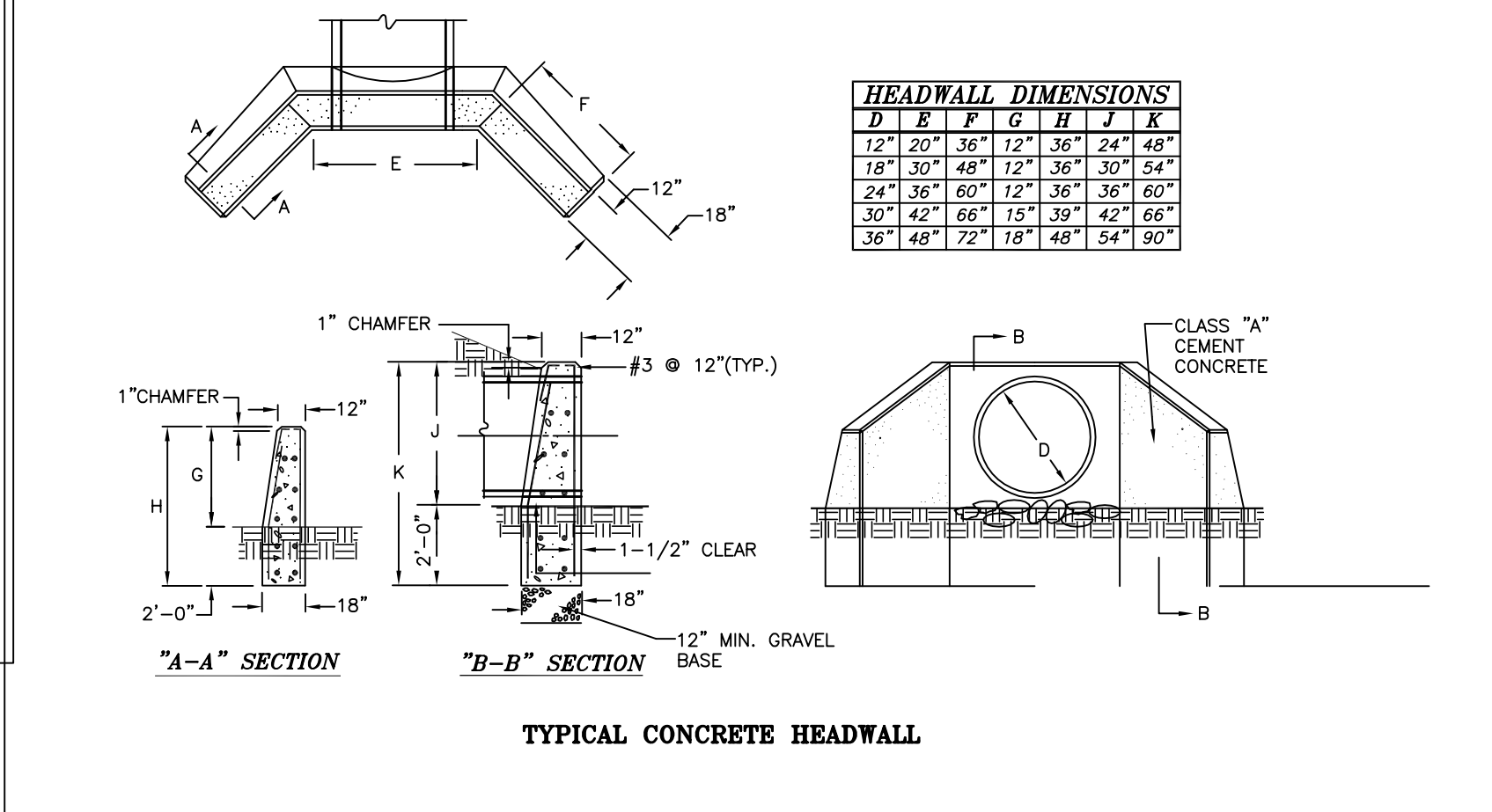
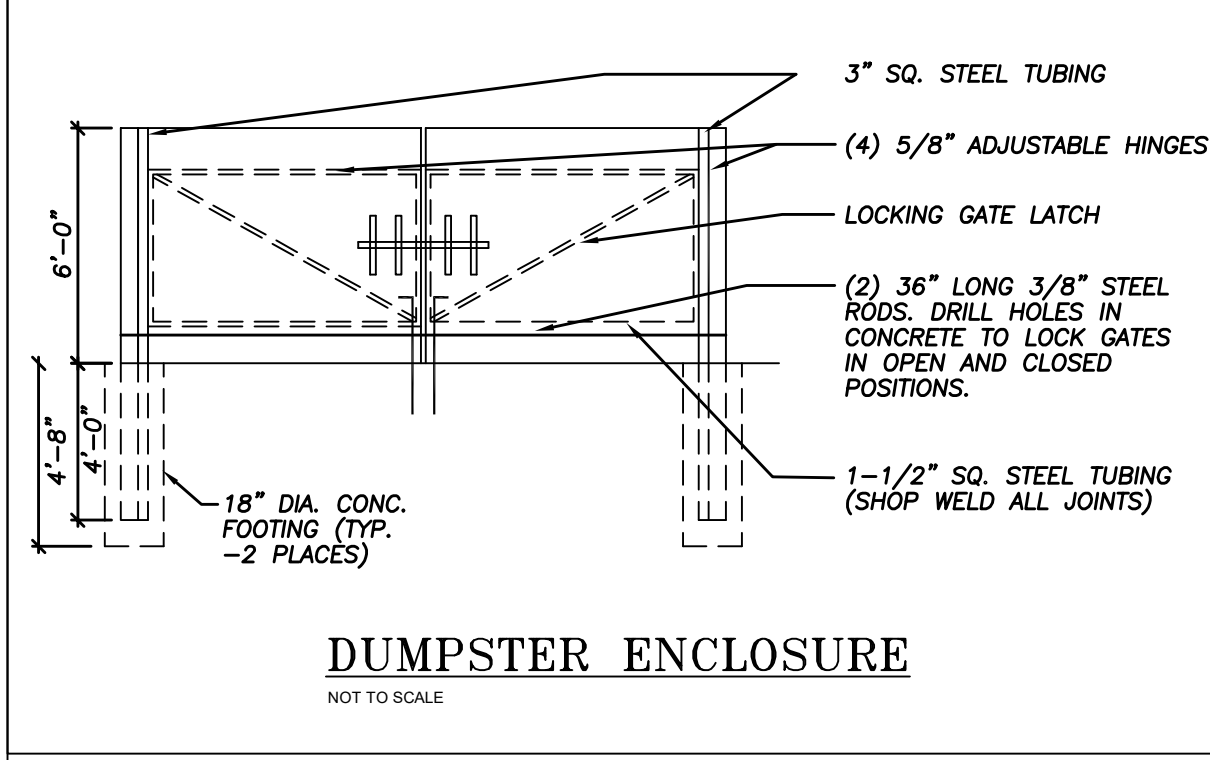
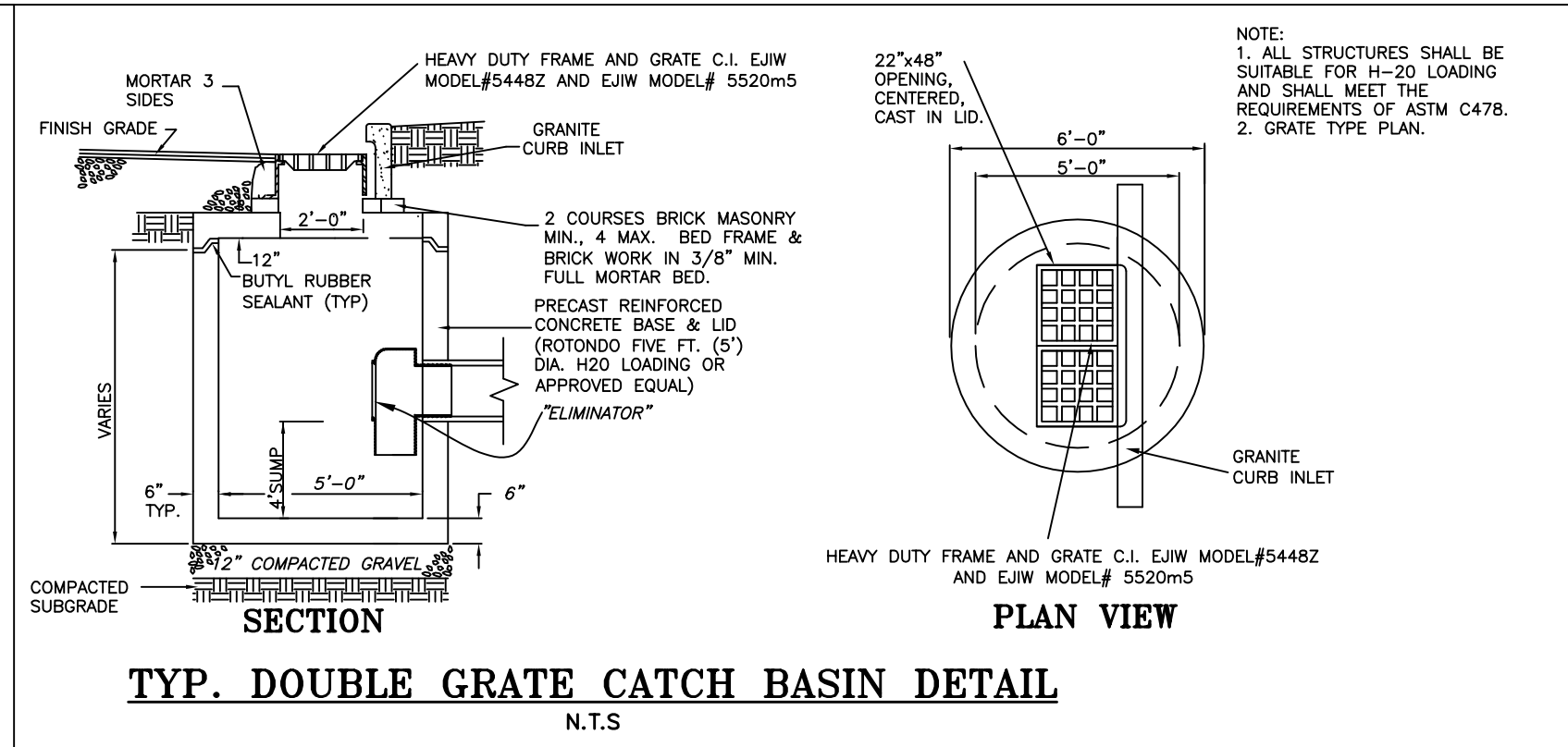
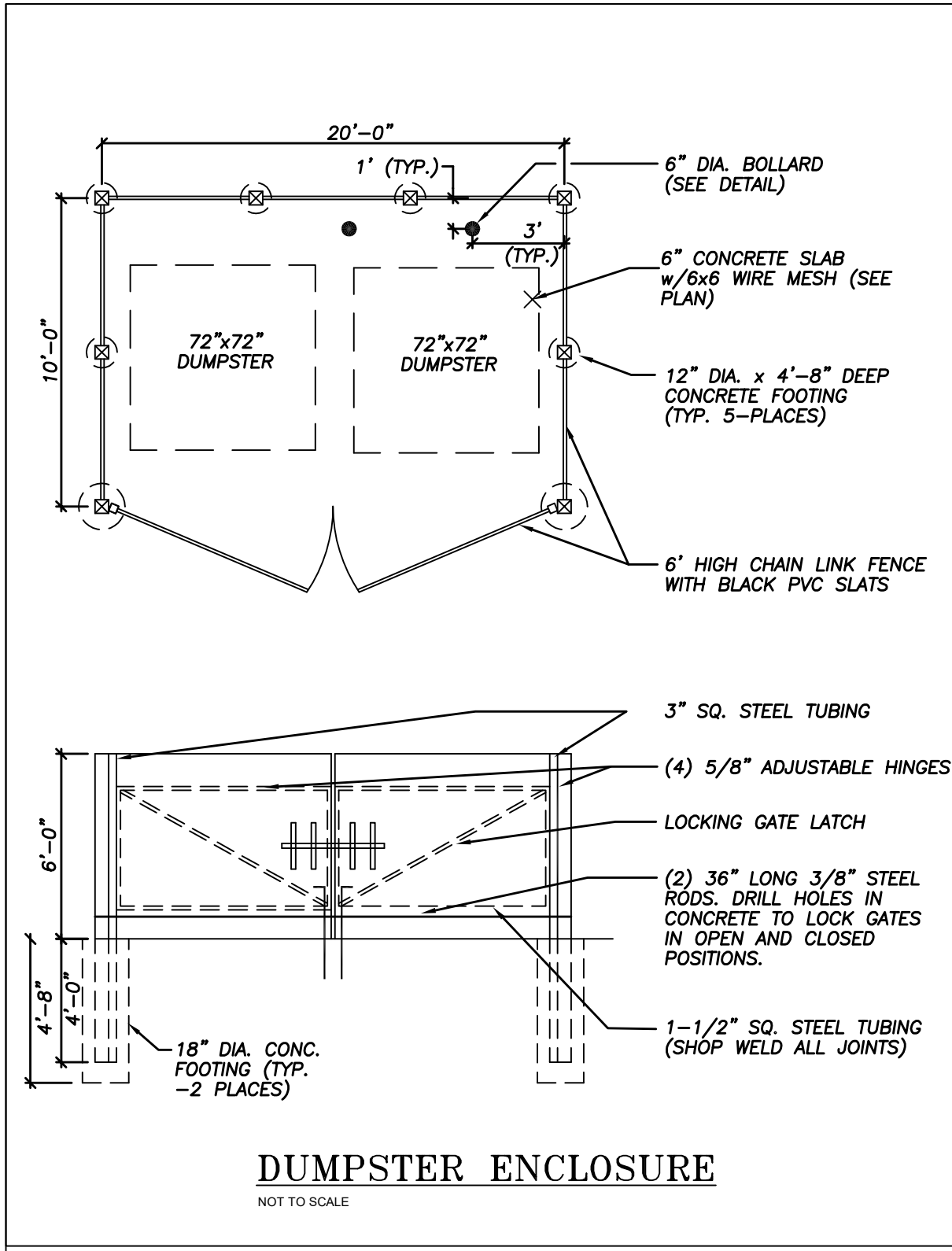
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SHEET  
**10 OF 13**

JOB NO. **F3519**





12/24/2020

DALE MACKINNON  
CIVIL ENGINEER  
No. 54575

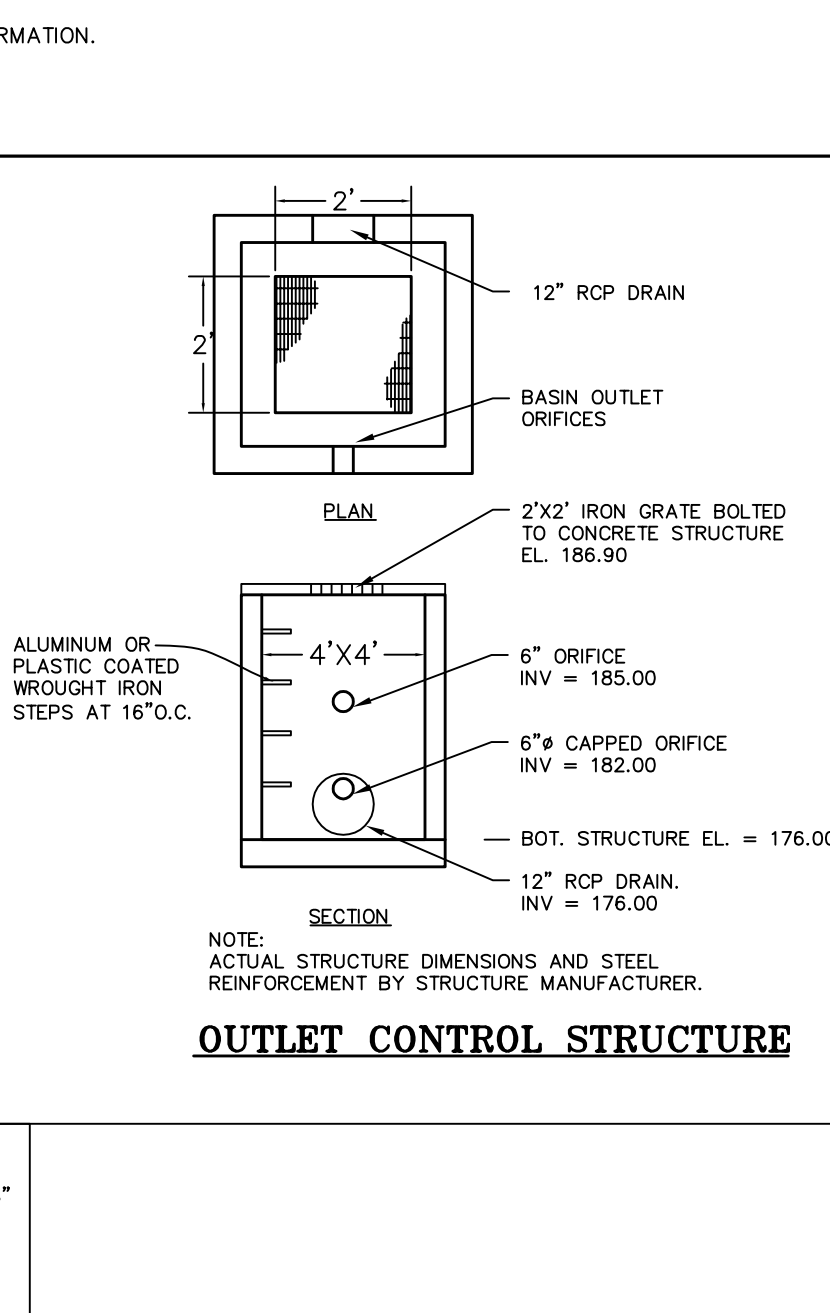
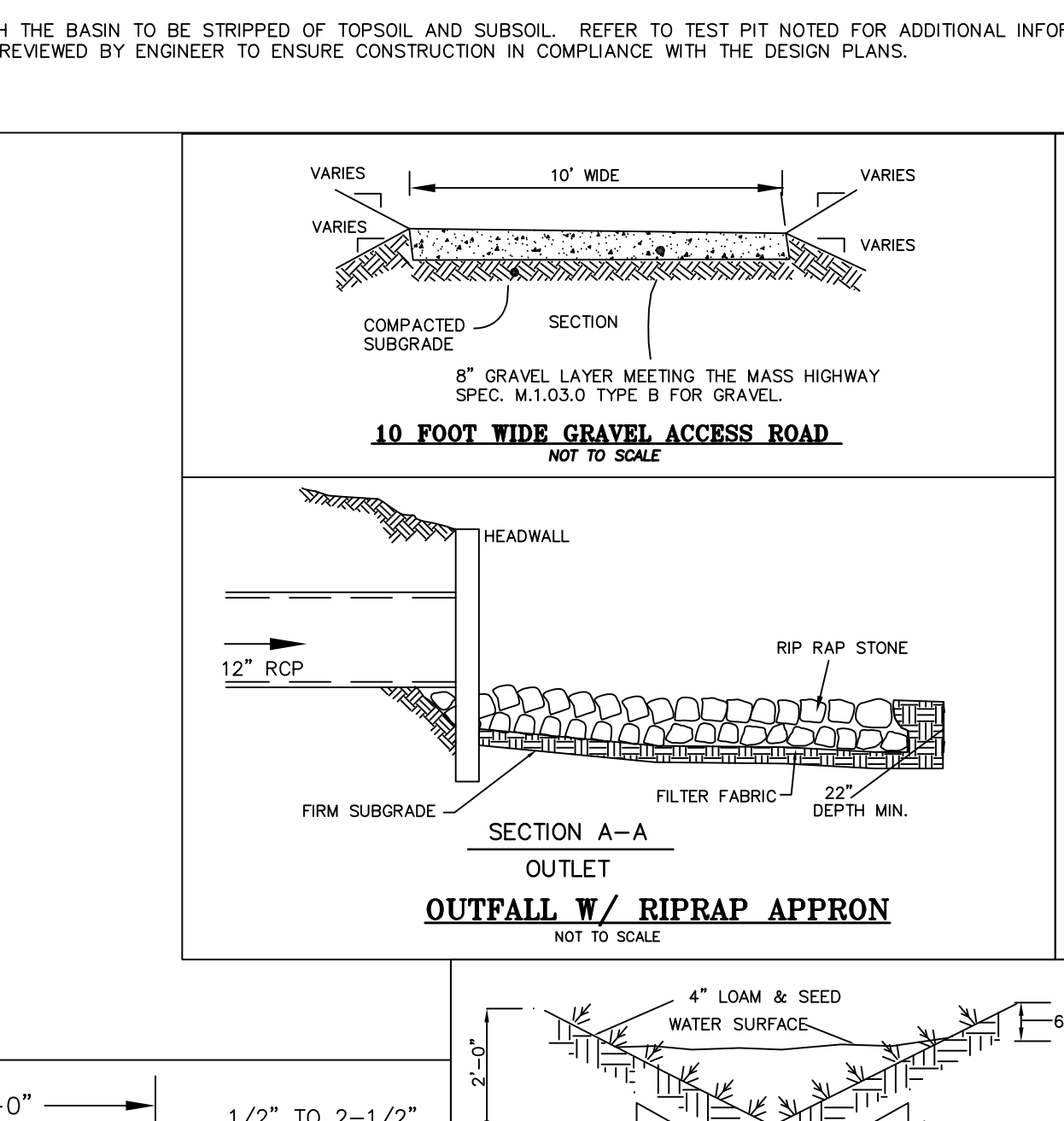
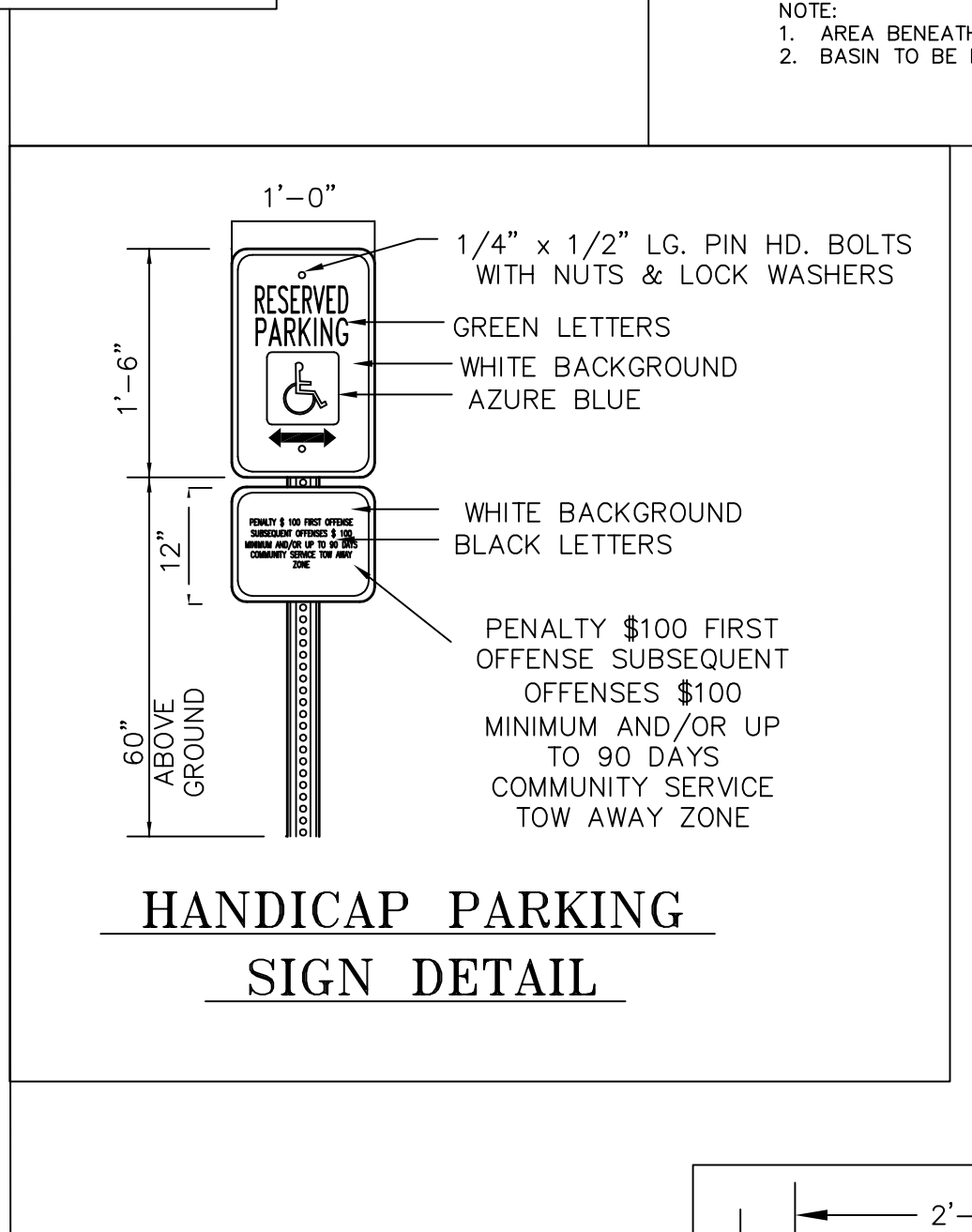
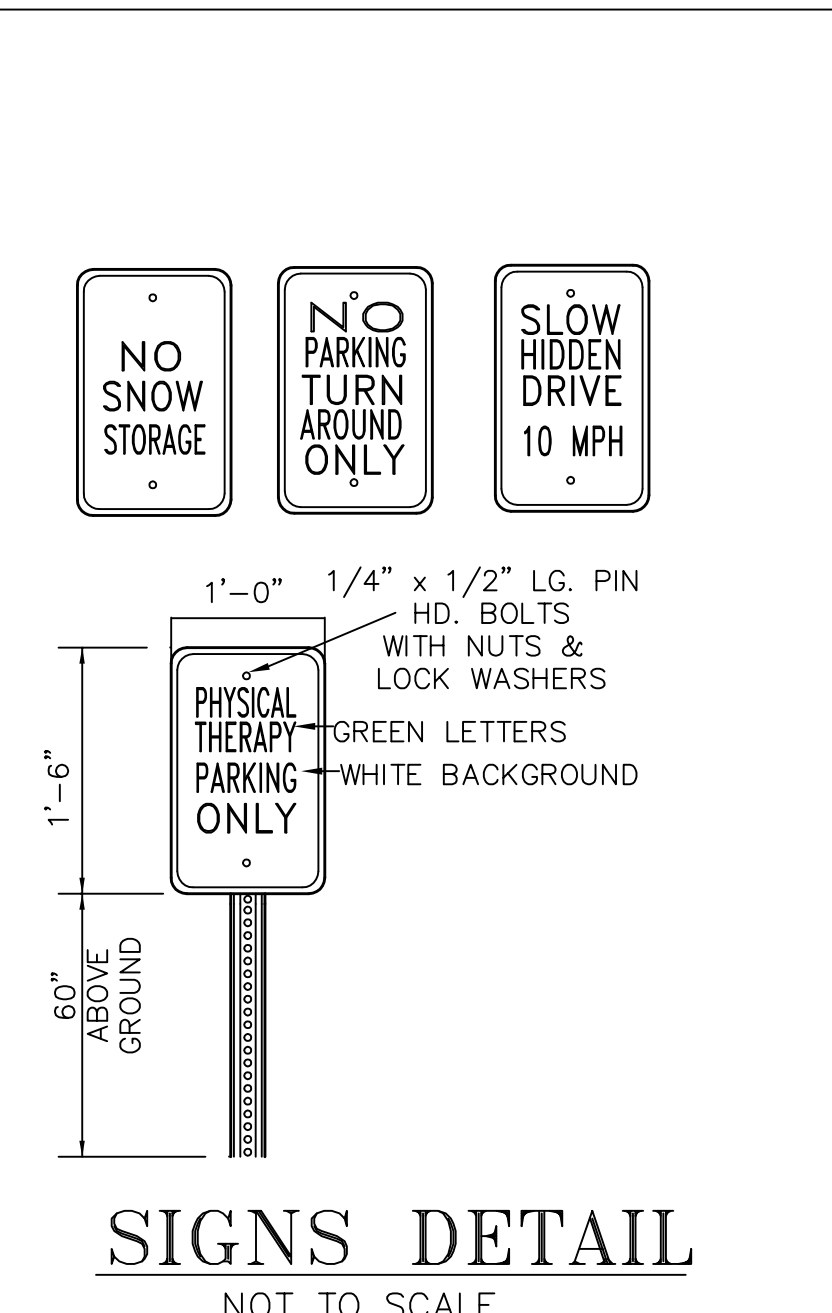
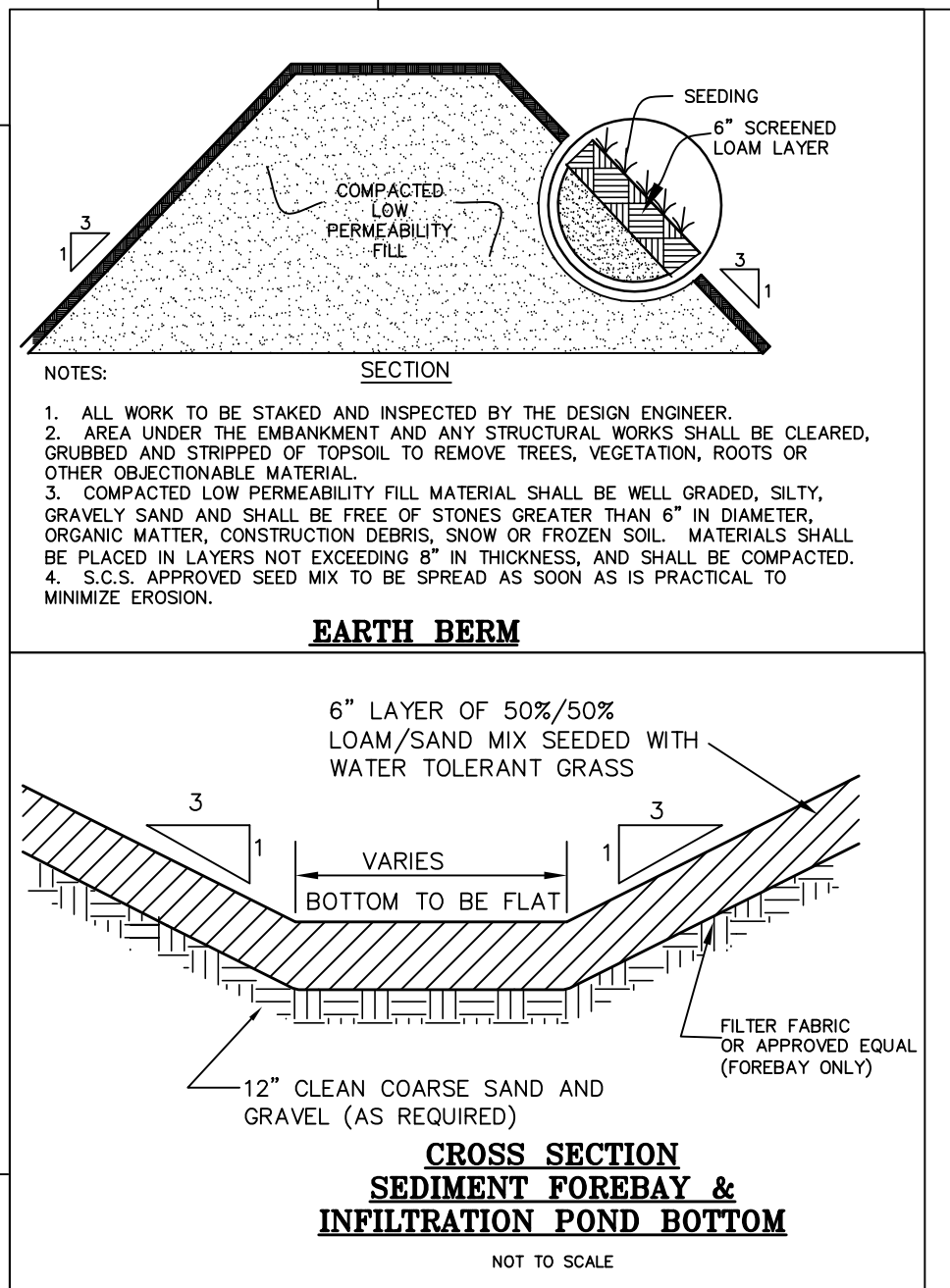
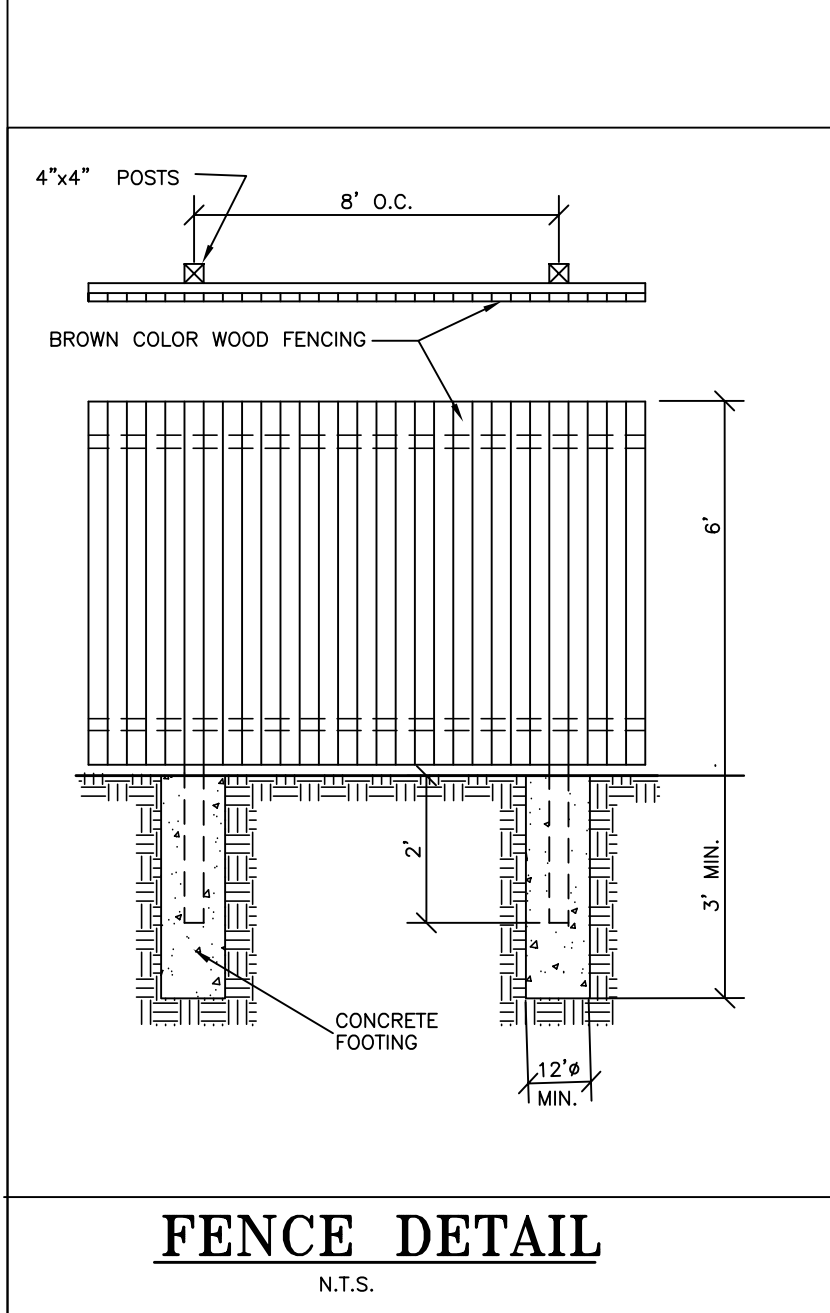
DALE MACKINNON

APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE



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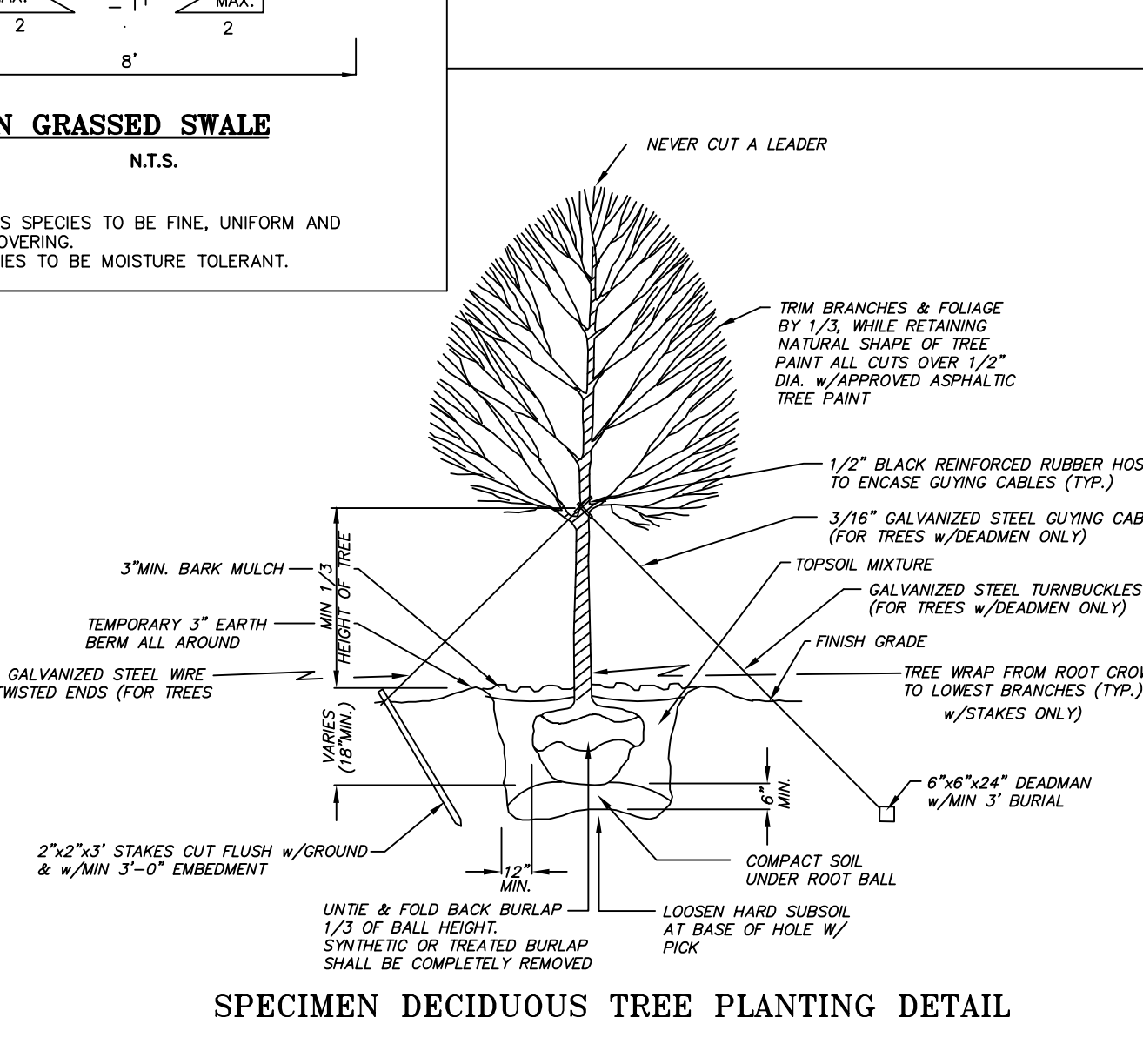
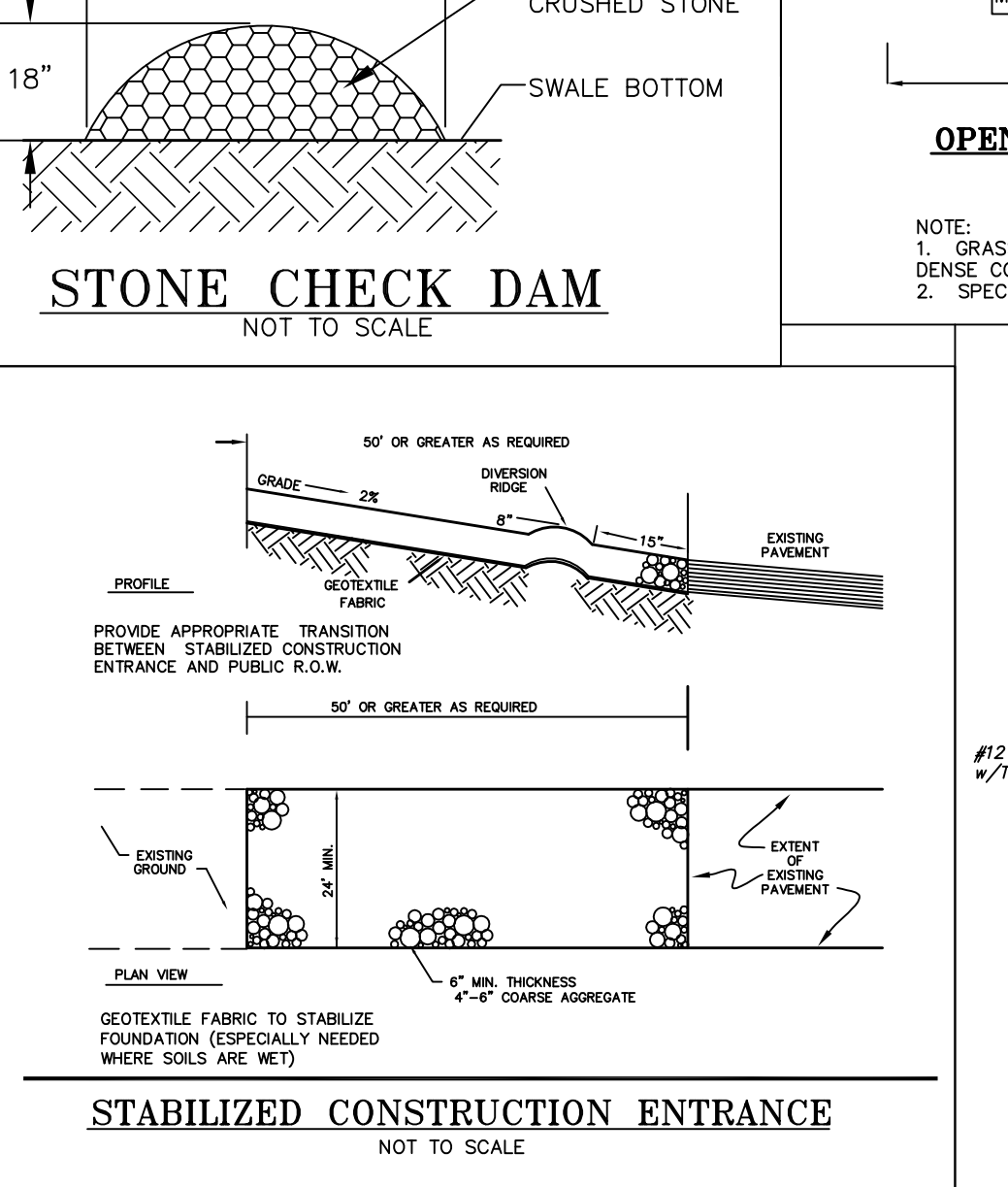
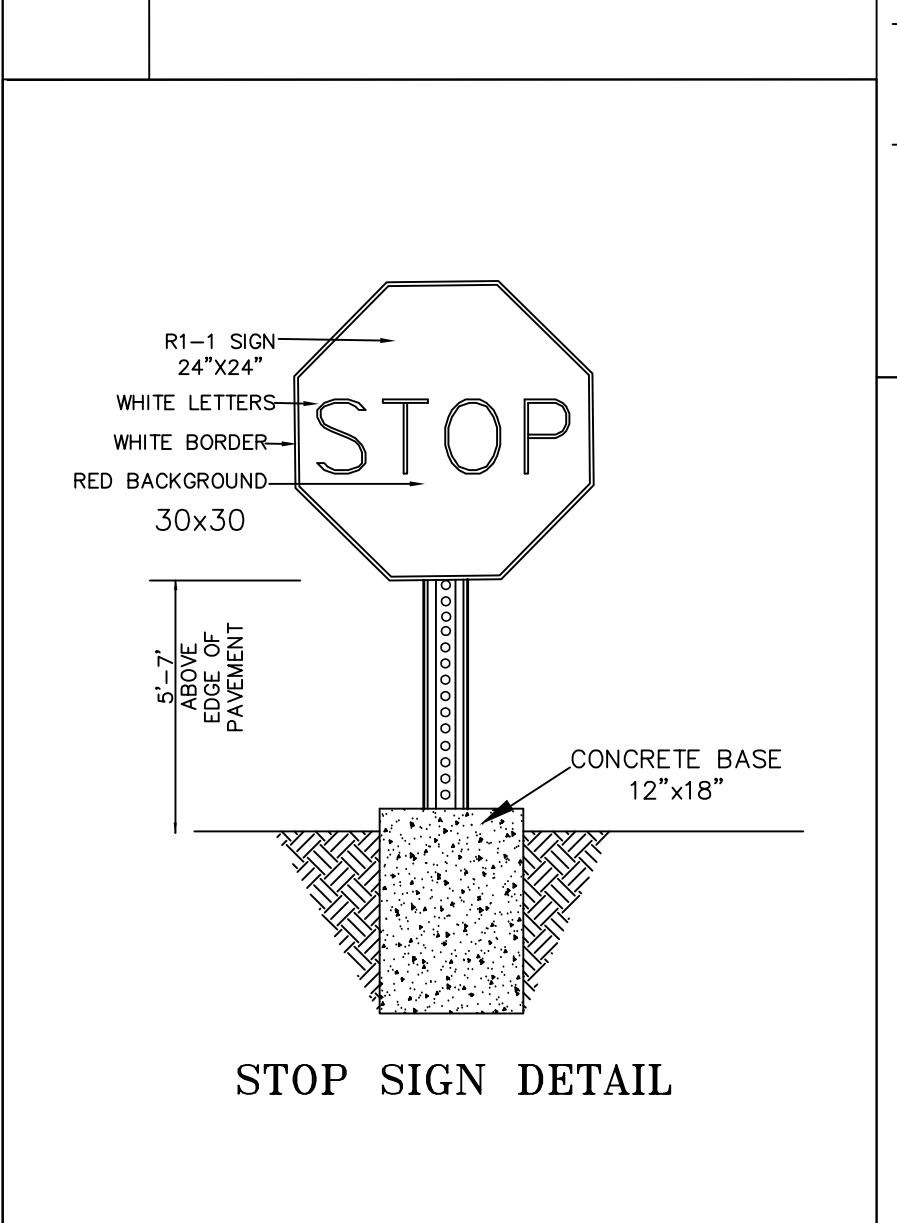
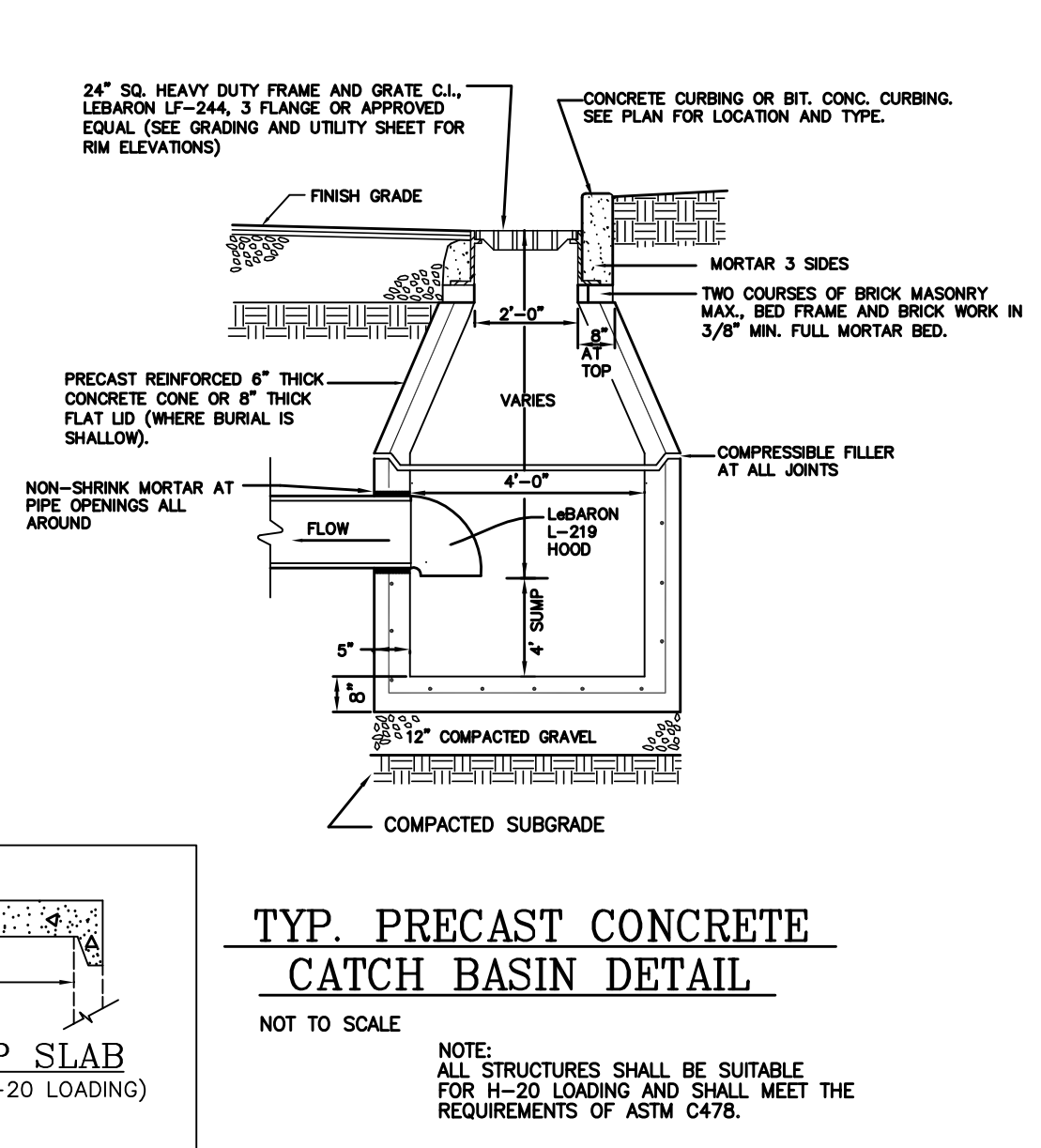
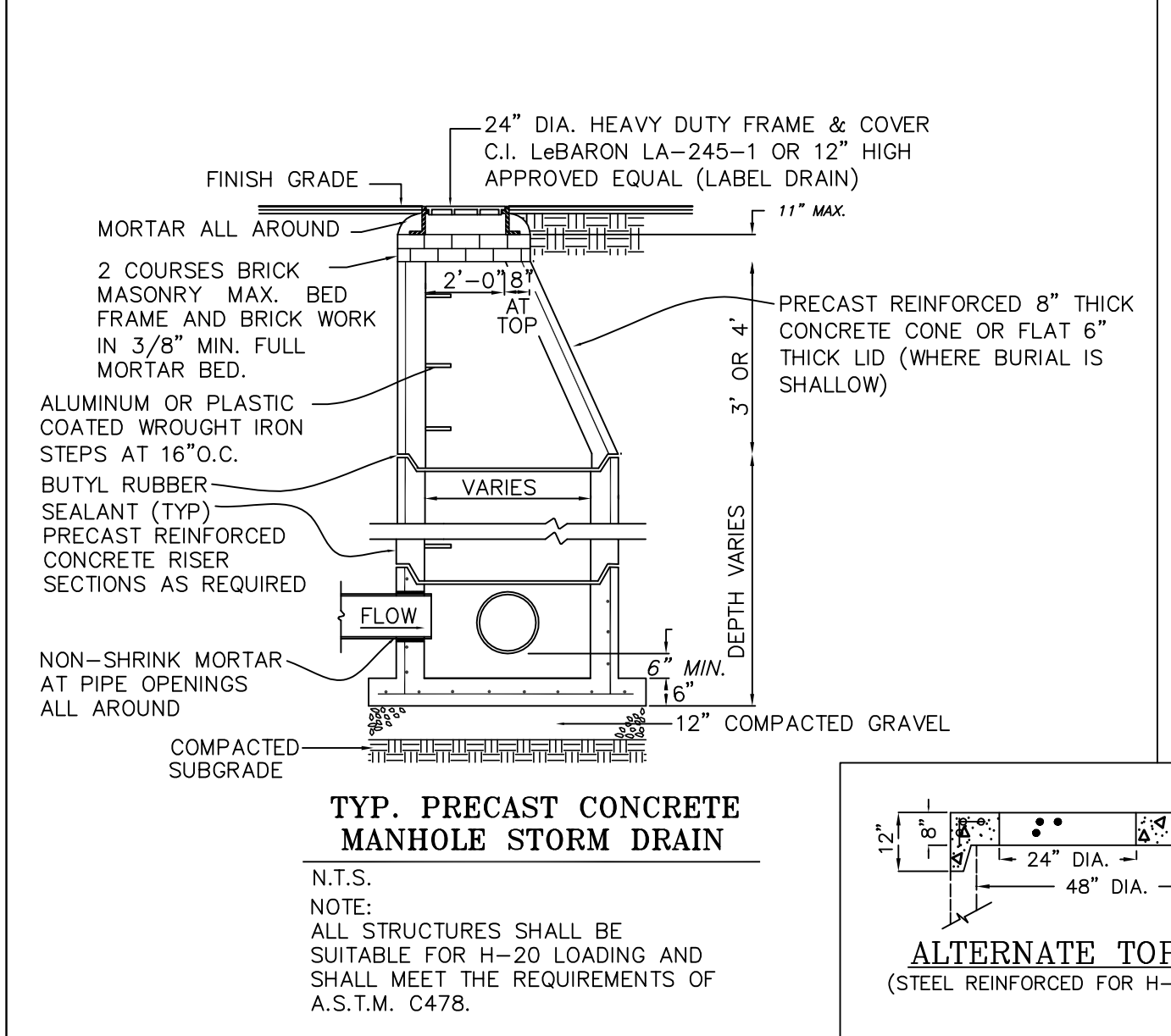
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APPLICANT

NRG CONCEPTS, INC.  
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SUITE 307  
MEDWAY, MA. 02053

SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS



CONSTRUCTION DETAILS

FEBRUARY 14, 2020

DATE

REVISION DESCRIPTION

10/13/2020

REVISED PARKING CONFIGURATION

12/23/2020

PER TOWN COMMENTS

0 15 30 FEET 60 90

0 2.5 5 10 METERS 20

Guerriere & Halnon, Inc.

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12 OF 13

JOB NO.

F3519







G:\C3D\Franklin\F3519\DWG\F3519-SITE-rev 5 parking sketch 4.dwg, 12/24/2020 12:28:06 PM, Foxit Reader PDF Printer

#### LONG TERM OPERATION AND MAINTENANCE PLAN

The following shall serve as the (O&M) Plan required by Standard 9, as well as the Long-Term Pollution Prevention Plan required by Standard 4.

#### A. Names of Persons or Entities Responsible for Plan Compliance:

John Greene  
NRG Concepts, Inc.  
165 Main Street  
Suite 307  
Medway, MA 02053  
Tel: 508-367-8745

It is the intent of the Applicant to have the site completed and released by the various town Departments and Boards.

#### B. Good housekeeping practices:

- Maintain site, landscaping and vegetation.
- Sweep and pick up litter on pavements and grounds.
- Deliveries shall be monitored by owners or representative to ensure that if any spillage occurs, it shall be contained and cleaned up immediately.
- Maintain pavement and curbing in good repair.

#### C. Requirements for routine inspections and maintenance of stormwater BMPs:

- Plans: The storm water Operation and Maintenance Plan shall consist of all Plans, documents and all local state and federal approvals as required for the subject property.
- Record Keeping:
  - Maintain a log of all operation and maintenance activities for at least three years following construction, including inspections, repairs, replacement and disposal (for disposal, the log shall indicate the type of material and the disposal location).

- Descriptions and Designs: The Best Management Practices (BMP) incorporated into the design include the following:
  - Pavement Sweeping - Stipulated within the Construction Period Pollution Prevention Plan, the Long Term Pollution Prevention Plan, and the Operation and Maintenance Plan. As the amount of TSS removal is discretionary, no credit was taken within the calculations for this BMP.
  - Deep sump catch basins with hoods installed to promote TSS Removal of solids and control floatable pollutants. This BMP has a design rate of 25% TSS Removal.
  - Sediment Forebay - installed to promote TSS Removal of solids. This BMP has a design rate of 25% TSS Removal.
  - Infiltration Basin - infiltration BMP provides the required groundwater recharge and has a design rate of 80% TSS Removal. Refer to TSS Removal Worksheet included in the Attachments.
  - Spill Containment Kit to contain and clean-up spills that could occur on site.

- BMP Maintenance: After construction it is the responsibility of the owner to perform maintenance. The cleaning of the components of the stormwater management system shall generally be as follows:
  - Pavement: The owner shall keep the pavement swept with a mechanical sweeper or hand swept semi-annually at a minimum.
  - Catch Basins: Shall be cleaned by excavating, pumping or vacuuming. The sediment shall be disposed of off-site by the Owner. Inspect quarterly, remove silt when 1/2 full.
  - Sediment Forebay: Inspect monthly. Clean forebay 4 times per year.
  - Infiltration Basin: Inspect for proper function after every major storm event during the first 3 months of operation, inspect/remove debris twice per year afterward. Mow basin bottom, sideslopes, access path at least twice per year, remove clippings. No mowing of cross-country outlet drain line, hand remove woody vegetation as needed to prevent drainage to pipe.

- Access Provisions: All of the components of the storm water system will be accessible by the Owner

#### D. Spill prevention and response plans

- Train employees and subcontractors in prevention and clean up procedures.
- All materials stored on site will be stored in their appropriate containers under a roof or in the approved underground storage tanks.
- Follow manufacturer's recommendation for disposal of used containers.
- On site equipment, fueling and maintenance measures:
  - Inspect on-site vehicles and equipment daily for leaks.
  - Conduct all vehicle and equipment maintenance off site and refueling in one location, away from storm drains and wetlands.
- Clean up spills:
  - Never hose down "dirty" pavement or impermeable surfaces where fluids have spilled. Use dry clean-up methods (sawdust, cat litter and/or rags and absorbent pads).
  - Sweep up dry materials immediately. Never wash them away or bury them.
  - Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
  - Report significant spills to the Fire Department, Conservation Commission and Board of Health.

#### E. Provisions for maintenance of lawns, gardens, and other landscaped areas

#### F. Requirements for storage and use of herbicides and pesticides

- Dispose of clippings away from storm drains.
- The application of herbicides or pesticides will be done by professional certified contractor.
- Provisions for solid waste management:
  - Recycle materials whenever possible (paper, plaster cardboard, metal cans). Separate containers for material is recommended.
  - Do not bury waste and debris on site.
  - Certified haulers will be hired to remove the dumpster container waste as needed. Recycling products will also be removed off site weekly.

#### H. Snow disposal and plowing plans

Snow storage is adequate around the site for large storm events, see site plan

#### I. Winter Road Salt and/or Sand Use and Storage restrictions

No sand, salt, or chemicals for de-icing will be stored outside.

- Pavement sweeping schedules: Sweeping, the act of cleaning pavement can be done by mechanical sweepers, vacuum sweeper or hand sweeper. The quantity of sand is a direct correlation with the treatment of ice and snow and the types of chemicals and spreaders that are being used on site to manage snow. If a liquid de-icer such as calcium chloride is used as a pretreatment to new events the amount of sand is minimized. Sweeping for this site should be done semi-annually at a minimum. Collecting the particulate before it enters the catch basins is cheaper and more environmentally friendly than in a catch basin mixing with oils and greases in the surface water runoff in catch basins.

#### K. Provisions for prevention of illicit discharges to the stormwater management system

The discharge into the stormwater system is not being violated, see attachment for illicit discharges compliance.

#### L. Training the staff or personnel involved with implementing Long-Term Pollution Prevention Plan

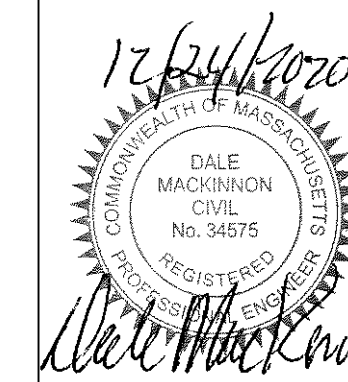
The owner shall develop policies and procedures for containing the illicit spillage of oils, soda, beer, paper and litter. These wastes provide a degrading of the water quality. The placement of signs and trash barrels with lids around the site would contribute to a clean water quality site conditions.

#### M. List of Emergency contacts for implementing Long-Term Pollution Prevention Plan:

John Greene  
NRG Concepts, Inc.  
165 Main Street  
Suite 307  
Medway, MA 02053  
Tel: 508-367-8745

#### NOTES:

- SNOW STORAGE IS NOT PERMITTED WITHIN WETLAND RESOURCE AREAS OR WITHIN THE LIMITS OF THE INFILTRATION BASIN OR FOREBAY.
- THIS PLAN IS INTENDED TO ACCOMPANY THE STORMWATER REPORT / OPERATION & MAINTENANCE PLAN DATED FEBRUARY 14, 2020 AND REVISED THROUGH MAY 13, 2020



APPROVED DATE:

MEDWAY PLANNING BOARD

BEING A MAJORITY

ENDORSEMENT DATE

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APPLICANT

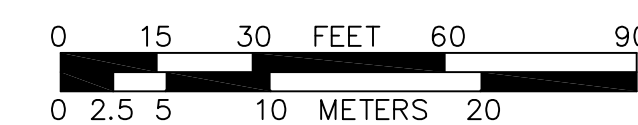
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**SITE PLAN  
MEDWAY MILL  
163-165 MAIN STREET  
MEDWAY  
MASSACHUSETTS**

**OPERATIONS &  
MAINTENANCE PLAN**

**FEBRUARY 14, 2020**

DATE	REVISION DESCRIPTION
10/13/2020	REVISED PARKING CONFIGURATION
12/23/2020	PER TOWN COMMENTS



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SHEET  
1 OF 1

JOB NO. **F3519**

F3519



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**PGC ASSOCIATES, LLC**

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

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January 6, 2021

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

**RE: MEDWAY MILL MAJOR SITE PLAN REVIEW**

Dear Mr. Rodenhiser:

I have reviewed the revised major site plan for Medway Mill under the Site Plans Rules and Regulations adopted by the Planning and Economic Development Board on October 8, 2019. The owner/applicant John Greene, Trustee, 165 Main Street Realty Trust.

The proposal is to add a parking lot, expand a bridge and install drainage improvements within the existing site. Some landscaping is also proposed. The plan was prepared by Guerriere and Hanlon, Inc. of Franklin, and is dated February 14, 2020.

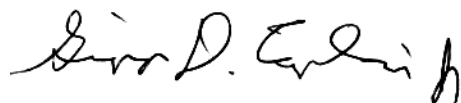
The property is located at 165 Main Street in the AR-II district and is within the Medway Mill Conversion subdistrict of the Adaptive Use Overlay District. I have reviewed the responses from the applicant to the comments in my March 19, and August 4, 2020 letters. Those comments are repeated below with new comments in *italics* as follows:

1. The project qualifies for major site plan review since it involves “the addition of twenty or more new parking spaces,” as specified in Section 3.5.3.b of the Zoning Bylaw. **OK**
2. Section 204-3-F of the Site Plan Rules and Regulations requires a Development Impact Statement. This was not done, and applicant has requested a waiver. This may be reasonable since no additional development is proposed. **OK**
3. Section 204-3 H requires a Construction Management Plan. Some of the details of such a plan (limit of work and stockpile area) are included on the Erosion Control Plan but a more detailed plan may be useful due to the close proximity of the work to residential abutters. **A construction fence and additional details in the form of notes have been added to the plans to better protect abutters. OK**
4. Section 204-5-D (8) specifies the contents of a landscape plan. 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. The Conservation Commission Order of Conditions will likely address the maintenance of the remediation area, but the parking lot trees and row of shrubs between the parking lot and abutters should be addressed. **A note has been added that newly planted material shall be watered for 90 days. No details on quantity or frequency or pruning or replacement if failed (beyond 1-year guarantee). Info on basin planting and mowing added. Ongoing maintenance shrubs and trees should be addressed.**

5. Section 204-5-D (13) requires details of certain site amenities. Most of the details have been provided. However, there are no details for the bike racks (which are specifically required). Details of the proposed bike racks, as well as the proposed charging stations should be provided. **Bike rack details have been added as well as details on pervious pavers. OK**
6. Section 204-5-D (14) requires a master signage plan. Proposed signage should be addressed, including messages to prohibit disposing of trash in the detention basin. **A standard sign detail covering all signs but “Stop” signs has been added to the plan.** *Details for all proposed signage has now been added to the plan. OK*
7. Section 207-9-B requires sidewalks to be 5 feet wide. A sidewalk of pavers is proposed to be 4 feet wide. The sidewalk (and bike racks) does comply with the requirement to maximize pedestrian and bicycle access. **The sidewalks have been widened to 5 feet. OK**
8. Section 207-12 H requires curbing around parking lots. It’s not clear what type of curbing is proposed. **The curbing is specified as vertical granite. OK**
9. Section 207-13-I requires electric charging stations. Two stations are provided which complies with the requirement. **OK**
10. 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 islands with trees within the parking area. No calculation indicates if the islands represent 10% of the area. Section 207-19-C (1)(d) requires at least 1 deciduous shade tree per 6 parking spaces. At 41 car spaces, 7 trees are required and 7 are provided. **The applicant provided a calculation showing the internal parking area includes 2.3% of landscaped area. It is explained that the layout was determined to minimize impact on the riverfront area. A waiver is needed.** *There is now no landscaping within the internal parking area. The parking was designed to minimize intrusion of the detention basin within the riverfront area, and the area of impervious surface has been reduced.*
11. *The photometric plan is OK, but a note on it says the parking lot lights will be on from 7:30 AM to 10:00 PM. There should usually not be a need for the lights to be on during daylight hours so I think the intent was that the lights would only be on as needed between those hours. It might be better expressed as “The parking lot lights will be off from 10:00 PM to 7:30 AM.”*

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

Sincerely,



Gino D. Carlucci, Jr.



March 19, 2020  
(revised July 9, 2020)  
(revised January 7, 2021)

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

**Re: Medway Mill  
Site Plan Review  
163-165 Main Street  
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 Project is located at existing Medway Mill site at 163-165 Main Street in Medway, MA. The Project includes a proposed parking lot, bridge expansion and appurtenant stormwater infrastructure.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Site Plan, Medway Mill, 163-165 Main Street, Medway, Massachusetts", dated February 14, 2020, prepared by Guerrier & Halnon, Inc. (GHI).
- An Application for Major Site Plan Approval, dated February 18, 2020, prepared by GHI.
- Waiver Request forms, dated February 18, 2020, prepared by GHI.
- A Project Narrative, dated February 18, 2020, prepared by GHI.

The Plans and accompanying materials were reviewed for conformance with Chapter 200 of the Town of Medway PEDB Rules and Regulations (Regulations) last amended October 8, 2019 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 agencies.

#### **TT 7/9/20 Update**

The Applicant has supplied TT with a revised submission addressing comments provided in our previous letter including the following documents:

- A plan (Plans) set titled "Site Plan, Medway Mill, 163-165 Main Street, Medway, Massachusetts", dated February 14, 2020, revised May 13, 2020, prepared by GHI.
- A Response to Comments letter dated June 18, 2020, prepared by GHI.

The revised Plans and supporting information were reviewed against our previous comment letter (March 19, 2020) and comments have been tracked accordingly. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

#### **TT 1/7/21 Update**

The Applicant has supplied TT with a revised submission addressing comments provided in our previous letter including the following documents:

- A plan (Plans) set titled "Site Plan, Medway Mill, 163-165 Main Street, Medway, Massachusetts", dated February 14, 2020, revised December 23, 2020, prepared by GHI.

- A Cover Letter titled “Medway Mill, 163-165 Main Street, Medway, MA Summary of Revisions” dated December 30, 2020, prepared by GHI.
- A Response to Comments letter dated December 29, 2020, prepared by GHI.

The revised Plans and supporting information were reviewed against our previous comment letter (July 9, 2020) and comments have been tracked accordingly. Text shown in gray represents information contained in previous correspondence while new information is shown in black text

#### SITE PLAN REVIEW

1. The Applicant has provided a Project narrative but is lacking several required items including the following:
  - a. Current employee counts (Ch. 200 §204-3.C.5)
  - b. Proposed hours of operation (Ch. 200 §204-3.C.6)
  - c. Calculation of required vs. proposed parking spaces. (Ch. 200 §204-3.C.8)
  - d. Calculation of proposed impervious surfaces. (Ch. 200 §204-3.C.9)
  - e. Expected timetable for completion of the Project. (Ch. 200 §204-3.C.10)
  - f. List of other permits required and their current status. (Ch. 200 §204-3.C.12)
  - *GHI 6/18/20 Response: Items a, b, c and d are depicted on Sheet 4 of 12 for your reference. Applicant is anticipating on completing the proposed activities with 2 years of receiving approval. We are currently in front of Conservation Commission with a Notice of Intent for the proposed project.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
2. The Applicant has not provided a written Development Impact Statement as required. The Applicant has requested a Waiver from this requirement. (Ch. 200 §204-3.F)
  - *GHI 6/18/20 Response: No further action.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.
3. The Applicant has not provided a copy of the Order of Resource Area Delineation (ORAD) from the Medway Conservation Commission. (Ch. 200 §204-3.K)
  - *GHI 6/18/20 Response: Currently in review with the Conservation Commission.*
    - TT 7/9/20 Update: No action necessary until Conservation Commission review is complete.
4. The Plans are drawn at a scale of 1"=30' which does not meet the required 1"=40' scale requirement. However, we believe the scale at which the Plans are shown is adequate to show the proposed work. We anticipate the Medway Planning and Economic Development Board will require a waiver from this requirement. (Ch. 200 §204-4.B)
  - *GHI 6/18/20 Response: Section 204-4.B states: The site plan shall be drawn at a scale of one inch equals forty feet OR one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements. A waiver is not required.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
5. The Town Clerk's no appeal certification shall be placed on the Plans. (Ch. 200 §204-4.E)
  - *GHI 6/18/20 Response: Note has been added to the Cover Sheet.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.

6. It appears a sewer easement crosses the site, but it is not adequately labeled. (Ch. 200 §204-5.B.5)
  - *GHI 6/18/20 Response: The sewer easement has been labeled.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
7. A dumpster was observed at the western end of the gravel parking area but it is not shown on the Plans. (Ch. 200 §204-5.C.1)
  - *GHI 6/18/20 Response: This is a temporary location. A concrete pad location is proposed for a permanent location of dumpsters.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
8. It is unclear if existing trees on-site have been identified within the work area as the plan is difficult to read. The Applicant has requested a Waiver from this requirement. (Ch. 200 §204-5.C.3)
  - *GHI 6/18/20 Response: Tree labels within work are enlarged for easy reading.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
9. Provide parking setbacks on the Site Plan. (Ch. 200 §204-5.D.3)
  - *GHI 6/18/20 Response: The parking offsets have been added to the plan and parking dimensions have been added to the plan.*
    - TT 7/9/20 Update: Parking setbacks are 15 feet and are not shown on the Plans. The setbacks shall be shown similar to building setbacks for reference during the review process.
      - ***GHI 12/29/20 Response: Parking offsets have been revised to maintain a minimum of 15 feet off the property line.***
        - TT 1/7/21 Update: In our opinion, this item has been addressed.
10. A site utilities plan has not been provided. Lighting is proposed in the parking lot and electrical runs will need to be shown on the Plans. All utilities are to be installed underground. (Ch. 200 §204-5.D.7)
  - *GHI 6/18/20 Response: Electrical lines and location shall be coordinated with National Grid and information will be provided after approval of site plan.*
    - TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project.
      - ***GHI 12/29/20 Response: On behalf of the Applicant, Guerrier & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.***
        - TT 1/7/21 Update: We recommend the PEDB Condition this item in the Decision for the Project. We recommend the PEDB require the Applicant provide the proposed electrical layout at the pre-construction meeting for the Project.
11. The Applicant has provided a Landscape Plan, however, it is not prepared by a Registered Professional Landscape Architect or a MA Certified Landscape Professional. The Applicant has requested a Waiver from this requirement. (Ch. 200 §204-5.D.8.a)
  - *GHI 6/18/20 Response: A waiver has been requested.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.
12. Maintenance notes shall be added to the Landscape Plan to ensure installers and property owners are aware of maintenance tasks to ensure the viability and longevity of the proposed plantings. (Ch. 200 §204-5.D.8.d)

- *GHI 6/18/20 Response: Notes have been added to the Landscaping Plan.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
13. The Applicant has not provided renderings of the project. (Ch. 200 §204-5.D.10)
- *GHI 6/18/20 Response: See renderings enclosed by owner/applicant. No new building is proposed.*
    - TT 7/9/20 Update: It is unclear if this requirement would apply to this Project. We defer action on this item to the PEDB.
14. A detail of the bike rack shall be provided on the Plans. (Ch. 200 §204-5.D.13)
- *GHI 6/18/20 Response: A bike rack detail has been added to the Detail sheets.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
15. Parking counts shall be added to the proposed zoning summary table. Required vs. proposed parking spaces shall be included. (Ch. 200 §204-5.D.17)
- *GHI 6/18/20 Response: Parking information is located on the general Note Sheet and has been added to the Zoning Summary Table.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
16. The Applicant shall show cut-fill analysis on the Plans to determine extent of earthwork at the site. (Ch. 200 §207-8.F)
- *GHI 6/18/20 Response: A cut-fill analysis has been provided as requested on Sheet 6 of the revised Plan set.*
    - TT 7/9/20 Update: The Applicant has reported a net fill of the site of approximately 1,600 cubic yards, which does not trigger the fill schedule required in Ch. 200 §208-1.D. In our opinion, this item has been resolved.
17. Proposed curb type is not provided on the Plans. The Regulations require either Vertical Granite Curb or Cement Concrete Curb along proposed sidewalks. (Ch. 200 §207-9.A.6)
- *GHI 6/18/20 Response: Vertical granite is proposed and is indicated on the site plan. Detail added to sheet 12 of 12.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
18. It does not appear the sidewalk from the proposed parking area will meet ADA requirements. (Ch. 200 §207-9.A.7)
- *GHI 6/18/20 Response: The sidewalk has been widened to 5 ft. and shall be constructed with pervious pavers to lessen the impact within the riverfront area. No handicap spaces are proposed in this area. A waiver is requested.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
19. Proposed sidewalk is four feet in width which does not comply with the required five-foot width in the Regulations. (Ch. 200 §207-9.B.1)
- *GHI 6/18/20 Response: Has been widened to 5 ft.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
20. Proposed curb type not provided on the Plans. (Ch. 200 §207-11.B.2)
- *GHI 6/18/20 Response: Vertical granite curb is proposed within the parking area.*

- TT 7/9/20 Update: In our opinion, this item has been resolved.
21. Show dimensioning from property line to limit of parking area to ensure minimum 15-foot setback is provided. (Ch. 200 §207-12.G.3.b)
- *GHI 6/18/20 Response: Requesting a waiver to 12 ft. to minimize disturbance within the riverfront.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers. We believe an alternate design is possible for this Project which would allow this requirement to be met while also decreasing impact to the Riverfront Area and reducing impervious cover. A few possible design alternatives include relocating proposed stormwater mitigation below the proposed pavement area, reconfiguring the parking into one drive aisle with parking on either side and decreasing proposed parking to only that required by zoning. The stormwater design is currently under review with the Medway Conservation Commission.
    - *GHI 12/29/20 Response: An alternate design has been provided where a minimum setback of 15 feet from the property line has been provided. No waiver required.*
      - TT 1/7/21 Update: In our opinion, this item has been addressed.
22. Provide radii on protruding edges of curb within the proposed parking area. (Ch. 200 §207-12.H.2)
- *GHI 6/18/20 Response: The radii have been added to the layout of the parking.*
    - TT 7/9/20 Update: The intention of the regulation is to provide a minimum 3-foot radius on all outside, square corners within the parking area to prevent tire puncture.
    - *GHI 12/29/20 Response: Acknowledged.*
      - TT 1/7/21 Update: The eastern island at the parking lot entrance contains a protruding curb edge which may puncture tires when parking in the first space. We recommend the PEDB Condition this item in the Decision as a plan edit prior to final endorsement.
23. It appears two electric vehicle parking stations have been proposed for the project. However, we believe additional stations may be required based on the parking count for the site. We recommend the PEDB include this as point of discussion during public hearing to determine if the existing parking counts would be subject to this regulation. Additionally, we recommend the Applicant clearly define electric vehicle parking spaces through use of pavement markings to ensure these spaces are not used by non-electric vehicles. (Ch. 200 §207-12.I)
- *GHI 6/18/20 Response: Pavement markings have been added for electric parking only.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
24. Proposed utilities have not been shown on the Plans. All utilities are to be located underground. (Ch. 200 §207-16)
- *GHI 6/18/20 Response: A note has been added to the utility plan.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
25. The building is multi-use and will require proposed shared trash compactors as required. (Ch. 200 §207-17.D)
- *GHI 6/18/20 Response: A waiver is requested.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.
26. We expect light levels to be much greater than shown at the property line as what is provided. Light levels shown on the plan end at the property line at reasonably high values (ie. 0.17, 0.18, 0.19, etc.). This may



be due to the proposed fence but that information should be provided on the Plan to confirm. We recommend the Applicant also place shielding on the light fixtures to ensure no light trespass extends to residential abutters. (Ch. 200 §207-19.B.2)

- *GHI 6/18/20 Response: The fence and landscaping is designed to minimize glare onto the abutters. Notes were added to the lighting plan indicating the use of shields if determined if necessary.*
  - TT 7/9/20 Update: We believe an alternate design of the parking layout is possible which will relocate the parking, and appurtenant lighting, further away from abutters as compared to the current design. See Update at Comment 21.
- *GHI 12/29/20 Response: An alternative parking layout has been provided for review.*
  - TT 1/7/21 Update: In our opinion, this item has been addressed.

27. Provide a light schedule on the Photometric Plan to confirm light type and specifications. Additionally, proposed times of illumination shall be included. All lighting shall meet the requirements of Zoning Bylaw Section 7.1.2. (Ch. 200 §207-18.A)

- *GHI 6/18/20 Response: Lighting details and specifications are shown on the Detail sheets.*
  - TT 7/9/20 Update: In our opinion, this item has been resolved.

28. Landscape areas along the residential property lines to the west do not appear to be 15-feet as required by the Regulations. (Ch. 200 §207-19.B.2)

- *GHI 6/18/20 Response: A fence as well as landscaping should provide enough screen to the abutting properties.*
  - TT 7/9/20 Update: We defer action on this item to the PEDB.

29. It does not appear the proposed parking layout accounts for the minimum 10% landscaped island area. Parking area calculation shows approximately 15,000 sf of new parking area with 10%, or 1,500 sf, of landscaped island required. These islands are exclusive of perimeter landscaping. (Ch. 200 §207-19.C.a)

- *GHI 6/18/20 Response: The parking was designed to minimize disturbance within the riverfront area.*
  - TT 7/9/20 Update: We believe an alternate design of the parking layout is possible to help reduce impervious cover at the site. Reduction in impervious cover would reduce the scope of required landscaped islands to help the Project better align with the Regulations. See Update at Comment 21.
- *GHI 12/29/20 Response: An alternative parking layout has been provided for review where impervious coverage has been reduced.*
  - TT 1/7/21 Update: In our opinion, this item has been addressed.

30. The Applicant has provided a standard stormwater drainage design with use of catch basins and infiltrations basins to treat stormwater runoff from the parking area. The Regulations require Applicants to determine feasibility of using LID techniques such as rain gardens and bio-retention areas to treat stormwater. Proposed stormwater design will be reviewed by the Medway Conservation Commission. (Ch. 200 §207-19.C.a)

- *GHI 6/18/20 Response: The use of LID techniques was considered during the design process. LID techniques that may have been suitable for this site typically require larger footprint, and it was designed utilizing conventional stormwater BMPs to minimize the disturbance within the protected riverfront area.*

- TT 7/9/20 Update: The stormwater design is currently under review with the Medway Conservation Commission and for the purposes of this review it is our opinion this item has been resolved.
- 31. The Applicant shall provide a calculation of proposed tree replacement, it is difficult to read tree sizes on the existing conditions plan. The Applicant has requested a Waiver from this requirement, however, the waiver request does not appear to reference the correct regulation on the Plans. (Ch. 200 §207-19.H)
  - *GHI 6/18/20 Response: A waiver has been requested.*
    - TT 7/9/20 Update: No action necessary until PEDB decision on waivers.
- 32. Provisions for irrigation of proposed landscaping shall be provided. (Ch. 200 §207-19.K)
  - *GHI 6/18/20 Response: Notes were added to the landscaping plan. The contractor/landscaper shall water the newly planted trees for 90 days and guarantee plant stock for 1 year.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
- 33. Proposed fence is white PVC. Fence type and color will need to be reviewed by the Medway Design Review Committee. (Ch. 200 §207-20.A)
  - *GHI 6/18/20 Response: Acknowledged.*
    - TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project. We anticipate the Medway Design Review Committee will recommend alternative colors and textures for the proposed fence.
    - *GHI 12/29/20 Response: On behalf of the Applicant, Guerrier & Halnon, Inc. we respectfully request the PEDB condition this item in the Decision for the Project as recommended by Tetra Tech.*
      - TT 1/7/21 Update: We recommend the PEDB Condition this item in the Decision for the Project as a plan edit prior to final endorsement. Medway DRC input is suggested for fence type, color and texture.
- 34. Snow storage areas shall be clearly delineated on the Plans. Landscaping is proposed at the end of parking/drive aisles where snow storage is proposed, and we expect these planting may be damaged during the snow removal effort. (Ch. 200 §207-21)
  - *GHI 6/18/20 Response: Plantings have been relocated to allow for additional snow storage.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.

#### **GENERAL COMMENTS**

- 35. The waiver requests do not match up between the forms and what is listed on the Plans. Please coordinate all waiver requests for ease of review.
  - *GHI 6/18/20 Response: The plans and forms have been revised accordingly.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
- 36. Confirm with Medway Fire Department that the proposed fire truck access is sufficient to gain access to the rear of the buildings.
  - *GHI 6/18/20 Response: Discussions between the applicant and the Fire Department have been ongoing. The applicant is waiting for a written acknowledgement.*

- TT 7/9/20 Update: We recommend the PEDB Condition this item in the Decision for the Project. Written correspondence from the Fire Department is recommended.
37. Details of the proposed bridge expansion should be included in the Plans to determine extent of impact to the site.
- *GHI 6/18/20 Response: Bridge to be designed by others upon site plan approval. Color renderings provided as reference.*
    - TT 7/9/20 Update: We anticipate this item will be addressed during the Medway Conservation Commission review of the site. We defer action on this item to the PEDB.
38. We recommend the Applicant extend the painted pedestrian path to the rear entrance to the building.
- *GHI 6/18/20 Response: The pedestrian path has been extended to the concrete platform.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
39. The Applicant shall provide a detail of the pervious paver sidewalk.
- *GHI 6/18/20 Response: A detail for pervious pavers has been added to the Detail Sheet.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.
40. The dumpster enclosure detail gives the option to use either bituminous concrete or cement concrete slab. We recommend the Applicant choose an option. Typically, dumpster pads are cement concrete to prevent settling of the pad due to the weight of the dumpster.
- *GHI 6/18/20 Response: The slab will be cement concrete and the detail has been revised accordingly.*
    - TT 7/9/20 Update: In our opinion, this item has been resolved.

#### **ADDITIONAL COMMENTS 1/7/21**

41. The proposed fence appears to have been relocated in this latest revision to the parking layout. We suggest the Applicant provide similar fence and vegetative screening layout along the western property line similar to prior submissions. We expect abutters may request vegetation along their side of the fence for screening and the work should be coordinated with them. We recommend the PEDB Condition this item in the Decision for the Project as a plan edit prior to final endorsement.

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

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**January 12, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Harmony Village**

- Public Hearing continuation notice dated December 9, 2020
- DRC review memo dated January 7, 2021
- Revised DRAFT Special Permit, Land Disturbance Permit and Site Plan dated January 11, 2021

## Board Members

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



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# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

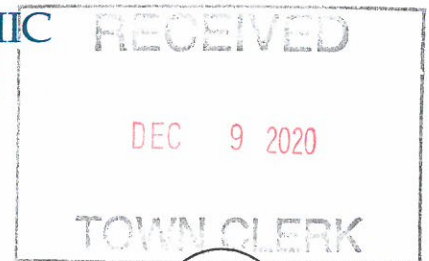
### MEMORANDUM

December 9, 2020

TO: Maryjane White, Town Clerk  
Town of Medway Departments, Boards and Committees

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

RE: **Public Hearing Continuation for Harmony Village Multi-Family Special Permit,  
Site Plan and Land Disturbance Permit**  
218 and 220 Main Street  
Continuation Date – Tuesday, January 12, 2021 at 7:30 p.m.



At its December 8, 2020 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Harmony Estates, LLC of Milford, MA for approval of a special permit, land disturbance permit, and site plan for the proposed Harmony Village multi-family development at 218-220 Main Street to Tuesday, January 12, 2021 at 7:30 p.m. **A draft decision has been prepared and reviewed by the Board; it will be revised for the Board's vote at the January 12<sup>th</sup> meeting.**

***This continuation is also made pursuant to Chapter 53 of the Acts of 2020, enacted April 3, 2020, which grants authority to Massachusetts planning boards to reschedule public hearings to a date not more than 45 days after termination of the COVID-19 state of emergency. Presently, there is no conclusion date for the Covid-19 emergency.***

**UPDATED PROPOSAL** - The proposed development includes renovation of the two existing single-family houses and construction of a new quad building for a total of six residential units; 21 off-street parking spaces will be provided. Access will be from a single curb cut from Main Street onto a permanent private roadway to be owned by the future condominium association. Stormwater management facilities will be constructed to manage stormwater on-site and include a sub-surface infiltration system for roof runoff and a detention basin at the southwest corner of the property. Landscaping, site lighting, buffering and a common outdoor area are planned. Connections will be made to existing Town sewer and water services in Main Street.

The site plan, titled *Site Plan Review Submittal – Harmony Estates 218-220 Main Street*, dated June 9, 2020, last updated November 12, 2020 was prepared by Meridian Associates, Inc. of Westborough, MA.

The application documents and plans are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall. The information is also posted at the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/harmony-village-multi-family-housing-development>

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





Town of Medway  
**DESIGN REVIEW COMMITTEE**

155 Village Street  
Medway MA 02053  
508-533-3291

[drc@townofmedway.org](mailto:drc@townofmedway.org)

January 7, 2021

TO: Medway Planning and Economic Development Board  
FROM: Matthew Buckley, Chairman  
RE: Harmony Village - Site Plan Review  
218-220 Main Street

Dear Members of the Medway Planning and Economic Development Board,

The Medway Design Review Committee [DRC] is pleased to provide an updated comment letter for the proposed multi-family residential development at 218-220 Main Street. The DRC met with representatives of this project during two prior informal meetings, on February 3<sup>rd</sup> and March 30<sup>th</sup>, 2020 and formally on August 3<sup>rd</sup>, 2020 to review site development plans, dated June 9<sup>th</sup>, 2020. The DRC met recently on December 21<sup>st</sup>, 2020 to review an updated landscape plan dated September 8, 2020 as well as light fixtures.

The DRC is satisfied that the updated landscape plan aligns with the Medway *Design Review Guidelines*. The DRC commented that the planting schemes are extensive and together with existing vegetation will provide sufficient and appropriate buffers and screens. The DRC is pleased that a number of existing larger trees will be preserved on the site.

The DRC also reviewed the applicant's proposed lighting and recommends the light fixture shown as "LXT Lexington" on an 8' pole with the base labeled "CHI Charleston". The LED source should be of the lowest temperature (3000K) to create a warm, natural light in all seasons. The applicant indicated that similar style light fixtures would be located on the wall adjacent to each unit's entryway.

The DRC has not reviewed colors for the new buildings. A general discussion of colors took place. The applicant indicated that the existing buildings would retain their white color. The DRC requested to review the final color choices, when they become available.

The DRC remains available to review any of these changes and will gladly provide feedback in the most effective manner that will assist these proceedings.

Sincerely,

Matthew Buckley  
Chairman

**REVISED DRAFT – January 11, 2021**

**Board Members**

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



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**TOWN OF MEDWAY**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

**MULTI-FAMILY HOUSING SPECIAL PERMIT, SITE PLAN & LAND  
DISTURBANCE PERMIT DECISION  
Harmony Village – 218 & 220 Main Street  
with Waivers and Conditions**

**Decision Date:** TBD

**Name of Applicant/Permittee:** Harmony Village LLC

**Address of Applicant:** Harmony Village LLC  
5 Exchange Street, Suite 4  
Milford, MA 01757

**Name/Address of Property Owners:** Harmony Village LLC  
5 Exchange Street, Suite 4  
Milford, MA 01757

**Engineer:** Mark Beaudry, P.E.  
Meridian Associates, Inc.  
69 Milk Street, Suite 208  
Westborough, MA 01581

**Site Plan:** *Harmony Village Site Plan Review Submittal – 218-220 Main Street*  
Dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc.

**Location:** 218 & 220 Main Street

**Assessors' Reference:** Map 55, Parcel 44

**Zoning District:** Agricultural Residential II  
Multi-Family Housing Overlay District



**I. PROJECT DESCRIPTION** – The Applicant sought a multi-family special permit to develop a 7-unit residential community at 218 - 220 Main Street. The site is 1.22 acres in size (52,993 sq. ft.). The Applicant intends to develop and sell the units as condominiums. Initially, the proposed project included construction of one 3-unit building, one 2-unit building, and the renovation of two existing single family houses on the premises. Access to the development will be from a single curb cut from Main Street via a permanent, private roadway to be known as Harmony Lane to be owned by the future condominium association. Stormwater management facilities will be constructed to manage stormwater and include a sub-surface infiltration system for roof runoff and a detention basin at the southwest corner of the property. Landscaping, site lighting, buffering, and a common outdoor space are planned. Connections will be made to the existing Town sewer and water services in Main Street.

During the course of review, the plan was downsized to a total of 6 units to include renovation of the two existing single family houses and the construction of one, 4-unit building. A total of 21 off-street parking spaces will be provided.

The proposed use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway *Zoning Bylaw* (the “Bylaw”), and site plan review and approval pursuant to Section 3.5 of the *Bylaw*. The property is also subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance for a Land Disturbance Permit

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on January 12, 2021, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with **CONDITIONS a Multi-Family Housing Special Permit to Harmony Village, LLC of Milford, MA (hereafter referred to as the Applicant or the Permittee) and to \_\_\_\_\_ a Land Disturbance Permit, and to \_\_\_\_\_ with WAIVERS and CONDITIONS as specified herein, a site plan for the construction of a six unit, condominium development and associated site improvements on the property at 218-220 Main Street as shown on a plan titled Harmony Village Site Development Plans, 218 - 220 Main Street, dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc., to be further revised as specified herein before endorsement and recording.**

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

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	
Matthew Hayes	
Thomas A. Gay	
Andy Rodenhiser	
Robert Tucker	

### **III. PROCEDURAL HISTORY**

- A. June 5, 2020 – Special permit, site plan and land disturbance permit applications and associated materials filed with the Board. Due to the COVID 19 State of Emergency and Governor Baker’s Executive Orders, the Board held off on scheduling a hearing right away.

- B. August 6, 2020 – Special permit, site plan and land disturbance permit applications filed with the Medway Town Clerk
- C. August 6, 2020 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. August 7, 2020 - Public hearing notice mailed to abutters and parties of interest by certified sent mail.
- E. August 6 and 19, 2020 – Site plan information distributed to Town boards, committees and departments for review and comment.
- F. August 10 and August 18, 2020 - Public hearing notice advertised in *Milford Daily News*.
- G. August 25, 2020 - Public hearing commenced. The public hearing was continued to September 22, October 27, November 24, December 8, 2020 and to January \_\_, 2021 when the hearing was closed and a decision rendered. Public hearing continuation notices were filed with the Town Clerk and distributed to Town staff, boards and committees to continue to request review comments.

#### **IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS**

- A. The application package for the proposed Harmony Village condominium development included the following documents, plans, studies and information that were provided to the Board.
  - 1. Multifamily Housing Special Permit application dated June 4, 2020
  - 2. Major Site Plan application dated June 4, 2020
  - 3. Land Disturbance Permit application dated June 4, 2020.
  - 4. *Harmony Estates Site Plan Review Submittal – 218-220 Main Street* dated June 9, 2020, prepared by Meridian Associates of Westborough, MA
  - 5. Certified Abutters List from Medway Assessor's office provided April 1, 2020.
  - 6. Building architectural plans including elevations and floor plans for duplex and triplex by Pacific Visions Studio, LLC, dated March 12, 2020
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
  - 1. *Project Description* dated June 11, 2020, prepared by Drew Garvin, Meridian Associates
  - 2. *Development Impact Report* dated June 19, 2020 prepared by Drew Garvin, Meridian Associates
  - 3. Deed dated January 26, 2001 conveying 218-220 Main Street from Elliott F. Edwards to Elliott F. Edwards and Linda S. Resner
  - 4. Deed conveying the subject property from Linda S. Resner to Harmony Village LLC dated October 16, 2020.
  - 5. Purchase and Sale Agreement dated July 5, 2019 between Linda S. Resner and Gary Feldman and Marcelo Alves to purchase 218-220 Main Street

6. Letter dated February 4, 2020 from Scott Goddard of Goddard Consulting indicating there are no wetland resources on the subject property.
  7. Proposed sewer flow calculations dated May 12, 2020 prepared by Meridian Associates.
  8. *Project Criteria Summary* narrative dated June 24, 2020 prepared by Meridian Associates
  9. *Request for Waiver from Site Plan Rules and Regulations* (dated June 29, 2020) prepared by Meridian Associates.
  10. *Additional Requests for Waivers from the Site Plan Rules and Regulations* (dated September 8, 2020 and November 10, 2020) prepared by Meridian Associates
  11. *Stormwater Management Report for 218-220 Main Street, Medway, MA* dated June 10, 220 prepared by Meridian Associates
  12. *Stormwater Management Operations and Maintenance Plan for 218-220 Main Street*, dated June 10, 2020, prepared by Meridian Associates
  13. *Stormwater Management Report for 218-220 Main Street, Medway, MA* revised November 12, 2020 prepared by Meridian Associates.
  14. *Stormwater Management Operations and Maintenance Plan for 218-220 Main Street*, revised November 12, 2020, prepared by Meridian Associates
  15. Response letters dated August 25, 2020, September 8, 2020 and November 10, 2020 from Drew Garvin of Meridian Associates to the plan review letters from Tetra Tech and PGC Associates.
  16. Email review memorandum dated September 21, 220 from Fire Chief Jeff Lynch regarding roadway width, fire hydrant accessibility, and turning access for Medway fire apparatus meeting fire code requirements,
  17. *Harmony Estates Site Plan Review Submittal – 218-220 Main Street* revised September 8, 2020 prepared by Meridian Associates of Westborough, MA
  18. *Harmony Estates Site Plan Review Submittal – 218-220 Main Street* revised October 22, 2020 prepared by Meridian Associates of Westborough, MA
  19. *Harmony Estates Site Plan Review Submittal – 218-220 Main Street* revised November 12, 2020, prepared by Meridian Associates of Westborough, MA (includes a revised landscaping plan dated November 9, 2020)
  20. Quadplex building elevation plans for 218-220 Main Street, dated October 19, 2020 and quadplex renderings, dated October 23, 2020 by Pacific Visions Studio, LLC of Bristol, RI.
  21. Residential Renovation Plans for 218 and 220 Main Street, dated September 18, 2020 by Pacific Visions Studio, LLC of Bristol, RI.
- C. Other documentation submitted to the Board during the course of the public hearing:

1. PGC Associates plan review letters dated August 14, 2020, September 17, 2020 and November 19, 2020.
2. Tetra Tech plan review letters dated August 7, 2020, September 18, 2020 and November 18, 2020
3. Memorandum dated August 28, 2020 from the Medway Cultural Council
4. Email dated September 17, 2020 from Barry Smith, Medway DPW Water/Sewer Superintendent re: water service connection
5. Email dated August 24, 2020 from Medway DPW Director David D'Amico regarding trash pick-up
6. Design Review Committee comment memorandum dated August 19, 2020
7. Email dated May 18, 2020 from Conservation Agent Bridget Graziano regarding the absence of wetlands on the subject property
8. Email dated August 7, 2020 from Medway DPW Director David D'Amico regarding sewer connection
9. Memorandum dated January 8, 2021 from the Medway Design Review Committee
10. Forthcoming email from Dave D'Amico re: his request for an I & I condition to be included in the decision

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

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Commentary provided throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Commentary provided throughout the public hearing process.
- Drew Garvin, Meridian & Associates, engineer for the Applicant – Commentary provided throughout the public hearing process
- Gary Feldman, Applicant
- Abutter Cathy Sutton, 216 Main Street
- Abutters Carmel and Daniel Bergeron, 214 Main Street
- Abutter Denise Hallman, 212 Main Street
- Abutter Krystyna McQueeney, 222 Main Street
- Abutter Terri Tiernan, 210 Main Street
- Abutters Jovante and Myriam Santos, 224 Main Street
- Property Owner Linda Resner, 218 Main Street

Additionally, the following written comments were provided and entered into the record during the public hearing:

- Email dated August 25, 2020 from Krystyna McQueeney, 222 Main Street
- Letter dated August 21, 2020 from Carmel and Daniel Bergeron, 214 Main Street
- Letter dated September 22, 2020 from Linda Resner, 218 Main Street

**VI. FINDINGS** - The Board, at its meeting on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for the proposed Harmony Village located at 218 & 220 Main Street. The motion was \_\_\_\_\_ by a vote of \_\_\_ in favor ( ) and \_\_\_ opposed ( ).

**MULTIFAMILY HOUSING SPECIAL PERMIT** - The Board makes the following findings in relation to this development's compliance with Section 5.6.4 Multifamily Housing of the Bylaw.

**Applicability**

- 1) **Location** - *The site is located within the Multifamily Housing Overlay District (Section 5.6.4) and thus is eligible for a multi-family housing special permit.*
- 2) **Traffic capacity** - *Main Street is the town's major artery and has sufficient capacity to handle the traffic from the six residential dwelling units that are proposed. The 6 units do not rise to the level of triggering the requirement for the submittal and review of a traffic study.*
- 3) **Parcel size & frontage** - *The site consists of 1.22 acres which exceeds the minimum area requirement of 22,500 square feet for the AR-II zoning district. The site has 190.08 feet of frontage on Main Street, so it meets the minimum 50-foot frontage requirement of Section 5.6.4.B (1) of the Bylaw.*

**Dimensional Regulations**

- 4) **Minimum Dimensional Requirements** - *The dimensional requirements of the underlying AR-II zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. The new quad building is setback approximately 180 feet from Main Street; the minimum front setback for the AR-II district is 35 feet. The plan shows a side setback of 16.3' for the quad building where the minimum required is 15'. The plan shows a rear setback of 17.8 feet for the quad building where a 15' minimum is required. The plans indicate that the project complies with maximum building coverage requirements (17% provided vs. 30% maximum allowed) and the maximum impervious surface standards (35% provided vs. 40% allowed).*
- 5) **Non-Conforming Buildings** - *The two pre-existing non-conforming houses do not meet the standard front (35') and side (15') setbacks requirements for the AR-II zoning district. However, as they are remaining in their current location with no plans to increase their non-conformity, they are allowed per Section 5.6.4 C. 2.*
- 6) **Building Height** - *As indicated on the site plan, the building height will not exceed 30 feet, less than the maximum 40 feet height allowed.*

**Density**

- 7) **Density** - *The maximum density for multifamily projects is 8 units per whole acre. With 1.22 acres, the maximum possible number of dwelling units is 8. With 6 units, the project is under the allowed maximum.*

**Special Regulations**

- 8) **Affordable Housing** - *With only a proposed net increase of 4 dwelling units, the provisions of Section 8.6 Affordable Housing of the Zoning Bylaw do not apply to the proposed development project.*
- 9) **Open Space** - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 47% open space being provided which includes the front yards of the existing houses, the common area, and the back yards (exclusive use areas) for the new units.*

- 10) **Parking spaces** - Two off-street spaces per unit (12 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 21 off-street parking spaces are provided. Each of the 4 new units will have a 2-car garage.
- 11) **Town water and sewer service** - The project will be served by Town water and sewer.
- 12) **Number of units** - The total number of units proposed (6) is less than the 40 maximum possible number of units allowed under the Bylaw for a multi-family development (without consideration of density limits).
- 13) **Historic Properties** – Section 5.6.4 E. 7 requires that historic properties determined to be “historically significant” by the Medway Historical Commission cannot be demolished unless certain criteria are met. The subject property is not located within a historic district. However, the two existing older houses on the site will be renovated as part of this project so this is not an issue.

#### **Decision Criteria**

- 14) **Meets purposes of Multi-Family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations** - The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) It provides a diversity of housing types in the form of townhouse style units; (2) It encourages the preservation of older properties with the renovation of the two existing older houses on the property.

*It also meets the purpose of the Site Plan Rules and Regulations which is to provide for a uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the Zoning Bylaw. The plans have been reviewed by Town officials, the Consulting Engineer and Consulting Planner to ensure that the health, safety and welfare of Town residents is protected. Impacts on traffic, parking, drainage, environmental quality, community economics and community character were considered and changes were made during the course of the hearing to improve the project.*

- 15) **Consistent with the Medway Housing Production Plan** - The development meets the implementation strategies of the Housing Production Plan by providing additional multifamily housing.
- 16) **Impact on abutting properties and adjacent neighborhoods** - The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening through a comprehensive landscaping plan, a reduction in the number of dwelling units, and the aesthetics of the buildings as reviewed by the Design Review Committee.
- 17) **Variety of housing stock** - The development increases the variety of housing stock in the community by providing a quadruplex building.
- 18) **Designed to be reflective of or compatible with the character of the surrounding neighborhood** - The project retains and renovates the two existing vintage homes which front on and are highly visible from Main Street. The new construction will be set back approximately 200 feet from Main Street and is well screened from adjacent properties. The architectural design of the new units has been thoroughly reviewed by the Design Review Committee and modified to better blend with the architecture of the existing houses. The size of the new dwelling units, minus the attached garages, is comparable in size to the residences in the adjacent neighborhood. The number of newly constructed



*dwelling units has been reduced 20% from 5 to 4 units to reduce the overall density of the development. Therefore, the proposed development is compatible with the character of the surrounding neighborhood.*

**SPECIAL PERMIT DECISION CRITERIA** – Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed multifamily housing use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The Board makes the following findings in accordance with Section 3.4 of the *Bylaw*. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the *Bylaw*, shall make findings on all of the applicable criteria specified below:

- 1) **The proposed site is an appropriate location for the proposed use.** *The proposed use is a multi-family development on a property located on Main Street within the Multi-Family Housing Overlay District as approved by Town Meeting. The Main Street property is located .3 miles from the Medway Public Library and .6 miles from Choate Park, home to Choate Pond, Thayer Homestead, a multi-age playground, and the beginning of Medway's trail system. Both the Library and Park are accessible from the subject property via sidewalk.*
- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** *As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed residential use. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities and site improvements. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. And the stormwater management system has been designed in accordance with the applicable local and State regulations.*
- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.** *The proposed use adds 4 residential units off a major east-west through street. It is estimated that the development will generate minimal traffic. The entrance to the site has more than 500' of sight distance in both directions and does not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist on Main Street and provide suitable access to the Medway Library and Choate Park. The proposed stormwater management system has been reviewed by the Town's Consulting Engineer and has been modified during the course of review. There are no wetland resources located on the property.*
- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** *The development site is located off of Main Street from which the site will be accessed. Main Street has the capacity to handle the additional traffic to be generated by the 6 residential units. The roadway entrance/exit for Harmony Lane has been designed for maximum sight distance in both directions so the development will not cause undue traffic congestion or conflicts.*
- 5) **The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use.** *The Applicant has provided*

documentation reviewed by the Town's Consulting Engineer that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns instead of traditional parking lot lighting and street lights. The plans also document that there is no light trespass. Household refuse will be disposed of by curb-side pickup at Main Street by the Town's solid waste collection service. A substantial landscaping plan will be implemented to provide considerable screening to adjacent residences. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable impacts.

- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** *The project retains and renovates the two existing vintage homes which front on and are highly visible from Main Street. The new construction will be set back approximately 200 feet from Main Street and will be well screened from adjacent properties with substantive landscaping. The architectural design of the new dwelling units has been thoroughly reviewed by the Design Review Committee and modified to better blend with the architecture of the existing houses. The size of the new dwelling units, minus the attached garages, is comparable in size to the residences in the adjacent neighborhood.*
- 7) **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** *The Multi-Family Housing Overlay District was established to accommodate this type of use subject to certain conditions to limit adverse impacts. The project includes construction of 4 townhouse style units which will help to diversify Medway's housing supply. Its location serves to promote pedestrian oriented development. And the project scope includes the retention and renovation of two older residential properties which will provide compatibility with the adjacent neighborhood.*
- 8) **The proposed use is consistent with the goals of the Medway Master Plan.** *The proposed multi-family use is consistent with the Master Plan goal of implementing projects to increase housing diversity.*
- 9) **The proposed use will not be detrimental to the public good.** *As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts. The proposed development has reasonable and appropriate density in a suitable location.*

*For all of the above reasons, the Board finds that the beneficial impacts of the proposed Harmony Village outweigh the effects of the proposed use on the Town and neighborhood.*

**SITE PLAN RULES AND REGULATIONS FINDINGS** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended December 3, 2002, and Section 3.5 of the *Bylaw*:

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized? *The plan has been thoroughly reviewed by Town officials, the Consulting Engineer and Consulting Planner. No access from minor*



*streets is necessary or available, there is no backing onto a public way, and Village Street is adequate to safely handle the additional traffic from the 11 new housing units.*

- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? *The proposed buildings are residential and their scale and materials are suitable for the site and use. The design has been reviewed by the Design Review Committee and is acceptable for its location. The buildings are located well off Village Street and are mostly not visible from the public way. There are no distinguishing buildings in the vicinity with which the proposed buildings would conflict in terms of character, materials and scale.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The buildings are mostly set back off Village Street and are a residential use so there is no outside storage, large intrusive parking lots, or dumpsters. Appropriate vegetation is proposed to screen the development from abutting residences.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed structures are accessible from the driveways and are located relatively close to the street. The Fire Chief has reviewed the plans and not identified any access issues. All buildings will have sprinklers installed.*
- 5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and the Conservation Commission. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential neighborhood. Visibility is limited from Village Street. No stone walls are being removed. A robust landscaping plan will be implemented to offset the removal of two, significant mature trees. The subject site was previously disturbed so the impact on the environment is minimal.*

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed use adds 4 residential units off a major street. The entrance/exit to the site has adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. There is sidewalk along the north side of Main Street adjacent to the subject property to provide for secure pedestrian travel from the neighborhood.*

- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? *There are no visually prominent natural or historic features on site.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Planner and Engineer. The planned site lighting is residential in scale and minimizes light pollution. As conditioned herein, there is no light spillage off site.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. *The limit of work is reasonable. There are no sensitive environmental resources on the subject property.*

#### **LAND DISTURBANCE PERMIT FINDINGS**

- 1) The Board finds that the work proposed for construction of a residential roadway with the associated stormwater management system, utilities and landscaping was presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under Medway General Bylaw Article XXVI Stormwater Management and Land Disturbance.

**Commented [SA1]:**  
This is new.

**VII. WAIVERS** – At its \_\_\_\_\_, 2020 meeting, the Board, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of \_\_\_\_ in favor ( ) and \_\_\_\_ opposed ( ).

#### **SITE PLAN DEVELOPMENT STANDARDS**

- 1) **Section 207-9 B. Sidewalks – Five foot sidewalks shall be provided within parking areas.**

The Applicant has requested a waiver from this requirement and proposes that no sidewalks be required within the development. As the development site is small in terms of both area and number of units, pedestrian circulation can be readily accommodated by the 20' wide roadway. Not constructing sidewalks also reduces the extent of impervious surfaces for which stormwater management would be needed. ***The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 2) **Section 207-11 A. 4 – Site Access – Curb Cuts, Entrance and Egress Driveways – Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved material along the entire radius of the opening, shall extend at least twelve feet beyond each side along the gutter line of the road and at least the first twenty-five feet of a driveway, and shall be sloped at the end to prevent a vertical obstruction to exist.**

The Applicant has requested a waiver from this requirement and proposes to use Cape Cod berm for the roadway opening at Main Street and has suggested that Cape Cod berm is more in keeping with a residential development. ***The Board disapproves this waiver request as being inconsistent with the purpose and intent of the Site Plan Rules and Regulations and requires the roundings at Main Street to be constructed of vertical granite curbing. The plan shall be revised accordingly before endorsement.***

- 3) **Section 207-11 B. 2 – Internal Site Circulation and Parking Lot Drive Aisles – The perimeter of drive aisles shall be bounded with vertical granite curb.**

The Applicant has requested a waiver from the use of granite curbing along the drive aisle (Harmony Lane) and to proposes to use Cape Cod berm instead. As this is a residential neighborhood, not a commercial development, the use of Cape Cod berm is more suitable. ***The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 4) **Section 207-11 B. 3 – Internal Site Circulation and Parking Lot Drive Aisles – Two-way drive aisles shall be twenty-four feet wide.**

The Applicant has requested a waiver from the required 24-foot roadway width and has proposed a width of 20 feet instead. Fire Chief Jeff Lynch was consulted on this adjustment and he has provided documentation that this reduced width is acceptable. Reduced width also reduces the amount of impervious pavement and the consequent stormwater runoff. A 20' wide roadway is workable for a small residential development and is consistent with small neighborhoods approved under the *Subdivision Rules and Regulations*. ***The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 5) **Section 207-19. Landscaping – H. Tree Preservation – All hardwood trees twenty-four inches or more in diameter as measured four feet above finish grade that are to be removed from the site shall be replaced with new trees on the site.**

A tree inventory was performed by Meridian Associates, MA and is shown on Sheet C-2 Existing Conditions of the revised Plan dated November 9, 2020. Sheet C-5 Landscape Plan identifies three 30" diameter trees to be removed as part of site preparation, clearance, and construction. Using the industry standard tree replacement formula of (tree radius<sup>2</sup> x 3.14) ÷ 2 to calculate the amount of tree area replacement, removal of these three trees triggers a required total of 2,119 sq. inches of tree replacement. [(15" radius squared x 3.14) ÷ 2 = 706.5 sq. inches per tree x 3 trees = 2119 sq. inches.]

According to the revised landscape plan dated November 9, 2020 (Sheet C-5) prepared by Jacqueline Trainer, RLA of Meridian Associates, 52 hardwood and evergreen trees will be installed as part of the comprehensive landscape plan for the property. NOTE - 52 three-inch caliper trees x 7 sq. inches per tree = 364 sq. inches of tree replacement plantings. In addition, 206 miscellaneous shrubs, 445 perennials and groundcover plants, and 236 ornamental grasses will be planted throughout the site along building

**Commented [SA2]:**

This paragraph has been revised by using the less rigorous and more standard tree replacement formula. However, one additional 30" tree has been identified as needing to be removed for site clearance and the landscaping plan has been somewhat reduced from the previous version dated 9-8-20.

foundations, around the perimeter of the open parking area, and along the boundaries of the subject property adjacent to neighboring properties to provide suitable screening and buffering.

At the Board's request, the Design Review Committee reviewed the revised landscape plan. The DRC has provided a letter dated January 8, 2021 which indicates that that landscaping plan aligns with the Medway *Design Review Guidelines* and will provide sufficient and appropriate buffers and screens with the abutting properties.

Although 100% replacement of the three large removed trees has not been achieved, the Board finds that the planned landscaping scheme is \_\_\_\_\_.

**BOARD NEEDS TO DECIDE ON THIS**

**Commented [SA3]:** How do you feel about the adequacy of the landscaping plan in light of the removal of one additional large tree and the modifications to the landscaping plan?

**VIII. CONDITIONS** - The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan complies with the *Bylaw*, Section 3.4 (Special Permits) and Section 5.6.4 (Multi-Family Housing), is consistent with *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's issuance of a special permit and site plan approval is subject to the following conditions:

**SPECIFIC CONDITIONS OF APPROVAL**

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
  - 1. The maximum number of dwelling units to be developed under this special permit shall be six (one unit in each of the existing buildings) and four new dwelling units).
  - 2. The tract(s) of land on which this multi-family development will be located shall not be altered or used except:
    - a) as granted by this special permit;
    - b) substantially as shown on the site plan entitled *Harmony Estates Site Plan Review Submittal – 218-220 Main Street*, dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc., to be modified as specified herein;
    - c) in accordance with any subsequently approved modified plans or amendments to this special permit; and
    - d) in accordance with the *Stormwater Management Operations and Maintenance Plan for 218-220 Main Street*, revised November 12, 2020, prepared by Meridian Associates
  - 3. The tracts of land and buildings comprising Harmony Village shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan set for Harmony Village entitled *Harmony Estates Site Plan Review Submittal – 218-220 Main Street*, dated June 9, 2020, last revised November 12,

2020 by Meridian Associates, Inc., including building elevations, floor plans and renderings, shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance with the Board's *Decision*. (Said plan is hereinafter referred to as the *Plan*). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.

- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the November 12, 2020 Plan shall be revised as follows:
1. Include the list of APPROVED Requests for Waivers
  2. Add references to the architectural elevations, floor plans and renderings, and Stormwater Operations and Maintenance plan to the Drawing Index
  3. Include the original plan date and the revised plan date
  4. Add language that the development is subject to a performance security Covenant to be executed by the Board and recorded with the special permit and plan.
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the November 12, 2020 Plan.
1. Add planned location for irrigation well.
  2. A sheet shall be added to the Plan to display the property's Stormwater Operations and Maintenance Plan.
  3. An updated photometric plan shall be added to the Plan. The photometric plan shall comply with the Outdoor Lighting provisions of the Zoning Bylaw, Section 7.1.2.
  4. Revisions shall be made to the Plan to locate snow storage areas that do not conflict with the planned landscaping. Resolve conflicting information about snow storage on sheets C-3 and C-5.
  5. Add a detail for a shed structure for the "gang mailbox" and the roadway post light fixtures for review and approval by the Design Review Committee.
  6. Add information on where trash containers will be positioned at the end of Harmony Lane for pick-up by the Town's trash removal service.
  7. Granite curbing at the Harmony Lane roundings with Main Street shall be shown.
  8. A note shall be added to the Plan to indicate that an electric vehicle charging station shall be installed in the garage of each of the four new dwelling units.
  9. Sheets C-9 (Landscape Plan) shall be revised to completely identify all of the existing trees to be retained on the subject property.
  10. **Stormwater Revisions** – The plan and stormwater documents shall be revised and supplemented to address items 9 – 22 as specified in the November 18, 2020 review letter from Steve Bouley, P.E. of Tetra Tech, the Town's Consulting Engineer, attached hereto and made a part hereof. The revised plan shall include the addition of a leaching catch basin at the end of the roadway on the west side with suitable pitching of the roadway to catch stormwater prior to entering Main Street.
  11. Detailed notes on siding and roofing materials and colors, door style, and light fixtures for the new dwelling units shall be added to the plan for review and approval of the Design Review Committee.
  12. The project name "Harmony Estates" shall be revised to "Harmony Village" throughout the plan set.

E. **Other Documentation** - Prior to plan endorsement, the Permittee shall provide the following additional documentation to the Board:

1. Performance Security Covenant to be executed by the Permittee and the Board in a form acceptable to the Board and suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
2. Copy of a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall reference the recorded Multi-Family Housing Special Permit and Plan. The deed shall clearly state that the Harmony Village Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway (Harmony Lane), the stormwater management system, and all other infrastructure.

F. **Recording of Plans and Documents**

1. The Plan of Record associated with this special permit, land disturbance permit, and site plan approval is titled: *Harmony Estates Site Plan Review Submittal – 218-220 Main Street*, dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc. with additional sheets for architecture and building improvements, to be further revised as specified herein.
2. No construction shall begin on the site and no building permit for any of the new units shall be issued before the following documents are recorded at the Norfolk County Registry of Deeds:
  - a) This special permit, land disturbance permit, and site plan approval decision and the Plan of Record endorsed by the Board
  - b) Performance Security Covenant with the Board
3. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development. The Permittee shall provide proof of recording.
  - a) Harmony Village Condominium Master Deed
  - b) Declaration of Trust of Harmony Village Condominium Association
4. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded, or supply another alternative verification that such recording has occurred.

**Commented [SA4]:** NOTE – Subject to further discussion re: the timing of when the master condo deed should be recorded. This is an in-house issue for us in that the Assessor's office cannot create map/parcel numbers until there is a master deed and the Building Department's permits are linked to mass/parcel numbers.

G. **Tree Preservation** - The landscape inventory as shown on Sheet C-2 Existing Conditions of the Plan identified:

- twenty existing hardwood and evergreen trees with a diameter of 15" or greater at four feet above grade.
- forty-two existing trees with a diameter of 8" – 14".

1. ~~Two~~ Three 30" diameter trees are approved for removal during construction.
2. Sheet C-9 Landscape Plan is to be revised to clearly designate the fifty-nine existing trees to be retained on the subject property and the three existing trees to be removed during construction, subject to approval by the Board before plan



endorsement.

3. The noted trees shall be clearly identified in the field and verified by the Town's consulting engineer before site preparation and construction commences.
4. During site preparation and construction of infrastructure and buildings, the Permittee and its contractors shall not remove any of the noted trees to be retained.
5. If any of the identified trees for retention are removed or damaged during construction, the Permittee shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis within (1) year after the tree removal or damage has occurred. The one (1) square inch per two (2) square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved, and that square inch total is the amount of required square inches of the replacement tree(s). A 3" caliper tree equals seven (7) sq. inches. The location of the replacement trees shall be recommended by the Permittee and approved by the Planning and Economic Development Board and Tree Warden as a field change and may be located off site of the subject premises including on adjacent properties with approval of the property owner. The restoration shall be verified by the Tree Warden as being fully and skillfully performed. The species of replacement tree(s) shall be reviewed and approved by the Tree Warden, or otherwise will be consistent with the species of the removed tree(s).
6. In lieu of tree planting, the Permittee may contribute to the Medway Tree Fund in an amount to be determined by the Board upon consultation with the Medway Tree Warden and based on wholesale pricing for 3-inch caliper trees from a reputable area landscape supplier.

H. **Open Space/Yard Area** - At least 15% of the site shall be retained and function as open space and/or yard area in perpetuity. This is an ongoing obligation of the Harmony Village Condominium Association. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area may include a play area or other communal recreational space, subject to plan modification requirements. It does not include the exclusive use areas specifically designated for each individual condominium owner.

I. **Ownership/Maintenance of Common Areas**

1. Harmony Lane, the stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the Harmony Village Condominium Trust. It is the intent of the Board that these facilities will not be accepted by the Town of Medway.
2. The Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
  - a) Harmony Lane and parking areas
  - b) Stormwater management facilities

- c) Snowplowing/sanding
- d) Landscaping
- e) Street lights
- f) Sewer and water

J. **Building Permits**

1. Foundation Permits - The Board authorizes the Permittee to apply for a foundation only permit to begin construction of the quad building (Units 3 – 6) prior to installation of the base coat of paving (binder course) on the development's roadway, Harmony Lane.
2. For the Remaining Work - Before the Board will authorize building permits for the remaining work, the following items, at a minimum must be installed and inspected and approved by the Board:
  - a) Roadway area gravel sub-base (excluding unit driveways)
  - b) Roadway area binder course (excluding unit driveways)
  - c) Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltrations systems or any other stormwater management facilities.
  - d) As-built plan of each stormwater basin and forebay and all critical elevations and details of the associated structures, pipes and headwalls.
  - e) Street name signs in a size and form as specified by the Medway Department of Public Works, and all regulatory signs as specified on the approved Plan.
  - f) Stop line pavement markings.
  - g) Provisions for fire prevention and protection. Private water main/service to be constructed, installed and functional.

- K. **Patios** – To not increase stormwater runoff, all patios to be constructed in the development shall be fabricated with pervious paving materials. This requirement shall be included in the various condominium documents.

- L. **Something from Dave D'Amico about I & I . . . forthcoming.**

- M. **Sidewalk** – Any damage to the existing sidewalk on the north side of Main Street along the subject site's frontage resulting from site infrastructure and building construction work, shall be repaired or replaced to the satisfaction of the Medway Department of Public Works before the occupancy permit is issued for the 6<sup>th</sup> condominium.

- N. **Stone Walls** – Any repairs to existing stone walls and any newly constructed retaining walls shall be as specified in the Stone Retaining Wall Detail included on Sheet C-8.

- O. The Declaration of Trust for the Harmony Village Condominium shall include the following language: *"The construction and operation of the condominium is authorized by a Multi-Family Housing Special Permit, Land Disturbance Permit, and Site Plan approval granted by the Medway Planning and Economic Development Board on \_\_\_\_\_ which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds."*



- P. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- Q. **Water Conservation** – The development is relying on the Town’s public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
1. private well water for landscape irrigation
  2. rain-gauge controlled irrigation systems
  3. low flow household fixtures
  4. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
- R. **Addresses** – The addresses for the Harmony Village residences shall be as determined by the Medway Assessor’s office upon consultation with the Medway Fire and Police Departments. All six units shall have Harmony Lane addresses.
- S. **Development Signage** – Any future development signage for this project shall comply with the sign regulations of the *Bylaw* and is subject to review by the Design Review Committee.
- T. **Stormwater Management and Land Disturbance – Pre-Construction**
1. See General Condition H-2 regarding the required Pre-Construction Meeting.
  2. No clearing of vegetation, including tree cutting or disturbance of soil, shall occur prior to the Permittee’s Pre-Construction Meeting with Town staff and the Board’s consulting engineer.
  3. Prior to the Pre-Construction Meeting and commencement of any work on the site, the erosion control plan included in the endorsed plan set and the limit of work lines shall be staked. The Permittee shall notify the Board’s consulting engineer to schedule an inspection to ensure that erosion controls and limits of work have been properly located and installed. The location of erosion controls and limits of work lines shall be adjusted, if necessary during this inspection. No site work shall be conducted until the Board’s consulting engineer has inspected and approved the installation of the erosion controls and limits of works.
  4. Immediately after the Pre-Construction meeting, all erosion controls and limits of work lines shall be installed along the approved and staked lines. Such installation shall occur with the least possible disturbance to vegetation. Erosion controls should go around trees, shrubs and other vegetation, on the uphill side. The installed erosion control measures shall be inspected, adjusted if needed, and approved by the Board’s consulting engineer to ensure they have been properly installed.
  5. At least 5 business days prior to construction activity, the Permittee shall advise the Board of the name(s) and contact information of the person(s) responsible on site for compliance with this Permit. This person shall serve as Clerk of the Works and shall supervise the contractor and inspect the site regularly. The Permittee shall be responsible for immediately notifying the Board of any change in the identify or contact information for the on-site person responsible for compliance.

**Commented [SA5]:** This whole section has been expanded.

6. Prior to construction the general contractor shall designate a construction staging area within designed location as depicted on the approved site plan. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be located in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.
7. Prior to construction, an area for cleanup and/or maintenance of construction equipment shall be designated. Prior to commencement of work, the Permittee shall designate a location for a concrete washout and other washout areas which shall be surrounded by siltation controls. The locations and form of siltation controls shall be approved by the Board's consulting engineer.
8. Prior to commencing any work on site, the Permittee shall install a stone construction entrance (tracking pad) not less than 20' wide and not less than 30' in length of a stone size, on the average of 1" to 4".

U. **Stormwater Management and Land Disturbance - During Construction**

**Commented [SA6]:** This whole section has been expanded.

1. Construction of this project will disturb greater than one-acre and thus is required for coverage under the United States Environmental Protection Agency (US EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities.
2. Construction is subject to a Stormwater Pollution Prevention Plan (SWPPP) to be prepared by the Permittee for submittal to the US EPA and provided to the Board. The SWPPP shall be included in all construction contracts, subcontracts, and specifications dealing with the planned work. The Permittee shall ensure that all contractors, subcontractors and other personnel performing the authorized work are fully aware of the SWPPP and its operation and maintenance plan.
3. Copies of this decision, the endorsed site plan, the stormwater report including the long term stormwater operations and maintenance plan, and the SWPPP shall be kept on site at all times while the site is under construction. These documents shall be included in all construction contracts, subcontracts, and specifications dealing with the approved work and shall supersede any conflicting contract requirements. The Permittee shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Permit's terms and conditions. Thereafter, the Permittee, the contractors, and subcontractors will be held jointly liable for any violation of this Permit resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this permit.
4. Erosion Control - It is the Permittee's responsibility to conduct monitoring, maintenance, reporting, and repair of erosion control measures, and to take any additional measures necessary to control erosion from the site in accordance with the SWPPP. The Permittee shall designate an Erosion Control Inspector who shall be responsible for these duties. The erosion control measures

specified in the endorsed plan shall be considered to be the minimum standard for compliance.

- a) Erosion Control Measures shall be placed to ensure that no sedimentation will reach the Town's right-of-way (Main Street) or abutting properties. Choice of suitable silt fence materials shall be in accordance with the approved plan and details.
  - b) Maintenance of Erosion Control Measures - Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction. The erosion control specifications provided in the Land Disturbance Application and the erosion control provision in the Permit and approved site plan will be the minimum standards for this project; additional measures may be required by the Commission. These will be maintained until the Erosion Control Inspector and the Board's consulting engineer agree that they are no longer needed, at which time they will be removed, using removal procedures that the Board's consulting engineer finds satisfactory. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. During construction, the applicant or his designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The applicant shall immediately control all erosion on the site, and shall immediately notify the Board of any breaches of the erosion control barriers by sediment or silt-laden water.
  - c) Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped into, any on-site drainage system. Any such washing shall occur in the designated washout areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
  - d) All construction equipment shall be inspected regularly and properly maintained and precautions shall be taken to prevent any leakage or spillage of oil, gasoline, hydraulic fluid, and other pollutants. Any leakages shall be repaired immediately. Any such leakage or spillage must be cleaned up immediately and disposed of off-site. The Board shall be notified immediately in the event of any leakage or spillage.
5. Reporting – The Permittee or his/her agent shall conduct and document inspections of all erosion control measures no less than bi-weekly during construction and following after any storm event resulting in 0.25 inches of precipitation or more within twenty-four hours. The purpose of such inspections will be to determine the overall effectiveness of the erosion control plan and the need for maintenance or additional control measures.
  6. Throughout construction and until the development is transferred to the Harmony Village Condominium Trust, the Permittee shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of a field change by the Board.

7. Throughout construction, the Board's consulting engineer shall regularly inspect the site to determine if the site is being maintained pursuant to the SWPPP and shall provide corrective guidance to the Permittee for actions needed to address any stormwater management deficiencies. The Board may withhold its authorization for building and occupancy permits if the site is not being adequately maintained.
8. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
9. All stockpiles shall be positioned within the limit of work area as depicted on the approved plan or as authorized by the Board's consulting engineer.
10. **Fill** – Any fill being brought onto the site from any off-property sources shall be free of trash, invasive species, deleterious material, and chemical contaminants in excess of the Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Prior to delivering fill to the project site, the soil shall be sampled at its source and a certification provided to the Board and. The certification shall include a letter signed by a Licensed Site Professional (LSP) describing the site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Commented [SA7]: This is new.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
- Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Washed stone materials are exempt from testing.

The Board may consider alternative sampling plans or soil materials at its discretion. Approval of the Commission is required for alternative plans. These

may include management of soils consistent with MASSDEP WSC#-13-500, Similar Soils Provision Guidance.

11. If unforeseen problems occur during construction which may affect abutting properties, Town roadways and/or the Town's stormwater infrastructure, upon discovery by either the Board, its consulting engineer, or the Permittee, the Board shall be notified immediately, and an immediate meeting shall be held with the Permittee and its agents and the Board's consulting engineer and other concerned parties to determine the corrective measures to be employed. The Permittee shall then act to correct the problems using the corrective measures agreed upon and in accordance with General Condition F. Field Changes, if necessary. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

U. ***Stormwater Management and Land Disturbance – Post Construction***

Commented [SA8]: This section has been added.

1. The stormwater drainage system shall be maintained by the Permittee, its successors and assigns, and the Harmony Village Condominium Trust. It is the intent of the Board and the Permittee that the stormwater management system shall not be accepted by the Town.
2. The Permittee, its successors and assigns, and the Harmony Village Condominium Trust shall maintain the stormwater management system in accordance long term *Stormwater Management Operations and Maintenance Plan for 218-220 Main Street*, revised November 12, 2020, prepared by Meridian Associates, as may be further revised prior to plan endorsement.
3. In the event a management company is engaged by the condominium association, the above noted Stormwater Management Operations and Maintenance Plan shall be incorporated by reference in the management contract.
4. In the event that the Permittee, its successors and assigns, its agent, and the Harmony Village Condominium Trust fail to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Permittee hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Permittee shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Permittee fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
5. The Permittee and its successors shall submit an annual report of inspections of all stormwater management structures as prescribed in Stormwater Management Operations and Maintenance Plan to the Planning and Economic Development Board, Conservation Commission, and the Department of Public Works. The annual report shall be submitted no later than December 1<sup>st</sup> of every year. The inspections shall be done according to the approved O&M Plan. ***This condition shall remain in perpetuity.***

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Applicability** – This permit shall apply to any successor in control or successor in interest of the subject property.
- B. **Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town’s engineering, planning or other consultants; and
  2. any construction inspection fee that may be required by the Board; and
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- The Permittee’s failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.
- C. **Other Permits** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits and approvals associated with this project. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- D. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. **Construction Time** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement and construction deliveries shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays and federal and state legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
  2. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
  3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
  4. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis. All waste products, refuse, debris, and construction materials shall be contained and deposited post construction at an appropriate off-site facility.

5. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
6. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
7. *Noise* - Construction noise shall not exceed the noise standards as specified in the Medway General Bylaws and the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b). as may be amended.

E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after the last occupancy permit is issued, the Town's consulting engineer or the Building Commissioner may conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time, subsequent to this initial inspection, the Town's consulting engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

F. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. The Permittee and the future condominium association shall inform snow removal operators of the approved locations for on-site snow storage.
3. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall be removed from the premises within 24 hours after the storm event has concluded.

- G. ***Right to Enter Property*** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the common areas of the Harmony Village site at reasonable times during construction to inspect the site to evaluate for compliance with the terms and conditions of this permit and the endorsed site plan and may acquire any information, measurements, photographs, observations and/or materials deemed necessary for that evaluation.

H. ***Construction Oversight***



1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and erosion controls by the Town's consulting engineer and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare bond estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's consulting engineer.
- c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board, until the road, stormwater system and other infrastructure are completed and the as-built plan and Certificate of Site Plan Completion has been granted.
- d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.

2. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Permittee shall meet with the Town's consulting engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, other Town staff as appropriate, the site contractors, and the Permittee's project engineer for a pre-construction meeting. At or before the pre-construction meeting, the Permittee shall provide the following information:

- a Construction Management Plan as specified in Section 204-3 H. of the *Site Plan Rules and Regulations*,
- earth removal calculations
- earth fill estimates
- copies of its National Pollutant Discharge Elimination System (DPDES) permit and its Stormwater Pollution Prevention Plan (SWPPP) for this project as filed with the US EPA.
- list of contacts with contact information for contractors, those responsible for compliance with this permit (Clerk of the Works), on-site management, and erosion control inspector.

3. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit, the sewer and water connection permits and any other applicable DPW permits associated with this project.

4. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the approved plan and improvements. Inspections shall occur at least on a monthly basis. The Permittee's engineer shall prepare a written report of each inspection, including photographs, and provide a copy to the Board within five days of inspection. Failure of the Permittee to provide these reports may be reason for the Board to withhold authorization for building or occupancy permits.

H. ***On-Site Field Changes***

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's consulting engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field change at a public meeting and determine whether the proposed field change is reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. The Board will provide a written authorization of field change. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

I. ***Plan Modification***

1. Proposed modifications (not including on-site field changes) to the endorsed plan shall be subject to review by the Board.
2. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from an approved site plan shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to a previously approved plan shall be subject to the same application and review process including a public hearing including the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and

provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

**J. Plan Compliance**

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

**K. Performance Security**

1. *Covenant* - Prior to plan endorsement, the Permittee shall sign a *Covenant*, on a form provided by the Board, to be reviewed and approved by Town Counsel, to secure construction of the roadway and all related infrastructure and installation of utilities and services, sidewalks and site amenities as specified in the approved Plan. Reference to the *Covenant* shall be noted on the cover sheet of the Approved Plan. The *Covenant* shall specify that none of the units may be occupied or conveyed until such services are completed or an alternative form of security is provided. The *Covenant* shall specify that the roadway and parking area and all infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Board within three years of the date of plan endorsement. The *Covenant* shall be recorded at the Norfolk County Registry of Deeds at the same time the Decision and Plan are recorded.
2. *Alternative Performance Security*
  - a) At such time as the Permittee wishes to secure the building permit for the quad building, the security provided by the *Covenant* shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41, Section 81U, which method or combination of methods may be selected and from time to time varied by the Permittee, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The performance guarantee shall be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
    - 1) the date by which the Permittee shall complete construction
    - 2) a statement that the agreement does not expire until released in full by the Board
    - 3) procedures for collection upon default.
  - b) *Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete

construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Board based on an estimate provided by the Town's consulting engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's consulting engineer of the cost to complete the work plus a 30% contingency. A performance security agreement shall be executed by the Permittee, the Board and the selected surety.

3. *Adjustment of Performance Guarantee* – At the Permittee's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town's consulting engineer shall prepare an estimate of the current cost for the Town to complete all work as specified on the approved Plan that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount: the estimate of the Town's consulting engineer of the cost to complete the work plus a 30% contingency. The Board may authorize up to three reductions in the amount of performance security. However, the Board shall not reduce the performance security below \$40,000.
4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

L. ***Project Completion***

1. Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved site plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved,

the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to issuance of the occupancy permit for the sixth dwelling unit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with this permit, the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

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

## **IX. APPEAL**

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

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

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.

###

**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
Harmony Village – 218 – 220 Main Street**

Approved by the Medway Planning & Economic Development Board: \_\_\_\_\_

**AYE:**

**NAY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

\_\_\_\_\_  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D’Amico, Department of Public Works  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Gary Feldman  
Marcelo Alves  
Drew Garvin, Meridian Associates  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates



**January 12, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning for Spring 2021 Town Meeting**

**Central Business District**

- 1-7-21 email from consultant Ted Brovitz
- DRAFT text of a new Section 10 of the ZBL (Central Business District Development Standards) with other recommended amendments and drafts of revised Use and Dimensional Tables

Ted Brovitz will ZOOM in for the meeting to review this with you.

NOTE – Warrant articles for the spring town meeting are due to the Town Manager's office February 11, 2021.



## Susan Affleck-Childs

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**From:** Ted Brovitz <ted.brovitz@gmail.com>  
**Sent:** Thursday, January 7, 2021 9:02 AM  
**To:** Susan Affleck-Childs  
**Cc:** Barbara Saint Andre  
**Subject:** Re: Medway CBD  
**Attachments:** CBD AMENDMENTS Use and Dimension Tables Draft 1.0 BCPD.xlsx; CBD AMENDMENTS Draft 1.0 BCPD.docx; CBD AMENDMENTS Draft 1.0 BCPD.pdf

Hi Susy and Barbara,

I've attached the first draft of the CBD zoning amendments. In doing so, I've created a new Section10 which integrates the SP mixed use provisions of section 5.4.1. This new section also invokes some of the tools we used for Oak Grove Park including building placement, design and open space standards to create a more walkable mixed use CBD. There is also a lot of emphasis on the "Building Frontage Zone" (the space between Main Street ROW and the building facade). The goal here is to complement and expand the streetscape improvements completed within the Main Street ROW through landscaping, streetscaping, outdoor amenity space, and facade treatments on individual sites. Other proposed amendments include some minor adjustments to parking, landscaping, and the use and dimensional tables specific to the CBD.

Please take a look and let me know if you have initiative questions, comments, or suggestions. Also, I can put together some slides for next Tuesday's PEDB meeting.

Thanks,

Ted

On Mon, Jan 4, 2021 at 10:15 AM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi Ted,

Thanks for your note.

I would like to receive the draft from you by Thursday morning, so I can include in the Board packet for next Tuesday's PEDB meeting. Would you be available to ZOOM in?

Take care.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

**From:** Ted Brovitz [mailto:[ted.brovitz@gmail.com](mailto:ted.brovitz@gmail.com)]

**Sent:** Monday, January 4, 2021 10:13 AM

**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Cc:** Barbara Saint Andre <[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>

**Subject:** Re: Medway CBD

Hi Susy and Barbara,

Hope you both had a great holiday. Unfortunately, I didn't get as much done over the holidays as expected. Sorry but it's probably going to be a couple more days before of the draft CBD amendments are ready.

Ted

On Mon, Jan 4, 2021 at 8:30 AM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi Ted,

Happy New Year!

Please send me the draft CBD bylaw at your earliest convenience. We need to get started working on it with the PEDB. Thanks.

Take care.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)



**From:** Ted Brovitz [mailto:[ted.brovitz@gmail.com](mailto:ted.brovitz@gmail.com)]

**Sent:** Thursday, December 10, 2020 8:47 AM

**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Cc:** Barbara Saint Andre <[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>

**Subject:** Re: Medway CBD

Hi Susy and Barbara,

Yes, I'll have a draft of the CBD bylaw to you by the end of the month.

Thanks,

Ted

On Thu, Dec 10, 2020 at 8:06 AM Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Good morning,

Hope you are well!!

So, the analysis, interviews and community input are completed. We need to move to the next step. Please send us a draft of your CBD zoning amendments. Can you get that to us by the end of the year?

Cheers!

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)



## PROPOSED AMENDMENTS TO THE CBD REVISIONS – DRAFT 1.0

### SECTION 2. DEFINITIONS

*Commentary: Consider adding definition for “Mixed Use Building” or make reference to the definition in Section 9 – Oak Grove Park below:*

*“A building that typically accommodates a variety of ground floor commercial uses and upper floor residential and/or office uses at a scale that is compatible and complimentary to its given district”.*

### SECTION 4. ESTABLISHMENT OF DISTRICTS

4.4. Districts

5.5. Zoning Map

*Commentary: The current boundaries of the Central Business District (CBD) appear to be appropriate in terms of incorporating existing and potential future commercial and mixed use development with sufficient transitional buffers from adjacent residential areas as needed.*

### SECTION 5. USE REGULATIONS

5.4 Schedule of Uses & Table 1

*Commentary: See Attachment/Proposed Amendment to Table 1 – Schedule of Uses*

5.4.1 Special Permits in the Central Business District

*Commentary: The amended Section 5.4.1 CBD SP for Mixed Use Development adopted at FTM 11.16.20 has been relocation and integrated into the proposed new Section 10 – Central Business District Development Standards.*

### SECTION 6. DIMENSIONAL REGULATIONS

6.1 Schedule of Dimensional and Density Regulations & Table 2

*Commentary: See attachment/proposed amendment to Table 2 – Dimensional and Density Regulations.*

## **SECTION 7. GENERAL REGULATIONS**

### **7.1. Site Development Standards**

#### **7.1.1. Off-Street Parking and Loading & Table 3**

Commentary: Special Parking Types including Valet Parking, Tandem Parking, Street Side Parking, Frontage Parking, and Structured Parking under Section 7.1.1.K will all be important to the transition of the CBD into a vibrant mixed use district.

## **SECTION 8. SPECIAL REGULATIONS**

### **8.1 Affordable Housing**

Commentary: *These provisions apply to S. 5.4.1 CBD Special Permit Mixed Use Development*

## **SECTION 9. OAK GROVE PARK DISTRICTS**

Commentary: *Apply some of the same mixed use provisions under the Village Center standards to the Central Business District.*

## **SECTION 10. CENTRAL BUSINESS DISTRICT DEVELOPMENT STANDARDS**

Commentary: *See below the proposed new section and standards for the Central Business District.*

**TABLE 1: SCHEDULE OF USES**

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts			Commentary
											OGVC	OGBP	OGN	
<b>A. Agriculture, Conservation, Recreation Uses</b>														
Agriculture, excluding piggeries and fur farms on less than 5 acres of land, and excluding livestock on less than 44,000 sq. ft. of land.	Y	Y	N	N	N	N	N	N	N	N	N	N	Y	
Poultry on less than 1 acre. Minimum lot size for poultry is 5,000 sq. ft. subject to Board of Health regulations.	Y	Y	Y	N	N	N	N	N	N	N	N	N	Y	
Commercial Greenhouse	SP	SP	N	N	N	Y	Y	N	N	N	N	PB	N	
Nursery	SP	SP	N	N	N	Y	Y	N	N	N	N	N	N	
Recreational facility	SP	SP	N	N	N	N	Y	Y	N	N	Y	Y	PB	
Ski Area	SP	SP	N	N	N	N	N	N	N	N	N	N	N	
Golf course	SP	SP	N	N	N	N	N	N	N	N	N	N	N	
Livery riding stable	Y	Y	N	N	N	N	N	N	N	N	N	PB	PB	
<b>B. PUBLIC SERVICE</b>														
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Public utility	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	N	N	N	
<b>C.RESIDENTIAL USES</b>														
Detached single-family house (Amended 5-7-17)	Y	Y	Y	N	Y	N	N	N	N	N	N	N	y <sup>1</sup>	
Two-family house/duplex, provided that the exterior of the dwelling has the appearance of a single-family dwelling. (Amended 5-7-17)	N	SP	SP	N	N	N	N	N	N	N	N	N	N	
Infill dwelling unit, subject to Section 8.1.	N	PB	PB	N	N	N	N	N	N	N	N	N	N	
Open space residential development, subject to Section 8.4	PB	PB	N	N	N	N	N	N	N	N	N	N	N	
Assisted living residence facility	PB	PB	N	N	N	N	N	N	N	N	PB	N	N	
Adult retirement community planned unit development, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N	N	N	N	
Multi-Family Building, Apartment Building, Rowhouse, and Multi-Family Developments (Amended 11-18-19)	Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E).										y <sup>2</sup>	N	Y	Add Rowhouse to the types of multi-family that are allowed within the CBD

**TABLE 1: SCHEDULE OF USES**[illegible]



[illegible]

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts			Commentary
											OGVC	OGBP	OGN	
Studio	N	N	SP	Y	Y	Y	N	N	N	N	Y	Y	N	
Museum	N	N	N	Y	SP	SP	N	N	N	N	Y	PB	N	
Movie theatre/cinema	N	N	N	SP	N	N	N	N	N	N	Y	PB	N	
Gallery	N	N	N	Y	Y	Y	N	N	N	N	Y	PB	N	
Commercial indoor amusement	N	N	N	SP	N	N	Y	Y	Y	Y	Y	Y	N	
<b>Professional Uses and Financial Services</b>														
Financial institution	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N	
Professional or business office	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
<b>Services</b>														
Personal care service establishments	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N	
Service establishment <i>(Amended 11-13-17)</i>	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N	
Doggie day care	N	N	N	N	N	N	SP	N	N	N	N	Y	N	
Repair shop	N	N	N	↔ SP	Y	Y	Y	SP	N	N	Y	Y	N	No outdoor storage would be allowed
Furniture Repair	N	N	N	N	Y	Y	Y	SP	N	N	N	Y	N	
Educational/instructional facility, commercial	N	N	N	Y	Y	Y	Y	Y	N	N	Y	PB	N	
Funeral home	SP	SP	N	SP	Y	Y	Y	N	N	N	N	N	N	
Veterinary hospital	SP	SP	N	N	N	Y	Y	N	N	N	N	PB	N	
Kennel	SP	SP	SP	N	SP	N	SP	SP	N	N	N	PB	N	
Medical office or clinic	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N	
Adult day care facility, subject to Section 8.5	PB	PB	↔ SP	N	N	N	N	N	N	N	N	N	N	Would be convenient for people working or living in or nearby the CBD
<b>Automotive Uses</b>														
Vehicle fuel station with repair services	N	N	N	N	N	N	PB	N	N	N	N	N	N	
<b>TABLE 1: SCHEDULE OF USES</b>														
	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts			Commentary
											OGVC	OGBP	OGN	
Vehicle fuel station with car wash	N	N	N	N	N	N	PB	N	N	N	N	N	N	
Car wash	N	N	N	N	N	N	PB	N	N	N	N	PB	N	
Vehicle fuel station with convenience store	N	N	N	↔ PB	N	N	PB	N	N	N	PB	N	N	Only for existing fuel station/repair/conv. Stores and under Gas Backwards design stds
Vehicle repair	N	N	N	N	PB	N	PB	Y	N	N	N	Y	N	
Auto body shop	N	N	N	N	N	N	PB	Y	N	N	N	Y	N	
Parking Lot <i>(Added 11-16-20)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>Other Business Uses: Unclassified</b>														
Adult uses	N	N	N	N	N	N	N	Y	N	N	N	N	N	



	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts			Commentary
											OGVC	OGBP	OGN	
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw <i>(Amended 11-18-19)</i>	N	N	N	N	N	N	Y	Y	Y	Y	N	PB	N	
<b>F. INSTITUTIONAL USES</b>														
Community center	SP	SP	SP	SP	SP	SP	SP	N	N	N	Y	PB	PB	
Lodge or club	SP	SP	SP	<del>N</del> SP	N	N	N	N	N	N	Y	Y	N	May be appropriate in the CBD
<b>G. MARIJUANA RELATED USES</b>														
Recreational Marijuana Establishment <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N	
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N	
Registered Medical Marijuana Facility (Non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N	

**Footnotes:**

1. In the OGN District, detached single family homes are permitted if they meet the designs standards for cottages under Section 9.4

2. In the OGVC District, multi-family dwellings and developments include rowhouses (attached single family units) which are subject to the design standards under Section 9.4

NOTE –Table 1 was substantially amended at the 11-14-16 Town Meeting. The Oak Grove uses were added at the 11-18-19 Town Meeting.



TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS											Commentary
Requirement	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	
Minimum Lot Area (Sq. Ft.)	44,000	22,500 30,000 <sup>a</sup> <sub>b</sub>	22,500 30,000 <sup>a</sup> <sub>b</sub>	10,000	10,000	20,000	20,000	20,000	20,000	40,000	MLS may not be necessary as building types have lot size requirements. No MLS allow more flexibility and allows development to only use as much land as actually needed.
Minimum Lot Frontage (Ft.)	180'	150'	150'	50'	50'	50'	75'	100'	150'	100'	Frontage may not be necessary with more res./MU development targeted to the to the rear which could be on separate lots with an access street
Minimum Setbacks (Ft) <sup>c</sup>											
Front	35'	35'	20' <sup>d</sup>	10'	20' <sup>d</sup>	35'	25'	30'	30'	30'	Should be Zero allowing buildings to come up to the street and create a village setting
Side	15'	15'	10' <sup>d</sup>	10' 25' <sup>e</sup>	10' <sup>d</sup>	15'	15'	20'	20'	20'	Should be 10 unless there are adjoining buildings with a common wall on adjacent lots along the frontage than is should be allowed to be zero; where there is shared parking and access the side setback should also be 0
Rear	15'	15'	10' <sup>d</sup>	25'	10' <sup>d</sup>	15'	15'	30'	30'	30'	
Maximum Building Height (Ft.)	35'	35'	35'	40'	40'	40'	40'	60'	40'	60'	40 is appropriate for commercial; 60 with setback/stepback is appropriate for mixed use and residential
Maximum Lot Coverage (Pct. of lot) (Primary and accessory buildings and structures) – Amended 5-8-17	25%	30%	30%	80%	80%	40%	40%	NA	NA	NA	This is a reasonable requirement
Maximum Impervious Coverage (Pct. of lot)	35%	40%	40%	NA	NA	80%	80%	80%	80%	80%	
Minimum Open Space (Pct. of lot)	NA	NA	NA	15%	NA	20%	20%	20%	20%	20%	This is a reasonable requirement

### Notes to Table 2

NA means not applicable

For a two family house. No parking shall be permitted within 10 feet of an adjoining lot line

For a newly constructed two-family house or when a single family detached house is enlarged for 2 family house.

When a nonresidential use abuts a residential use, the first 10 feet within the required side or rear setback of the nonresidential use along the lot line shall be used as a buffer

Or the average setback of the existing primary buildings within 300' of the lot on the same side of the street and within the same zoning district, whichever is less.

When abutting a residential district.

(Amended 11-14-16 and 11-16-20)

## SECTION 10. CENTRAL BUSINESS DISTRICT DEVELOPMENT STANDARDS

### [NEW SECTION]

#### 10.1. PURPOSES

- A. To further the goals of the Medway Master Plan.
- B. To encourage mixed-use development in the Central Business District with a balanced and vibrant mix of compatible business uses and multi-family residential development.
- C. To encourage revitalization and economic investment in the Central Business District in a manner which represents the qualities of a traditional New England town center.
- D. To encourage greater variety of housing to meet the needs of a diverse population with respect to income, ability, household types, and stage of life.
- E. To improve walkability within the district and provide better access between housing, shops, services, and employment.

*Commentary: This Purpose Statement was relocated from Section 5.4.1 - Special Permits in the Central Business District amended at FTM on 11/16/20 as it applies to the purpose district wide.*

#### 10.2. GENERAL SITE DEVELOPMENT STANDARDS

##### A. Design Guidelines.

- 1. All development projects in the Central Business District considered under this Section are subject to site plan review pursuant to Section 3.5 herein and the *Medway Design Review Guidelines*.

##### B. Allowed Uses.

- 1. General Standards: Uses allowed by right and by special permit are identified in Section 5.4, Table 1 - Schedule of Uses. The Planning and Economic Development Board (PEDB) shall be the special permit granting authority (SPGA) for all special permits required in the Central Business District.
- 2. Performance Standards for Specific Uses: The uses listed below which are allowed in the Central Business District by right or by special permit shall be required to meet the following performance standards:
  - a. Vehicle fuel station with convenience store: Only existing fuel stations with repair service or convenience stores in the Central Business District as of (adoption

date) may submit a site plan for substantial redevelopment or renovation as a Gas Station and Convenience Store under the development standards on Table 9.4.C.1.B. A special permit is required from the Planning and Economic Development Board.

**C. Main Street Pedestrian Frontage Zone.**

1. The Main Street Pedestrian Frontage Zone includes all properties with frontage on Route 109/Main Street from the intersection of Pond Street/Elm Street to the west to the driveway of Medfield Commons/Walgreens to the east. These frontages are prioritized for pedestrian-oriented and active ground floor uses. Buildings fronting on the designated Pedestrian Frontage Zone shall be subject to the following requirements:
  - a. Ground floor uses shall be reserved for retail, restaurant, and uses open to the public on an appointment or walk-in basis, including but not limited to personal service, office, repair, and municipal uses (“Publicly Oriented Uses”).
  - b. Residential uses and non-residential uses which are not Publicly Oriented Uses shall be allowed to have access from the building frontage zone by an entrance that leads to the upper floors of the building, or by an entrance to the rear of the building.
  - c. Residential uses and non-residential uses which are not Publicly Oriented Uses shall be allowed on ground floors where:
    - 1) The use is within a building with frontage on the street and the use is set back a minimum of sixty feet from the street right-of-way line; or
    - 2) The PEDB may waive this requirement if it determines that street-front residential and/or other non-Publicly Oriented Uses will not have an adverse impact on the continuity and vitality of the Publicly Oriented Uses.

**D. Building Placement and Orientation.**

1. Building Lot and Type: The minimum lot size in the Central Business District is identified on Table 2 - Dimensional and Density Regulations in Section 6.1 of the Zoning Bylaws. For specific building types, there are alternative dimensional standards for building lot and for building design that apply under Section 10.4 below.
2. Number of Buildings: There is no limit on the number of principal buildings allowed on a building lot except as limited by dimensional requirements and other site development standards in this section.
3. Building Stepback and Street Enclosure: Buildings in the Central Business District shall

be set back or stepped back from the street right-of-way line in accordance with Table 9.3.B.6 for the Village Center Street Type. Therefore, a building may have to be setback or stepped back further from the street right-of-way line in order to achieve the maximum height allowed. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive enclosure and shadowing on Main Street. The space created by building setbacks is referred to as the Building Frontage Zone and streetscape treatments and outdoor amenities space is highly encouraged. See Section 10.5.B below).

4. **Facade Orientation:** Buildings located within sixty feet of a street right-of-way line must be built parallel to the street and the front façade and entrance of the building oriented to the public sidewalk. If there is lot area provided between the front building façade and the street right-of-way line (Building Frontage Zone), it must be used for streetscape improvements and/or outdoor amenity space.

#### **E. Parking Requirements.**

1. **Purpose and Intent.** The purpose and intent in applying parking standards in the Central Business District are as follows:
  - a. To improve walkability by minimizing sidewalk interruptions and conflict points between pedestrians, cyclist, and vehicles on Main Street and on site.
  - b. To ensure adequate parking for existing and new development while minimizing excessive and inefficient off-street parking lots that result in lost opportunities to develop new buildings that expand business and the tax base.
  - c. To encourage the use of public transportation, bicycling, and walking as an alternative to motor vehicle use when a choice of travel mode exists.
2. **Applicability.** The parking requirements in Section 7.1.1 shall apply to the Central Business District with the following adjustments:
  - a. **Section 7.1.1.D. Schedule of Off-Street Parking Requirements.** In the Central Business District (CB) the required number of parking spaces by use on Table 3 shall be interpreted to be the maximum amount of parking and loading spaces allowed. Additional parking and loading spaces shall require a waiver from the Planning and Economic Development Board and the applicant shall demonstrate sufficiently that additional parking is necessary.
  - b. **Section 7.1.1.F. Parking Area Design.** In addition to the standards provided in this section, the following standards shall be required in the Center Business District:
    - 1) **Parking Area Plantings.** In parking lots containing 30 or more spaces, a minimum of one deciduous tree and two shrubs exclusive of any required perimeter plantings must be planted for every 3,000 square feet of parking



lot. When planted, deciduous trees must be a minimum height of ten feet and/or two and one half (2.5) inches in caliper. Planting areas must each contain not less than 50 square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

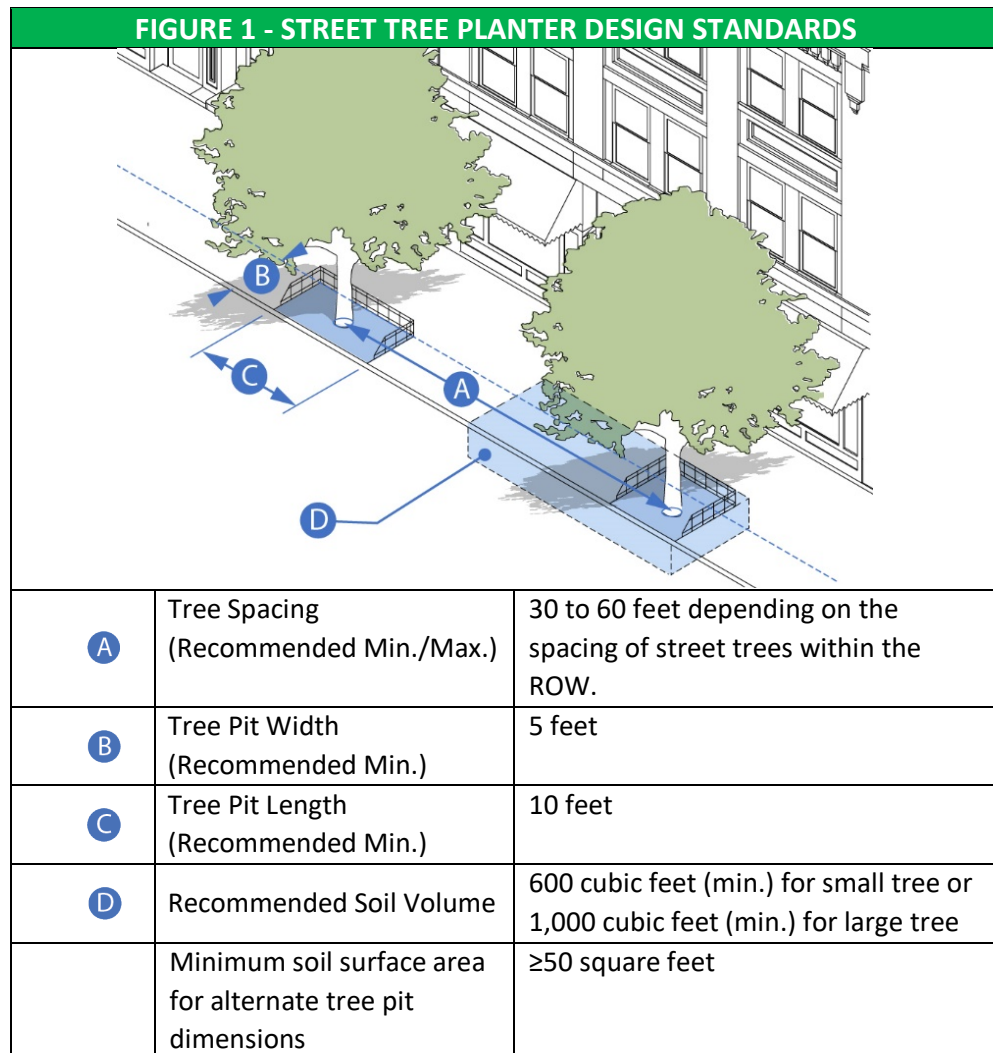
- 2) Internal Pedestrian Access. In parking lots with more than 75 spaces, the expanse of pavement shall be interrupted by separating rows of parking spaces from each other by installing a combined planting strip and sidewalk at least 8 feet in width. Design of these planting strips/sidewalks shall take into account the need to store snow, locate light poles, install deciduous trees, and allow safe pedestrian movement. In addition, if an existing parking lot is expanded to over 75 spaces, planting strips/sidewalks shall be required for the entire lot. All proposals to construct or modify such parking lots shall be reviewed by the Planning and Economic Development Board.
- c. Section 7.1.1.G. Location of Parking. All off-street parking shall be located behind or beside buildings located in the Pedestrian Frontage Zone and within 60 feet of the Main Street right-of-way line. Vehicular parking between the front building line and the street right-of-way line is permitted only if the Planning and Economic Development Board grants a special permit and the applicant can demonstrate that no other reasonable alternative exists.
- d. Section 7.1.1.H. J. Reduced Parking. In the Central Business District, excess parking may be reprogrammed and utilized for temporary commercial uses such as for seasonal retail sales, food trucks, farmers markets, craft shows, live entertainment, auxiliary space for one or more restaurants, and similar commercial uses. A special permit is required by the Planning and Economic Development Board and the applicant shall demonstrate that the excess parking spaces are not necessary and that the temporary commercial use provides a sufficient level of safety for users.

#### **F. Streetscaping, Landscaping and Screening.**

1. General Standards. Landscaping in the Central Business District shall comply with the Planning & Economic Development Board Rules and Regulations, Chapter 200 - Site Plans – Rules & Regulations for Submission and Review of Site Plans, Section 205-9. In the event of any conflict between the provisions of this bylaw and the provisions of said Regulations, the provisions of this bylaw shall apply.
2. Streetscape Treatments. In the Building Frontage Zone between the Main Street right-of-way line and the front facade of the building, streetscape treatments should be coordinated and complimentary to the public sidewalk and streetscape

treatments within right-of way.

- a. Sidewalk Expansion. A concrete walkway or terrace can be installed adjacent to the public sidewalk within the Building Frontage Zone where no landscaping has been installed on the outer edge of the right-of-way. Within this area additional streetscape elements can be installed expanding the public sidewalk is required along the entire length of the frontage and connecting to adjacent sidewalks or pathways.
- b. Street Trees. Deciduous street trees may be installed in the Building Frontage Zone that compliment street trees within the street right-of-way. Trees shall be a minimum of 3 1/2" caliper at least 4 feet above grade and of native species common to the area. All trees should be drought and salt tolerant. They should be regularly trimmed to provide clear visibility into the site from the street and provide shade over the walkway.



- c. Ground Cover. Low lying and low maintenance grasses, shrubs, bushes, flowers, and similar vegetative materials may be planted evenly adjacent to the street right-of-way line. All ground cover must be maintained at no more than 30 inches to avoid blocking visibility for drivers entering or exiting the site.
  - d. Other Enhancements in the Building Frontage Zone. Additional treatments and design standards are identified in Section 10.5.B.
- 3. Transitional Buffer Requirements. Transitional buffers are required between properties in the Central Business District and abutting residential districts to create a compatible transition with the surrounding neighborhoods. Where transitional areas occur, buffers may include a combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum height of eight feet above the ground. All buildings, accessory structures, and loading areas shall be setback a minimum of 75 feet, and parking shall be setback a minimum of 50 feet from the property line along all transitional buffer boundaries.
- 4. Public Utilities. All new public utilities (except structures and other facilities that require above-grade access) shall be installed underground.
- 5. Trash and Service Areas.
  - a. All service, loading, trash, and recycling storage areas viewable from a public right of way or from an adjacent residential district shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.
  - b. Loading and service areas shall not face any residential area unless no other location is feasible.
  - c. Garage doors and loading spaces are prohibited on the street facing façade of any commercial, mixed use, or multi-family building unless no other location is feasible.
- 6. Sustainable Site Design Standards. Sustainable Design and Low Impact Development (LID) techniques shall be used in the Central Business District to reduce stormwater runoff, improve water quality, maintain canopy tree cover, protect natural landscapes, install appropriate planting materials, and encourage the production of local food. In achieving the requirements of this section, applicants shall comply with sustainable and low impact development techniques provided in the Planning & Economic Development Board Rules and Regulations, Chapter 200 - Site Plans – Rules & Regulations for Submission and Review of Site Plans, Section 205-4; Massachusetts Stormwater Management Standards; and Town of Medway General Bylaws Article XXVI, Stormwater Management and Land Disturbance.

## **G. Outdoor Amenity Space**

1. General Standard. The amount of outdoor amenity space provided within a site development shall be equal to the minimum amount of open space required in Section 6, Table 2 - Dimensional and Density Regulations of the Zoning Bylaws. Outdoor amenity space shall not include transitional buffer areas, landscaping within parking areas, or general landscaping along side yard setbacks.
2. Permitted Outdoor Amenity Spaces. The outdoor amenity spaces and associated design standards identified in Table 9.6.B.1. and permitted in the Central Business District are listed below. The total amount of required outdoor amenity space may be any combination of those permitted in the Central Business District.
  - a. Dooryard (Residential Buildings Only)
  - b. Forecourt
  - c. Community Garden (Residential Building Only)
  - d. Courtyard
  - e. Plaza or Square
  - f. Pocket Park or Playground (Residential Building Only)
  - g. Outdoor Dining Terrace
  - h. Rooftop Terrace
3. Building Outdoor Amenity Spaces. Outdoor amenity spaces for individual buildings include rooftop gardens and terraces, decks, porches, stoops, balconies, pedestrian passages, and similar accessory spaces where outdoor seating can be provided.
4. Other OAS Types. Permitted by special permit by the Planning and Economic Development Board.

## **H. Signs.**

The sign regulations in Section 7.2 shall apply to the Central Business District except for the variations under Public Realm Interface in Section 10.5.B below



### 10.3. MIXED USE DEVELOPMENT STANDARDS

*Commentary: Relocated from Section 5.4.1 – Special Permits in the Central Business District which was substantially revised and amended at the FTM 11/16/20.*

#### A. Applicability

1. A Mixed-Use Development may be allowed in the Central Business District by special permit from the Planning and Economic Development Board to include a combination of uses allowed by right and uses allowed by special permit as specified in Table 1 – Schedule of Uses.
2. The provisions of this Section are available by special permit from the Planning and Economic Development Board for uses permitted by right in order to achieve a flexible site design.
3. All development projects considered under this Section are subject to site plan review pursuant to Section 3.5 herein and the Medway Design Review Guidelines.

**B. Definitions:** See definitions of Mixed-Use Development, [Mixed-Use Building](#), and Multi-Family Building in SECTION 2 DEFINITIONS.

#### C. Dimensional Requirements.

*Commentary: As some mixed use buildings and all residential buildings are likely to be relocated further off Main Street they may not be located on separate lots. Therefore, it may not be necessary to have dimensional or frontage requirement beyond the basic standard in Table 2 – Dimensional and Density Standards. Also, this draft amendment proposes using the building design standards for rowhouses, multi-family buildings, and mixed use buildings in Section 9.4.C. (See Section 10.4 below).*

1. Minimum lot size: 10,000 sq. ft.
2. Minimum continuous frontage: 50 ft.
3. Minimum front-yard setback: Principal buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
4. Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 feet of which the first 10 feet nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.

5. Maximum building height: 60 ft.

**D. Residential Uses in a Mixed Use Development.**

1. [Combination of Uses in a Mixed Use Building.](#) A mixed-use building shall include multi-family residential units and retail, municipal, service, office, commercial or other business uses allowed in the zoning district (hereinafter referred to as “business uses”) in at least the minimum percentage as set forth in Subsection D.2 below.
2. [Percentage and Location of Uses in a Mixed Use Building.](#) Except as provided in Section D.4 below, in a two-story building at least 50% of the gross floor area shall be comprised of business uses, and no more than 50% of the gross floor area shall comprise multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units. In a three-story building, at least 33% of the gross floor area shall be comprised of business uses, and no more than 67% of the gross floor area shall be comprised of multi-family dwelling units and common areas and support facilities associated with those multi-family units. In a building of four stories or more, at least 25% of the gross floor area shall be comprised of business uses, and no more than 75% of the gross floor area shall be comprised of multi-family dwelling units and common areas and support facilities associated with those multi-family units. The gross floor area comprised of business uses may include hallways, lobbies, maintenance areas, security areas, closets, and other areas which serve exclusively the business uses in that building.
3. [Residential On Ground Floor Exception.](#) Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
  - a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
  - b. The residential portion of the ground floor is set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
4. [Residential Building in Mixed Use Development.](#) A mixed-use development may include a building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units under the following conditions:
  - a. A building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units shall be set

back at least one hundred feet from the Main Street right-of way [line](#); and

- b. The amount of gross floor area of the building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units which would otherwise be required by Section D.2 above to include business uses shall be added to the required business uses gross floor area of the other building(s) of the mixed-use development as additional business use space, so that the total amount of gross floor area for business uses in the mixed-use development will equal or exceed the total gross floor area for business uses which would result if no building were devoted solely to multi-family dwelling units.

*[Commentary:](#) This may be a limiting factor in new development or redevelopment. We may want to consider a standard requiring a ratio of residential GFA to commercial GFA such as less than 50% of residential GFA of total GFA on site. . We should also consider existing commercial GFA as well and new commercial GFA.*

5. No more than 10 percent of the total number of a mixed-use development's residential dwelling units shall have more than two bedrooms.
  6. The provisions of Section 8.6 Affordable Housing shall apply to Mixed-Use Developments.
- E. **Open Space:** A minimum of 15 percent of the site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

*[Commentary:](#) Open Space and Outdoor Amenity Space is addressed in the proposed amendment 10.2.G. above and is required for all building types in Section 10.4. This section may not be needed.*

**F. Special Permit Review Criteria:**

1. Special permits granted under this Section [10.3](#) ~~5.4.1~~ are not subject to the special permit criteria under Section 3.4.
2. Before granting a special permit for a mixed-use development or flexible site design of a permitted use in the Central Business district, the Planning and Economic Development Board shall find that all of the following criteria are met:
  - a. The proposed uses and site design represent the qualities of a traditional New England town center;
  - b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;

- c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;
- d. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided;
- e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
- f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
- g. The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

**F. Design Requirements.** The Planning and Economic Development Board shall adopt Central Business District Special Permit rules and regulations to administer this Section ~~10.3 5.4.1~~, including submission requirements and procedures and Central Business District design guidelines. Such guidelines may include any or all of the following:

- 1. Façade design for buildings visible from public ways;
- 2. Vehicular or pedestrian connections to abutting commercial or residential areas;
- 3. Provision of pedestrian amenities; and
- 4. Sustainability, i.e., efficient resource use throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

*Commentary: This subsection may not be necessary with the proposed Section 10.4 below.*

*(Amended 11-14-16 – Renamed Commercial I to Central Business; (Section 5.4.1 was substantially amended 11-16-20)*

## **10.4. BUILDING TYPES AND DESIGN STANDARDS**

### **A. Building Proportions and Façade Composition.**

- 1. Building Articulation and Modulation: Street-facing building façades should be vertically articulated with architectural bays to create an equal, central, or end articulated façade composition. Street-facing building façades should be horizontally articulated with a clearly defined base, middle, and top. See Diagram 9.3.C.2.
- 2. Surface Relief with Architectural Features: Street-facing building façades should provide vertical and horizontal modulations and surface relief through the use of bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other equivalent architectural features that either recess or project from the average plane of the façade by at least four inches. See Diagram 9.3.C.3.



3. Building Transparency: Street facing façades shall have windows and doors with highly transparent, low reflectivity glass measured on the ground floor between two feet and twelve feet. Upper floor transparency may vary with use.

#### **B. Exterior Treatments.**

Unless otherwise required by the State Building Code, Fire Code, or other regulation, traditional construction materials such as brick, stone, clapboard, and shingle are suggested construction materials. Other contemporary construction materials such as glass, metal, block, and other siding materials may be appropriate in certain instances when compatible with more traditional materials. The main elements of the architectural treatment of the building's street-facing façade, including the materials used, should be continued around all sides of the building that are visible from existing streets or Outdoor Amenity Spaces.

#### **C. Commercial, Residential and Mixed Use Building Types.**

1. Building Design Standards: The building types and associated design standards permitted in the Central Business District are identified below:
  - a. Rowhouse (RH) on Separate Lot (See TABLES 9.4.C.1.A).
  - b. Rowhouse (RH) on Common Lot (See TABLES 9.4.C.1.A).
  - c. Multi-Family Building (See TABLES 9.4.C.1.A).
  - d. Mixed Use Building (See TABLES 9.4.C.1.B).
  - e. General Commercial Building (See TABLES 9.4.C.1.B).
  - f. Hotel (See TABLES 9.4.C.1.B).
  - g. Gas Station and Convenience Store (See TABLES 9.4.C.1.B).
  - h. Civic or Community Building (See TABLES 9.4.C.1.C).
2. Alternative Building Types: If a new building is proposed that cannot be classified as one of the allowed building types of this section by the Building Commissioner, the building type is subject to special permit review by the Planning and Economic Development Board.

### **10.5. PUBLIC REALM STANDARDS**

#### **A. Access Street Design Standards.**

Access streets provide internal site access from existing public streets in the Central Business District. Access streets shall be engineered and constructed in accordance with the design standards in Section 7 of the Medway PEDB Land Subdivision Rules and

Regulations. In the event of any conflict between the provisions of this bylaw and the provisions of said Regulations, the provisions of this bylaw shall apply. Access streets must have a minimum cross section of twenty-four feet with two travel lanes and at least one sidewalk connecting to public sidewalk with the front entrance of a primary building on site. Access streets may also include sidewalks on both sides, on-street parking, street trees, curb extensions, and crosswalks under the design standards in Section 9.7.B and as illustrated in DIAGRAM 9.7.B.5.

## **B. Public Realm Interface**

1. Building Frontage Zones. A Building Frontage Zone is the setback space between the street facing façades of the building and the street right-of-way line (See DIAGRAM 9.7.C.1.). Utilization of the Building Frontage Zone should provide a compatible transition and interface between the private realm (on site buildings and uses) and the public realm (sidewalks, streets, and civic spaces). Outdoor Amenity Spaces are required in the Building Frontage Zone, and building interfaces are also encouraged within the Central Business District.
2. Building Interface with Main Street ROW Line. Selected building interfaces and related interactive components on TABLE 9.7.C.2. may be permitted with a special permit from the Planning and Economic Development Board in the Building Frontage Zone (BFZ) when they contribute to vibrant spaces for the enjoyment of the public and do not interfere with the public sidewalk. Standards for permissible building interfaces are set forth in TABLE 9.7.C.2. and allowed in the Central Business District as follows:
  - a. Sidewalk Dining (BFZ only)
  - b. Storefront Display (BFZ only)
  - c. Sidewalk Sign (BFZ only)
  - d. Projecting Sign (BFZ and over the public sidewalk)
  - e. Awning (BFZ only)
  - f. Balcony (BFZ only)
  - g. Bay Window (BFZ only)
  - h. Gallery (BFZ only)